

WAYNE COUNTY PLANNING BOARD  
MINUTES  
June 24, 2009

Chairman Jim Switzer called the June 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, Steve Guthrie, Leroy Hollier, Larry Lockwood, Larry Ruth, Jim Switzer, Ron Thorn, Ken VandeWalle

Staff: Bret DeRoo and Susan Pullen

Guests: Michael Colacino, Scott Molisani

**MINUTES**

Motion made by Mr. Buisch to Approve the May minutes. Seconded by Mr. Thorn. Motion Carried.

**ZONING AND SUBDIVISION REFERRALS**

Michael Colacino, 435-439 West Union Street, V. Newark  
Preliminary/Final Site Plan, Tax Map Ref. No: 68111-17-049056

6/09-60

Referral to construct a 6240 sq. ft structure to be used as a boarding house/tourist home. Two parcels were combined and are zoned R-2. Mr. Colacino gave a brief history of the lot. Approximately four years ago he bought a drug house and tore it down, with the intent to rebuild. The village had an agenda to rezone that part of the street from B-3 to B-2 to accommodate the canal corridor. That decision was tabled while they worked on the master plan. Under the present R-2 zoning a tourist home/boarding house is allowed. He will have single family rooms for tenants, approximately 850 sq. ft per unit, all handicapped accessible. He will cater to the elderly population. There would be a single entrance with a hallway and common area. There is one full apartment for a caretaker. There is no access to the garage from the residences due to elevations of the building. There is an exit from the garage to the back of the property. He indicated by definition, in a single family residence a garage can be for personal use and by fire code there must be a second exit. The exit would be from emergency windows in each unit. The building will be fully landscaped with a closed circuit TV system. He has made the application fit village zoning. He owns several buildings in the village, lives here and will not be an absentee landlord. There are some rooming houses in the area. Mr. Colacino indicated there are 2 curb cuts because of two parcels combining, but DOT suggested having 1 curb cut. Given the area, there is always concern about cars backing onto Route 31. All cars would be parked at the rear of the property and Mr. Colacino indicated if he does have a single curb cut he would have a turnaround in the back so cars can drive forward onto the street.

Motion made by Mr. Guthrie for approval with the condition that all applicable Village and NYS Uniform Fire Prevention and Building Codes are met. Seconded by Mr. Buisch. Opposed: Mrs. Deyo. Motion Carried.

Referral to operate a dirt race track for lawnmower racing. This is a 4+ acre zoned commercial, just east of the bowling alley, which they own. The oval track is 200' x 70' which will be wet down to control dust. The racing started as a benefit for a local person and evolved into a club activity. There are active tracks in Savannah and Montezuma. There are wetlands on the eastern boundary and 50' of woods. One neighbor has complained about the noise and dust. Mufflers are required on all lawnmowers. The mower decks have been removed and all drivers must wear helmets and neck braces. Given the size of the track there are only 4 lawnmowers on the track at a time. The track is not large enough for any future ATV use. One parcel is impacted by the dust. Mr. Molisani indicated he will put up an 8' fence and a 6' wind/dust barrier on the top of the fence to help alleviate the problems. He said he has spoken with the neighbor in question and there have been no subsequent complaints that he is aware of. The track is used Sundays from Noon to 5 pm, but not every week. There is a nominal fee which is used to offset the price of a meal at the bowling alley when the trophies are given out. There is adequate parking at the bowling alley.

Motion made by Mr. Lockwood for approval with the following conditions:

- 1) noise generated from the lawn mower races must be screened from neighboring residential property and not allowed to exceed acceptable decibel levels (e.g. through use of a sound barrier such as a berm or fence and confirmation that all engines contain legal mufflers)
- 2) dust must be controlled (e.g. through use of an appropriate dust barrier and watering of the track)
- 3) hours of operation should be specified in attempt to help blend this proposal with surrounding residential uses (the Board understood the track will only be used seasonally, 1-2 times per month, one day per week in the afternoon hours)
- 4) all parking should be contained on-site and not permitted to overflow onto NYS Rt. 31
- 5) any site modifications/improvements must meet FEMA flood zone requirements for development in or near a flood zone (the parcel appears to contain "Zone A" flood zone area)
- 6) all toxic/hazardous materials (e.g. petroleum products associated with the mowers) must be properly managed and disposed of and
- 7) stormwater and erosion and sediment control measures must meet Phase II NYSDEC regulations should 1 acre or more soil be disturbed by the development.

Seconded by Mrs. Deyo. Opposed: Mr. Hollier. Motion Carried.

Referral to construct a private schoolhouse. The question was raised if this schoolhouse could be tax exempt because of the nature of the proposal. A u-shaped driveway is proposed off Watson Road, which is a county road. The driveway should be located as far off the intersection as possible. There is also a pond on the property which could be a safety hazard for young children.

Motion made by Mr. Guthrie for approval with the condition that the driveway is sited in the safest location possible. Considering the following:

- 1) the proximity of the site to the intersection of Watson and Clyde-Marengo Roads,
- 2) grade changes on Watson Road

- 3) existing road speed limits and
- 4) the variety of modes of transportation that will be used to access the proposed schoolhouse (walk, bike, horse and buggy, bus); the Town Highway Superintendent should approve the final driveway design and location.

The Board also wants to ensure that measures are taken to protect young school children from the nearby pond.

Seconded by Mr. Ruth. Motion Carried.

