

WAYNE COUNTY PLANNING BOARD  
MINUTES  
September 30, 2009

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

Present: Monica Deyo, Steve Guthrie, Leroy Hollier, Larry Lockwood, Doc Malchoff, Larry Ruth, Jim Switzer, Ron Thorn and John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Glen Perce, Garth Perce, Stephanie Hasseltine, Frank Hasseltine, Rodney Graybill, Bill Haynes Jim McKechnie, Leon Gaklik

**MINUTES**

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

Mr. Switzer informed the board that Charles Buck, former planning board member from the Town of Ontario, passed away in September. Mr. Buck was a charter member and served as the first Chairman of the Wayne County Planning Board starting in May of 1966. He served as representative of the county to the Finger Lakes Regional Planning Council from 1969 to 1972 and served on the county planning board until December of 1989.

**ZONING AND SUBDIVISION REFERRALS**

Glen Perce, 12676 Ridge Road, T. Wolcott 9/09-100  
Special Permit, Tax Map Ref. No: 76117-00-680437

Referral to operate a powder coating business on property zoned agricultural. He will construct a 30x40 building for the operation. All the residue is bio-degradable and can go into the trash. Applicant uses the powder coating on motorcycles, vehicle parts, etc. UPS delivers the powder so there is not much traffic generated by the business. There is parking for 4-5 cars, no employees, besides his two sons. There is an existing drive onto Ridge Road with an easement across the neighboring property. There is mixed use of auto sales, farm market, campgrounds, vehicle repair in the area.

Motion made by Mr. Ruth for approval with the following conditions: 1) all toxic/hazardous materials must be properly handled, stored and disposed of, 2) any site improvements must meet NYS Uniform Fire Prevention and Building Code and 3) the site should be maintained in an aesthetically pleasing manner (through use of landscaping, building design/materials, limiting outside storage etc.) as the parcel is located on the Seaway Trail. Seconded by Mrs. Deyo. Motion Carried.

Frank Hasseltine, 1194 Rolfe Street, T. Palmyra 9/09-102  
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 64111-19-724234

Referral for subdivision of a 13 acre lot into 2 parcels. One lot contains an existing home. The applicant intends to construct a home on the other parcel. A creek will need to be crossed to provide access to the new home, but construction activity will not negatively impact the stream. Rolfe St., which had been considered for westward extension to provide access back to Route 21, now dead-ends in this area. Rolfe

Street is a town road and the Highway Department uses the "dead-end" portion as an area to store snow during winter months.

Motion made by Mr. Zornow for approval with the following conditions: 1) natural flow of the creek should not be impacted by the proposed development and 2) access should continue to be provided for Highway Department maintenance (e.g. snow plowing) in this area. Seconded by Mr. Malchoff. Motion Carried.

Graybill Real Estate, 3963 Buffalo Road, T. Marion  
Final Subdivision, Tax Map Ref. No: 65114-12-795657

9/09-94

Referral for a one lot subdivision with a building, which will be donated to Food Link. He is selling the other small building to the snowmobile club. There are 2 common easements, one along the west boundary of the Food Link building.

Motion made by Mr. Ruth for approval provided that the proposed easement is granted by both the Wayne County Industrial Development Agency and Parker Hannifin. Seconded by Mrs. Deyo. Motion Carried.

Midland Asphalt, 300 Cole Road, V. Lyons  
Preliminary/Final Site Plan, Tax Map Ref. No: 71111-15-542313, 575260

9/09-109

Referral for the installation of a 4 million gallon metal tank for the storage of liquid asphalt. Chicago Bridge & Iron has put in their last 4 tanks. Mr. Haynes indicated they have their DEC approvals, the rip rap is done and catch basins are in. They are doing a SEQR for tanks 64 and 65. Fuel storage will be 14 million gallons when all tanks are in. They are working with the Port of Lyons to bring 3 barges of asphalt up the Clyde River. They have been utilizing the railroad, with 1,100 cars hauling product. Mr. Haynes stated they will be putting in a state of the art fueling station and truck wash in the future.

