

WAYNE COUNTY PLANNING BOARD
MINUTES
July 25, 2007

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

Present: Monica Deyo, Steve Guthrie, Ken Lauderdale, Larry Lockwood, Doc Malchoff, Kevin Rooney, Larry Ruth, Scott Gregg, Jim Switzer, Ken VandeWalle

Staff: Bret DeRoo and Susan Pullen

Guests: Jeff Montemorano, Chris Montemorano, (Pit #5) Luann Meyer (Waste Management), Charles Steinman (Harris Beach), Todd Farmen, Phil Batten (Waste Management) Nancy McNamara, Mike McNamara (Amtech Packaging) David Belaskas, Jeffrey Kocian (Waste Management)

MINUTES

Motion made by Mr. VandeWalle to Approve the June minutes. Seconded by Mr. Ruth. Motion Carried.

ZONING AND SUBDIVISION REFERRALS

Montemorano Pit #5, Travell-Knapps Corners Road, T. Galen
Final Site Plan, Tax Map Ref. No: 72133-00-666423, 950387

7/07-105

Renewal of the special permit with modifications to include a work plant and settling ponds. Jeff Montemorano spoke before the board. He indicated this is a modification of the permit from 2001. It is a 5 year renewal with modification to include a change from a dry screening operation to a wet screen operation. This is a more detailed washing of sand and gravel and produces a much higher end, more marketable product. This is a different operation than used in the other pits. The property is adjacent to the Village of Clyde's water supply within the wellhead district. He indicated the mine operated before the wellhead/water supply existed. The washing plant is run totally by electric; the dry screening is run by hydraulic motors. Electric run washing reduces the amount of petroleum used and helps protect the wellhead. They will not pull from within 500' of the water supply and will use an open loop system suggested by DEC. Mr. Montemorano indicated that all equipment parked over night will be on stone dust which is an absorbent material and that the plant would have stone dust around it. He indicated they have a good working relationship with the Village of Clyde and a water pond would be available to the village. They plan to crop a portion of the land and have worked with local farmers – there will be no residual sprays used. The operational noise won't change. It will be no different than dry screening, but there should be less dust than the dry screening. They would put up noise mitigation berm, but the neighbors have indicated they don't want a berm. A special condition was added to the reclamation plan regarding wildlife. They have agreed to measures to protect the water supply including restoring the area in a manner that will not encourage wildlife use, i.e. no islands or trees, and the lake created by the mining operation will not be used for recreational purposes.

Motion made by Mr. Gregg for approval with the following conditions: 1) **absolutely everything possible** is done to keep petroleum and/or hazardous products from reaching the water table/supply (i.e. store equipment in a sheltered environment and on an impervious surface), 2) the Village of Clyde should continue efforts to find a reliable backup water supply and also consider purchasing important wellhead buffer lands, 3) where necessary/applicable, operational noise and dust should continue to be mitigated, 4) the reclamation plan should not encourage wildlife in the project area and 5) the NYS Department of Health should review and approve the modified permit if necessary.

The Board understands that the NYSDEC has issued a “negative declaration” as a result of the required SEQR review. However, there are still concerns regarding the proximity of the proposed mining activity to the Village of Clyde water supply. The Board was pleased to hear that the applicant and Village are working closely together to protect this important water supply resource.

Seconded by Mr. Ruth. Motion Carried.

High Acres Landfill Expansion, Wayneport Road, T. Macedon
Special Permit, Tax Map Ref. No; 61112-00-087463, 160335, 094236

7/07-97

Referral for the horizontal and vertical expansion of the landfill toward the Town of Macedon. Jeff Kocian introduced those in attendance from Waste Management. Mr. Kocian indicated Waste Management owns 900+ acres between Perinton and Macedon. They have operated the landfill since 1972. This is a regional facility and compatible with the existing land use. They have addressed noise, dust, traffic and air and water quality in the SEQR.

The proposed expansion includes a vertical expansion 100’ higher than the 200’ permitted by code. The lateral or horizontal expansion includes 144 acres in the Town of Macedon. The proposed expansion will extend the life of the landfill an additional 43 years. Visual aspects of the site – they plan to incorporate vegetation and trees to make it look less like a grassy hill, would also like it to appear as a natural feature, mimicking a drumlin. He also indicated that 10 acres of wetlands would have to be relocated.

There was much concern about increased truck traffic and how long before alternate roads are used. They are obligated to use state roads whenever possible. On the west end they use Routes 441 and 31F. Of great concern is the Wayneport Road bridge as this is only a one lane bridge and is a main road from the north into Macedon. As host community, the Town of Macedon would receive \$1 million dollars in unrestricted funds for infrastructure improvements. Mr. Farmen of Waste Management indicated that the Genesee Transportation Council is well aware of the problems with the bridge and have placed it in their plans for the funding process. Mr. Kocian indicated they have discussed the need to upgrade the bridge with local politicians. The upgrade would help the local community as well as High Acres.

