

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – August 9th, 2016 at 3:30pm**County Planning Board Meeting – August 10th, 2016 at 7:30pm**

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

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
109 - 2016	Town of Victor	Zoning Board of Appeals	Gorbel Inc.	Area Variance	AR-2	2
110 - 2016	Town of Victor	Planning Board	Bell Atlantic Mobile of Rochester, LP db	Special Use Permit	AR-1	2
110.1 - 2016	Town of Victor	Planning Board	Bell Atlantic Mobile of Rochester, LP db	Site Plan	AR-1	3
111 - 2016	Town of Victor	Planning Board	Polidori, Mauro	Subdivision	2	3
111.1 - 2016	Town of Victor	Planning Board	Polidori, Mauro	Site Plan	2	4
112 - 2016	City of Canandaigua	City Council	City of Canandaigua	Text Amendment	2	4
113 - 2016	Town of Victor	Planning Board	Dillman, Kurt	Subdivision	AR-1	4
114 - 2016	Town of Victor	Planning Board	Crown Castle	Special Use Permit	2	5
114.1 - 2016	Town of Victor	Planning Board	Crown Castle	Site Plan	2	6
115 - 2016	Town of Manchester	Planning Board	Monolith Solar Associated, LLC	Site Plan	1	6
116 - 2016	Town of Farmington	Planning Board	DiMartino, Dr. Mark	Site Plan	1	7
116.1 - 2016	Town of Farmington	Zoning Board of Appeals	DiMartino, Dr. Mark	Area Variance	1	8
117 - 2016	Town of West Bloomfield	Zoning Board of Appeals	Campbell, Alicia & Todd	Special Use Permit	1	8
118 - 2016	Town of South Bristol	Zoning Board of Appeals	Garza, Vicki & Francisco	Area Variance	Exempt	8
119 - 2016	Village of Phelps	Village Board	Village of Phelps	Text Amendment	2	8
120 - 2016	Town of Canandaigua	Planning Board	BME Associates	Site Plan	Withdrawn	9
120.1 - 2016	Town of Canandaigua	Zoning Board of Appeals	BME Associates	Area Variance	Withdrawn	9
120.2 - 2016	Town of Canandaigua	Planning Board	BME Associates	Subdivision	Withdrawn	9
121 - 2016	Town of Canandaigua	Planning Board	Harter, Scott	Site Plan	AR-2	9
121.1 - 2016	Town of Canandaigua	Zoning Board of Appeals	Harter, Scott	Area Variance	AR-2	10
122 - 2016	Town of Canandaigua	Planning Board	Westbrook, Cory	Special Use Permit	2	10
123 - 2016	Town of Canandaigua	Planning Board	Tiede, Richard	Subdivision	1	11
123.1 - 2016	Town of Canandaigua	Planning Board	Tiede, Richard	Site Plan	1	12
124 - 2016	Town of Canandaigua	Planning Board	Price, William	Site Plan	2	12
124.1 - 2016	Town of Canandaigua	Zoning Board of Appeals	Price, William	Area Variance	2	12
125 - 2016	Town of Victor	Zoning Board of Appeals	Schoenheit, Kyle	Area Variance	AR-2	13
126 - 2016	Town of Victor	Zoning Board of Appeals	Kauffman, Michael	Area Variance	1	13
127 - 2016	Town of West Bloomfield	Planning Board	Vahue, Marvin	Subdivision	AR-1	13
127.1 - 2016	Town of West Bloomfield	Planning Board	Vahue, Marvin	Site Plan	AR-1	14
128 - 2016	Town of Gorham	Zoning Board of Appeals	Venezia & Associates	Area Variance	AR-2	14
129 - 2016	Town of Gorham	Zoning Board of Appeals	Conley McCall, Linda	Area Variance	AR-2	15
130 - 2016	Village of Phelps	Zoning Board of Appeals	Mitchell, Thomas	Area Variance	AR-2	16
131 - 2016	City of Geneva	Planning Board	Finger Lakes Community Debelopment Corp	Subdivision	1	16

132 - 2016	Town of Seneca	Planning Board	Friendly Ford of Geneva	Subdivision	Withdrawn	17
132.1 - 2016	Town of Seneca	Planning Board	Friendly Ford of Geneva	Site Plan	Withdrawn	17
132.2 - 2016	Town of Seneca	Planning Board	Friendly Ford of Geneva	Special Use Permit	Withdrawn	17
133 - 2016	Town of Seneca	Planning Board	Bell Atlantic Mobile	Site Plan	2	17
133.1 - 2016	Town of Seneca	Planning Board	Bell Atlantic Mobile	Special Use Permit	2	18
133.2 - 2016	Town of Seneca	Zoning Board of Appeals	Bell Atlantic Mobile	Area Variance	2	18
134 - 2016	City of Canandaigua	Planning Board	Morgan - LeChase	Site Plan	1	18
General Information						20

