

WAYNE COUNTY PLANNING BOARD
MINUTES
December 9, 2009

Chairman Jim Switzer called the December meeting of the Wayne County Planning Board to order at 7:00 p.m. in the Court House in Lyons, New York.

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

Staff: Bret DeRoo and Susan Pullen

Guests: Tom & Pat Levis (Fabricaion Plus), Sarah VanEnwyk, James VanEnwyk, Sandra VerStrate, David McCullough (Grandpa's Nursery) James Bonsignore, Bryan Dibble, Brian Sorochy (Canalside Estates), Nancy Pilbeam

MINUTES

Motion made by Mr. Malchoff to approve the October minutes. Seconded by Mr. VandeWalle. Motion Carried.

ZONING AND SUBDIVISION REFERRALS

Fabrication Plus, 3648 Cauwels Road, T. Arcadia
Special Permit, Tax Map Ref. No: 67114-00-516335

Referral for a metal fabricating business on a 92 acre parcel zoned Agricultural. There is a home, cold storage building and welding shop located on the parcel. This was reviewed at the local level and recently became an issue because of neighbor concerns with noise levels of the welding shop. The neighbor lives to the north of the property, approx. 500' from the fabrication business. The cold storage building which was built in 1984 acts as a buffer between the neighbor and the fabrication business. The Arcadia Planning Board and Code Enforcement Officer recently made a site visit and expressed no concerns with the noise level. Bret also made a site visit and felt the noise from the equipment was not an issue. DEC made an unannounced visit to check on the air quality and ground water and had no issues with either. Mr. Levis indicated they make parts for companies and individuals. He indicated he put up a sign to do business 13 years ago and now needs a special permit to operate in an agricultural zone. He said there have been no complaints for 13 years. DEC made an unannounced visit to check on the air quality and ground water and had no issues with either. Mr. Levis indicate the business can handle 2-3 tractor trailers at a time on the site. He is the full time employee.

Motion made by Mr. Ruth for approval with the following conditions: 1) the 11/16/2009 Arcadia Planning Board recommendations to the Town Board should be supported, 2) any hazardous/toxic materials must be legally stored, used and disposed of, 3) applicable NYS Uniform Fire Prevention and Building Codes must be met and 4) measures should continually be taken to ensure that the business remains compatible with surrounding land uses which includes a blend of agricultural and residential uses. Seconded by Mr. Rooney. Motion Carried.

Referral to annex nearby property and use for business purposes in a residential zone. The business is actually in the town and village. The surrounding properties are a mix of business (i.e. mini storage, auto repair, Dynalec, pallet building) and single family residences. The existing main business has two entrances off Rotterdam Road, and no access to Route 104. There is a large area of wetlands to the east which he has attempted to buy. Mr. VanEnwyk indicated they will put a 6558 sq. ft. building on the annexed land, to be used as a shop and storage. They want to clean up the property, store equipment inside and move product inside. There will be overhead doors facing Green Street and at the back of the building facing north.

Ms. VerStrate said the village has not listened to concerns, and feels they have made their decision, and construction has started. The pad is already in place for the building. She said the noise is unreasonable so early in the day, especially because they live in the village not the town. The noise is primarily from payloaders with back up alarms starting from 5:30 AM on through the day. Ms. VerStrate also feels that heavy equipment does not belong in the village and should be kept in a different location, since he does have a business in Ontario. There are also concerns that the site is cluttered based on all of the product that is stored and distributed for the farm market activity as well as the additional businesses that include firewood processing and excavation.

The question was raised if this is a self-created hardship. Mr. VanEnwyk indicated his business cannot be expanded to the east because of wetlands. The only way he can expand is to utilize the property he recently purchased. He indicated he will not create any additional noise or pollution. He indicated he doesn't have room to put up another building for his current equipment. His current equipment is outside, parked near Green Street and at two other places on the business site. His customers are primarily retail, with some wholesale landscapers. He has increased his services which generates a need for more equipment and product that turns over quickly.

The village's master plan of 2004-2005 indicates this neighborhood should be residential, with commercial zoning along Route 104. Use of the building is in question – can it be used as commercial?

Mr. VanEnwyk has indicated he will install tile to drain the back of the Cruz property which borders the nursery and that the Cruz family has granted permission for this. He will also install a berm on the west side of the annexed property to curve around to the north side of the property for noise control.