Motion made by Mr. Switzer for Approval with the following conditions: 1) all necessary federal, state and local permits/approvals must be obtained, 2) part of the “host community benefit” should include mitigation funds for use, maintenance, and improvement of all roads (Town, County and State) and road infrastructure (i.e. Wayneport Road Bridge) impacted by large truck traffic traveling to the landfill 3) truck traffic should be routed to avoid residential areas and 4) any development near (or visible from) the Erie Canal should be screened in a manner that preserves the view for visitors entering Wayne County via the canal or its adjacent trail. In regard to air quality protection, the Board supports using additional strategies such as: 1) having trucks use alternative fuels such as bio-diesel and 2) using methane (released from the operation) to expand power generation capabilities rather than flaring.

Also have County Planning send a letter to Genesee Transportation Council regarding the Wayneport Road bridge. Seconded by Mr. Ruth. Abstained: Mr. Rooney. Motion Carried.

Amtech Packaging, 2069 Railroad Avenue, T. Ontario
Area Variance, Site Plan, Tax Map Ref. No: 63117-06-429753

7/07-96

Referral to add a 32'x55' addition to the west end of an existing building due to the growth and success of their business. Most of the business consists of commercial/industrial shipping. The owners were present to answer questions. The new addition will be all steel. The parcel is very narrow, only 20' wide. They manufacture crates for large pieces of machinery. Currently they build the crates in the parking lot because of their size. The addition will house machinery awaiting pickup. Currently they are renting other adjacent buildings for storage.

Motion made by Mr. Lauderdale for approval with the condition that the proposed addition does not hinder on-site or Railroad Avenue parking or traffic flow. Seconded by Mrs. Deyo. Motion Carried.

Keith Nesbitt, 3752 South Main Street, T. Marion
Special Permit, Tax Map Ref. No: 65114-12-825536

7/07-98

Referral to operate a used car dealership. This was reviewed in 2002 for a similar use.

Motion made by Mr. Switzer for Denial based on a lack of information. Based on the provided information (which did not include a site plan), the Board was unable to assess items they are charged by General Municipal Law to consider. The Board still had concerns similar to those listed in their September 2002 review letter, location of the building, ingress/egress, site distance, parking, display area for auto sales and traffic circulation. Seconded by Mr. Ruth. Motion Carried.

Loucks Subdivision, Newark Road, T. Marion
Final Subdivision Plan, Tax Map Ref. No: 65114-16-837467, 65114-00-988321, 942363, 042254

7/07-99

Referral for a 9 lot subdivision with municipal sewer and water. Lots 1-3 are off Pembroke Drive and lots 5-8 are on Newark-Marion Road. Lots on Newark-Marion Road are approx. 81'x220' and don't meet the standard frontage of 110'. Lot 9, which is 11+ acres is slated for future development and fronts on Pembroke Drive. Lot 4 is an existing lot with a barn on it. The speed in this area is 30 mph. The neighborhood is residential.

Motion made by Mr. Rooney for Approval with the following conditions: 1) development should mitigate or avoid flood zone, NYSDEC and national wetland areas that are inventoried on the parcels, 2) all driveway sight distances should meet American Association of State Highway Transportation Officials recommendations and 3) storm water and erosion and sediment control measures should meet Phase II NYSDEC regulations if one acre or more of soil is disturbed by the development. The Board would also like to review the applicant's plan for their total land holdings to help provide the best overall design possible. Seconded by Mrs. Deyo. Motion Carried.

GP Automart, 153 Lake Road, T. Ontario
Use Variance, Tax Map Ref. No: 61119-00-020267

7/07-109

Referral to operate a gas station, grocery, deli and auto repair. This is a pre-existing, non-conforming use that has ceased for more than 6 months. This was reviewed in September 2006 as a similar use. The station would be a convenience for local residents for auto repair and sundry items. The applicant may also add another bay to the facility in the future.

Motion made by Mr. Ruth for approval provided that the auto repair service remains “low impact” (which the Board felt could incorporate a small building addition/garage bay) in an attempt to blend the pre-existing, non-conforming commercial use with surrounding residential uses. The Board felt that a convenience store combined with a small auto service station, could again provide a beneficial service in that area provided that: 1) outside storage of parts is limited, 2) hazardous/toxic materials are properly disposed of, 3) onsite traffic patterns and parking areas are designed appropriately and 4) the site is made aesthetically pleasing through use of building materials, landscaping, maintenance etc. Given that this property is located on the Seaway Trail and very near the county line (gateway to the county), the Board does stress that property maintenance and upkeep should be a high priority.

