

WAYNE COUNTY PLANNING BOARD

MINUTES January 25, 2023

A meeting of the Wayne County Planning Board was held in person at 9 Pearl St. 2nd floor Conference Room, Lyons, NY. Chairman Steve Guthrie called the meeting to order at 7:00 p.m. and proceeded with a call to join in the Pledge of Allegiance.

Members in attendance were Steve Guthrie (Rose), Kenneth Conklin (Ontario), Mert Bartels (Macedon), Rob Burns (Lyons), Dennis Grabb (Sodus), Chad Mendenhall (Butler), Matt Krolak (Palmyra), Bert Peters (Williamson), Bob Hutteman (Arcadia), and Patti Marini (Walworth). There were ten (10) members present which meets the minimum attendance for quorum of the Board. Members Bob Milliman (Wolcott) and Larry Lockwood (Huron) were absent. There are currently three vacancies on the 15-member board. County staff in attendance were Brian Pincelli, Director, Thomas Lyon, Senior Planner and Deb Hall, Planning Secretary/clerk to the board. There were three (3) members of the public in attendance. James Tofte from Griffiths Engineering and Victor Mickel from Capital Growth both for Dollar General application, also Hayden Woods from Boehler Engineering on behalf of 859 Clevenger Rd. application.

ADMIN UPDATES / COMMUNICATIONS Chairman Guthrie asked for updates. Mr. Pincelli notified the Board regarding the Exemption Agreements with the towns that are now in effect and a new effort to update and modernize the process by which referrals will be submitted to the Board. He also mentioned that new this year, certain county department heads and county authorities have been invited to participate in the Preview Committee meeting each month to discuss applications, such as Highway/Public Works, Public Health, Emergency Management, Fire Coordinator, E911, Water & Sewer Authority, and Soil and Water Conservation. Mr. Guthrie agreed that these perspectives will provide beneficial input to the review process. Mr. Pincelli reported that the planning department is involved in many countywide studies including solid waste management plan, housing study, business park study, farmland protection plan update, and ongoing Brownfield Assessment program citing the need to be prepared for growth. Mr. Peters asked of the planning was consulted regarding the new ambulance stations. Mr. Pincelli said they were not but that a whole team of consultants, along with county and town officials were involved, but more importantly, the ambulance station projects are another example of the county preparing for growth. Mr. Bartels suggested that a representative of the project provide an update to the Board.

MINUTES Chairman Guthrie asked if there were any changes or comments to the previous meeting minutes of December 14, 2022. Mr. Hutteman made a motion to accept the minutes from the previous meeting, with a second from Mr. Bartels. Minutes were approved.

ZONING AND SUBDIVISION REFERRALS

Chairman Guthrie called for the Board to begin review of the list of referral applications. Ms. Hall read the meeting guidelines, reminding the public that the Board will review applications and make one of four recommendations back to the local referring board: either approval with comments, approval with modifications, disapproval or no intercommunity or countywide impact (NCI) and thus, according to the specific criteria outlined in GML 239. Being that no applications were being recommended as NCI, Mr. Lyon introduced the following actions for full board review.

Project: Town of Ontario – 859 Clevenger Rd. (Subdivision)

Address: 859 Clevenger Rd.

Tax Map Ref. No. : 61117-00-949208

Type of Action(s): Applicant seeking to subdivide lot into 12 single family residential lots.

Mr. Lyon invited the representative Mr. Woods to present information about the project to the Board. Mr. Woods described the project, which is also seeking action on a Site Plan application. He stated that the State Dept. of Health has received submission of the realty subdivision plat. He showed that 7 new lots will be front onto Clevenger Road while the addition 5 lots will share one shared private driveway / cul de sac roadway to access the larger flag lots behind the road lots. Mr. Woods also noted that there will be storm water treatment facilities onsite to manage run off and other newly created aggregate water sources. Mr. Lyon noted that in previewing committee, the Water Authority made a note of the presence of 12 new independent septic systems.

Mr. Guthrie ask if there were public sewers any closer to the development. Mr. Woods was not sure of the distance but noted the closest connection might be to the north along Rt. 104 which was cost prohibitive to the project.

A motion was made to recommend Approval of Subdivision with associated comments and to send this to the local referring body for local action. **Motion** – Mr. Peters, **Second** – Mr. Grabb. Chairman Guthrie asked for voice vote. **Ayes** – 9, **Opposed** – 0, **Abstention** – 1, Mr. Conklin. **Motion carried. Action** – Return referral to the municipality with recommendation for Approval with comments.

Project: Town of Ontario – 859 Clevenger Rd. (Site Plan)

Address: 859 Clevenger Rd.

Tax Map Ref. No. : 61117-00-949208

Type of Action(s): Applicant seeking site plan approval for 12 single family residential lots.

Mr. Woods further clarified that sites would be built out, one at a time, as purchased. Mr. Hutteman asked to clarify the width of the private drive and shared ownership/easements were to be executed. Mr. Woods stated that for each lot, the minimum width would be included in the private drive for a total approximately 80-ft wide drive.

A motion was made to recommend Approval of Site Plan with comments and to send this to the local referring body for local action. **Motion** – Mr. Peters, **Second** – Mr. Bartels. Chairman Guthrie asked for voice vote. **Ayes** – 9, **Opposed** – 0, **Abstention** – 1, Mr. Conklin. **Motion carried. Action** – Return referral to the municipality with recommended Approval with comments.

Project: Town of Williamson – Dollar General (Site Plan)

Address: 5043 State Route 104

Tax Map Ref. No. : 67117-05-128975 & 67117-05-150971

Type of Action(s): Applicant seeking site plan approval new build retail store, parking lots, driveway, septic system, and storm water management facilities.

