

WAYNE COUNTY PLANNING BOARD
MINUTES
June 27, 2007

Chairman Steve Guthrie called the June meeting of the Wayne County Planning Board to order at 7:02 p.m. in the Court House in Lyons, New York.

Present: Steve Guthrie, Ken Lauderdale, Larry Lockwood, Doc Malchoff, Larry Ruth, Kevin Rooney, Jim Switzer, Ken VandeWalle, John Zornow

Staff: Bret DeRoo and Susan Pullen

Guests: Jackie and Jeff Jones

Welcomed Larry Ruth as a new member representing the Town of Walworth.

MINUTES

Motion made by Mr. Malchoff to Approve the May minutes. Seconded by Mr. VandeWalle. Abstained: Mr. Ruth. Motion Carried.

ZONING AND SUBDIVISION REFERRALS

Upward Bound Child Care, 126 Cuyler Street, V. Palmyra
Use Variance, Special Permit

6/07-88

Referral to open a daycare center in an existing building in an R-1 zone. Previous uses of the building were a computer store and laundromat. Mrs. Jones has obtained a state grant of \$145,000 to operate the day care center. The funding award is specific to this property. She will need a certificate of occupancy issued by the village. There is no zoning specified for daycare and she indicates she has met the hardship criteria. She has been director of a daycare center in the past. A needs assessment has been done.

There is municipal parking to the rear and entry will be from the back parking lot. There are also 7 additional parking spots on an adjoining municipal lot. According to the grant 48 parking spaces must be provided. The area is a mixture of businesses, including a library and American Legion. The center will care for up to 48 children, with a maximum staff of 10. The center would be open from 6:30 AM to 6:00 PM five days a week. There was concern about the neighboring American Legion which serves alcohol. But Mrs. Jones indicated the Legion would operate opposite hours, opening at 6:00 PM.

Motion made by Mr. Lauderdale, seconded by Mr. Rooney that the use variance be handled as a local matter provided that the hardship criteria required to grant a use variance are substantiated at the local level (if a use variance is required). Abstained: Mr. Switzer. Motion Carried.

Motion made by Mr. Switzer for approval of the special permit provided that the applicant meets all applicable New York State regulations and requirements for the proposed daycare. Seconded by Mr. Malchoff. Motion Carried.

Steve Arnold, 4280 Minstead Road, T. Arcadia
Area Variance, Tax Map Ref. No: 67115-00-716164

6/07-93

Referral for a front setback of 35', where 60' is required, to install a pool and add a 14x40' addition to the front of the residence. He cannot locate the pool/addition to the rear of the home because the septic system is located there. The only concern is the location of the pool and its proximity to the road. This is a 55 mph zone.

Motion made by Mr. Lauderdale for approval with the following conditions: 1) the hardship criteria required to grant an area variance must be substantiated at the local level and 2) given the road design, posted speed limit and parcel features (including topography, existing features and proposed home addition and pool) the variance will not negatively impact public safety. The Board would like to minimize the chance of anyone being placed in harms way should a vehicle lose control in that area. The Board felt that local knowledge of the Minstead Road and the site will help determine "how close is too close" regarding the road and proposed home addition and pool. Seconded by Mr. Switzer. Motion Carried.

Parr Wiegel/Molly Kelly, 972 Alderman Road, T. Macedon
Area Variance, Tax Map Ref. No: 63111-00-488022

6/07-94

Referral to construct a 60'x120' private riding ring and storage barn. The barn is larger than allowed by code; front and rear setbacks are needed. A secondary structure is not allowed to be larger than the main house. They plan to board 1-2 horses. Surrounding properties are large lots and rural, with several containing existing barns.

Motion made by Mr. Zornow for approval with the following conditions: 1) the hardship criteria required to grant an area variance are substantiated at the local level, 2) if possible, the building's front yard setback should at least meet existing regulations for residential structures, thereby "keeping in character" with other surrounding developments, 3) manure should be properly disposed of and 4) any proposed driveway should meet American Association of State Highway Transportation Officials recommendations regarding sight distance. Seconded by Mr. VandeWalle. Motion Carried.

David Corea, 101 Throop Street, V. Palmyra
Area Variance, Tax Map Ref. No: 64111-12-905702

6/07-87

Referral to allow a non-permanent structure to be within 10' of the road. Applicant would like to place a caboose on the property, to possibly be used as an ice cream stand or insurance office. The use has yet to be determined. The property currently also has a NYSEG utility building on it. There was no site plan included.

Motion made by Mr. Switzer for Denial as insufficient information was provided which would be needed to determine "compatibility of land use" issues and traffic impacts. The SEQR form indicated there are a range of uses proposed for the temporary structure on a parcel with limited space (i.e. parking) and other site constraints. Also, hardship criteria required to grant an area variance must be substantiated at the local level. Seconded by Mr. Malchoff. Motion Carried.

