

WAYNE COUNTY PLANNING BOARD
MINUTES
August 29, 2007

Chairman Steve Guthrie called the August meeting of the Wayne County Planning Board to order at 7:02 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, Ken VandeWalle, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Ralph Hutt, Nellie Hutt (Hutt Subdivision), Matt Burgess, Nancy Grantling (Rouse/Clyde)

MINUTES

Motion made by Mr. VandeWalle to Approve the July minutes. Seconded by Mr. Malchoff. Motion Carried.

Welcomed Stephen Buisch as the new representative for the Town of Lyons.

ZONING AND SUBDIVISION REFERRALS

Hutt Subdivision, 3318 Parker Road, T. Palmyra 8/07-129
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 65113-00-098946

Referral for a 3 lot subdivision of 56.8 acres. The applicant was present to answer questions. He does not intend to develop the parcel just yet, just a simple subdivision at this time. Lot A is 26 acres, lot B is 10.15 acres and lot C is 21 acres. The lots have the proper frontage. Lot B has a house on it and the applicant's son will buy the land. Lot C will stay as active farmland at the present time and does have adequate road frontage. Parker Road appears to be a spur and does not go the whole length of the subdivision.

Motion made by Mr. Ruth for approval with the following conditions: 1) NYSDEC Phase II storm water and erosion and sediment control regulations should be met if 1 acre or more soil is disturbed by future development, 2) each lot should have the road frontage required by local zoning regulations, 3) the Town of Marion should be made aware of the subdivision as Parker Road Spur appears to be part of the town boundary and 4) the applicants should be made aware that the property appears to contain both National and NYSDEC designated wetlands on the parcel. Seconded by Mr. Rooney. Motion Carried.

Matt Burgess and Wendy Burgess, 305 Silver Hill Road, V. Newark 8/07-125
Use Variance, Tax Map Ref. No: 68110-19-558008

Referral to board up to 6 horses. This is a split of 10 acres out of a 20 acre parcel to board horses. There is farmland to the east and woods to the west. Code permits up to 6 horses. The applicants were present to answer questions.

Motion made by Mr. Malchoff for No County Impact, with the condition that animal waste is properly disposed of and the variance hardship criteria are substantiated at the local level. Seconded by Mr. Rooney. Motion Carried.

Geraldine Rouse, 17 North Park Street, V. Clyde
Use Variance, Tax Map Ref. No: 74112-14-362407

8/07-132

Referral to convert a one family residence to a two family residence. The residence was reconverted from 2 family in 1998. The village has a conversion policy of no more than 10% to multi-family in an R-2 zone. The home is located next to the Fastrac gas station.

Motion made by Mr. Zornow for No County Impact with the conditions that 1) the hardship criteria required to grant a use variance are substantiated at the local level and 2) all applicable NYS Uniform Fire Prevention and Building Code requirements are met. Seconded by Mr. Ruth. Motion Carried.

Sprint, 90 Davis Parkway, V. Clyde
Final Plan, Tax Map Ref. No: 74112-14-459360

8/07-131

Referral to add three CDMA panel antennas to the existing tower. There would be no increase in height and no new ground equipment. No structural report has been done yet. The tower was built for up to 4 co-locators and was reinforced in 2006.

Motion made by Mr. Rooney for approval with the following conditions: 1) all applicable local, state and federal regulations must be met and 2) the tower must be structurally capable of handling the increased antenna load. Seconded by Mr. Zornow. Motion Carried.

Constance Frederick, 7128 Lake Bluff Road, T. Huron
Area Variance, Tax Map Ref. No: 72118-11-610728

8/07-115

Referral to divide an existing parcel into two separate parcels. It was noted that the town has already taken action on this referral. The Zoning Board of Approvals has the power to take final action.

Motion made by Mr. Rooney for No County Impact, seconded by Mr. Ruth. Abstained: Mr. Switzer. Motion Carried.

