

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – April 12th, 2016 at 3:30pm

County Planning Board Meeting – April 13th, 2016 at 7:30pm

2nd Floor Conference Room, Room 205, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

This document will serve as both the **Draft** minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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Class Abbreviations

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W: Withdrawn

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April 13, 2016 Meeting Attendance

Cities	Member	
Canandaigua	James Mueller	P
Geneva	Mary Bogin	P
Towns		
Bristol	Sandy Riker	P
Canadice	Stephen Groet	P
Canandaigua	David Wink	P
East Bloomfield	Arthur Babcock	E
Farmington	Vacant	V
Geneva	Howard E. Meaker	P
Gorham	Jack Dailey	A
Hopewell	Louis Perryman	P
Manchester	Jaylene Folkins, Chair	P
Naples	Carol O'Brien	E
Phelps	Glen Wilkes	P
Richmond	Leonard Wildman	E
Seneca	Timothy Marks	P
South Bristol	Vacant	V
Victor	Timothy Maher	E
West Bloomfield	Dan Holtje	E
P-Present, E – Excused Absence, A – Absent, V – Vacant		

(Names in bold are members that currently serve on a local Legislative body, Planning Board or ZBA).

Staff Present: Carla Jordan, OCPD; Regina Connelly, OCPD

Guests Present: Bill Ferris; BME Associates; Passero Associates; Dynamic Energy; Hobart & William Smith Colleges; Costich Engineering; Abbott Bros.

Call to Order/Roll Call: Chair Jaylene Folkins called the 4/13/16 County Planning Board meeting to order at 7:40 p.m., and requested Ms. Jordan do roll call. Upon completion of roll call, Ms. Jordan reported that ten (10) members were present meeting quorum requirements.

Minutes:

- **March 09, 2016: Motion was made by David Wink, seconded by Louis Perryman to approve the March 9, 2016 minutes as presented.**

Ten (10) in Favor, 0 Opposed, 0 Abstention. Motion carried.

Class Abbreviations

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45 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	LSI Solutions, Inc.	
Property Owner:	Route 251 Acquisition LLC	
Representative:	MRB Group	
Tax Map No(s):	15.01-1-6.000	
Brief Description:	Site Plan approval for a warehouse expansion including a one story 5,670 sf addition to existing building. Also looking for 2 additional required parking spaces and the relocation of sites dumpster. Project located at 7796 SR 251 in the Town of Victor.	

COMMENTS:

- 15 land bank spaces to be put in on the North end.

According to ONCOR:

- There is a Federal wetland present on the eastern portion of the property, though it appears to actually be an onsite stormwater pond.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: Referral #45-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Tim Marks

Seconded by: David Wink

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

46 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Bayer Landscape Architecture	
Property Owner:	Sands, Richard	
Tax Map No(s):	154.06-1-7.100	
Brief Description:	Area Variance request for the removal of an existing tennis court and construction of an inground pool and associated structure in its place. Proposed pool and associated structures only have a 12 ft side yard setback, which do not meet the 15 ft side setback required. Town, coming in at only 12 ft. Project is located at 4947 CR 16 in the Town of Canandaigua.	

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- **variances pertaining to side yard setbacks or,**
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

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1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

47 - 2016	City of Geneva Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Chen, Xiao Ming	
Property Owner:	Chen, Xiao Ming	
Representative:	Miller, Peter	
Tax Map No(s):	104.14-4-39	
Brief Description:	Site Plan approval for a 4 ft by 8 ft sign to be placed on the front of Applicant's sushi and hibachi restaurant. The proposed sign complies with all local code on size and number. Project located at 266 Hamilton St in the City of Geneva.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the following road as a primary travel corridor for tourists visiting Ontario County: **US Route 20A**

The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

- B. Applications for signs complying with local limits on size and number.

Final Classification: Class 1

Findings

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

Final Recommendation: The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

48 - 2016	City of Geneva Planning Board	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Wine Country Hospitality, LLC	
Property Owner:	Wine Country Hospitality, LLC	
Representative:	Fladd Sign Service	
Tax Map No(s):	104.18-3-41.123	
Brief Description:	Area Variance request for 5 signs which take up 172 sq ft for a Fairfield Inn & Suites Marriott. Per local code an applicant is allowed only 2 signs and a maximum of 100 sq ft, therefore the applicant is requesting a variance for the 3 additional signs and 72 additional sq ft for the proposed signs. Project is located at 383 Hamilton St in the City of Geneva.	

Policy AR-7: Signs

Class Abbreviations

AR 1: Administrative Review Class 1

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The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified US Route 20A as a primary travel corridor for tourists visiting Ontario County; The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a *negative impact on community character*.

Final Recommendation – Disapproval.