Motion made by Mrs. Deyo for approval with the following conditions , which are intended to help the business remain compatible with surrounding land uses:

- 1) the operation should be buffered from residential neighbors through use of berms and/or fencing,
- 2) operational noise should be minimized,
- 3) the business should be maintained in an aesthetically pleasing manner through use of such items as building design and materials, landscaping, limiting outside storage and screening certain areas and
- 4) the hardship criteria required to grant a use variance must be substantiated at the local level.

Seconded by Mr. Hollier. Opposed: Mr. Lockwood. Motion Carried.

Referral for an additional 50 lots for phase 2 of the project. This is an existing manufactured home development which has 3 phases of development. SEQR was previously submitted for phases 1 and 3. Phase 1 has not been completed. There is private septic approved by the Department of Health, installed and working. Stormwater prevention – approved by town engineer, DEC, all phase II compliant, some facilities existing and will be altered to meet phase 2 requirements. This is an over 55 community and there were concerns about recreational space. Mr. Bonsignore indicated they received a waiver for the space because it was not necessary for this type of community. They constructed a community center instead. DOT and the fire department have reviewed the project and have given their okay. There is a county concern about the access to Route 31 at the front of the project. If the entrance is blocked there would be no emergency access to any part of the complex as the Route 31 entrance is the only entrance/exit. This board asked for an emergency crash gate and modification of the existing entrance when the plans were reviewed in January 2008. Neither was done. Mr. Bonsignore indicated the crash gate at the west end of the property was turned down by DOT because of site distance on the curve of Route 31. It was suggested that a crash gate be installed by the VFW property. Mr. Bonsignore indicated this is private property. When questioned if negotiations had been attempted with the VFW, Mr. Bonsignore couldn't answer if that had been done or why it had not been done.

Mr. Cook asked if the recreation center was smaller than originally proposed. Should have more opportunities for an active, over 55 population.

The maximum amount of homes will be 139 and representatives indicated they may have to expand recreation opportunities in the future for active seniors.

Motion made by Mr. Ruth for approval with the following conditions (that pertain to the entire 3-phase development): 1) all necessary NYSDEC and NYSDOH permits/approvals (storm water and erosion and sediment control and sanitary sewer) are obtained, 2) adequate open space and recreation area is provided and 3) NYS Uniform Fire Prevention and Building Codes must be met.

The Board still suggests that given the total number of units proposed (149), another access should be provided to NYS Rt. 31. If the NYS DOT will not permit another access, the Board strongly encourages the property owner to contact the V.F.W.. There may be an opportunity to obtain an easement (for emergency vehicle access only) that would link Canalside to the VFW's driveway/paved area and ultimately Rt. 31. The Board felt a crash gate should be installed to discourage thru traffic between the two properties, if the VFW would even consider the proposal.

Seconded by Mr. Malchoff. Motion Carried.

ABVI Goodwill Trailer, 6272 Furnace Road, T. Ontario
Site Plan, Tax Map Ref. No: 63117-10-434633

12/09-126

Referral to locate a 40' enclosed trailer in the Tops Plaza for donations. This will be a temporary trailer, operated 12 months a year, from 7-8 AM to 6 PM. The trailer would have an attendant on duty during operational hours. Donations would be accepted when the trailer is manned and outside storage of materials would be discouraged. The trailer would use 4 parking spaces on the west side of the lot. This would remove half the potential of snow storage during the winter months. There was much discussion on placement of the trailer, possibly moving the site of the trailer to the north side of the lot.

Motion made by Mr. Malchoff for Denial of the site plan. The Board felt the proposed trailer location would negatively impact on-site parking, maintenance (i.e. snow storage area) and traffic patterns thereby creating a public safety concern. The Board does not wish to discourage the Goodwill operation,

but understands the plaza was designed to utilize all of the parking spaces and traffic lanes for existing tenants. Seconded by Mr. Buisch. Motion Carried.

Scott Kennels, 11284 Lyman Road, T. Rose
Use Variance, Tax Map Ref. No: 74115-00-889665

12/09-122

Referral to enlarge the existing commercial kennel with 5 more dog runs. Parcel is zoned residential. This was reviewed in 2008 as 3 small kennels. The kennels would be added to the existing garage on site.