Fred Ford, Witherden Road, T. Marion  
Final Subdivision Plan, Tax Map Ref. No: 66115-00-138249, 191317

6/09-68

Referral for a 5 lot subdivision. The parcels are 11.5, 7.2, 7.5 16.5 and 30 acres in size. The current owner/developer is not finding a market for half or one acre parcels. There is a dedicated road that loops from the southern entrance at Witherden to northern exit at Witherden. This road should remain clear of any structures should there be development in the future. Homeowners should know the road could be accessed if developed in the future.

Motion made by Mrs. Deyo for approval with the following conditions: that the lot lines for proposed Lots A, B, C and D should be modified to reflect the potential for developing Greenfield Drive in the future. The Board suggests that the area originally intended to serve as the right-of-way for "Greenfield Drive" and other infrastructure such as electric and water utilities should remain vacant and not be used for construction of permanent structures such as houses, barns, etc. The potential road and utility area (with construction limits) should be clearly identified on the current and any subsequent subdivision/site plans.

It is also recommended that the national wetland, NYS designated wetland and FEMA flood zone areas found within the total parcel should be delineated on the subdivision plat to help differentiate developable from protected areas. Seconded by Mr. Cook. Motion Carried.

Patriot Corner Apartments North, 1249 Ridge Road, T. Ontario  
Preliminary Site Plan, Area Variances, Tax Map Ref. No: 62117-10-385558

6/09-57

Referral to construct 5 buildings for apartments with a total of 36 units, with variances for setbacks requirements. Property is zoned Business. There is one access to the property on Ridge Road, which is a very busy stretch of road. The town wanted 2 accesses to the site, with one to Slocum Road. There is a Class A stream flood zone area. If compromised they must mitigate the flood area. Surrounding development are single family homes, a cemetery and an office building with a complex behind it. The client base is geared to retirees looking to downsize, with \$850 rent per month. There was much discussion about alleviating the need for variances by possibly moving one building to the west. This would also help control the density as it is too high as proposed.

Motion made by Mr. Buisch for approval with the following modifications and conditions:

- 1) less area should be used for building footprints by removing a building, thereby eliminating the need for area variances, increasing open space area and reducing the impacts on a FEMA flood zone
- 2) the FEMA flood zone area should be clearly delineated on the plans and any necessary flood zone mitigation must meet applicable local, federal and state requirements. The Board would like to ensure that development would not create any flooding problems for the proposed development or any other potentially affected property

- 3) stormwater and erosion and sediment control measures must meet Phase II NYSDEC regulations
- 4) a Wayne County Highway driveway permit must be obtained, thereby giving an opportunity to verify satisfactory driveway slope, sight distance, etc.
- 5) a second access should be considered onto Slocum Road to reduce traffic demands on Ridge Road
- 6) the development should incorporate open space area as defined in town code for use by the tenants

Hardship criteria required to grant the area variances must be substantiated at the local level. Seconded by Mr. VandeWalle, Abstained: Mr. Switzer. Motion Carried.

Chapter 150 Zoning Revisions, T. Ontario  
Amendment to Text

6/09-67

The revisions were sent to the board before the meeting for their perusal. Notable changes include enclosed storage and winery as new land uses; revised definitions and new requirements for kennels, eliminated definition for stables; changed numerous land uses from special condition to special permit land uses to provide more oversight and better enforcement.

Motion made by Mrs. Deyo for approval with the condition that the town attorney should review and approve the suggested modifications. Seconded by Mr. Ruth. Motion Carried.

Mark Ziemba, Route 441, T. Walworth  
Preliminary/Final Site Plan, Tax Map Ref. No: 62114-00-065269

6/09-61

Referral for a single family residence located across from Carey Lake. This is a 127 acre parcel. The speed limit is 55 mph on this road. Site distance shows 487' to the east and 450' to the west which meet AASHTO requirements, but the board still had concerns with the location of the driveway.

Motion made by Mr. Cook for approval with condition that sight distances are confirmed to meet AASHTO recommendations. The Board understands that access sight distances are documented to exceed AASHTO recommendations for minimum safe stopping distances on a 55 MPH road (450' is recommended where 487' is field measured to the east and greater than 1000' is documented to the west). However, there was a concern that vehicles may travel at speeds greater than the posted speed limit on this section of NYS Rt. 441. Therefore, the Board felt site access could be made safer by relocating the driveway further west which would improve the sight distance that is available to the east. Seconded by Mr. Thorn. Abstained: Mr. Ruth. Motion Carried.

William Calder, 129 Atlantic Avenue, T. Walworth  
Preliminary/Final Site Plan, Tax Map Ref. No: 60115-00-956314

6/09-63

Referral for a one lot subdivision with a 400' long driveway off Atlantic Avenue.

Motion made by Mr. Cook for approval with the condition that the driveway is constructed to meet the Town's requirements for emergency vehicle access. Seconded by Mr. VandeWalle. 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. Cook seconded by Mr. VandeWalle to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Gruschow Subdivision, 1168 Whitney Road, T. Walworth  
Prelim/Final Subdivision Plan, Tax Map Ref. No: 62116-00-281742 6/09-62

Two lot Subdivision

Wooster Farms Subdivision, Section 13, T. Ontario  
Final Site Plan, Tax Map Ref. No: 61119-00-051114 6/09-66

Single family home

Aaron & Connie Turk, Walworth Road, T. Macedon  
Prelim/Final Site and Subdivision Plans, Tax Map Ref. No: 63113-00-596372 6/09-69

One lot subdivision

Roman Napora, County Line Road, T. Macedon  
Prelim/Final Site and Subdivision Plans, Tax Map Ref. No: 60112-00-965973 6/09-70

Two lot subdivision

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

Respectfully submitted,

Susan Pullen  
Secretary