48.1 - 2016	City of Geneva Planning Board	Class: AR-2
Referral Type:	Special Use Permit	
Applicant:	Wine Country Hospitality, LLC	
Property Owner:	Wine Country Hospitality, LLC	
Representative:	Fladd Sign Service	
Tax Map No(s):	104.18-3-41.123	
Brief Description:	Special Use Permit request for 5 signs which take up 172 sq ft for a Fairfield Inn & Suites Marriott. Per local code an applicant is allowed only 2 signs and a maximum of 100 sq ft, therefore the applicant is requesting a variance for the 3 additional signs and 72 additional sq ft for the proposed signs. Project is located at 383 Hamilton St in the City of Geneva.	

Comments: See referral #48-2016 for project summary and comments.

49 - 2016	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text Amendment to amend R-1 District Regulations of Town Code "Zoning" to allow short-term vacation home rentals as a specially permitted use and to establish provisions to regulate the use of short-term vacation home rentals in the Town.	

SUMMARY:

Amendment to zoning code section 211-19B – R-1 District Regulations to add a subsection titled “Short Term Vacation Home Rentals, subject to the requirements of Chapter 211-37.

Section defines terms: local contact person, occupants, owner, and short term vacation home rental.

Short term vacation home rental = not less than one night, not more than 30 consecutive days to the same occupant for the same dwelling. Where the total days the dwelling is rented out to all occupants in one calendar year exceeds 30 cumulative days. (Ongoing month-to-month tenancies are excluded from the provisions of this Chapter).

Application for special use permit will be made to the planning board. All special permits issued are subject to standard conditions

- Owner shall limit renter occupancy and vehicles based on SUP
- Owner shall use best efforts to ensure occupants do not create excessive noises, nuisances, illegal drug use, etc.

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- Owner shall prevent a recurrence of excessive noises, etc. if notified of disturbance.
- Owner shall post a copy of the SUP and conditions in conspicuous place on the subject property.
- Subject property shall be in compliance with Town Code and NYS Uniform Fire Prevention and Building Code.
- Occupants shall observe quiet hours (10PM-7AM Sunday thru Thursday, 11PM-7AM Friday and Saturday). Violations will be grounds for revocation of SUP.
- Call response availability – Owner or local contact shall be personally available by telephone on a 24 hour basis to respond to calls or complaints regarding subject property. Calls shall be responded to within 1 hour, with corrective action occurring within 24 hours. Owner shall maintain log of caller complaints and corrective response measures.
- Planning Board may impose additional conditions.

Special Use Permit term = 1 year with potential for renewals.

Notice Requirements – posted on or near front door of premises containing;

- Owner name and Local Contact (if different)
- Maximum number of occupants
- Maximum number of vehicles to be parked on property
- Quiet hours
- Rules for refuse disposal
- Notification that occupant may be cited or fined for creating disturbance
- Notification that occupant’s failure to comply with parking or occupancy requirements is a violation of code.

Penalties:

- After 3rd offense potential for fines (\$1000-\$1300 per occurrence), imprisonment for 6 months or both.
- Upon 4th occurrence within 5 years, the Special Use Permit may be revoked.
- Civil Enforcement

COMMENTS:

When considering renewals to existing Special Use Permits it is recommended that an owner’s violation history be reviewed. i.e. – If the subject property has repeated issues with disturbances within the first year the Planning Board should consider not granting a renewal and therefore not necessitating the enforcement penalty related to a 4th offence within a 5 year period.

Board Motion: Referral #49-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Mary Bogin

Seconded by: Glen Wilkes

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

50 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Cline, Jason	
Property Owner:	Cline, Jason	
Tax Map No(s):	28.12-1-30.000	
Brief Description:	Area Variance request to construct a two-car garage, deck and an above ground pool on a single-family residence. The proposed garage does not meet the required front and side setbacks and the extension of residential use on a non-residentially zoned parcel means the applicant is also seeking a variance for the non-conforming use. Project is located at 1308 East Victor Rd. in the Town of Victor.	

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

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- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

C- All other applications subject to policy AR-5.

Final Classification: Class 1

Findings:

9. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report)
10. Collectively individual residential developments have significant impacts on surface and ground water.
11. Proper storm water and erosion control is also needed to achieve that same end.
12. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
13. The local Board is encouraged to grant the minimum variances necessary.

Final Recommendation –The CPB will make no formal recommendation to deny or approve.

51 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Maltese, Linda	
Property Owner:	Maltese, Linda	
Tax Map No(s):	154.06-1-12.000	
Brief Description:	Special Use Permit request to increase the number of rooms for rent in an exiting bed and breakfast, from two rooms to three rooms. However, by adding a third room the establishment becomes a "Tourist Home". The property is zoned RR-3 and Tourist Homes are a specially permitted use in RR-3. The project is located at 4926 CR 16 in the Town of Canandaigua.	

COMMENTS: Special Use Permit request to increase the number of rooms for rent in the existing Onanda By the Lake Bed and Breakfast located on West Lake Rd. along Canandaigua Lake. The increase to 3 rooms for rent would classify the establishment as a "Tourist Home".