Motion made by Mr. Rooney for approval with the following conditions: 1) the variance should be limited to the scope of operation requested by the applicant to ensure that the kennel proposal remains compatible with the existing rural residential character of neighborhood and the Town's vision for future development, 2) any necessary NYS Department of Agriculture and Markets and USDA permits/approvals must be obtained, 3) applicable NYS Department of Agriculture and Markets and USDA kennel guidelines should be followed, 4) "operational odors" and noises should be mitigated, 5) animal waste must be properly disposed of, 6) outdoor boarding (noise mitigation) and/or storage should not be permitted, 7) the site should be developed in an aesthetically pleasing manner (through use of items such as building design and materials, landscaping and general property maintenance), 8) proper veterinary care and records should be provided, 9) driveway sight distances should meet American Association of State Highway and Transportation Officials (AASHTO) recommendations and 10) the hardship criteria required to grant a use variance will need to be substantiated at the local level.

Seconded by Mr. Buisch. Motion Carried.

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

Nancy Pilbeam, 205 Glasgow Street, V. Clyde
Home Occupation, Tax Map Ref. No: 74112-10-441505

12/09-131

Picture framing business. Parking should be contained on-site.

Matthew and Heather Robbins, Haak Road, T. Macedon
Preliminary/Final Site Plan, Tax Map Ref. No: 64113-00-268543

12/09-124

Single family residence, with the suggestion that the FEMA flood zone and national wetland areas should be delineated on the site plan.

Howard and Joyce Clark, 3185 & 3207 Route 350, T. Macedon
Area Variance, Final Subdivision Plan, Tax Map Ref. No: 63113-00-057787, 058805

12/09-125

Three lot subdivision, conditional that 1) a new driveway should have a NYS Department of Transportation work permit and AASHTO recommended sight distances and 2) the hardship criteria required to grant the area variance are substantiated at the local level.

Murphy Subdivision, Wilkinson Road, T. Macedon
Final Subdivision Plan, Tax Map Ref. No: 61110-00-177932

12/09-127

Subdivide into 2 parcels.

Petty Subdivision, 4045 Erotus Avenue, T. Marion 12/09-120
Final Subdivision Plan, Tax Map Ref. No: 65114-16-877496, 65114-12-882503

Land conveyance

Cook Subdivision, 5117 Eddy Ridge Road, T. Marion 12/09-121
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 65116-00-114240

Land conveyance. Suggestion that any plans for the remainder of the Cook parcel should be considered to compare the owner's intent to the Town's subdivision policies.

Michael Gilligan, 4362 East Williamson Road, T. Marion 12/09-123
Use Variance, Tax Map Ref. No: 66114-00-521975

Alter to expand mobile home. Conditional that 1) the improvements will be no closer to the road than the existing structure and 2) the hardship criteria required to grant the use variance must be substantiated at the local level.

Thomas and Kathleen Culligan, 2135 Ridge Road, T. Ontario 12/09-129
Area Variance, Tax Map Ref. No: 63117-14-499424

Covered front porch. Conditional that: 1) the improvements should not encroach on the county's Ridge Road right-of-way and 2) the hardship criteria required to grant the area variance must be substantiated at the local level.

Other Business

Nominating Committee

The following slate of officers was presented:

Chairman – Larry Ruth
Vice Chairman – Larry Lockwood
Secretary – Steve Buisch

Motion made by Mr. Malchoff that the nominations be closed and that the administrative secretary cast one ballot for each nomination. Seconded by Mr. VandeWalle. Motion Carried.

Mr. Switzer presented Doc Malchoff with a certificate of appreciation for 40 years on the board. Doc is the longest serving member of the board and we appreciate his faithful attendance and expertise provided to the board. Mr. Switzer also introduced Dave LeRoy who will be the new representative from the Town of Sodus. Jim also noted that Susan Pullen is retiring this year. She has been with the county for 36 years, 25 years in the county planning office. Bret presented Susan with an engraved clock. Jim introduced Tracy Lambie from the Town of Ontario who will be the new planning secretary.

There being no further business, the meeting was adjourned at 9:08 p.m.

Respectfully submitted,

Susan Pullen

Secretary