Total Auto Care, 5490 Route 104, T. Sodus
Special Permit, Tax Map Ref. No: 67117-00-690998

6/07-84

Referral to operate an auto repair facility. A special permit is needed when there is a change of ownership of the business. There are 3 auto businesses all in the same building, located near the airport.

Motion made by Mr. Ruth for approval with the following conditions: 1) hazardous/toxic materials are properly disposed of 2) outside storage/display of all items is limited and 3) the site is made aesthetically

pleasing through use of items such as landscaping, fencing, etc. as this site is located on the highly traveled NYS Rt. 104. The Board routinely encourages attractive developments, particularly along major transportation arteries such as Route 104. Seconded by Mr. Lauderdale. Abstained: Mr. Malchoff. Motion Carried.

Wholesale Cars Direct, 2320 Walworth-Marion Road. T. Walworth 6/07-83
Special Permit, Tax Map Ref. No: 63114-00-740440

Referral to operate a business office and wholesale car sales. There is currently a machine shop in part of the building. The office will be used for sales off e-bay and will not be regularly staffed. He plans to sell higher end cars (1-3 at a time) and do showings by appointment, most likely evenings and weekends. The cars would be parked between the 2 buildings. The adjacent property is also a car dealership.

Motion made by Mr. Switzer for approval with the following conditions: 1) hazardous/toxic materials are properly disposed of, 2) outside storage/display of all items is limited and 3) the site is made aesthetically pleasing through use of items such as landscaping, as this site is located on the highly traveled Walworth-Marion Road. Seconded by Mr. Rooney. Abstained: Mr. Ruth. Motion Carried.

Derek Herring, 2249 Walworth-Marion Road, T. Walworth 6/07-89
Special Permit, Tax Map Ref. No: 63114-15-636463

Referral to operate an auto repair shop in the former Casselman garage.

Motion made by Mr. Rooney for Approval with the following conditions: 1) hazardous/toxic materials are properly disposed of, 2) outside storage/display of all items is limited and 3) the site is made aesthetically pleasing through use of items such as landscaping, as this site is located on the highly traveled Walworth-Marion Road. Seconded by Mr. Lauderdale. Abstained: Mr. Ruth. Motion Carried.

Janet O'Brien, 115 Knollwood Drive, T. Walworth 6/07-90
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 60115-00-979328

Referral to subdivide 6.3 acres (lot#2) off the total acreage of 30+ acres. They are subdividing this parcel one lot at a time. There was a 2 acre subdivision done in 2006. There is a possibility of land-locking the remaining parcel if there is further subdivision.

Motion made by Mr. Rooney for Approval with the following conditions: 1) this and any future lot should be configured to guarantee that driveway sight distances will meet American Association of State Highway Transportation Officials recommendations and 2) future plans for the remainder of the land should be determined (this appears to be the second "one-lot subdivision" that has been reviewed). Seconded by Mr. Lauderdale. 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. Rooney to return these referrals to their respective town/village to be handled as local matters. Motion Carried.

Walter Vanderbeek, 2266 Harris Road, T. Palmyra 6/07-86
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 66112-00-194795

Subdividing 8.9 acres and selling to neighbor, which they will add to an existing parcel

DeVrieze Subdivision, Phase 2, Jacobs/Lincoln Road, T. Walworth
Preliminary/Final Subdivision Plan, Tax Map Ref. No: 61115-00-716763, 731781

6/07-82

Three lot subdivision

Calder Subdivision, Plank/Lewis Roads, T. Walworth
Preliminary/Final Site Plan, Preliminary/Final Subdivision Plan, Tax Map Ref. No: 62116-00-710057

6/07-91

Two lot subdivision

Consolidated Agricultural District #3

This is a state program that the county administers. Originally there were 9 districts across the county. They are being consolidated into 4 districts, which should help cut down on administrative costs. This district will include the Towns of Arcadia, Lyons and Sodus. Boundaries of the district have to follow the parcel boundaries. Part of the review is a report from the Agricultural and Farmland Protection Board and the County Planning Board. There will be a public hearing in August. There were 3675 worksheets mailed, with 400 responses returned. There were approximately 97,000 acres in the three towns (including the villages), and the consolidated district will encompass approximately 73,400 acres if it is adopted.

If towns adopt lateral restriction policy and waterlines and a price of land is in an age district in that laterally restricted area, existing structures and/or planned homes in an approved subdivision that hasn't been built, can hook into water lines but other new structures may not until such time as the property is removed from an ag district.

Motion made by Mr. Switzer to recommend that the original Ag District No. 7 be modified and consolidated with the portions of original Agricultural Districts 4, 7 & 8 within the Towns of Arcadia, Lyons and Sodus into Consolidated Agricultural District No. 3 (CAD #3) as detailed in the Agriculture and Land Use Report for the District. Seconded by Mr. Malchoff. Opposed: Mr. VandeWalle. Motion Carried.

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

Respectfully submitted,

Susan Pullen
Secretary