109 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Gorbel Inc.	
Property Owner:	Reh Stark Real Estate 1 LLC	
Tax Map No(s):	6.00-1-58.121 6.00-1-58.122 6.00-1-58.123 6.00-1-58.124	
Brief Description:	Area Variance request for two monument signs to be placed at each entrance. The proposed signs will be 3 ft x 3 ft with an 18 ft setback from the public right of way when 35 ft is required. The project is located at 600 Fishers Run 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 Board has identified US Route 90 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 – Denial

110 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile of Rochester, LP db	
Property Owner:	Cobblestone Victor NY LLC, c/o Schottens	
Representative:	Peabody, Nixon	
Tax Map No(s):	1.02-1-8.000	
Brief Description:	Special Use Permit and Site Plan approval to replace 6 AWS antennas and add 3 PCS remote radio heads to an existing telecommunications tower, by Verizon Wireless. The applicant is also proposing to paint all of the mentioned to match the facade of the shopping plaza. The project is located in the Cobblestone Plaza off of Rte. 96 in the Town of Victor, across from Eastview Mall.	

Policy AR-8: Co-location of telecommunication equipment and accessory structures on existing towers and sites

Co-location of telecommunication equipment and accessory structures on existing towers and sites have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Proposals for specially permitted uses are not covered under this policy. Applications for new towers or increasing the height of an existing tower will require full Board review.

Final classification shall be Class 1

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on an existing tower and sites.
2. It does not include a proposal for a new tower or increasing the height of an existing tower
3. The above described application present little potential for countywide or intermunicipal impact.

Final Recommendation- The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites (Class 1).

110.1 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile of Rochester, LP db	
Property Owner:	Cobblestone Victor NY LLC, c/o Schottens	
Representative:	Peabody, Nixon	
Tax Map No(s):	1.02-1-8.000	
Brief Description:	Special Use Permit and Site Plan approval to replace 6 AWS antennas and add 3 PCS remote radio heads to an existing telecommunications tower, by Verizon Wireless. The applicant is also proposing to paint all of the mentioned to match the facade of the shopping plaza. The project is located in the Cobblestone Plaza off of Rte. 96 in the Town of Victor, across from Eastview Mall.	

COMMENTS: See referral #110-2016 for project description and comments.

111 - 2016	Town of Victor Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Polidori, Mauro	
Property Owner:	Victor Community Church	
Representative:	Land Tech	
Tax Map No(s):	16.00-1-7.100	
Brief Description:	Subdivision request to divide a 5 acre parcel into 5 residential lots. The project is located at 826 CR 9 in the Town of Victor.	

COMMENTS:

5 acre parcel zoned R-2: Residential what an existing two-family residential house and barn. Applicant seeking to create 4 additional building lots for single-family residences and attached garage, in addition to converting the existing residence to a single-family residence with an in-law suite. Sewer and water is public for this site and all proposed residences meet code setback requirements. All proposed driveways will extend off of the existing driveway, which is in the public right of way of Victor Egypt Rd. The applicant is compliant with the 50% open space requirement held by the Town, which will protect the existing Federal Wetland on the property.

DPW Comments:

County does not own, operate, or maintain the existing driveway at #826 County Road 9 as shown on the site plan. County does support the common driveway concept proposed by the applicant. Applicant may need to obtain County highway work permit depending on proposed scope of work in right-of-way.

OCSWCD Comments:

- No SWPPP was provided.
- The incorrect SPDES stormwater permit number is listed on page 2 of 3 in the construction sequence.
- On # 4 under the additional notes section fertilizer is called for. Soil tests should be considered prior to applying fertilizer to ensure it's even needed and at what amount.
- Silt fence shown on page 2 of 3 needs to be wrapped around up hill to prevent the conservation and wetland area from sedimentation.
- Individual lot erosion and sediment control is not clearly shown on the plans.
- The limits of clearing are not shown on the plans and should be.

- There are erosion and sediment control details shown on page 3 of 3 that are not shown on the grading plans. Where are these practices going to be used?

According to ONCOR:

- There is a Federal wetland are present on the property in the Northeast corner – Freshwater Emergent.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

111.1 - 2016	Town of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Polidori, Mauro	
Property Owner:	Victor Community Church	
Representative:	Land Tech	
Tax Map No(s):	16.00-1-7.100	
Brief Description:	Site Plan approval to divide a 5 acre parcel into 5 residential lots. The project is located at 826 CR 9 in the Town of Victor.	

