

WAYNE COUNTY PLANNING BOARD
MINUTES
March 28, 2007

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

Present: Bill Bailey, Monica Deyo, Scott Gregg, Steve Guthrie, Lyman Kaller, Ken Lauderdale, Larry Lockwood, Doc Malchoff, Kevin Rooney, Jim Switzer, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Robert Riggs (Cricket), Judy Lainhart, Bucky Lainhart (Mia's Ice Cream), Anne Jacques, David Adams (V. Palmyra), Steve Mahan (LNB), Steve Vanderbrook (Bartucca), Robert Kersten (Kersten Farm Market)

MINUTES

Motion made by Mr. Rooney to Approve the February minutes. Seconded by Mr. Malchoff. Motion Carried.

ZONING AND SUBDIVISION REFERRALS

Lyons National Bank, 425 Route 31, T. Macedon 3/07-53
Preliminary Site Plan, Final Subdivision Plan, Tax Map Ref. No: 6111-00-275771

Referral to locate a new stand-alone bank next to Wal-Mart. The bank was in for signage last month. Access will be from Roué 31 and Wayneport Road, both with 2-way traffic. The drive-thru traffic would run from Wayneport Road onto Route 31. There is also access to the Wal-Mart parking lot.

Motion made by Mr. Lauderdale for approval plan 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, 2) both NYSDOT and Wayne County Highway Department permits are obtained for NYS Rt. 31 and Wayneport Rd. proposed driveways, respectively, 3) right-in/right-out ingress/egress is considered for proposed driveways (NYS RT 31 and Wayneport Rd.), and 4) proposed on-site traffic patterns integrate safely with the Wal-Mart site traffic patterns. Seconded by Mrs. Deyo. Abstained: Mr. Rooney. Motion Carried.

Cricket Communications, Rt. 88S/Clark Road, V. Newark 3/07-46
Special Permit, Tax Map Ref. No: 68110-18-305052

Referral to erect a 106' monopole and associated equipment on a parcel owned by the Village of Newark near the water tower. This is a stand alone pole. This height would cover their objectives for cellular coverage. The water department has antennas on the pole.

Motion made by Mr. Malchoff for approval with the condition that the tower is constructed to allow additional carriers/co-locators. Seconded by Mr. Rooney. Motion Carried.

Cricket Communications, 6449 Furnace Road, T. Ontario 3/07-44
Special Permit, Tax Map Ref. No: 63117-00-500873

Referral to place additional antennas on an existing tower at the 150' level and lease a 10x15' area.

Motion made by Mr. Switzer 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. Rooney. Motion Carried.

Cricket Communications, 1180 Atlantic Avenue, T. Walworth
Special Permit, Final Site Plan, Tax Map Ref. No: 62115-00-377344

3/07-45

Referral to co-locate antennas on a 165' existing tower. The co-location would be at approx. 155'.

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. Gregg. Motion Carried.

Ann Jacques, 608 East Main Street, V. Palmyra
Special Permit, Tax Map Ref. No: 64111-12-955633

3/07-48

Referral to change a commercial building into residential apartments. Property is zoned commercial. This is located at the intersection of Routes 31 and 21 and was a former planned parenthood facility which has been empty for 5 years. The building has the look of apartments and plans are to have 7-8 one and two bedrooms apartments. There is plenty of parking available. There are 2 accesses to the building as the parking lots of the proposed apartments and the adjacent restaurant are open to each other with no parking impediments or fencing. Discussion was had regarding the busing of children at this busy intersection. This would ultimately be the decision of the school transportation system. It was noted there are sidewalks along this stretch of highway.

Motion made by Mrs. Deyo for approval. Based on the proximity of the site to the intersection of NYS Rt. 31 and NYS Rt. 21, the Board had concerns regarding how school transportation would be safely provided to children living in the proposed apartments. Seconded by Mr. Rooney. Motion Carried.

Mia's Ice Cream, 162 West Genesee Street, V. Clyde
Final Site Plan, Tax Map Ref. No: 74112-13-115465

3/07-50

Referral for modifications to parking traffic flow and seating/landscaping. This is a natural food and ice cream sales business. There are 10 parking spaces in front of the building to the west, 5 spaces to the east. At the center of the building will be a patio area with gazebo for outdoor dining. In the past the whole pavement area was used for parking so this patio area will help delineate parking. Applicant also owns the parcel to the west. There will be no new curb cuts and they will actually close off the east driveway to Route 31. There is also an exit to Sibley Street to the east.

Motion made by Mr. Lauderdale for approval with the following conditions: 1) a NYSDOT work permit will be required to modify the existing site ingress/egress and 2) proposed on-site traffic patterns and parking areas are designed to function safely. Seconded by Mr. Malchoff. Motion Carried.

Empire Tree Surgeons, 435 Route 88 N, T. Arcadia
Special Permit, Tax Map Ref. No: 68112-00-912704

3/07-51

Referral to reclaim an old gravel pit and store uncontaminated unadulterated wood products and also process the wood. Mr. Burtucca plans to continue doing business of processing mulch, which has been approved by DEC. He will reclaim an old existing gravel pit. Fill will consist of concrete, asphalt pavement, brick, soil, rock and will be graded with top soil. The village would like to utilize this site. They have been using a site on Vienna Street and have been looking for another location. This 30+ acre parcel has a series of natural features, including DEC wetlands, natural wetlands, and a flood zone near Mud Creek. The county and state have mined gravel here, but the pit was been out of use for a long time. The town adopted a landfill ordinance and this reclamation falls under those guidelines. Mr. Vanderbrook was present to answer questions. He anticipates it could take 28,000 cu.yds. of material to get the land to a grade of 1-3 slope in the drumlin. This could take 10 years to accomplish. The question was asked if this site would be usable in the future. Mr. Vanderbrook stated not with a 1-3 slope. There would be other areas on the site that would be flatter to re-use.

