

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the;

**Coordinated Review Committee Meeting – June 7th, 2016 at 3:30pm****County Planning Board Meeting – June 8th, 2016 at 7:30pm**

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

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**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

72 - 2016	Town of Phelps Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Area Variance request for a proposed Verizon Wireless communication facility. The 0.5 acre lease area would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**COMMENTS:**

- Verizon Wireless is a public utility licensed and regulated by the FCC.
- Verizon is proposing to lease approx. 0.5 acres of a 135.5 acre parent parcel for the proposed tower facility.
- Verizon proposed construction of a 155 ft. tower to provide adequate wireless telephone service to the “Marbletown Cell”
- Proposed facility is allowed upon issuance of a Special Use Permit in R-AG District.
- Based on existing conditions and land use, 9 parcels/locations were identified for consideration. Taking into account these factors and the results of their RF review and analysis, the applicant has determined that the Adams location is the best location for the proposed facility.
- Verizon is amenable to future co-locations on the tower by other carriers. It has been designed to accommodate a total of 4 wireless carriers.
- Access will be accommodated via the existing gravel driveway utilized for the existing residence. 12 ft wide access road will be expanded from the existing driveway to the tower lease area.
- Variance requested include:
  - Height - Communications towers are limited to 80 ft. Applicant is proposing installation of a 155 ft. tower.
  - Setback – Code requires separation of 500 ft from all residential dwellings and roadways; and in no case shall the setback be less than 20 ft or the minimum setback required by the underlying district whichever is greater. The setback shall increase 100 ft for every 10 ft the proposed structure exceeds the maximum (80ft) height requirement. Proposed setbacks to the lease boundaries are; 833 ft from northern property line, 1014 ft from eastern property line (Neider Rd), 1874 feet from southern property line and 783 ft from western property line. Proposed tower lease area is 888 ft from the residential dwelling located on the property.
  - Lot Size – Lots size needs to equal the square of twice the towers height or the minimum lot size in the underlying district, whichever is greater. Parent parcel meets this requirement; the lease hold area does not meet the approx. 2.2 acre lease area required.
  - Strobe light requirements – Towers over 80 ft must have a strobe light at top during the daylight hours and a pulsing red light at top and half of height during hours of darkness. Applicant is requesting to not install these lights. Lighting of a structure is not required by FAA unless the structure is 200 ft or higher. The applicant is encouraged to consider the potential impact to any nearby residents if the lighting is required.

The referring board is encouraged to grant the minimum variance necessary.

**According to ONCOR:**

- No State or Federal wetlands are present on the property. Although Site Plan references an existing federal wetland outside of the proposed development area.
- The property not located within a FEMA floodplain.
- The property is located within 500 ft. of an Agricultural District (District 8). An Agricultural Data Statement has been submitted by the applicant and should be reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Ontario fine sandy loam,
  - Slope: 3 to 8 percent

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

- Soil permeability: Moderately High
- Erodibility: Medium

72.1 - 2016	Town of Phelps Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Site Plan approval for a proposed Verizon Wireless communication facility. The .5 acre site would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**COMMENTS:** See referral #72-2016 for project summary and comments.

72.2 - 2016	Town of Phelps Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Special Use Permit request for a proposed Verizon Wireless communication facility. The .5 acre site would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**COMMENTS:** See referral #72-2016 for project summary and comments.

74 - 2016	City of Geneva City Council	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Geneva City Council	
Brief Description:	"Proposed adoption of an updated Comprehensive Plan to guide growth and future decision-making for the City. The vision for the plan is "Beautiful Prosperous	

**COMMENTS:**

The updated plan (<http://genevanrc.org/comprehensive-plan-draft/>) has been funded by a 2012 grant from the New York State Energy Research and Development Authority (NYSERDA) Cleaner, Greener Communities Program (CGC). The last major update to the plan was in 1997. This update is a collaboration of City Staff and members of the community working with a private consultant (CZB).

Part 1 of the plan includes an in depth discussion of the City's core values and identifies the preferred characteristics to which Geneva will aspire.

There is also an inventory of the City's assets and potential for growth that is directly reconciled against socio-economic and land use issues such as;

- Housing: The plan assesses housing conditions in 11 defined neighborhoods based on various factors (physical condition, % owner occupied, sale price, % abandoned) and determines if demand for the housing is healthy moderate or weak. Market position (based on median family income and levels of education) as well as strategies for attracting strong households is also discussed.

