

## WAYNE COUNTY PLANNING BOARD

MINUTES April 26, 2023

A meeting of the Wayne County Planning Board was held in person at 9 Pearl St. 2<sup>nd</sup> floor Conference Room, Lyons, NY. Determining that a quorum of members were present and current applicants represented, Chairman Steve Guthrie called the meeting to order at 6:55 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), Joe Firendino (Galen), Larry Lockwood (Huron), Matt Krolak (Palmyra), Bert Peters (Williamson), Bob Hutteman (Arcadia), Bob Milliman (Wolcott), and Patti Marini (Walworth). There were twelve (12) members present which exceeds the minimum attendance for quorum of the Board. Member Chad Mendenhall (Butler) was absent. There are currently two vacancies on the 15-member. County staff in attendance were Brian Pincelli, Director and Deb Hall, Planning Secretary/clerk to the board. There were eight (8) members of the public in attendance. Scott Kolczynski of County Building and Grounds, Brian Keenan and Jim Barbato of Erie Macedon LLC, Linc Swedrock of BME Associates, Jason Zambrzycki and Victor Ciaccia of Norbut Solar Farms, and Rick and Donna Whitman of 2195 Ridge Rd. Ontario.

**ADMIN UPDATES / COMMUNICATIONS** Chairman Guthrie asked for any administrative updates. Ms. Hall reported none.

**MINUTES** Chairman Guthrie asked if there were any changes or comments to the previous meeting minutes of March 22, 2023. Hearing none, Mr. Hutteman made a motion to accept the minutes from the previous meeting, with a second from Mr. Conklin. 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 and confirmed with the project representatives that they understood that any recommendation voted on at this meeting would be returned to the local referring agency for final decision. Mr. Pincelli introduced the first referral on the agenda.

#### **Project: Town of Lyons – Wayne County EMS Headquarters**

Address: 11572 Nye Rd

Tax Map Ref. No. : 70111-00-055667

Type of Action(s): Final Site Plan

Mr. Kolczynski described the first of three facilities for the county to house their new countywide ambulance services. This building will be an ~10,600 sf EMS headquarters with truck bays for ambulance and fly car plus office space for staff only. The facility will not have an entrance onto Nye Rd. but will share a parking lot entrance on the south side of the Nursing Home. Vehicles will leave the building without activating lights and sirens until they reach Route 31. All utilities are on site except broadband fiber which will be run from the new Public Safety Building. Mr. Hutteman asked about lights in the parking lot. Mr. Kolczynski said the lights would be down lighting with one new street light. Members suggested a caution light that could be activated on Route 31. Mr. Kolczynski stated that the fly car has been using this route since 10/2022 without trouble. The traffic is only busy at 3 p.m. and DOT has stated there is not enough overall traffic for a signal. He also said the crews will start there but it will be rare to see a crew on site for long.

A motion was made to recommend Approval with Comments. **Motion** – Mr. Hutteman, **Second** – Mr. Peters. Chairman Guthrie asked for voice vote. **Ayes** – 12, **Opposed** – 0, **Abstention** – 0. **Motion carried.** **Action** – Return referral to the municipality for final determination.

**Project: Town of Macedon – Macedon Marina / Erie Landing Subdivision**

Address: 1125 Marina Pkwy  
Tax Map Ref. No. : 62112-00-267143  
Type of Action(s): Final Subdivision

Mr. Swedrock, project engineer, was invited to explain the project to the board. He reminded the board that Special Use was already approved at the Town. The owners are seeking 16 acre subdivision to separate the existing marina from the housing project. Mr. Swedrock showed the subdivision lines which includes a small parcel on the opposite side of Wayneport Rd. that will remain undeveloped.

A motion was made to recommend Approval of the Subdivision with comments. **Motion** – Mr. Conklin, **Second** – Mr. Firendino. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Bartels. **Motion carried.** **Action** – Return referral to the municipality with appropriate comments for final approval.