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

- 1) NYSDEC regulations, including those relating C & D debris facilities, Class I wetlands and their associated 100' buffer area and Phase II stormwater and erosion and sediment control measures are met.
- 2) The proposed operation complies with floodplain construction regulations as they relate to this type of activity in a Special Flood Hazard Area. Based on Flood Insurance Rate Maps, it appears that much of the parcel lies within an area of 100-year flood, where base flood elevations and flood hazard factors have been determined (Zone A5). If so, the Board recommends that the site plan be modified to include the flood hazard area.
- 3) The applicant will do everything possible to mitigate typical items of concern associated with proposals of this nature including: providing suitable noise and dust control, maintaining reasonable hours of operation, monitoring materials to be used for fill (must be unadulterated and uncontaminated) and protecting groundwater resources.

Seconded by Mr. Malchoff. Abstained: Mr. Zornow. Motion Carried.

Kersten Farm Market, 2144 Maple Street Road, T. Lyons
Final Site Plan, Tax Map Ref. No: 71112-00-047521

3/07-49

Referral to operate a farm market just north of the village of Lyons Boundary. There will be a split of 3+ acres including the house and farm structures. There is good site distance in both directions. The market will be in front of the first barn. They anticipate constructing two 20x48' greenhouses for year round growing. Theree will be a retain greenhouse along the barn. They will maintain a gravel driveway and anticipate parking for 10-15 cars. There is an existing driveway to the house and they will be asking for another road cut for a second driveway. Applicant indicated they will sell their own products spring and summer and sell Christmas trees in the winter. They currently sell products at the farmers market in Lyons.

Motion made by Mr. Lauderdale for approval with the condition that a driveway permit is obtained from the Wayne County Highway Department for any additional driveway/s. The Board supports the applicant's stated intent to: support local agriculture by purchasing and selling local products, and develop the site in an aesthetically pleasing manner. Selection of building design and materials, use of

landscaping and limiting outside storage to display merchandise are all components that will likely factor into the site's aesthetic appeal. Seconded by Mr. Gregg. Motion Carried.

Hutteman Mine, 6879 Fairville Station Road, T. Arcadia
Special Permit, Tax Map Ref. No: 69113-00-372462

3/07-52

Referral for a modification of the mine area, 1 acre to the north. This is a 2 acre gravel mine operation, currently permitted with DEC. The board reviewed the application in 2002. Applicant wishes to seed the area near his house and erect a pole barn, removing the existing quonset hut. This is not applicant's main business. The mine will be reclaimed by the end of 2009.

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

- 1) the applicant shall comply with NYSDEC regulations and the submitted Mined Land Use and Reclamation Plan (March 2007),
- 2) dust shall be controlled,
- 3) signage should be used to control traffic at haulageway entrances/exits and
- 4) the mine shall be closed and reclaimed by the designated time (end of 2009).

Seconded by Mr. Switzer. Motion Carried.

Kemp Rezoning, Quaker/Wilcox Road, T. Macedon
Amendment to Text, Tax Map Ref. No: 61112-00-863500

3/07-54

Referral to rezone 37+ acres of vacant farm land from AR-40 to ORM (Office, Research, Manufacturing). Alpro Recycling is around the corner and there is ORM zoning all around the parcel. There have been inquiries about re-locating businesses to this parcel. The parcel is adjacent to the recently closed Macedon landfill. DEC has monitored the landfill quarterly and there are no issues with air or water quality.

Motion made by Mr. Switzer for approval with the following conditions: 1) the rezoning should comply with comprehensive plan development strategies and 2) future development/s on the rezoned land will not be impacted by substandard air or water quality, based on proximity to the former landfill. The Board understands that the Town is continuing to work with the NYSDEC to monitor air and water quality associated with the landfill.

Given the proximity to other ORM-zoned land and the options for reuse of the land under review, the Board felt the rezoning could be compatible with surrounding land uses if: 1) there are no air or water quality issues and 2) adjacent residential uses are buffered from future ORM development.

Seconded by Mrs. Deyo. Abstained: Mr. Rooney. Motion Carried.

Lake Subdivision, 5240 Podger Road, T. Sodus
Preliminary Subdivision Plan, Tax Map Ref. No: 67116-00-344517

3/07-43

Referral to parcel off 2 acres with the house from 48.92 acres and transfer to family. There is a substantial drainage ditch running through the property. There is a flood zone and wetlands. Much of the

land is also wooded. There were questions of overall intent of the parcel. Given the expansive wetlands and flood zone, further development could be limited.

Motion made by Mrs. Deyo for approval with the following conditions: 1) given the proposed subdivision, the on-site septic system will still meet NYS Department of Health regulations (i.e. separation/setback distances), 2) future subdivision plans are inquired into as the parcel appears to contain development constraints such as national and NYSDEC designated wetlands as well as flood zone. The Board also noted that there have been several subdivision requests within the Town for lots that contain less than the required lot width.

Seconded by Mr. Kaller. Abstained: Mr. Malchoff. Motion Carried.

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

Luke Cino Subdivision, 6794 Knickerbocker Road, T. Ontario
Final Site Plan, Tax Map Ref. No: 63118-00-298299

3/07-42

Single family residence

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

Respectfully submitted,

Susan Pullen
Secretary