Motion made by Mr. Malchoff for approval provided that all applicable federal, state and local regulations are met. Seconded by Mr. Ruth. Motion Carried.

Galen, Clyde and Savannah Joint Municipal Comprehensive Plan  
Amendment to Text

9/09-106

Review of the joint comprehensive plan. The plan is a compilation of ideas from local officials and representatives of interest groups as well in input from surveys sent to residents in each of the towns/village. Many residents are interested in broadband access, alternative energy, and windmills. The town of Savannah planning board critiqued the plan and felt much was left out of the Savannah portion of the plan. There are still comments and information to be presented before the plan is accepted.

Motion made by Mr. Guthrie, seconded by Mr. Ruth for approval with the following comments: 1) the plan should be reviewed and approved by legal counsel and 2) each municipality should periodically review and if necessary amend the plan to ensure that that it continues to reflect the needs of each community. In addition, the Savannah Planning Board comments/concerns should be incorporated into the final draft of the Comprehensive Plan where applicable. The Wayne County Planning Board understands the local planning board is still suggesting modifications to be included in the final comprehensive plan. Motion Carried.

Agricultural and Comprehensive Plan, T. Butler

9/09-98

Amendment to Text

Review of the town's comprehensive plan. This is basically an agricultural plan with a comprehensive plan built in. The Ag and Farmland Protection Board has reviewed the plan is supportive of the plan.

Motion made by Mr. Ruth for approval, with the suggested modifications. The Board feels the following items, which are based on recommendations found in the recently adopted "Wayne County Economic Development Strategic Plan", should be addressed in the plan:

- 1) alternative energy (e.g. wind, bio-fuel, anaerobic digester etc.) opportunities, including the potential for a sustainable energy park and
- 2) additional/improved broadband service (as noted in survey results).

The Board also felt the plan should be reviewed and approved by legal counsel and reviewed by the Town and if necessary, amended periodically to ensure that that it continues to reflect the needs of the community. Seconded by Mr. Malchoff. Motion Carried.

Local Law #6, T. Huron  
Amendment to Text

9/09-107

Local law to allow both variances and special permits that would expire after one year because they were not utilized, to be extended for an additional year without a public hearing. Also provide that attorney and engineering fees incurred in review of an application to be assessed to the applicant, as is typical in other towns.

Motion made by Mr. Zornow for approval, provided that the town attorney reviews and approves the proposed law. Seconded by Mr. Thorn. Motion Carried.

Chris Jensen, Farmington Road, T. Macedon  
Final Site Plan, Tax Map Ref. No: 62111-00-086029, 62110-00-100992

9/09-95

Referral to construct a riding area and boarding stable. They are combining two parcels, one with an existing structure and property to the south with an existing structure. The proposed building would be 72x120 sq. ft. which would house the indoor riding arena and room for 6 stalls to stable horses for riding lessons. The manure would be spread in their fields. Applicant indicates small competitions and events would be held with minimum traffic generated.

Motion made by Mr. Guthrie for approval with the conditions that the driveway: 1) has American Association of State Highway and Transportation Officials (AASHTO) recommended sight distances, 2) meets the Town's policy for providing emergency vehicle access and 3) is constructed/maintained to control dust. The Board also wanted to be sure that development does not occur in the FEMA flood zone found on both parcels. Seconded by Mr. Ruth. Motion Carried.

Ken Morrison, Leno Road, T. Macedon  
Preliminary/Final Site and Subdivision Plans, Tax Map Ref. No: 63111-00-310309

9/09-108

Referral for a one lot subdivision on property zoned AR-40. This is a 2 acre split out of 77 acres.

Motion made by Mr. Lockwood, seconded by Mrs. Deyo for approval provided that the proposed driveway has American Association of State Highway and Transportation Officials (AASHTO) recommended sight distances. Motion Carried.