COMMENTS: See referral #111-2016 for project description and comments.

112 - 2016	City of Canandaigua City Council	Class: 2
Referral Type:	Text Amendment	
Applicant:	City of Canandaigua	
Brief Description:	Text Amendment request to amend Chapter 850 to permit fireworks stores in the C-3 zone district.	

COMMENTS:

Proposed text amendment to include fireworks stores as a permitted use within the C-3 Heavy Commercial District.

Referring Board may want to clarify whether the proposed permitted use is meant to represent a temporary business (i.e. tents, road side stands) or whether the use is meant to represent a year round vending opportunity.

The applicant is encouraged to reach out to the local fire department and the County Emergency Management Office to ascertain their ability to respond to an emergency (fire) at a store set up for the proposed use.

113 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Subdivision	
Applicant:	Dillman, Kurt	
Property Owner:	Dillman, Allie, Don, Patricia	
Representative:	Babcock, Art	
Tax Map No(s):	39.00-1-3.100	
Brief Description:	Subdivision request to divide a 183 acre parcel into 3 parcels. Lot 1 will be approx. 51 acres, Lot 2 will be approx. 40 arces and Parcel A will be approx. 92 arces. There are no proposed changes to i n the use of the property. The project is located at 7523 CR 41 in the Town of Victor.	

Policy AR-6: Single-family residential subdivisions under five lots**The intent of this policy is to:**

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

Final Classification: Class 1

Findings

1. 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)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of onsite sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

COMMENTS:

This decision is solely based on the subdivision of the parcel into 3 parcels as the applicants have specified there are no current plans as to the development of each subdivided parcel. If /when the applicants decide on a use for the proposed parcels, site plan approval by the County Planning Board will be required. In addition, the referring agency and applicant at a minimum are encouraged to involve the Department of Public Works as early as possible to ensure access off County Rd. 41 is to county standards.

114 - 2016	Town of Victor Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Crown Castle	
Property Owner:	RHK Golf, LLC	
Representative:	Barclay Damon LLP	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Special Use Permit approval for the construction of a 140 ft monopole telecommunications tower with an additional 5 ft lightning rod and the placement of 12 panel antennas with related equipment. Applicant is also seeking modification of the conservation easement on the parcel to allow installation of the tower and vehicle access. Project is located near 912 Brownsville Rd. in the Town of Victor.	

COMMENTS:

- The tower is proposed to support a Verizon wireless deployment, with the ability to locate additional carriers.
- Verizon is listed as active on the New York State Department of Public Services Telecommunications Utility Listing.
- The proposed height of the monopole tower is 140 feet. Town code allows for telecommunication towers lower than 200 feet in height.
- Per the referral documents, it appears as though an existing laneway off of Brownsville Road will be utilized as the basis for the access road and utilities. Some logging will occur to accommodate the proposed tower and shelter location.
- A search ring / site alternate analysis was included in the referral documents.
- Does the Town have any fall zone requirements relative to the location of tower infrastructure? If so, does the location of the tower meet those requirements?
- The proposed tower will be located within an existing conservation easement. The Town of Victor Code references three different types of conservation easements (see below). The referral documents do not specifically state which type of easement is in place on this particular parcel. Without knowing what type of easement is in place it is unknown whether this development violates the terms of the easement. If the conservation easement is being modified to remove land from the legal description, the Town should consider why the easement was first instated and ensure that additional land is added to compensate for the property being removed, or that the original intent of the easement is not compromised.

211-12B{79} NATURAL RESOURCES CONSERVATION EASEMENT - A conservation easement which protects natural resources by generally requiring that the land remain in its natural state. [Added 8-27-2012 by L.L. No. 15-2012]

211-12B{111} SITE-SPECIFIC CONSERVATION EASEMENT - A conservation easement which protects a combination of open space and natural resources. [Added 8-27-2012 by L.L. No. 15-2012]

211-12B{86} OPEN SPACE CONSERVATION EASEMENT - A conservation easement which protects open space by generally prohibiting impervious areas, such as pavement and buildings, among other prohibitions. [Added 8-27-2012 by L.L. No. 15-2012]

Email sent by C. Templar dated 08.05.16 details the Town Conservation Board's review of the project. Clarification as to the type of easement was not included.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The eastern portion of the parcel located across Brownsville Rd. is located within a FEMA floodplain. No construction will occur on that portion of the parcel.
- The property is located within 500 ft. of Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Ontario fine sandy loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium

114.1 - 2016	Town of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Crown Castle	
Property Owner:	RHK Golf, LLC	
Representative:	Barclay Damon LLP	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Site Plan approval for the construction of a 140 ft monopole telecommunications tower with an additional 5 ft lightning rod and the placement of 12 panel antennas with related equipment. Applicant is also seeking modification of the conservation easement on the parcel to allow installation of the tower and vehicle access. Project is located near 912 Brownsville Rd. in the Town of Victor.	