**Project: Town of Macedon – Macedon Marina / Erie Landing Site Plan**

Address: 1125 Marina Pkwy  
Tax Map Ref. No. : 62112-00-267143  
Type of Action(s): Final Site Plan

Mr. Swedrock described the site plan to include seven 10-unit buildings and two 26-unit buildings with garages. There will be a community center on site a walking trail to connect the property to the Marina and Canal. Pedestrian access will be established throughout the site. They will tie into the nearby water main. He reported that the Town was pleased that the nearby Pump Station will be used throughout the year as opposed to seasonally, which was the case up until now. Based on previous comments, there are now two access points into the site onto private driveway and parking areas from the existing dedicated town road. There will be no curbs on site to facilitate ease of walk and snow clearing. He reported that anticipated traffic flow onto **Canandaigua Rd.** will not trigger a traffic study. County Highway was ok with project. Mr. Hutteman suggested that pedestrian access be extended to the adjacent town park so that park vehicles and new resident pedestrians are fully aware and safe. Owners confirmed that all units will all be market rate rentals.

A motion was made to recommend Approval of Site Plan with comments. **Motion** – Mr. Grabb, **Second** – Mr. Milliman. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Bartels. **Motion carried.** **Action** – Return referral to the municipality with recommended Approval and comments.

**Project: Town of Ontario – Ridge Rd. Townhomes**

Address: 1816 Ridge Rd.  
Tax Map Ref. No. : 63117-00-086314  
Type of Action(s): Preliminary Subdivision

Mr. Swedrock, project engineer, explained that 62 acres of Incentive Zoning was already approved at the Town level. Those acres would be given to the town as open space and school use. The remainder 46 acre subdivision request is for 195 individual for sale, townhome (1200 sf) lot/units with remainder of land area

surrounding the town homes to be under a HOA. The town property creates a large buffer between homes and the school property plus there will be landscaping along the west side between the school and the homes. Members suggested fencing to deter interlopers. Town land will include dedicated roads throughout the project with easements for access.

A motion was made to recommend Approval of Preliminary Subdivision with comments. **Motion** – Mr. Firendino, **Second** – Mr. Bartels. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Conklin. **Motion carried. Action** – Return referral to the municipality with recommended Approval and comments.

**Project: Town of Ontario – Ridge Rd. Townhomes**

Address: 1816 Ridge Rd.

Tax Map Ref. No. : 63117-00-086314

Type of Action(s): Preliminary Site Plan

Mr. Swedrock explained the access point for the project has changed from the strip of land between Primary School and Resident to the use of Walter Cone Dr. as the primary access leading to a dedicated road that would loop around the site. Secondary emergency ingress/egress would be extended through a new/improved parking lot behind the adjacent fire department and over to the Town Hall/Library driveway. He stated that the town water main is accessible and that there will be three SWPPP areas on site. They will be seeking DEC wetland permit for minimal disturbance near local creek. Mr. Guthrie asked that an updated traffic study be reported back to Town and County upon final site plan review.

A motion was made to recommend Approval of Preliminary Site Plan with comments. **Motion** – Mr. Milliman, **Second** – Mr. Grabb. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Conklin. **Motion carried. Action** – Return referral to the municipality with recommended Approval and comments.

**Project: Town of Ontario – Whitmore Use Variance**

Address: 2195 Ridge Rd.

Tax Map Ref. No. : 63117-00-573405

Type of Action(s): Use Variance

Mr. Whitmore was invited to explain his application for use variance. He stated that he removed his garage door and replaced it with a glass door. He asked all his neighbors if they minded this change and none of them did. Mr. Pincelli explained that the Use Variance test is a 4-prong approach that establishes hardship criteria for the applicant that cannot be self-created. Mr. Guthrie explained to Mr. Whitmore the different types of decisions that could be rendered from the Board and how that affects the final local decision.

A motion was made to recommend the referral as an NCI, with no significant countywide impact and return for local decision. **Motion** – Mr. Krolak, **Second** – Mr. Peters. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Conklin. **Motion carried. Action** – Return referral to the municipality with recommended NCI for local decision.

**Project: Town of Williamson – Norbut Solar Farms**

Address: 6606 East Townline Rd.  
Tax Map Ref. No. : 67118-00-218063  
Type of Action(s): Special Use Permit

Mr. Ciaccia of Norbut explained the need for Special Use permit as part of the local town code for 5 MW commercial solar projects, which will also include battery storage on site. He stated that the site is 52 acres zoned Industrial with 49 acres dedicated to the project. Acreage in the bordering town of Sodus will not be developed and the site is not currently being farmed. The special use will also require a separate application to FAA due to nearby Sodus-Williamson Airport. Mr. Burns asked about the county’s stake hold in the railroad bed that borders the property. Mr. Pincelli explained that the land and right-of-way is owned by RG&E while the tracks and operating easement are owned by the County, which in turn is leased to a shortline, OMID. They were notified of the project. Mr. Pincelli stated that there is a setback requirement for the rail line of approximately 50-ft and that Norbut should be sure to verify that with the rail operator.