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- Population and Income Demographics: US Census indicates families are leaving Geneva. The City has an increasing concentration of poverty well above the surrounding region.

The plan establishes core planning principles and values to guide future decisions. It also includes a detailed discussion and implementation strategy for priority areas including:

- Investing in a downtown core,
- Improving gateway corridors
- Improving/maintaining the lakefront and reconnecting it to the rest of the City
- Investing in the neighborhood around Castle Street.

Part 2 of the plan is the remainder of the inventory and analysis as well as other supporting documentation.

75 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Christie, Robert	
Property Owner:	Janiwary Group, LLC	
Tax Map No(s):	6.00-1-31.100	
Brief Description:	Area Variance request for the addition to an existing monument sign to display the businesses of the new tenants. As stated in the Town code signs cannot identify specific businesses, only the name of the building or plaza. The applicant is also seeking a 32 square ft variance for the total area of the sign. The project is located at 668 Phillips Rd in the Town of Victor.	

**Policy AR-7: Signs**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The intent is to protect the character of development along county 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:**

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

**Final Recommendation** – Denial.

76 - 2016	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Jeffery, Emily	
Representative:	William Grove P.E.	
Tax Map No(s):	99.00-1-56.000	
Brief Description:	Area Variance request for the division of a 11 acre parcel into 4 residential building lots. Applicant seeking 3 variances for the 3 flag lots that will be created with the subdivision, none of which meet the required 150ft width. The project is located at (3477) Lincoln Hill Rd. in the Town of Hopewell.	

**COMMENTS:**

- Appears as though 2 of the driveways for the northern most and southern most parcels do not meet the minimum requirements for width. The referring board should consider if emergency vehicles access to any of the proposed buildings

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is sufficient.

The referring board is encouraged to grant the minimum variance necessary.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
  - Type: Darien silt loam
  - Slope: 3 to 15 percent
  - Soil permeability: Moderately High
  - Erodibility: High

76.1 - 2016	Town of Hopewell Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Jeffery, Emily	
Representative:	William Grove P.E.	
Tax Map No(s):	99.00-1-56.000	
Brief Description:	Subdivision approval for the division of a 11 acre parcel into 4 residential building lots. Applicant seeking 3 variances for the 3 flag lots that will be created with the subdivision, none of which meet the required 150ft width. The project is located at (3477) Lincoln Hill Rd. in the Town of Hopewell.	

**COMMENTS:** See referral #76-2016 for project summary and comments.

77 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Lynaugh Road Properties, Inc	
Representative:	BME Associates	
Tax Map No(s):	16.00-1-46.000	
Brief Description:	Subdivision request to create 69 residential lots on a 22 acre parcel for for-sale ranch style townhomes, each with a two-car garage. The applicant was granted their previous request for the annexation of 2 acres from the Town of Victor to the Village of Victor. The project is located at 995 CR 9 in the Town of Victor.	

**COMMENTS:**

Subdivision request to subdivide a 22 acre parcel into 69 residential lots to construct 69 for-sale ranch style townhomes, which each include a 2-car garage.

- Access to the project includes 4 connections from existing roads, which will all be dedicated to the Town and Village.
- The annexation of 2.2 acres from the Town of Victor to the Village of Victor was approved on May 2, 2016.

**Additional comments to be provided at the CRC meeting.**

**OCSWCD COMMENTS:**

- No SWPPP was provided
- Project will require a 5 acre waiver, including special/specific sequencing, stabilization and inspection requirements.
- Fertilizer is called for in SWPPP note. However, it is suggested that soil samples be taken to ensure fertilizer is needed and at what amount.
- No stormwater and erosion and sediment control details page was included.

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**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
  - Type: Collamer silt loam
  - Slope: 3 to 8 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High

78 - 2016	Town of South Bristol Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Hawks Road, LLC	
Representative:	Bill Grove, PE	
Tax Map No(s):	185.10-1-2.100	
Brief Description:	Site Plan approval to demolish existing residence and construct 2 single-family residences. The residences would be connected by a common patio. Special use permit needed for the second residence as code only allows for one. The project is located at 6289 Old Post Rd in the Town of South Bristol along the West side of Canandaigua Lake.	