COMMENTS: See referral #114-2016 for project description and comments.

115 - 2016	Town of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Monolith Solar Associated, LLC	
Property Owner:	Reed, Michael	
Tax Map No(s):	44.03-1-29.000	
Brief Description:	Site Plan approval for the installation of a ground mounted solar garden, consisting of 1,944 panels and 432 posts. The system will cover approximately 2.8 acres of the parent 13.6 acres. The Project is located between SR 21 and Pioneer Rd. just South of Booth St. in the Town of Manchester.	

COMMENTS:

- The proposed solar field construction will only disturb 0.1 acres, since the panels will be mounted on pile driven posts. Grass will be present under panels once installed.
- 6 ft tall fence proposed to encompass system.
- Access to system via 100 ft long and 25 ft wide gravel driveway to be extended from Canandaigua St.

According to ONCOR:

- There are State & Federal wetlands present in the center of the property – DEC Wetland 2; Freshwater Emergent.
- The eastern portion of the parcel located across Brownsville Rd. is located within a FEMA floodplain. No construction will occur on that portion of the parcel.
- The property is part of Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Canandaigua silt loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High
 - Schoharie silty clay loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

116 - 2016	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	DiMartino, Dr. Mark	
Representative:	Marathon Engineering	
Tax Map No(s):	29.65-1-2.000	
Brief Description:	Site Plan request to construct a 4,100 sq ft dental office and associated parking lot, which will include 61 parking spaces (22 to be landbanked). Area variance needed for setbacks from Route 332 and access rd. Sidewalk to be constructed as part of a nearby project through an incentive zoning agreement. The project is located on the east side of Hathaway Dr. and on the west side of SR 332.	

COMMENTS:

Proposed project is located on a 1.975 acre parcel zoned General Business and in the Major Thoroughfare Overlay District. Variances for the proposed 4,100 sq ft dental office are needed for required setbacks from the access road, Hathaway Dr., and from SR 332.

- 1.70 acres are to be disturbed – SWPPP is needed, but was not provided with the application.

OCSWCD Comments:

- The incorrect SPDES permit number is listed on page 3.0.
- No erosion and sediment control details were provided for review.

According to ONCOR:

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

- Erodibility: High
- Hemlock silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

116.1 - 2016	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	DiMartino, Dr. Mark	
Representative:	Marathon Engineering	
Tax Map No(s):	29.65-1-2.000	
Brief Description:	Area Variance request to construct a 4,100 sq ft dental office and associated parking lot, which will include 61 parking spaces (22 to be landbanked). Area variance needed for setbacks from Route 332 and access rd. Sidewalk to be constructed as part of a nearby project through an incentive zoning agreement. The project is located on the east side of Hathaway Dr. and on the west side of SR 332.	

COMMENTS: See referral #116-2016 for project description and comments.

117 - 2016	Town of West Bloomfield Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Campbell, Alicia & Todd	
Tax Map No(s):	65.10-1-16.000	
Brief Description:	Special Use Permit request to convert a building into an antique gift shop. The project is located at 9018 Main St. in the Town of West Bloomfield.	

COMMENTS:

Additional comments to be provided at CRC meeting.

118 - 2016	Town of South Bristol Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Garza, Vicki & Francisco	
Property Owner:	Garza Communications Inc. PSP	
Tax Map No(s):	195.05-1-19.000	
Brief Description:	Area Variance approval for the construction of a 5.5 ft x 12 ft addition to a single family house that will house a bathroom and washer/dryer units. Variance needed for side setback, which requires 10 ft when 8.5 is proposed. Project is located at 7101 SR 21 in the Town of South Bristol.	

119 - 2016	Village of Phelps Village Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Phelps	
Brief Description:	Text Amendment approval to amend Village zoning law schedules, specifically the deletion and creation of footnotes and addition of a new permitted principal use to the C-2 Commercial District.	

COMMENTS:

Proposed text amendment to;

- Add – One or more dwelling units in combination with other C-2 District permitted uses as a principle permitted use within the C-2 Commercial District.
- Add footnotes pertaining to the Schedules for the various zoning districts. Footnotes direct users to additional areas of code that may pertain to their use (i.e. "Research, Engineering and Light Manufacturing is further regulated in

Section 175-10.8 of this Chapter of Village Code.”).