Canandaigua Lake Watershed Inspector - George Barden on 3/29/16: The exiting on-site wastewater treatment system, which includes a 1,250 gallon septic tank, was last inspected in October of 2010. It was found to meet the current NYS Department of Health's standards for a 4 bedroom residence.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: Referral #51-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Steve Groet

Seconded by: Tim Marks

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

52 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Genecco, Sarah	
Property Owner:	Stella Florist, LLC	
Tax Map No(s):	98.08-1-12.000 & 98.08-1-13.200	
Brief Description:	Special Use Permit to allow "temporary" parking on property for seasonal events from May 1 to October 31. The property is zoned CC, which does allow 'tempromary uses'. The project is located at 3255 and 3259 SR 364 in the Town of Canandaigua.	

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COMMENTS:

Special Use Permit to allow “temporary” parking on property for seasonal events. The proposed parking would involve two parcels which are both owned by Genecco. According to the referral, the existing curb cut on the northern parcel will serve as the Enter and Exit, with two way traffic in the southern parcel and offering spaces for 15 cars.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: Referral #52-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Tim Marks

Seconded by: Glen Wilkes

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

53 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Venezia & Associates	
Property Owner:	Farnsworth, Randall	
Tax Map No(s):	70.11-1-36.000	
Brief Description:	Special Use Permit subdivide a parcel into two parcels and to remove a section of the non-conforming structure to transform it into a "motor vehicle repair station", which requires a special use permit. The parcel is zoned CC, which allows motor vehicle repair stations. The project is located at 2555 SR 332 in the Town of Canandaigua.	

COMMENTS:

Special Use Permit request, Site Plan approval, and Subdivision approval to redevelop an existing car showroom into a “motor vehicle repair station”.

- If subdivision is approved, it is recommended the applicant memorialize, in writing, the construction of the right-of-way shown on the site plan running parallel to SR 332.

According to ONCOR:

- There is a small Federal wetland present on the property, in the western portion of the parcel.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: Referral s #53-2016, #53.1-2016 and #53.2-2016 be retained as Class 1s and returned to the local board with comments.

Motion made by: Mary Bogin

Seconded by: Lou Perryman

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

53.1 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Property Owner:	Farnsworth, Randall	
Tax Map No(s):	70.11-1-36.000	
Brief Description:	Site Plan approval to subdivide a parcel into two parcels and to remove a section of the non-conforming structure to transform it into a "motor vehicle repair station", which requires a special use permit. The parcel is zoned CC, which allows motor vehicle repair stations. The project is located at 2555 SR 332 in the	

Class Abbreviations

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	Town of Canandaigua.
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Comments: See referral #53-2016 for project summary, comments and motions.

53.2 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Venezia & Associates	
Property Owner:	Farnsworth, Randall	
Tax Map No(s):	70.11-1-36.000	
Brief Description:	Subdivision approval to divide a parcel into two parcels and to remove a section of the non-conforming structure to transform it into a "motor vehicle repair station", which requires a special use per mit. The parcel is zoned CC, which allows motor vehicle repair stations. The project is located at 2555 SR 332 in the Town of Canandaigua.	

Comments: See referral #53-2016 for project summary, comments and motions.

54 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Hobart William & Smith Colleges	
Property Owner:	Malcuria, Patrick	
Representative:	Costich Engineering, P.C.	
Tax Map No(s):	90.00-2-11.000	
Brief Description:	Site Plan approval to install a 2.5 megawatt solar photovoltaic generation system. The proposed system will be located on 17 acres of the 38 acre parcel and constructed and maintained by Dynamic Energy. The project is located at 2742 State Route 14 N in the Town of Geneva.	

The April 2015 comments are provided so that Board members may see the types of questions that were raised during previous review of the similarly designed solar array. They do not necessarily apply to this application; see comments below for comments specific to the currently submitted site plan.

April 2015 – Referral #41-2015

Staff Comments:

- No notes are made relative to the ground surface beneath the proposed panels. It is unclear whether it will be seeded and maintained as grass or whether a packed gravel/ stone access will be maintained between panels/ rows, etc. The ground surface has an impact on the stormwater management of the site and should be reviewed by the referring board.
- No SWPPP was provided. A SWPPP will be required before development occurs.
- Emergency contact signage should be posted at point of access.

CRC Comments

- The applicant's representative stated that no grading/earthwork would be performed as part of the proposed project. Panels will be installed by driving in the associated posts at the existing grades. Grass will be maintained under the panels.
- Any drainage tiles that may be present on the property should be repaired if damaged during the installation of the proposed arrays.

CPB Comments

- Cross access easements should be obtained from the Little League property by the applicant prior to approval.

2016 COMMENTS:

Site Plan request to develop and install a 2.5 megawatt solar array which will generate approximately 30% of the energy consumed by Hobart & William Smith Colleges. Construction will occur on approximately 17 acres of the 38 acre parcel and will be connected to the New York State Electric and Gases' system on SR 14N.