**COMMENTS:**

Comments to be provided at CRC meeting.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Lordstown-Manlius-Towerville complex
  - Slope: 25 to 80 percent
  - Soil permeability: Moderately High
  - Erodibility: Medium

78.1 - 2016	Town of South Bristol Zoning Board of Appeals	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Hawks Road, LLC	
Representative:	Bill Grove, PE	
Tax Map No(s):	185.10-1-2.100	
Brief Description:	Special Use Permit request to demolish existing residence and construct 2 single-family residences. The residences would be connected by a common patio. Special use permit needed for the second residence as code only allows for one. The project is located at 6289 Old Post Rd in the Town of South Bristol along the West side of Canandaigua Lake.	

**COMMENTS:** See referral #78-2016 for project summary and comments.

79 - 2016	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	New Energy Works	
Property Owner:	Ontario County IDA	

**Class Abbreviations**

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

Representative:	Thorton Engineering LLP
Tax Map No(s):	29.11-3-7.000
Brief Description:	Site Plan approval for the addition of a 21,500 sq ft single story building and a 560 sq ft two-story addition to existing office building. Other additions to the parcel include two material staging and loading areas and 32 landbanked parking spaces. The project is located at 1180 Commercial Dr in the Town of Farmington.

**COMMENTS:**

Proposed 21,500 sq ft single story building for warehousing, wood finishing and office space. Also, a 580 sq ft two-story addition on west side of existing building at the south end of the parcel, for office space. Applicant looking to collocate their Shortsville facility to Farmington to improve resources, communication and collaboration.

- Current use of 12 acre parcel: 1 large multi-use building, 1 partial two-story building, 2 small outbuildings, and a separate masonry boiler building.

**OCSWCD COMMENTS:**

- No SWPPP was provided.
- The NYS DEC stormwater permit number is incorrect on page 3 of 5.
- Fertilizer is called for in SWPPP note. However, it is suggested that soil samples be taken to ensure fertilizer is needed and at what amount.
- There are 2 slightly different construction schedules/sequences listed on the plans. Which one is to be used?
- Proper installation and maintenance of the stormwater and erosion and sediment control BMP's being proposed will be crucial.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
  - Type: Palmyra gravelly loam
  - Slope: 0 to 3 percent
  - Soil permeability: High
  - Erodibility: Medium

80 - 2016	Town of Canandaigua Town Board	Class: Exempt
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text Amendment proposal for the creation of a new Chapter 172 Illicit Discharge Detection and Elimination. The intent of the law is to regulate and govern stormwater discharges to the municipal and separate storm sewer systems.	

81 - 2016	Town of Canandaigua Town Board	Class: Withdrawn
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text Amendment to clarify the language of Chapter 220-18 to specify the principal permitted uses allowed in the SCR-1 (Southern Corridor Residential Zoning District).	

82 - 2016	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Brief Description:	Text Amendment to Chapter 220-8.1 to preserve and protect the sensitive environment of steep slope areas in the Town, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of disturbance and development to steep slope areas.
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**SUMMARY:**

- Proposed amendment to zoning code to add Section 8.1 Steep Slope Protection Law. Purpose is to conserve the sensitive environment of steep slope areas and to regulate land use within these areas in a manner which protects the public interest by minimizing by minimizing detrimental effects of disturbance and development to steep slope areas.
- Steep Slope Protection Areas (SSPA) shall include all lands having slopes 15% or greater.
- SSPA further categorized as Moderately Steep (15% to <25% slope), Very Steep (25% to < 40 %) and Extremely Steep (40% or greater).
- Activities requiring site plan approval in SSPA vary by amount of disturbance and horizontal distance to Canandaigua Lake or any open water course. All soil disturbances on a given site within 2 years will be considered in calculating the total amount of soil to be disturbed. Soil cultivation for agricultural purposes and wildlife sanctuaries/ woodland preserves/ similar Passive Park and recreation activities are exempt from the SSPA site plan approval requirement.
- Permitted uses in these areas are consistent with the underlying district requirements. Prohibited uses are listed based on slope category.
- Any development proposed on a steep slope shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize disturbance, cut and fill operations, tree removal, and alterations to the natural drainage.
- Lot coverage in SSPA shall be reduced to 90% of the allowable lot coverage for the underlying zoning district.
- Development projects may require onsite water quality treatment depending on the slope category and amount of disturbance.
- From Oct 15 – April 1 disturbed lands that are not worked for 3 days must not be left bare or exposed.
- Rolled erosion control products shall be used to stabilize slopes greater than 25%.
- Requirements included for preservation of trees within 20 feet of the Lake mean high water mark, top of slope of the shoreline cliff or toe of a gully.