120 - 2016	Town of Canandaigua Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	BME Associates	
Property Owner:	RSM West Lake Road, LLC	
Tax Map No(s):	112.00-1-24.100	
Brief Description:	Site Plan and Area Variance approval to develop 16 single-family residential lots on a 72 acre parcel, where 40 acres will be kept as open space. Multiple lots require variances for front and side set backs. Project is located on 3950 West Lake Rd. in the Town of Canandaigua.	

120.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: Withdrawn
Referral Type:	Area Variance	
Applicant:	BME Associates	
Property Owner:	RSM West Lake Road, LLC	
Tax Map No(s):	112.00-1-24.100	
Brief Description:	Site Plan and Area Variance approval to develop 16 single-family residential lots on a 72 acre parcel, where 40 acres will be kept as open space. Multiple lots require variances for front and side set backs. Project is located on 3950 West Lake Rd. in the Town of Canandaigua.	

120.2 - 2016	Town of Canandaigua Planning Board	Class: Withdrawn
Referral Type:	Subdivision	
Applicant:	BME Associates	
Property Owner:	RSM West Lake Road, LLC	
Tax Map No(s):	112.00-1-24.100	
Brief Description:	Site Plan and Area Variance approval to develop 16 single-family residential lots on a 72 acre parcel, where 40 acres will be kept as open space. Multiple lots require variances for front and side set backs. Project is located on 3950 West Lake Rd. in the Town of Canandaigua.	

121 - 2016	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Harter, Scott	
Property Owner:	Salerno, Noreen	
Tax Map No(s):	140.14-1-19.000	
Brief Description:	Site Plan and Area Variance approval to demolish existing residence and construct a new single-family residence, carport and reposition the driveway. Multiple area variances needed for house setbacks along with driveway and carport setbacks. Project is located at 4795 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:

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

DPW Comments:

County highway work permit may be required for this project. Plans should be sent to County DPW for review.

121.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Harter, Scott	
Property Owner:	Salerno, Noreen	
Tax Map No(s):	140.14-1-19.000	
Brief Description:	Site Plan and Area Variance approval to demolish existing residence and construct a new single-family residence, carport and reposition the driveway. Multiple area variances needed for house setbacks along with driveway and carport setbacks. Project is located at 4795 CR 16 in the Town of Canandaigua.	

COMMENTS: See referral #121-2016 for project description and comments.

122 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Westbrook, Cory	
Property Owner:	Miller, Mike	
Tax Map No(s):	98.08-1-16.000	
Brief Description:	Special Use Permit request to allow temporary parking on property for CMAC concerts. The applicant is proposing 73 parking spaces on their 0.76 acre parcel. This use is an allowable use in R-120 district. The project is located at 3311 SR 364 in the Town of Canandaigua.	

COMMENTS:

Applicant seeking the approval to allow temporary parking during the summer concert season at CMAC. The parking will include 69 spaces 10 ft x 20 ft and 4 handicap spaces at 15 ft x 20 ft. All driving aisles will be 24 wide and will be a one-way circulation. Access in and out of the parcel will be off of SR 364, with the handicap spaces located directly to the right and left of the entrance.

Per the applicant:

- Hours of operation on concert nights will be 5pm – 10pm, with 2 attendants staffing the parking area from 5pm – 8pm and 1 attendant from 8pm – 10pm.
- A fence will be erected along the west-side of the parcel. All other lot lines are bounded by heavy brush.

- Per aerial – it is suggested the southeast corner of the lot is bounded, to ensure no traffic will use lower drive to access or exit the parking area on the surrounding parcel.
- Tailgating will not be permitted.

123 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Tiede, Richard	
Property Owner:	S & J Morrell Builders	
Tax Map No(s):	112.00-1-70.100	
Brief Description:	Subdivision and Site Plan approval for section 9B of a large cluster subdivision to develop 230 single-family lots on a 183 acre parcel. Section 9B includes the construction of 24 single-family homes. Project is located at 3990 Middle Cheshire Rd. in the Town of Canandaigua.	

COMMENTS:

The proposed project was previously reviewed for site plan and subdivision recommendation in January 2015 as referral #6-2015 and 6.1-2015. The findings from that meeting are included below.

Findings:

The farmland (“the Wyffels farm”) to the south of the project was permanently protected for agricultural use when the Town purchased the development rights with a NYS Farmland Protection Implementation Grant and Town funds. The Ontario County Agricultural Enhancement Board supported the project in a letter to the NYS Department of Agriculture and Markets dated June 28, 2006 stating,

“The protection of this farm advances both the Town’s and County’s goals of protecting viable agricultural land. It is consistent with the Ontario County Agricultural Enhancement Plan...(AEP)”

The Ontario County AEP implementation strategy states that the §239 referral review process conducted by the CPB should be used to evaluate potential present and future impacts on agriculture of a project or action under review. That role is of particular importance for this project since it involves permanently protected farmland.