Ray Braselton, 3673 South Main Street, T. Marion  
Special Permit, Tax Map Ref. No: 65114-15-694395

9/09-104

Referral to operate a music retail store and lessons in the residence. They would offer sales, service, repairs and rentals of musical instruments as well as music lessons. The business was formerly on Route 21 and they are now moving the operation to their home. The home is close to a busy intersection and there is the potential to stack 6 cars to the intersection. There does appear to be adequate parking available on the property.

Motion made by Mrs. Deyo for approval provided the proposal does not unsafely impact traffic on South Main Street. Based on the proximity of the driveway to the intersection of S. Main St. and NYS Rt. 21, the Board believes it is important to provide safe and efficient ingress to and egress from the parcel. Therefore, the Board feels there must be: 1) adequate space for on-site parking and turnaround and 2) a condition that no vehicles should be permitted to back onto Main Street. The Board suggested that additional on-site parking/turnaround space be made available by opening up some of the wooded area to the south. It was also noted that the proposed building addition will need to meet NYS Uniform Fire Prevention and Building Code and be A.D.A. compliant where necessary.

Seconded by Mr. Malchoff. Motion Carried.

Extend Moratorium, T. Savannah  
Amendment to Text

9/09-97

Referral to extend the moratorium on development for one year. The town would like to have their comprehensive plan completed first.

Motion made by Mr. Hollier for approval, seconded by Mrs. Deyo. Motion Carried.

Kummerow Subdivision, 244 Whitney Road, T. Walworth  
Preliminary/final Subdivision Plan, Tax Map Ref. No: 61116-00-080763

9/09-93

Referral for a one acre, one lot subdivision from 27 acres near the county and town lines. This is a split out of the original farmstead. He has split off lots in the past, most recently in 2003.

Motion made by Mr. Zornow for approval provided that the proposed lot is large enough to site a septic system that meets NYS Department of Health regulations. Seconded by Mr. Hollier. Abstained: Mr. Ruth. Motion Carried.

Mark Keady, 7845 Eagle Road, T. Wolcott  
Special Permit, Tax Map Ref. No: 75119-11-670610

9/09-101

Referral to remove an existing home and replace with new construction. He also owns a building across the street. The new 2 bedroom cottage would be built 20' above grade and would be approx. 50' from the bay. The home is a 30x36' cottage on a 67x150' lot.

Motion made by Mr. Guthrie for approval permit with the following conditions: 1) the septic system must meet NYS Department of Health regulations, 2) the proposed cottage should not impede existing views of Port Bay and 3) development should not take place in the FEMA flood zone. Seconded by 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. Zornow seconded by Mr. Hollier to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Wayne & Sharon Rice, 81 Glasgow Street, V. Clyde 9/09-105  
Special Permit, Tax Map Ref. No: 74112-14-377364

Apartment on the second floor of an existing downtown building

Graybill Real Estate, 3963 Buffalo Street, T. Marion 9/09-103  
Area Variance, Tax Map Ref. No: 65114-12-795657

Shared Easement, substandard lot  
Motion made by Mr. Ruth, seconded by Mr. Malchoff. Motion Carried.

Graybill Real Estate, 718 Blue Cut Road/Route 31, V. Newark 9/09-96  
Area Variance, Waiver of Subdivision, Tax Map Ref. No: 68110-08-837981

Variances for road frontage, lot depth and lot size; add 6,867 sq. ft. to adjacent parcel

Donald Collea, 8353 East Port Bay Road, T. Wolcott 9/09-99  
Special Permit, Tax Map Ref. No: 75120-18-479243

Add 2 story addition to existing home

Sewer District #2, Phelps Street/Route 14, T. Lyons 9/09-110

Proposed sewer district

### Other Business

#### **Training**

Jim Switzer indicated he will be going to the training in Batavia in November. He reminded members that they can bank training hours and carry them over to the next year. Bret indicated that 30 people attended the training in September offered by the county. Next year we will again offer 2 trainings, one in the spring and one in the fall. He hopes to have a list next month showing the courses being offered for next year.

Mr. Switzer also informed the board that the county has accepted, with regret, the resignation of Doc Malchoff from the County Planning Board. Doc has served on the board for 40 years.

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Susan Pullen  
Secretary