The Board also noted that the hardship criteria required to grant a use variance must be substantiated at the local level. Seconded by Mr. VandeWalle. Motion Carried.

Bright Star GSD Rescue, 4454 Route 88, T. Sodus
Special Permit, Tax Map Ref. No: 68115-00-691294

7/07-102

Referral to operate a commercial kennel business with a 20 dog maximum. This is a 22 acre parcel with a home and barns. Applicant will employ 2 family members. They plan to offer grooming, boarding, and non-profit rescue operation with foster placement. Future growth could include 2-4 additional buildings.

Motion made by Mr. Lauderdale for approval with the following conditions: 1) driveway sight distance should meet American Association of State Highway Transportation Officials recommendations, 2) there should be adequate on-site parking, 3) operational odors” and noises should be mitigated (with particular attention given to the neighboring property to the south), 4) animal waste must be properly disposed of, 5) outdoor boarding (noise mitigation) and/or storage should not be permitted 6) the site should be developed in an aesthetically pleasing manner through use of items such as building materials, landscaping and general property maintenance, as this is located on NYS Rt. 88, 7) NYS Dept. of Agriculture and Markets permits/approvals should be obtained if necessary, 7) the proper veterinary care and records should be provided.

The Board also wanted to remind the Town that the Wayne County Humane Society may be able to provide useful reference information. Seconded by Mr. Ruth. Abstained: Mr. Malchoff. Motion Carried.

Garden Path Bed and Breakfast, 4747 Route 88, T. Sodus
Special Permit, Tax Map Ref. No: 68115-00-685738

7/07-103

Referral to convert an existing home into a bed and breakfast. The business will likely provide accommodations for tourists using the Brantling ski facility and other local attractions.

Motion made by Mr. Ruth for approval with the conditions that: 1) driveway sight distance meets American Association of State Highway Transportation Officials and 2) there is adequate off-street parking. Seconded by Mr. Lauderdale. Abstained: Mr. Malchoff. Motion Carried.

Local Law – Windmills, T. Sodus
Amendment to Text

7/07-112

Referral for a local law governing windmills and commercial wind farms. The local law was sent to the board prior to the meeting for their perusal.

Motion made by Mr. Switzer for approval with the following conditions: 1) the Town attorney should review and approve the form and content of the proposed local law and 2) definitions should be provided

in the local law rather than referring to NYSEDA's web page for them. Seconded by Mr. Rooney. Abstained: Mr. Malchoff. Motion Carried.

Francis DeLooze, 4777 County Line Road, T. Walworth 7/07-101
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 60115-00-969754

Referral to subdivide 20 acres into 2 lots, one with an existing home.

Motion made by Mr. Rooney for approval with the following conditions: 1) sight distance should be considered (and meet American Association of State Highway Transportation Officials recommendations) for the undeveloped lot prior to granting final approval locally and 2) development should mitigate or avoid NYSDEC and national wetland areas that are inventoried on the parcels.

Seconded by Mr. Lauderdale. Abstained: Mr. Ruth. Motion Carried.

Kota Subdivision, 158 Mildahn Road, T. Walworth 7/07-110
Preliminary/Final Site and Subdivision Plans, Tax Map Ref. No: 61113-00-037976

Referral to subdivide 12.8 acres into 2 building lots and one parcel to be conveyed to an adjacent property owner. Property is located off Gananda Parkway.

Motion made by Mr. Gregg for approval with the following conditions: 1) storm water and erosion and sediment control measures should meet Phase II NYSDEC regulations if one acre or more of soil is disturbed by the development and 2) given the proposed length of the driveways, emergency vehicle access should be planned and provided for.

Seconded by Mr. Switzer. Abstained: Mr. Ruth. Motion Carried.

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

Kathie Lisai, 718 Marbletown Road, T. Arcadia 7/07-106
Area Variance, Tax Map Ref. No: 69110-09-001706

Construct deck with 50' front setback where 60' is required. Hardship criteria must be verified at the local level.

GMC Management Corporation, 1675 Rt. 88 N, T. Arcadia 7/07-107
Area Variance, Tax Map Ref. No: 68111-00-439998

Create building lot with less than 150' road frontage, i.e. 25' at road. Hardship criteria must be verified at the local level.

Filer's Power Sports, 1136 Route 31, T. Macedon 7/07-108
Area Variance, Tax Map Ref. No: 62111-00-260724

Ground mounted sign. Hardship criteria must be verified at the local level. Also the Board wanted to ensure that the sign does NOT impede 1) sight distance or 2) on-site traffic circulation.

Barnum Subdivision, 5189 Williamson Road, T. Marion 7/07-100
Final Subdivision Plan, Tax Map Ref. No: 65116-00-959263

Land conveyance to neighboring lot

There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Susan Pullen
Secretary