Assuring the long term viability of farmland is depends on the ability to conduct accepted agricultural management practices and maintain an adequate land base. The 2006 configuration of the road and open space allowed buffering and a larger area of contiguous farmland.

The current proposal does not document the location of surface and subsurface agricultural drainage systems on the project site and assess whether they are connected to, or have an impact on the drainage system on the protected farmland.

Board Motion 2: *Retain referral # 6-2015 and # 6.1-2015 as a Class 2s and return them to the referring board with a recommendation of approval with the following modifications:*

1. *Reconcile the amount and location of open space that was indicated on the previous cluster subdivision proposal with that included in the current referral. The planning board will determine how this proposal deviates from the NYS DAM grant application for the PDR of the Wyffels farm and what is the justification for that change.*
2. *Document the agricultural infrastructure of the current site including the surface and subsurface agricultural drainage and its functional relationship to the system on the protected farmland and determine any needed measures that must be taken to maintain that infrastructure.*
3. *Work with the applicant to identify alternate site plan configurations that would leave larger blocks of contiguous open space that could be used for agriculture and potential relocation or elimination of the Middle Cheshire Rd. access road.*
4. *Consult with the Ontario County Agricultural Enhancement Board regarding the potential impacts of this project on the protected farmland.*

August 2016 COMMENTS:

Additional comments to be provided at CRC meeting.**OCSWCD Comments:**

- A full SWPPP was not provided.
- All erosion and sediment control practices must be installed as per the approved NYS DEC Standards & Specifications for erosion control.
- Page #s appear to be labeled incorrectly for the erosion control notes. Page C 4.2 says to see page C4.2 for erosion control notes, when the erosion control notes actually occur on page C 4.3.
- On page C 4.3 erosion control notes 12 calls for fertilizer. Soil test should be considered before any fertilizer is applied to ensure that it's needed.
- A rain garden is listed in the construction notes, but I didn't notice it shown on the plans.
- Some erosion control practices are shown on the details sheet page C 4.4 but not shown on the plans.

123.1 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Tiede, Richard	
Property Owner:	S & J Morrell Builders	
Tax Map No(s):	112.00-1-70.100	
Brief Description:	Subdivision and Site Plan approval for a cluster subdivision to develop 230 single-family lots on a 183 acre parcel. Project is located at 3990 Middle Cheshire Rd. in the Town of Canandaigua.	

COMMENTS: See referral #123-2016 for project description and comments.

124 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Price, William	
Property Owner:	Wegman, Daniel & Konstanze	
Tax Map No(s):	140.18-1-10.100	
Brief Description:	Site Plan and Area Variance approval for the redesign of a lap pool. Applicant previously received site plan and area variance approval in Decemeber 2015, by referring board. The applicant is once aga in asking for area variances for the perimeter and length of the pool and the setback from the stream. Project is located at 4895 CR 16 in the Town of Canandaigua.	

COMMENTS:

Applicant proposing to construct a 20 ft x 50 ft (150 ft perimeter) lap pool and associated deck. Variances needed for:

- Length of pool: 40 ft allowed, while 50 ft proposed.
- Perimeter of pool: 125 ft allowed, while 150 ft proposed.
- Setback from stream: 100 ft allowed, while 52 ft proposed.

124.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Price, William	
Property Owner:	Wegman, Daniel & Konstanze	
Tax Map No(s):	140.18-1-10.100	
Brief Description:	Site Plan and Area Variance approval for the redesign of a lap pool. Applicant previously received site plan and area variance approval in Decemeber 2015, by referring board. The applicant is once aga in asking for area variances for the perimeter and length of the pool and the setback from the stream. Project is located at 4895 CR 16 in the Town of Canandaigua.	

COMMENTS: See referral #124-2016 for project description and comments.

125 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Schoenheit, Kyle	
Property Owner:	14 Island Holdings LLC	
Tax Map No(s):	15.00-1-14.212	
Brief Description:	Area Variance approval to mount a monument sign for Karate Academy. The proposed sign is 32 sq ft when only 20 sq ft is allowed and 20 ft from pavement edge when 35 ft is required. The project is located at 7235 SR 96 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 Board has identified State Route 96 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.