**COMMENTS:**

- The Town is encouraged to review whether the possibility exists that some allowed uses within the steep slope protection areas may lend themselves to phased construction that could span greater than 2 years. The potential for phased construction should be considered.
- The Town is commended for including provisions within their code that aim to further protect the steep slope environment and regional water quality.

83 - 2016	Town of Canandaigua Town Board	Class: Exempt
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text Amendment to create a new Chapter 170 to regulate and govern stormwater management in the Town. Specifically to establish minimum management requirements for the public's safety and general health.	

84 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Mink, Bruce	
Representative:	Grove Engineering	
Tax Map No(s):	140.14-1-14.211	

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Brief Description:	Subdivision request for the division of 18.57 acre lot into a 1.68 acre lot and a 16.898 acre lot. Existing 2-story single family residence will remain. Plans to renovate existing barn/garage into a single family residence. Variances needed for front setbacks and accessory structures. Project is located at 4788 CR 16 in the Town of Canandaigua.
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**COMMENTS:**

Subdivision request to subdivide an 18.5 acre parcel into a 1.7 acre parcel (Lot #1) and a 16.9 acre parcel (Lot #2).

- Lot #1:
  - Contains an existing 2-story single family residence.
  - Variance needed for front setback: proposed is 27ft when 60ft is required.
- Lot #2:
  - Contains an existing barn/garage and tennis court.
  - Existing barn/garage to be renovated into a single-family residence.
  - Variance needed for front setback: proposed is 2.9ft when 60ft is required.
  - Existing tennis court, which is deemed a 'structure' per Town Code.
    - Variance needed for existing tennis court to be located in the side yard.
    - Variance needed since no detached accessory structure shall be closer to the street than the minimum 60ft front yard setback requirement for a principal structure.
    - Variance needed to allow the existing tennis court to be located within 100ft of a stream bed.

The referring board is encouraged to grant the minimum variance necessary.

**Additional comments to be provided at the CRC meeting.**

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Lima loam
  - Slope: 8 to 15 percent
  - Soil permeability: Moderately High
  - Erodibility: High

84.1 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Mink, Bruce	
Representative:	Grove Engineering	
Tax Map No(s):	140.14-1-14.211	
Brief Description:	Site Plan approval for the division of 18.57 acre lot into a 1.68 acre lot and a 16.898 acre lot. Existing 2-story single family residence will remain. Plans to renovate existing barn/garage into a single family residence. Variances needed for front setbacks and accessory structures. Project is located at 4788 CR 16 in the Town of Canandaigua.	

**COMMENTS:** See referral #84-2016 for project summary and comments.

84.2 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Mink, Bruce	

**Class Abbreviations**

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
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Representative:	Grove Engineering
Tax Map No(s):	140.14-1-14.211
Brief Description:	Area Variance request for the division of 18.57 acre lot into a 1.68 acre lot and a 16.898 acre lot. Existing 2-story single family residence will remain. Plans to renovate existing barn/garage into a single family residence. Variances needed for front setbacks and accessory structures. Project is located at 4788 CR 16 in the Town of Canandaigua.

**COMMENTS:** See referral #84-2016 for project summary and comments.

85 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	McMahon LaRue Associates	
Property Owner:	Morgan Canandaigua Land LLC	
Tax Map No(s):	56.00-1-55.220	
Brief Description:	Site Plan approval to construct 14 apartment buildings with 115 dwelling units, community center, and swimming pool in a PUD. The project is located at the intersection of Yerkes Rd and Brickyard Rd in the Town of Canandaigua.	

**Per Engineers Email on 6/2/16:**

- On 8/27/13 the Planning Board granted final approval for Centerpointe Apartments Phase 3 which included 122 units in 13 buildings plus a Community Center.
- Subsequently the owner determined that the cost of the proposed buildings was too high and redesigned the building.
- We resubmitted plans and appeared before the Planning Board at their 3/25/15 meeting for a site plan amendment for 115 units in 12 buildings plus a community center.
- Road, Utilities, Sidewalks, Lighting and Landscaping were unchanged.
- Plans submitted for the 6/28/16 Planning Board is the same as reviewed by the Board on 3/25/15.

