

WAYNE COUNTY PLANNING BOARD  
MINUTES  
September 24, 2008

Vice Chairman Jim Switzer called the September meeting of the Wayne County Planning Board to order at 7:04 p.m. in the Court House in Lyons, New York.

Present: Steve Buisch, Monica Deyo, Steve Guthrie, Larry Lockwood, Doc Malchoff,  
Kevin Rooney, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo and Susan Pullen

Guests: Donald Pearce, Melissa Pearce, David Weisenreder (Maimone)

**MINUTES**

Motion made by Mr. Ruth to Approve the August minutes. Seconded by Mr. Malchoff. Motion Carried.

**ZONING AND SUBDIVISION REFERRALS**

Donald Pearce, 421 East Main Street, V. Palmyra 9/08-114  
Area Variance, Special Permit, Tax Map Ref. No: 64111-12-804704

Referral to convert a 2 family home to a 4 family home. The lot size is less than required by code (5500 sq. ft vs. 1100 sq. ft). There is also a shared driveway, with the house to the east. The driveway for the immediate property is 8' wide. The applicants live across the street and have seen the deterioration of rental property on the main street. The house was condemned 2 years ago. They are in the process of renovating the property to bring it up to code. There are several multi-family rentals in the neighborhood. Living across the street would ensure that the home would be well maintained. Mr. Pearce indicated he would reconfigure the back of the house to allow for access to the parking area at the rear of the home. He said he can create 5 parking spaces there, which would cut down on the greenspace of the backyard. The board suggested only having 2 apartments, but the applicants felt, with all the renovations, that this would not be economically feasible.

Motion made by Mr. Ruth for denial. Based on the magnitude of the proposal (4 units) and the area limits of the parcel (which impacts available driveway/parking area and useable green/yard space), the Board did not feel the proposal would be feasible in this location. Hardship criteria required to grant the area variances must be substantiated at the local level. Seconded by Mr. VandeWalle. Motion Carried.

Bart Maimone, Route 31F/Frey Road, T. Macedon 9/08-116  
Area Variances, Tax Map Ref. No: 61112-00-706852

Variances are requested for front setbacks for Frey Road and Route 31F, parking spaces, and the driveway to Frey Road. This is an irregular shaped corner parcel that has been an eyesore to the town that they would like cleaned up. There is a proposed 2 story, 7500 sq. ft commercial building on this 2.2 acre parcel. The owner proposes 3 separate businesses in the building. He has his own seafood business and a hair salon as proposed tenants. The third tenant is unknown. There are several businesses in the area. Access to the site is from both Route 31F and Frey Road. Employee parking would be on the north side of the building. Customers would park along the Route 31F side. The sewage disposal is on the west side of the building but may be moved to the east side to ease parking. There is public water. There is a

wetland on the west boundary. There is a looped driveway around the building to the Frey Road entrance if the sewage system is moved to the east. Route 31F is 45 mph. Frey Road is a town road and gets a lot of use. There was much discussion concerning the two driveways and traffic impacts.

Motion made by Mr. Ruth to return the referral to the town to be handled as a local matter provided that the hardship criteria required to grant the variances are substantiated at the local level. Although the Board decided the variances are a local matter, they did feel there is an opportunity to reduce the need for parking and setback variances by modifying the concept site plan. As an example, it may be possible to create additional parking space by relocating the proposed sanitary sewer system to the eastern portion of the parcel. Additionally, side and front yard setback variance requests could be minimized by decreasing the size of the building, which would also serve to lessen the parking variance. Ultimately, the Board could encourage commercial use of the property, but feels that it is important to ensure that the site is capable of supporting all of the proposed businesses. The Board was unable to consider impacts the proposal will have on two of their most significant concerns, traffic and ground/surface water, as information was provided regarding only 2 of the 3 proposed businesses.

Given the parcel's location between NYS Rt. 31F and Frey Road and their intersection, the Board considered impacts the proposal will have on local traffic. Although sight distances for both the proposed NYS Rt. 31F and Frey Road driveways may meet American Association of State Highway Transportation Officials (AASHTO) sight distance recommendations, there are still concerns that the commercial traffic generated by the proposal could have a negative impact on existing traffic patterns. As a solution, the Board feels that the Frey Rd driveway should be sited as far west on the site as possible to provide separation from the NYS Rt. 31F/ Frey Road intersection. There is concern that vehicles are traveling at significant speeds when traveling west and veering from 31F onto Frey Road. Additionally, it appears that NYS Rt. 31F may need to be modified (e.g. shoulder expansion to provide a left turn lane) to allow vehicles to safely access the property while still permitting through-traffic for vehicles traveling east.