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- Previously referred to the board, but at a different location (White Springs Ln.), Dynamic Energy remains the applicant along with Hobart & William Smith Colleges. The parcel of land is owned by Mr. Malcuria, but the portion being developed will be leased to Dynamic Energy who will hold all liability and decommissioning responsibilities. The owner will remain on the Eastern portion of the parcel in the existing single-family home. Access to the solar system will be under easement.
- No notes are made relative to the ground surface beneath the proposed panels. It is unclear whether it will be seeded and maintained as grass or whether a packed gravel/ stone access will be maintained between panels/ rows, etc. The ground surface has an impact on the stormwater management of the site and should be reviewed by the referring board.
- No SWPPP was provided. A SWPPP will be required before development occurs.
- Emergency contact signage should be posted at point of access.
- As represented on the site plan, facility access and associated underground electrical infrastructure will cross a FEMA designated flood plain.
- Any drainage tiles that may be present on the property should be repaired if damaged during the installation of the proposed arrays.

SITE CHARACTERISTIC

Acres: Total acreage of parcel = 38. Total disturbed acreage = 17.

Land Use: Rural/Forest/Agriculture

ADJOINING LAND USE / LAND COVER

North: Vacant
South: Industrial/Residential
East: Community Services
West: Vacant/Industrial

WATER RESOURCES

Major Watershed: Seneca Lake
Subwatershed: N/A
Stream/Lake: N/A
Aquifer: N/A
Well Head Study: N/A

WETLANDS / WETLAND SOIL TYPES (HYDRIC SOILS)

NWI: Yes - Freshwater Forested/Shrub Wetland
DEC: Yes – Class 2
Hydric Soil: C/D
Potentially Hydric: Partially

DRAINAGE CHARACTERISTICS

Slope: 0-3%
Soil permeability: High
Erodibility: Medium

AGRICULTURAL SOILS / DISTRICT

Soils: Aeric Epiaquepts
Importance: Prime Farm Land if Drained
Agricultural District: No
Within 500' of District: No

SIGNIFICANT CULTURAL RESOURCES

National/State: N/A
Local: N/A

IMPORTANT / DESIGNATED VIEWSHEDS

None

INFRASTRUCTURE

Public Water: No - Private
Public Sewer: Yes
Septic/Onsite: No
Subsurface Drainage System: Public

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<p>STORMWATER MANAGEMENT SWPPP: Not provided Green Infrastructure: None</p>
<p>TRANSPORTATION Adjoins railroad: No State Road: Yes – SR 14 County Road: No Public Sidewalks: No</p>
<p>HIGHWAY CORRIDOR Corridor Study Completed/Name: N/A CPB Priority Highway: Yes – SR 14</p>
<p>ACCESS MANAGEMENT Vehicular/Pedestrian Access: Easement Internal Circulation/Linkages: N/A Vehicular: Easement Pedestrian: N/A Bicycle Parking: N/A</p>
<p>OPEN SPACE/ RECREATION Borders/proximity to public recreation: None Dedicated open space: Linkages: None</p>
<p>COMMUNITY CHARACTER Lighting (Full cutoff of off sight light spillage): N/A Signage: N/A Landscape Plan: N/A Retention of Natural Vegetation: N/A Buffering: N/A Streetscape: N/A Building façade: N/A</p>

CPB Meeting Discussion:
A representative of the applicant provided the following additional information;
The existing vegetation would be maintained under the proposed panels. No mass grading would occur. He also stated that the proposed access road will utilize an existing laneway that was previously used to access the property for farming purposes. There is an existing 48” culvert that channels the stream under this access drive. Any disturbance to the wetland area caused by the installation of the proposed underground utility would be within the allowances of the Nationwide permit.

Board Motion: Referral #54-2016 be retained as a Class 1 and returned to the local board with comments.
Motion made by: David Wink
Seconded by: Lou Perryman
Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

55 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Lansing Trade Group LLC	
Property Owner:	Lansing Trade Group LLC	
Tax Map No(s):	90.00-2-20.300	
Brief Description:	Site Plan approval for the construction of a 120 ft silo to be used for grain storage. Project located at 2890 State Route 14 in the Town of Geneva.	

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COMMENTS:

Site Plan approval for the construction of a single silo for grain storage on an existing grain storage facility. This will be the third silo on the property.

- Due to the increase of truck traffic during construction and once the silo is up and running the applicant is encouraged to continue working with the Town and Costa Engineering to do a full study on the potential curb cut off of SR 14.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

CRC COMMENTS:

- It is recommended that the applicant consult with local fire personnel to ensure there is adequate access to the site and confirm their ability to respond to an incident associated with the proposed structure.