Submittal was made to County Planning Board and comments were returned to the referring board. Comments are included below for your reference.

**2013 Comments**

**Agriculture**  
 This apartment development proposed is located across the street and downwind of active agricultural land in Ag. District 1. There is potential for complaints by residents about impacts such as dust, noise, odors, and pesticide application that are part of accepted farming practices.

**Surface and Subsurface Agricultural Drainage System** Any surface or subsurface agricultural drainage infrastructure that may be either onsite or in nearby fields should be delineated and measures taken to avoid any disruption to the system during or after construction. The applicant should consult with the farmers who had owned the land to identify surface and subsurface drainage infrastructure.

**Stormwater Management** (Ontario County Soil and Water Conservation District)

- Will this project require a 5- acre waiver? If so has the Town of Canandaigua (a newly designated MS4 community) appointed a Stormwater Management Officer (SMO)?
- If so, has the SMO received a copy of the SWPPP and signed the required SWPPP Acceptance form?
- The limits of clearing are not clearly shown on the plans. The limits of clearing should be shown on the plans and also clearly marked in the field prior to construction.
- On page 3 of 10 the stabilized construction entrance shown is approx. 14'x 55' however on page 9 of 10 the detail dimensions are different.
- On page 8 of 10 erosion control note #16 references staked straw bales, however, there are none shown on the plans.

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**County Sewers** (from OC Department of Public Works)

The Town of Canandaigua Development Office forwarded site plans to our office for this project. The applicant is required to submit engineering reports for these projects in accordance with 10-State Standards to the County.

1. Engineering reports must include the following and other pertinent information:
  - a. Flow: The anticipated design average and design peak flows for the existing and ultimate conditions must be established. The basis of the projection of initial and future flows must be included and must reflect the existing, or initial service area, and the anticipated future service area.
  - b. Impact on Existing Wastewater Facilities: The impact of the proposed project on all existing wastewater facilities, including gravity sewers, lift stations, and treatment facilities must be evaluated.
2. Capacity analysis is required for existing sanitary sewer systems that could potentially be impacted by additional flows from the project, namely:
  - a. The applicant is required to demonstrate that Pump Station 1N, located at 2417 State Route 332, Canandaigua, NY (corner of Aroline Drive and Fire Hall Road), has sufficient capacity to handle the projected additional flow from the proposed development.
  - b. The analysis should also include the gravity sewer upstream of the pump station and the sanitary force main that conveys flow from the pump station to the County’s interceptor on Parkside Drive.

The applicant must collect current information on flow characteristics and volumes for the sewer or sewers influent to Pump Station 1N.

**2016 COMMENTS:**

Per discussion with Town representatives the proposed development was previously approved by the Town and is being re-referred because the previous approval has expired.

Based on the documentation provided in the referral packets, the applicant is proposing to construct 115 units among 14 buildings, community center and a community pool. This represents an increase in overall construction of 2 buildings while the number of units remains unchanged.

**Additional comments to be provided at the CRC meeting.**

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property **is** located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Odessa silt loam
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately Low
  - Erodibility: Very High

86 - 2016	Town of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Subdivision	
Applicant:	Lynaugh Road Properties, Inc	
Representative:	BME Associates	
Tax Map No(s):	16.18-3-1.200; 16.18-3-1.100	

**Class Abbreviations**

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

Brief Description:	Subdivision request to create 17 residential lots on a 5.8 acre parcel for for-sale ranch style townhomes, each with a two-car garage. The applicant was granted their previous request for the annexation of 2 acres from the Town of Victor to the Village of Victor. The project is located at 188 Church Street in the Village of Victor.
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**COMMENTS:**

Subdivision request to subdivide a 5.8 acre parcel into 17 residential lots to construct 17 for-sale ranch style townhomes, which each include a 2-car garage.

- Access to the project includes 4 connections from existing roads, which will all be dedicated to the Town and Village.
- The annexation of 2.2 acres from the Town of Victor to the Village of Victor was approved on May 2, 2016.

**Additional comments to be provided at the CRC meeting.**

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
  - Type: Collamer silt loam
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High

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## 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.

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**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.

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### 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)

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