B. 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:

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

Final Recommendation – Denial

126 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Kauffman, Michael	
Property Owner:	Eastview Mall LLC	
Brief Description:	Area Variance request to replace all current site lighting at Eastview Mall with LED lighting, which would be consistent to the lighting that is currently in place around Von Maur. 25 ft height variance need for the current free standing 50 ft poles. Project is located at 100-1020 Eastview Mall Dr. in the Town of Victor.	

COMMENTS:

Applicant proposing to replace all light fixtures located around Eastview Mall over the course of 8 years. Sodium lighting is currently installed with 2 head fixtures per pole. The proposed will install LED lighting and increase the number of head fixtures to 4, however this will result in a reduction of watts per pole, by almost half. LEDs do not emit as concentrated light, thus the reason of more head fixtures, but they do not use more power, therefore saving money and reducing “hot spots” around the parking lot. Variance is need for the height of the poles. Though utilizing existing 50 ft poles code only allows 25 ft and any change to fixtures requires new variance.

127 - 2016	Town of West Bloomfield Planning Board	Class: AR-1
Referral Type:	Subdivision	
Applicant:	Vahue, Marvin	
Representative:	McMahon LaRue Assoc., P.C.	
Tax Map No(s):	51.00-1-5.114	
Brief Description:	Subdivision and Site Plan approval to divide a 23 acre parcel into 4 residential lots with modified raised fill septic systems. Project is located at the corner of West Bloomfield-Pittsford Rd. and CR 14 in the Town of West Bloomfield.	

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

Final Classification: Class 1

Findings

1. 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)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of onsite sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

DPW Comments:

County highway work permit may be required for this project. Plans should be sent to County DPW for review.

127.1 - 2016	Town of West Bloomfield Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Vahue, Marvin	
Representative:	McMahon LaRue Assoc., P.C.	
Tax Map No(s):	51.00-1-5.114	
Brief Description:	Subdivision and Site Plan approval to divide a 23 acre parcel into 4 residential lots with modified raised fill septic systems. Project is located at the corner of West Bloomfield-Pittsford Rd. and CR 14 in the Town of West Bloomfield.	

COMMENTS: See referral #127-2016 for project description and comments.

128 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	Hinett, Kenneth & Sandra	
Tax Map No(s):	141.17-2-25.000	
Brief Description:	Area Variance approval for North and South sideyard setbacks on a proposed 1-story single family residence. Existing residence and associated detached garage will be demolished prior to construction of proposed structure. Project is located at 5006 CR 11 in the Town of Gorham.	

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.
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

129 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Conley McCall, Linda	
Representative:	Smith, Charles	
Tax Map No(s):	127.11-1-35.000	
Brief Description:	Area Variance approval to demolish existing residence and construct a new single-family residence. Proposed structure does not meet the required side-yard and right of way setback, height allowance, n or the allowed parcel coverage. The project is located at 4248 SR 364 in the Town of Gorham.	

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.
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

130 - 2016	Village of Phelps Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Mitchell, Thomas	
Tax Map No(s):	47.08-2-41.100	
Brief Description:	Area Variance approval to allow the use of two signs to advertise applicants hot dog and catering business. Project is located at 129 Main Street in the Village of Phelps.	

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 State Route 96 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.

C. 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:

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

Final Recommendation – Denial

131 - 2016	City of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Finger Lakes Community Development Corp	
Property Owner:	Our Lady of Peace Parrish	
Representative:	Clark Surveyors	
Tax Map No(s):	104.80-1-63.000 104.80-1-63.100 104.80-1-63.200	
Brief Description:	Subdivision approval to create two parcels, Lot 1 = .4 acres and Lot 2 = 1.2 acres, from 3 parent parcels. Applicant seeks to repurpose the old St. Francis Desales School into 16 one-bedroom units for seniors. Project is located at 110 Exchange St. in the City of Geneva.	

COMMENTS:

132 - 2016	Town of Seneca Planning Board	Class: Withdrawn
Referral Type:	Subdivision	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Subdivision approval to re-subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

132.1 - 2016	Town of Seneca Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Site Plan approval to re-subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

132.2 - 2016	Town of Seneca Planning Board	Class: Withdrawn
Referral Type:	Special Use Permit	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Special Use Permit approval to re-subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

133 - 2016	Town of Seneca Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile	
Property Owner:	Giera, John	
Tax Map No(s):	117.00-1-2.100	
Brief Description:	Site Plan, Area Variance and Special Use Permit approval to locate a new 115 ft telecommunications tower in an ag. district with no coverage. The tower will have the capacity to hold up to 4 carriers and will be located on 0.23 acres of a 237.7 acre parcel, which will be leased from the landowner. Project located at 3717 Post Lane Rd. in the Town of Seneca.	