In regard to ground/surface water resources, the Board wants to verify that: 1) on-site national wetland and stream areas are avoided and/or mitigated, 2) the private sanitary sewer system will be designed to serve the needs of all of the proposed businesses and 3) stormwater and erosion and sediment control measures will meet Phase II NYSDEC regulations should one or more acre be disturbed by the development.

Seconded by Mr. Guthrie. Abstained: Mr. Rooney. Motion Carried.

St. Patrick's Church, 54 Main Street, V. Macedon  
Special Permit, Tax Map Ref. No: 62111-08-795878

9/08-108

Referral to house seasonal farm workers. The church will use an existing dwelling on their property as a rooming house. This is not the church rectory. The church has used the home previously for a family from Bosnia. The home has been vacant for a while. The occupants would be employed by Wayside Gardens. The church does not charge for occupancy of the building as they see this as part of their commitment to the poor and needy, according to church doctrines.

Motion made by Mrs. Deyo for approval with the condition that applicable NYS Department of Health regulations are met. Seconded by Mr. Ruth. Motion Carried.

Taylor Living Trust, 95 Main Street, V. Macedon  
Final Subdivision Plan, Tax Map Ref. No: 62111-08-882866, 885888

9/08-110

Referral to divide 2 parcels into 3 parcels. The parcels are 6.45, .226 and 2.8 acres in size. The Code Officer says they meet code.

Motion made by Mr. Ruth for approval, seconded by Mr. Guthrie. Motion Carried.

James Allen, 4001 North Main Street, T. Marion 9/08-111  
Special Permit, Tax Map Ref. No: 65114-08-964763

Referral to operate a vehicle accessory shop. Property is zoned industrial. There is a tower/windmill operation currently in part of the building.

Motion made by Mr. Guthrie for approval, seconded by Mr. Rooney. Motion Carried.

Ontario Land Regulations, T. Ontario 9/08-113  
Amendment to Text

Referral to update town land regulations to meet current standards and practices, and comply with the recently revised zoning ordinance.

Motion made by Mr. Rooney for approval, seconded by Mrs. Deyo. Abstained: Mr. Switzer. Motion Carried.

Local Law #5 of 2008, T. Savannah 9/08-112  
Amendment to Text

Referral imposing a 12 month moratorium on expansion of existing uses, establishment of new uses, filing of special and land use permits, certain use and area variances, site plans and certain building permits. The town is in the process of updating their comprehensive plan.

Motion made by Mr. Guthrie for approval, seconded by Mr. Malchoff. Motion Carried.

Mark Sixbey, 3300 Evergreen Circle, T. Walworth 9/08-118  
Area Variance, Tax Map Ref. No: 62113-08-943922

Referral to allow 4 chickens in his backyard. Ag operations, which include farm animals, are not allowed except on a farm. The .37 acre property is in a planned unit development.

Motion made by Mrs. Deyo for denial as there are concerns about the impact having farm animals (as defined by Town Code) in a Planned Unit Development would have on the high-density residential character of the neighborhood. Also, hardship criteria required to grant the area variance must be substantiated at the local level. Seconded by Mr. Malchoff. Abstained: Mr. Ruth. Motion Carried.

The following referrals were reviewed and determined to be of no intermunicipal or countywide impact. Unless otherwise noted, motion made by Mr. Rooney, seconded by Mr. VandeWalle, to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Michael Marvin, 1287 Victor Road, T. Macedon 9/08-115  
Prelim/Final Site Plan, Prelim/Final Subdiv. Plan, Tax Map Ref. No; 62111-00-108436

One lot subdivision

Ron Sherman, 1 Olympus Drive, V. Macedon  
Area Variance, Tax Map Ref. No: 63111-09-089596

9/08-109

Side setbacks for garage      Motion by: Mr. Lockwood, Seconded by: Mr. VandeWalle

Louis Buduson, 2043 Ridge Road, T. Ontario  
Area Variance, Tax Map Ref. No: 61117-12-985545

9/08-117

Porch with setbacks

#### OTHER BUSINESS

**Training** – Flyers were handed out for the last training of the year. Mr. Guthrie asked if training would/could be available by staff on a smaller venue, with topics of local interest. Bret said he would discuss this with the Sr. Planner to see if she could do a training session and what topics would be available.

There being no further business, the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Susan Pullen  
Secretary