Mr. Lyon invited Mr. Tofte to describe the project. Mr. Tofte explained that Dollar General development plans generally follow a market demographic of at least 10-12 miles between stores. The stores are generally all of similar design and construction materials. The minimum parking spaces is 32, and this design includes 35. He showed via video simulation, the parking lot is designed for delivery truck protocol which is accepted by DOT where a tractor and trailer would enter the parking lot traveling forward, then back into the unloading space designed along the side of the building, and then pull out

forward back into traffic. Large delivery trucks are typically scheduled for early morning delivery to avoid mid-day traffic. He also noted that an NOI was issued due to more than 1 acre of disturbance. Storm Water pollution protection plans were included in the application showing swales and pipes to handle the run off of parking lot surface. He noted the septic would be a raised system due to the railroad tracks behind the property and other nearby elevations.

Mr. Guthrie raised concern with the safety of customers and pedestrians in the parking lot or walking to the store along Rt. 104 and during the truck maneuvers. He cited issues with another similarly designed Dollar General in Rose where the trucks when off the pavement and others blocked parking spaces. He asked if there was a more efficient way to design this. Mr. Mickel stated that extra pavement is cost prohibitive and that is why they have a DOT approved protocol on delivery and truck maneuvers. It was agreed that loading zones and safety of maneuverability should be looked at from the level of the town code.

Mr. Peters asked about the elevation of the finished floor compared to the slow release of waters toward the back of the lot. He has seen that parcel get very wet. Mr. Tofte stated the floor elevations at 415' with a 1:3 slope toward catch basins. Mr. Peters also noted the presence of the railroad tracks that could affect the accumulation of waters. Mr. Pincelli noted that any future development along the tracks should be brought to the attention of the railroad operating company during Preview.

A motion was made to recommend Approval of Site Plan with comments and to send this to the local referring body for local action. **Motion** – Mr. Hutteman, **Second** – Mr. Conklin. Chairman Guthrie asked for voice vote. **Ayes** – 8, **Opposed** – 1, Mr. Guthrie, **Abstention** – 1, Mr. Peters. **Motion carried. Action** – Return referral to the municipality with recommended Approval with comments.

Project: Town of Huron – GreenSpark Solar (Special Permit)

Address: Wilson Street Rd.

Tax Map Ref. No. : 75116-00-297975

Type of Action(s): Applicant seeking special permit to install 2,884 KW-DC and 2,000 KW-AC Solar PV Project.

Mr. Lyon introduced the project, and there were no representatives present to discuss the project. Mr. Lyon stated that recommendations for modifications came from the preview committee meeting. The first modification suggested was regarding the Decommission Plan. They felt it was not comprehensive and relied too heavily on submission of financial statements at the time of decommission (30 years hence) for local clerk to review, which provided no guarantee for ability to properly dismantle or restore the property. Instead, a modification was recommended for a Decommission Bond to be issued as contingency of Special permit. Another concern was the lack of specific maintenance and management plan or person that should be disclosed to the town in case of complaint or emergency. A modification to the approval should include specific and detailed maintenance contacts and management protocol that is agreed upon by both parties.

Mr. Mendenhall asked if applicants ever disclose heavy metal run off into the soils from solar panels or other toxicity monitoring during or after the life of the project. None was noted. He also asked about whether soil sampling was required or other neighborhood health impacts from solar fields. None was noted. Mr. Hutteman noted that a small solar field already exists on the land.

Mr. Pincelli reminded the Board that the county must defer to local land use control regarding placement of renewable energy and a balance in the use of agriculture land or protection from development. He noted that the landowner included a table showing the profit margins of farming versus solar field leasing,

which was significantly higher. This kind of development pressure should be addressed in updated local comprehensive plans that offer options for solar placement.

Mr. Pincelli also noted that solar developers are required under NYS law (487) to give notice to local tax jurisdictions on development projects, and towns then have 60 days to opt out of the solar tax exemptions. However, the Wayne County IDA can step in to offer developers a Payment in lieu of tax (PILOT) program that imposed one time and annual charges to the developer or end operator based on # of KW. The IDA is managed by the county staff who are hearing the concerns of the planning board with the use of prime soils in Wayne County for these developments. Mr. Pincelli cited a recent solar development that was denied for 60 days by NYS Dept of Ag and Markets due to nature of prime soils used by the development. Mr. Pincelli posed the question on whether the IDA should consider reissuing program costs associated with use of prime soils. More research on the state's approach to use of prime soils and how to map out these soils is needed when it comes to solar development pressure.

A motion was made to recommend Disapproval of Special Permit due to lack of sufficient information, and to send this to the local referring body for local action. **Motion** – Mr. Burns, **Second** – Mr. Bartels. Chairman Guthrie asked for voice vote. **Ayes** – 10, **Opposed** – 0, **Abstention** – 0. **Motion carried. Action** – Return referral to the municipality with recommended Disapproval with comments.

OTHER BUSINESS

Chairman Guthrie asked for any other business or staff reports. Mr. Lyons notified the Board of a notice of a 6-month extension from the Town of Huron to their Short Term Rental moratorium. County staff is working on model code for Short Term Rentals to share with towns. He also notified the Board that the county is working on a plan for siting Electric Vehicle “fast” charging stations and will update the board on this and other county plans once complete.

Hearing no other business, Chairman Guthrie asked for a motion to adjourn. Motion – Ms. Marini, Second – Mr. Grabb. All members were in favor. Meeting adjourned at 8:10 p.m.

Respectfully submitted,



Deborah Hall, Secretary, Planning Dept.