Board Motion: Referral #55-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Glen Wilkes

Seconded by: David Wink

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

56 - 2016	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Passero Associates	
Property Owner:	Missick, Gregory	
Tax Map No(s):	119.00-1-30.210	
Brief Description:	Applicant seeking the rezoning of a 51 acre parcel from R-1 - Residential to a Planned Unit Development District. Once rezoned applicant is proposing the construction of 84 single story condo style homes and 5 two story buildings. All to service 55 and older residents. The project is located at 463 Snell Rd. in the Town of Geneva.	

COMMENTS:

The Town is looking to rezone a 51 acre parcel from R-1 to a PUD. This rezoning will accommodate a proposed residential development including approx. 84 single story condo style homes in combinations of 3, 4 and 5 unit buildings. The developer is also proposing 5 units, 2 story buildings designed for residents 55 and older.

One garage space and one driveway space is proposed per unit with approx. 33 spaces provided for overflow and club house parking.

Parcel area = 51 acres

Project area = 16 acres

As presented in the referral documents the development includes a stub road. In considering the PUD request the Town should consider what the full parcel build out of the site is going to be.

It appears as though the parcel is currently or at some point was utilized for agricultural use. It is highly recommended that the Town require the applicant to investigate the presence of drainage tiles on the parcel and require proper repair or connection to stormwater infrastructure if encountered during development.

Stormwater plans including references to infiltration basins, roof top disconnection and organic filters should be required by the Town and reviewed by the Ontario County Soil and Water Conservation District prior to taking any action on associated site plan referrals.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

CPB COMMENTS:

- The Board requests the referring agency have the applicant and engineers provide a full build out of the entire 51 acre parcel.
- As currently designed the proposed development only shows one point of egress to service 84 units. It is recommended that when considering the build out of the entire parcel, additional points of entry and exit are considered/incorporated.

FINDINGS:

The County Planning Board Bylaws include the importance of protecting natural features. Segmented projects, or projects reviewed in increments without consideration of the potential for development on the entire parcel can create issues with stormwater quality and overall quality of the watershed.

Whole parcel planning is essential when considering the impacts associated with a project in its entirety. Requiring a full parcel build out will prevent segmentation of potential environmental impacts, allowing the Board to consider the appropriateness of design factors like stormwater infrastructure to ensure there is not any adverse impact to stormwater/ water quality.

Board Motion: Referral #56-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with the following modification.

Modification #1: The referring Board should not take action on granting the PUD until a full parcel build out is developed by the applicant.

Motion made by: Glen Wilkes

Seconded by: Tim Marks

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

57 - 2016	Town of Geneva Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Hanna, Mike & Mary	
Property Owner:	Hanna, Mike & Mary	
Tax Map No(s):	119.00-1-17.120	
Brief Description:	Area Variance request for a proposed second bay for an existing garage. The proposed will only be 8.1 ft from the side parcel line, which does not meet the 15 ft side setback requirement. The project is located at 200 Slosson Ln. in the Town of Geneva.	

Appendix B List of Referrals Eliminated from the County Planning board Review Process

1. All area variances that are single item and unrelated to a site plan, subdivision or multiple variance requests (i.e., the one and only application for the entire project is for an area variance), except for signs within 500 feet of a state or federal highway.

Final Recommendation: EXEMPT

58 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Hribar, Gale	
Property Owner:	Hribar, Gale	
Tax Map No(s):	125.16-1-7.000	
Brief Description:	Area Variance request for a proposed 400 sq ft deck to be added to a single-family home. The proposed deck meets all setback requirements except the required 100 ft setback from the creek that runs through the property. The proposed deck will only be 76.7 ft from the creek. The project is located at 4332 Labrador Lane in the Town of Canandaigua	

Appendix B List of Referrals Eliminated from the County Planning board Review Process

1. All area variances that are single item and unrelated to a site plan, subdivision or multiple variance requests (i.e., the one and only

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

application for the entire project is for an area variance), except for signs within 500 feet of a state or federal highway.

Final Recommendation: EXEMPT

59 - 2016	Village of Rushville Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Rushco Inc.	
Property Owner:	Catlin, Phil	
Tax Map No(s):	171.05-1-6.110 & 171.05-1-23.221	
Brief Description:	Subdivision request to consolidate two adjacent parcels into one parcel approximately 3 acres. The proposed consolidation is necessary to build an addition to an existing storage building. The parcels are located at 1 Warehouse St. in the Village of Rushville.	

March 2016 Comments:

Area Variance request for an addition to existing storage building, to provide inside storage for material that is currently stored outside. Property is currently a gas station and fuel storage facility. The new addition does not meet the required setback of 75 ft, put in place to provide adequate buffering to residential districts, thus applicant is seeking a 37.5 ft variance.

- The consolidation of the two parcels has not been set in motion. Therefore currently the proposed addition would need two additional variances for side setbacks, per local law Article XI – Dimensional Requirements.
- The FEMA floodplain on the property due to the West River that runs through the property has not been delineated on the site plan.
- Since proposed building would fall into portion of the FEMA floodplain present on the property, we recommend the applicant reconsider the layout of the addition to extend towards the road away from the floodplain and residential district. Thus avoiding any complications with building in a floodplain and building a sufficient buffer. Only one variance would still be needed for the front setback.