Local Law #1, T. Huron
Amendment to Text

8/07-119

Review of a local regulating seasonal businesses, seasonal food businesses and farm markets. There was a concern over the definition of a farm market. The law talks about obtaining a special permit but is not clear who issues the permit.

Motion made by Mr. Ruth for approval with the condition that the local law does not conflict with New York State Agriculture and Markets Law. Seconded by Mr. Switzer. Abstained: Mr. Lockwood. Motion Carried.

Wayside Garden Center, 124 Route 31, T. Macedon
Area Variance, Tax Map Ref. No: 60111-00-983716

8/07-135

Referral for the second expansion of a non-conforming building. They want to add a 72x72 greenhouse in the back corner. The Town of Perinton has already approved the parking lot to the west.

Motion made by Mr. Malchoff for approval provided that: 1) the hardship criteria required to grant an area variance are substantiated at the local level and 2) the proposed greenhouse addition does not hinder

on-site traffic circulation or impact on-site easements. Seconded by Mrs. Deyo. Abstained: Mr. Rooney. Motion Carried.

Stephen Spite, 1570 Walworth Road, T. Macedon 8/07-138
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 64111-00-051861, 63111-00-986777

Referral for the resubdivision of 2 lots into 3 lots. Lot 2 has 28.7 acres, lot 3 has 5 acres, and lot 4 has 5 acres and has a house on it. Site distances are good.

Motion made by Mr. Switzer for approval with the following conditions: 1) plans for the total holdings should be confirmed, 2) the proposed subdivision should allow for American Association of State Highway Transportation Officials recommended driveway sight distances should lots be developed in the future and 3) land owners should be aware that the National Wetlands Inventory indicates there are wetlands on the property. Seconded by Mrs. Deyo. Abstained: Mr. Rooney. Motion Carried

Craft Firewood Processing, 6283 Fisher Road, T. Ontario 8/07-114
Special Permit, Site Plan, Tax Map Ref. No: 64117-00-139609

Referral for a firewood processing facility on a 60+ acre parcel. The logs would be delivered to the site and processed and the processed firewood would be delivered by the applicant. The parcel was formerly used as a splat ball facility. The lot is heavily wooded and would act as a buffer for noise. The wetland boundaries are delineated on the property.

Motion made by Mr. Malchoff for approval with the following conditions: 1) mulch piles should be properly managed, 2) operational noise should be mitigated (i.e. through use of berms, fences, etc.) from neighboring residential properties if found to be necessary, 3) dust generated from truck traffic should be controlled and 4) the proposed operation should not negatively impact the on-site national wetland. Seconded by Mr. Ruth. Motion Carried.

Ami Matschke, 2750 Maple Avenue, T. Palmyra 8/07-126
Preliminary Subdivision Plan, Tax Map Ref. No: 64113-00-498344

Referral to parcel out 4 acres for a horse adjacent to applicant's home. The additional property has 150' frontage and no buildings on it. Code requires 3 acres for one horse, and one acre for each additional horse.

Motion made by Mr. Switzer for Approval with the following conditions: 1) should any new driveways be proposed to access the newly acquired land, available sight distances should meet American Association of State Highway Transportation Officials recommendations and 2) animal waste should be properly disposed of. Seconded by Mr. Zornow. Motion Carried.

Gary DeMay, 4408 Route 31, T. Palmyra 8/07-127
Use Variance, Tax Map Ref. No: 66111-18-335091

Referral for the storage of lawn care equipment, vehicles and supplies in the former Hygen Gardens building. This is a commercial use in an area zoned agricultural. This parcel was last seen in 2004 as an auto repair business. Applicant was not present at the meeting. He runs a landscaping business and stores much of his equipment at his home on Route 21. There is a u-shaped driveway for access and egress.