COMMENTS:

- The tower is proposed to support a Verizon wireless deployment, with the ability to locate additional carriers.
- Verizon is listed as active on the New York State Department of Public Services Telecommunications Utility Listing.
- The proposed tower location is located at the near high point on the leased parcel.
- Per the referral documents, it appears as though an existing laneway off of flint road will be utilized as the basis for the access road and utilities. Some logging will occur to accommodate the proposed tower and shelter location.
- A search ring / site alternate analysis was included in the referral documents.
- An area variance is required. Applicant is requesting construction of a 115 ft. tower when code currently limits towers heights at 100 ft. *The local board is encouraged to grant the minimum variance necessary.*
- Does the Town have any fall zone requirements relative to the location of tower infrastructure? If so, does the location of the tower meet those requirements?

According to ONCOR:

- There are multiple Federal and State wetlands present on the property – DEC wetland 3; Freshwater Forested/Shrub

Wetland. No construction will occur near the wetlands.

- The parcel is not located within a FEMA floodplain.
- The property is part of Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Lima loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium

133.1 - 2016	Town of Seneca Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile	
Property Owner:	Giera, John	
Tax Map No(s):	117.00-1-2.100	
Brief Description:	Site Plan, Area Variance and Special Use Permit approval to locate a new 117 ft telecommunications tower in an ag. district with no coverage. The tower will have the capacity to hold up to 4 carriers and will be located on 0.23 acres of a 237.7 acre parcel, which will be leased from the landowner. Project located at 3717 Post Lane Rd. in the Town of Seneca.	

COMMENTS: See referral #133-2016 for project description and comments.

133.2 - 2016	Town of Seneca Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Bell Atlantic Mobile	
Property Owner:	Giera, John	
Tax Map No(s):	117.00-1-2.100	
Brief Description:	Site Plan, Area Variance, and Special Use Permit approval to locate a new 117 ft telecommunications tower in an ag. district with no coverage. The tower will have the capacity to hold up to 4 carriers and will be located on 0.23 acres of a 237.7 acre parcel, which will be leased from the landowner. Project located at 3717 Post Lane Rd. in the Town of Seneca.	

COMMENTS: See referral #133-2016 for project description and comments.

134 - 2016	City of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Morgan - LeChase	
Brief Description:	Site Plan approval for Phase II of the Pinnacle North Project located on Lakeshore Dr., including the construction of 158 residential units, 10,000 sq ft of commercial space, 305 parking spaces, and 1 story garage.	

COMMENTS:

Applicant seeking approval for Phase II of Pinnacle North Project. Phase I is currently in the development phase, since June 2015. Phase II is consistent with the original Revised July 2013 Sketch Plan and will include the construction of 4 buildings:

- C-1: 5-story building with 1-story garage
- C-2: 4-story building
- D: 4-story building with 1-story garage
- Clubhouse with attached outdoor pool

Phase II will also include the construction of the private drive extending Northshore Boulevard east to Muar Street.

Comments previously provided by the Board have centered on the issue of access and circulation, including those listed below from March 2014 – CPB Referral #17-2014.

- **Access** – While the majority of the previous comments relative to the traffic, parking and pedestrian access have been addressed, an overlying concern regarding the impact on accessibility by those individuals utilizing the lakefront for recreational purposes remains. Analysis should be performed proactively to ascertain any potential impacts on adequacy of pedestrian and bicycle access and parking particularly for the general public using the public park and attending special events such as the Waterfront Arts Festival.

A parking study after Phase 1 is at 90% capacity will likely not capture the parking related issues. There will still be land open for ‘informal’ parking such as vacant lots. The Lot behind the Hess Station will have much more pressure after the project builds out and park and lakeshore visitors are competing with patrons, residents and their guests for space after buildout. At a minimum, a current baseline parking study for the lake shore area to determine current location and space needs for park/lakeshore visitors should commence as soon as possible.

- **Bicycle Circulation** The proposed North Shore Blvd. will create a new linkage between important existing bike trail along Rt. 5 & 20 and other recreational destinations such as Roseland Water Park. The “Share the Road” solution for bicyclists to use North Shore Blvd. as the linkage places bicycles in an area that will be very congested with vehicles going through or looking for a parking space, and cars parallel parking along the boulevard with doors that will be opening into the roadway creating very hazardous conditions. The shared roadway for bicycle use should be reevaluated and an off road or grade separated bike way be incorporated into the overall plan. Shared roadways work best in areas with little congestion.

The North Shore development still presents a concern to overall accessibility of the lakefront by individuals not residing within the proposed development. The referring Board is encouraged to ensure sufficient parking and safe access to and through the development area is provided.

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.

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 I

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.

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)