According to ONCOR data:

- No State or Federal wetlands are present on the property.
- The property is located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

SWCD COMMENTS: Stormwater Management

- When/if downspouts are installed on the new proposed building, that they be routed to a grass/lawn area.

NOTE: The applicant has been asked to provide additional information regarding delineation of the floodplain which is not available at this time. Consolidation of the two parcels was requested. An updated subdivision map has not been submitted as of March 7th.

April 2016 COMMENTS:

Subdivision map and application has been submitted showing the consolidation of the two parcels. Per subdivision map, the floodplain has been delineated, but is inconsistent with what is shown in ONCOR. As represented on the submitted plan, the proposed building is not within the delineated floodplain. Per the approval of the subdivision, the applicant is still seeking Site Plan approval and a 37.5 ft variance for residential setback, which requires 75ft.

CPB COMMENTS:

The referring Board is *strongly encouraged to grant the minimum variance necessary.*

Board Motion: Referrals #59-2016, #59.1-2016 and #59.2-2016 be retained as Class 1s and returned to the local board with comments.

Motion made by: Tim Marks

Seconded by: Glen Wilkes

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

59.1 - 2016	Village of Rushville Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Rushco Inc.	
Property Owner:	Phil Catlin	
Tax Map No(s):	171.05-1-23.221	
Brief Description:	Area Variance request to construct an addition to existing building for additional storage. Proposed addition does not meet the required 75 ft setback; therefore applicant is requesting a 37.5 ft variance. Project is located at 1 Warehouse St. in the Village of Rushville.	

Comments: See referral #59-2016 for project summary, comments and motions.

59.2 - 2016	Village of Rushville Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Rushco Inc.	
Property Owner:	Phil Catlin	
Tax Map No(s):	171.05-1-23.221	
Brief Description:	Area Variance request to construct an addition to existing building for additional storage. Proposed addition does not meet the required 75 ft setback; therefore applicant is requesting a 37.5 ft variance. Project is located at 1 Warehouse St. in the Village of Rushville.	

Comments: See referral #59-2016 for project summary, comments, and motions.

60 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Tascione, Mike	
Property Owner:	Widewaters RT. 96 Co 111 LLC	
Representative:	Passero Associates	
Tax Map No(s):	6.00-1-66.100	
Brief Description:	Site Plan approval for the rehabilitation of a former TGI Fridays building into a City Tavern, including a new covered patio area. Variance needed for the front yard setback, since the proposed patio will only have a 41 ft front yard setback when a 80 ft setback is required. The project is located at 7635 SR 96 in the Town of Victor.	

COMMENTS:
 Site Plan approval and Area Variance request for already developed parcel to turn the closed TGI Friday’s restaurant into a City Tavern Restaurant. Existing structure will remain as is. The only proposed construction is for the 2,000 sq. ft. partially covered patio to be constructed on the East side of the building.
According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: Referrals #60-2016 and #60.1-2016 be retained as Class 1s and returned to the local board with comments.
 Motion made by: Steve Groet
 Seconded by: Sandy Riker
Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

Class Abbreviations

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W: Withdrawn

60.1 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Tascione, Mike	
Property Owner:	Widewaters RT. 96 Co 111 LLC	
Representative:	Passero Associates	
Tax Map No(s):	6.00-1-66.100	
Brief Description:	Area Variance request for the rehabilitation of a former TGI Fridays building into a City Tavern, including a new covered patio area. Variance needed for the front yard setback, since the proposed patio will only have a 30 ft front yard setback when a 80 ft setback is required. The project is located at 7635 SR 96 in the Town of Victor.	

Comments: See referral #60-2016 for project summary, comments and motions.

61 - 2016	Village of Victor Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Ferris, William	
Representative:	BME Associates	
Brief Description:	Area Variance request for a height variance, building setback variance and non-conformance variance, for a proposed 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.	

Project is within the Village’s Business District and also within the Central Business Overlay. Village code does not anticipate mixed use style development and does not include an option for a Planned Unit Development (PUD).

Variances requested include:

- Building height of 47 ft when a maximum of 35 ft is allowed by code.
- Building front setback requesting 2 ft from right of way.
- Variance from Section 170-12A(2)(b) – R-3 District Requirements.

	Business District (B)	Central Business Design Standards *	Residential (R-3) District
Front Setback	15 ft.	2 ft. from right of way, maximum of 10 ft.	75 ft.
Building Height	35 ft.	35 ft. (minimum of 2 functional stories, maximum of 3 functional stories)	3 stories not to exceed, 35 ft.
Lot Coverage	40%	-	25%
Residential Density	See R-3 Requirements	-	No more than 8 units per acre. No more than 12 units per building.