Motion made by Mr. Ruth for approval with the following conditions: 1) the operation should be kept "low impact" (essentially indoor storage of equipment and **NO sales**) to ensure there is continued compatibility with the adjacent residential land uses, 2) if necessary, screening, such as fencing should be

used to buffer the operation from neighbors, 3) the site should be developed/maintained in an aesthetically pleasing manner (i.e. through use of landscaping, architectural design, building materials, **NO outside storage** etc.) as it is sited on the highly traveled NYS Route 31 (Canal Corridor), 4) the septic system should be functional, 5) hazardous/toxic materials should be properly disposed of and 6) the hardship criteria required to grant a use variance must be substantiated at the local level. Seconded by Mr. VandeWalle. Opposed: Mr. Lockwood. Motion Carried.

Patrick Polito, 1682 Plank Road, T. Walworth
Preliminary/Final Site Plan, Tax Map Ref. No: 62115-00-917966

8/07-134

Referral for a single family residence on vacant land. This is a 7 acre lot with a deeded 35' right-of-way. The ROW is used by a farmer.

Motion made by Mr. Switzer for approval with the condition that property owners understand that there is an existing ROW that may be used for agricultural purposes. Seconded by Mr. Zornow. Motion Carried.

David McKechney, 8376 East Port Bay Road, T. Wolcott
Special Permit, Tax Map Ref. No: 75120-14-460285

8/07-121

Referral to replace an existing cottage with a modular home. The existing cottage was built as a garage for the home across the street. There is a right-of-way from the property to Port Bay. Applicant is working with neighbors to shift the ROW to the north side of the lot which would give the neighbors easier access to their property and allow the house placement to give a better view of the bay.

Motion made by Mr. Rooney, seconded by Mr. VandeWalle for approval with the following conditions: 1) any development (including the septic system) should be designed with the knowledge that a Zone A flood zone appears to be very near, 2) no structure should encroach on a right-of-way and 3) available sight distances should meet American Association of State Highway Transportation Officials recommendations should the driveway location change. Motion Carried.

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

Edward Perkowski, 4 Wood Lily Lane, T. Huron
Area Variance, Tax Map Ref. No: 72118-11-584580

8/07-117

Install boat hoist with canopy

Edward Perkowski, 4 Wood Lily Lane, T. Huron
Area Variance, Tax Map Ref. No: 72118-11-584580

8/07-116

Replace existing deck

Elizabeth Morris Bougton, 1796 Magog Road, T. Macedon
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 63110-00-068876

8/07-130

Three lot subdivision between neighbors

Filer's Power Sports, 1136 Route 31, T. Macedon

8/07-133

Area Variance, Tax Map Ref. No: 62111-00-260724

Second ground mounted sign and building mounted sign

James Pecora, 1354 Canandaigua Road, T. Macedon 8/07-137
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 62111-00-428497

Two lot subdivision

JME Automotive, 634 Route 104, T. Ontario 8/07-113
Use Variance, Tax Map Ref. No: 61117-11-617619

Vehicle body shop, snowplow sales

Thomas Washburn/Timothy Cretin, Schilling Road, T. Palmyra 8/07-128
Final Subdivision Plan, Tax Map Ref. No: 65112-00-704878

Deed over 3 acres of a 23 acre parcel to neighbor

Homer Sass, 5569, 5547 Walworth-Ontario Road, T. Walworth 8/07-122
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 63116-00-431743, 557729

Reconfigure property lines; property at 5569 reduced to 1.5 acres, with remaining property to be added to parcel at 5547

DeVrieze Subdivision, Phase 2, 715 Jacobs and 4789 Lincoln Road, T. Walworth 8/07-124
Preliminary/final Subdivision Plan, Tax Map Ref. No: 61115-00-716763, 731781

Resubdivision of lot 2 in this 3 lot subdivision

OTHER BUSINESS

The board suggested a letter be sent to all towns/villages refraining from acting upon referrals before the county has taken action, thereby avoiding a possible Article 78 action. It was suggested that any local action and date of such action be noted on the referral sheet.

There being no further business, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Susan Pullen
Secretary