A motion was made to recommend Approval of Special Use Permit. **Motion** – Mr. Conklin, **Second** – Mr. Bartels. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Peters. **Motion carried. Action** – Return referral to the municipality with recommended Approval with Comments.

**Project: Town of Williamson – Norbut Solar Farms**

Address: 6606 East Townline Rd.  
Tax Map Ref. No. : 67118-00-218063  
Type of Action(s): Final Site Plan

Mr. Ciaccia continued to explain the project as commercial distributed project were local residents will benefit from the energy produced. Mr. Guthrie asked about the treatment of the wetlands onsite and the drainage proposed due to concerns with the rail bed and blocked drainage on the south side of the tracks where another development is building a Dollar General. Mr. Ciaccia stated that they are responsible for any failures on their property or adjacent properties as a result of the development. However, the project will only be creating two concrete impervious surfaces with significantly less impact than a parking lot. Mr. Guthrie commended the project for choosing a site that is NOT prime farmland. Mr. Hutteman asked about the battery storage component and whether the local fire department will be appraised of property firefighting procedures. Mr. Ciaccia said not yet but that EMS services were address in the Operations and Maintenance plan. Mr. Guthrie said that if the battery storage units include a fire suppression system that the information should be shared with the town and used to educate code enforcement and fire department. Mr. Burns reiterated his concern with the drainage issues there and whether or not this project would add more water to the railroad bed. Mr. Firendino commented that it appears it will be no more of a problem than before development. Mr. Ciaccia stated that storm water flows are not meant to leave the property and since they are not changing the grade, nor adding impervious surfaces, there should be no change to the current condition. Many members were still concerned that the town should address the cumulative impact of multiple developments within the same drainage area, as well as to be sure to address the railroad setback, the FAA application requirements and the two utility easement agreements.

A motion was made to recommend Approval of Site Plan with noted comments. **Motion** – Mr. Conklin, **Second** – Mr. Firendino. Chairman Guthrie asked for voice vote. **Ayes** – 10, **Opposed** – 1, Mr. Burns, **Abstention** – 1, Mr. Peters. **Motion carried. Action** – Return referral to the municipality with recommended Approval with Comments.

**Project: Town of Wolcott – Solar Energy System Local Law**

Address: 6070 Lake Ave.

Tax Map Ref. No. : n/a

Type of Action(s): Amendment to Text

Mr. Pincelli reviewed the local law presented to address solar energy development. He commended the town for developing this and said every town should develop a local law addressing this type of development. Having dealt with many solar projects in the industrial development agency, he recommended additional language in the law regarding developments seeking PILOT assistance from the town “or local agency.” He also mentioned that in light of the board’s ongoing concerns for farmland protections, that the county Ag Development board also gets notice when a solar project is proposed on soils of statewide importance, especially mineral soil groups (MSG) prime soils 1-4. Since much of Wayne County farmland falls into groups 3 and 4, the local agency is considering a premium associated with use of prime farmland to be used to purchase development rights to preserve farmland elsewhere in the county.

A motion was made to recommend Approval with noted comments. **Motion** – Mr. Conklin, **Second** – Mr. Firendino. Chairman Guthrie asked for voice vote. **Ayes** – 11, **Opposed** – 0, **Abstention** – 1, Mr. Milliman. **Motion carried. Action** – Return referral to the municipality with recommended Approval with Comments.

**OTHER BUSINESS**

Chairman Guthrie asked for any other business or staff reports. Mr. Pincelli reported that the Countywide Housing Study is being prepared for public hearing in June. He again noted that solar project development around the county is being reviewed from the angle of use of prime farmland perspective and from the perspective of inclusion of battery storage, such as was seen with the Norbut proposal.

Hearing no other business, Chairman Guthrie asked for a motion to adjourn. Motion – Mr. Bartels, Second – Ms. Marini. All members were in favor. Meeting adjourned at 8:35 p.m.

Respectfully submitted,



Deborah Hall, Secretary, Planning Dept.