*Central Business Design Standards (lie outside the zoning code in Chapter 50 – Architectural Preservation Standards)

COMMENTS:

Based on approximate numbers (2.5 acres) the applicant would only be allowed 20 units for the subject parcel (after consolidation of properties). Given the fact that the applicant desires construction of only one building the allowable density would be 12 units. The applicant is requesting a variance from all R-3 requirements in order to accommodate the 44 proposed apartments and setback limitations.

Per the referral documents, the development includes 6 parcels that will be consolidated into one 2.65 acres parcel. According to plan submitted with the referral documents the proposed parcels are currently held under different ownership. There is no

Class Abbreviations

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W: Withdrawn

subdivision documentation submitted with the referral package. As outlined the variance are not necessarily accurate as the property lines of the 6 parcels still exist.

As currently outlined the project will include the demolition of houses within the Village of Victor. The ages of the houses are unknown and no determination or weigh in has been provided as to any associated historic value.

After the proposed demolition of these residential homes two access points are proposed for entry to the parcel via State Route 96 at the intersection of 96 and High Street. The access to this parcel via near an intersection has the potential to cause intermunicipal impacts relative to traffic flow on a Road that is designated as a primary travel corridor within the County Planning Board Bylaws. A traffic study should be completed and sent to NYSDOT for their review and comment prior to action on the local level.

CRC Meeting Discussion:

Maria Rudzinski – Senior Planner, OCPD gave a brief update on her involvement with the Village on this project. She attended a meeting with Village representatives on 4/11 in response to their request for technical assistance from the Planning Department. The Department was asked to provide some assistance on the potential for a PUD designation associated with the project. Maria discussed the potential for a whole parcel analysis to see what level/ scale of development could be supported on the subject parcels in various configurations, prior to any additional action.

CRC COMMENTS:

- Since the applicant has not submitted a referral for subdivision review it is unclear what parcel the variances would be applied to as currently owned and divided. Is the expectation that all parcels as currently configured be granted a setback variance, height variance, etc.?
- At one point in time the Village had been working with the Western NY Landmark Society relative to historic designations, it is recommended that the referring Board look into where or not that resource is still involved and if any designations or recommendations were made by the Society.
- The applicant is encouraged to work with the local fire department to ensure the height of the proposed building does not exceed the reach limits of their equipment. It is also recommended that their consulted to ensure there is adequate space for an emergency vehicle to enter and exit the property.
- Since the businesses associated with the development are not necessarily known it is difficult to make a recommendation on the number of parking spaces provided. The Village code does not have a parking requirement relative to the business district. The proposed business use may affect the amount of parking provided and the associated traffic flow.
- The Village is strongly encouraged to refrain from taking any action without the involvement of the NYSDOT. A traffic study should be provided for review to ensure that the proposed access points via State Route 96 do not create an unsafe traffic flow situation.

CPB Meeting Discussion:

A representative for the applicant provided the following additional information;

- Both the Town Historian and Landmark Society have been contacted regarding the demolition of the proposed houses. They have provided responses that the houses in question are not currently listed.
- NYSDOT has been contacted and has given verbal approval that the proposed access points off of 96 are acceptable for right turn in and right turn out. Traffic accessing the site from the East would be allowed to enter via a left turn only lane.

The Board commented that absent;

- A traffic study or correspondence from NYSDOT,
- Subdivision documentation,
- Land owner permissions allowing applicant or their agent to act on their behalf/include their parcels for consideration in connection with the proposed development (what was submitted just allows access to property),
- Any documentation relative to any historic review of the houses proposed to be demolished

The application is incomplete.

Board Motion: Referral #61-2016 be retained as a Class 2 and returned to the local board as Incomplete.

Motion made by: David Wink

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Seconded by: Tim Marks

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

62 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Venezia, Rocco	
Property Owner:	Waldman, David & Cheryl	
Tax Map No(s):	141.07-1-33.100	
Brief Description:	Area Variance request to demolish existing house and construct a new single-family home. The proposed new house does not meet the required 15 ft sideyard setback on either the North or South sides, on ly proposing 7 ft and 6 ft setbacks respectively. The project is located at 4572 Lake Dr in the Town of Gorham on Canandaigua Lake.	

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- **variances pertaining to side yard setbacks or,**
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

14. Protection of water features is a stated goal of the CPB.
15. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
16. Increases in impervious surface lead to increased runoff and pollution.
17. Runoff from lakefront development is more likely to impact water quality.
18. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
19. Protection of community character, as it relates to tourism, is a goal of the CPB.
20. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
21. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

63 - 2016	Town of South Bristol Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Tyskiewicz, Tim	
Property Owner:	August, Andrew & Anne	
Tax Map No(s):	178.14-1-11.120	
Brief Description:	Area Variance request to demolish existing single-family home to construct a new residence, garage, and retaining walls. Area variance requested for lot coverage and side and rear setbacks. Project is located at 5929 Bopple Hill Rd. in the Town of South Bristol.	

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Canandaigua Lake Watershed Management Comments

1. Contrary to the survey map by Gary L. Dutton, L.S and the Site Plan by architect Tim Tyskiewicz, RA, this is not 5930 Bopple Hill Road, but 5929 Bopple Hill Road.
2. The existing onsite wastewater treatment system was designed by a licensed professional and approved by the New York State Department of Health (NYSDOH) on December 30, 2002 and installed on June 24, 2003. (See attachment). This system was designed for three (3)-bedroom residence and consists of an aerobic treatment unit. This office needs a set of the architectural plans to verify that the new residence consists of only three (3)-bedrooms. Also, this office needs a copy of the maintenance agreement for the aerobic treatment unit with an authorized manufacturer's representative, which was one of the conditions of the approval by NYSDOH.
3. The sketch / site plan shows little detail as to what and how this residence is going to be constructed. It appears that the lower wooden deck is going to be over top of the existing pump tank which may make it very difficult for routine maintenance and servicing. There is nothing indicating that this pump tank is to be re-located. This office needs a more specific detailed site plan showing how this structure is to be built, and if the pump tank is not to be re-located, how much head room is there to allow for proper maintenance and servicing. If the pump tank is to be moved, this office will need detailed plans of this to ensure that this re-location meets current NYSDOH requirements.
4. The minimal detail on the sketch / site plan indicates that this structure is to be built into the steep embankment. Depending on how this is to be done, the Town of South Bristol may need to consider how this relates to its Steep Slope law. A more detailed site plan needs to be submitted along with architectural cross-sections through the structure embankment and Bopple Hill Road to determine if there is to be any excavation of the embankment. If there is, this will create soil erosion and sediment control concerns during the period of construction, which will need to be addressed.
5. The sketch / site plan shows that a variance will be required from the mean high water line from 25 feet to 14.4 feet. The survey does not show the easterly R.O.W. line of Bopple Hill Road on the survey map. It shows the northerly property line going to the centerline of Bopple Hill Road and then the architects sketch /site plan also shows the northerly property line ending at the centerline of Bopple Hill Road. The sketch / site plan then shows a 16'-6" setback, which I'm assuming is a variance from a 50' setback, but it shows it off the west edge of Bopple Hill Road pavement. This is very confusing. This needs to be clarified prior to any approval. The easterly R.O.W. line of Bopple Hill Road needs to be shown, and then what the setback requirement is for that and if a variance is needed.

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- **variance pertaining to lake shore setbacks**

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2**Findings:**

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

63.1 - 2016	Town of South Bristol Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Tyskiewicz, Tim	
Property Owner:	August, Andrew & Anne	
Tax Map No(s):	178.14-1-11.120	
Brief Description:	Site Plan approval to demolish existing single-family home to construct a new residence, garage, and retaining walls. Area variance requested for lot coverage and side and rear setbacks. Project is located at 5929 Bopple Hill Rd. in the Town of South Bristol.	

Comments: See referral #63-2016 for project summary, comments and motions.

64 - 2016	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Abbott Bros., Inc.	
Property Owner:	Abbott Bros., Inc	
Tax Map No(s):	32.10-1-6.100	
Brief Description:	Site Plan approval to move existing diesel pump stations and convert the old pumps to ethanol free pumps. Project is located at 70 N. Main St. in the Village of Manchester.	

COMMENTS:

Site plan approval to relocate existing diesel fuel pumps. The proposed construction will occur cross parcel boundaries, however both parcels are owned by the Abbott Brothers.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

Board Motion: To accept late referral #64-2016 for consideration on the April Meeting Agenda.

Motion made by: Glen Wilkes

Seconded by: Tim Marks

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

Board Motion: Referral #64-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Mary Bogin

Seconded by: Sandy Ricker

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion carried.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

General Information

The Ontario County Planning Board was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: I, (d), and (e) refer to the county comprehensive plan.

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a Disapproval).

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2.

Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

Legal Obligations for Referring Agencies

Class 1: If an application has been returned to the referring agency as a Class 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

Class 2: If the CPB has voted to deny or modify a referred application then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB approvals without modification require no extraordinary local action. However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

Incomplete Applications

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m 1

Reporting back to the CPB

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.”

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

Class Abbreviations

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W: Withdrawn

Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR-1 is an administrative review that is a Class 1 and AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR-1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR-2	Applications that are withdrawn by the referring agency
AR-3	Permit renewals with no proposed changes
AR-4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR-5 A. Class 2 Disapproval	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR-5 B.	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR-5 C.	All other applications involving a site plan for one single-family residence.
AR-6	Single-family residential subdivisions under five lots.
AR-7 A. Class 2 Disapproval	Variances for signs along major designated travel corridors.
AR-7 B.	Applications involving conforming signs along major travel corridors.
AR-8	Co-location of telecommunications equipment and accessory structures on existing tower and sites (Applications for new towers or increasing the height of an existing tower will require full Board review)

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn