

ONTARIO COUNTY PLANNING BOARD**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

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

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					REFERRAL	
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May 11, 2016 Meeting Attendance

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

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

Staff Present: Maria Rudzinski, OCPD; Regina Connelly, OCPD

Guests Present: Fritz Minges, Maura Ryan Minges (Ryan /Minges); Glenn Thornton (New Energy Works); Sage Gerling, Pat Guard (City of Geneva); Pat Liberti, Dave Nellis, Jim Mason, Lubin Mason, Gene Pratt, Mary McCarthy, Julie Dayle, Tom Hooker, Ken Curry, Nan Hooker, Ruth Nellis, Allen Ibrisivouc, Bob Cantwell (Gullace Project); Deb Najarro, Poruce Habbenfield, William Ferris, Doug Eldred (Ferris Terrace).

Call to Order/Roll Call: Chair Jaylene Folkins called the 6/8/16 County Planning Board meeting to order at 7:35 p.m., and requested Ms. Connelly do roll call. Upon completion of roll call, Ms. Connelly reported that fifteen (15) members were present meeting quorum requirements.

Minutes:

- April 13, 2016:** Motion was made by Louis Perryman, seconded by Dave Wink to approve the April 13, 2016 minutes as presented.
Eight (13) in Favor, 0 Opposed, 2 Abstention (Carol O'Brien, Arthur Babcock). Motion carried.
- May 11, 2016:** Motion was made by Steve Groet, seconded by Leonard Wildman to approve the May 11, 2016 minutes as presented.
Eight (11) in Favor, 0 Opposed, 4 Abstention (Tim Maher, Carol O'Brien, Arthur Babcock, Dan Holtje). Motion carried.

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
 - Soil permeability: Moderately High
 - Erodibility: Medium

CPB COMMENTS:

It is strongly recommended the Town boards update their communications tower code to be written closer to the requirements of the FAA.

Board Motion: Referral #72-2016, #72.1-2016 & #72.2-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Arthur Babcock

Seconded by: Tim Maher

Vote: 13 in favor, 1 opposed (Dan Holtje), 1 abstentions (Glen Wilkes). Motion carried.

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 Zoning Board of Appeals	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, Equitable, Connected and Sustainable".	

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.
- **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.

Board Motion: Referral #74-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Dave Wink

Seconded by: Leonard Wildman

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

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:

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.

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 is sufficient.

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

Canandaigua Watershed Council Comments: Kevin Olvany

The proposed 4 unit subdivision of the 10 acre Jeffery property on Lincoln Hill Road has several challenges and issues associated with it that could have negative impacts on neighborhood character, water quality/quantity (drainage) and visual aesthetics.

Lincoln Hill Road properties can be divided into two main development approaches- small- 1-2 acre lots that have short driveways and houses near the road and more rural lots with long driveways on larger 5-10 acre lots. These two approaches are compatible as they are based on the size and dimension of the lot. The proposed subdivision is not compatible with the existing development patterns as they are trying to maximize the number of lots by putting long driveways on lots that are less than 3 acres in size. In addition, the proposed subdivision map shows a house/driveway layout that is not realistic due to the potential for lake views on the property. The driveways will have to be substantially extended to put the house in a location that has a better potential to see the lake.

The three curb cuts seem excessive and should be consolidated. The southernmost curb cut goes through a 30 foot wide access that will negatively impact both neighbors. Will this driveway need variances due to the close proximity to the neighboring properties? The curb cut will also need to move a utility pole and has other potential impacts. This curb cut should be eliminated and consolidated with the curb cut to the north. The northern most lot seems unrealistic as mature evergreens will permanently block the view of the lake thus greatly reducing the development potential of this lot.

The four leach fields, houses, driveways, swales and other grading features make it probable that more than 5 acres will be disturbed, thus likely requiring the applicant to provide post construction stormwater management for the development. Has this been considered as part of the subdivision application? The location of these features should be considered. Offsite drainage and onsite drainage generated by the development is not identified on the map and should be located so as to best determine where the drainage will go so it does not impact neighboring properties. This is a common occurrence with the high intensity storms that we have been experiencing and can have substantial negative impacts on neighboring properties.

This subdivision should attempt to match the existing development patterns for the rural eastern lots on this road by subdividing into two lots that are at least 5 acres in size. This approach would match the neighborhood character, protect water quality, eliminate the need for post construction water quality/quantity management, reduce infrastructure costs for the development, and reduce the visual impact from the development.

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

CPB JUNE 8, 2016 COMMENTS:

- The ZBA is encouraged to consider the cumulative negative impact of residential development on Canandaigua Lake view shed and the compatibility of the development with the surrounding area.
- The referring board is encouraged to heed Kevin Olvany's comments in regards to the proposed development not fitting with the character of the surrounding neighborhood.
- The referring board is also encouraged to consider the development of flag lots is a discouraged practice and will add three curb cuts to the current drive for the existing residence which can create hazardous situations.

Board Motion: Referral #76-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Dave Wink

Vote: 14 in favor, 1 opposed (Dan Holtje), 0 abstentions. Motion carried.

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.	

NOTE: Previous submittal in June 2014

<u>Village</u>	<u>Town</u>
15 units – 2014	100+ Apt units – 2014
17 units – 2016	69 townhomes – 2016

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.

It is recommended any hammerhead roads that may be the result of the proposed phased development, be constructed to adequately accommodate emergency vehicles.

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.

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

CRC COMMENTS:

There was a concern from the public in regards to the lot size and the size of the proposed single family homes in the Village section of the project. The applicant has applied for cluster development both in the Town and the Village, which allows the applicant to request reductions in development standards including lot size, side and front yard setbacks. In return the applicant is proposing to provide the Village with a 0.68 acre park and to the Town they are reducing the allowable project yield for cluster development under MD zoning, which is 171 apartment units to 69 townhomes. This will increase common open space between structures and reduce the projected traffic.

CPB Public Comments:

- This project will increase traffic and congestion on Lynaugh and CR9/Church St. and at the intersections with SR 96 making travel more hazardous.
- Residents who live along the south boundary of the project currently have very significant problems with water in their basements due to natural springs and groundwater. There is great concern that this project will make the situation much worse.
- Victor CDS is already crowded and voters have had to vote to override the tax cap. The addition of more residences will increase the number of school children and worsen the situation.

Board Motion: To accept late referral #86-2016 & #86.1-2016 for consideration on the June Meeting Agenda in conjunction with referrals #77-2016 & 77.1-2016, as the comments are the same for both referrals.

Motion made by: Leonard Wildman

Seconded by: Dave Wink

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

Board Motion: Referrals #77-2016, #77.1-2016, #86-2016 & #86.1-2016 be changed to a Class 2.

Motion made by: Glen Wilkes

Seconded by: Leonard Wildman

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

Findings

1. The project is located in both the Town and Village of Victor and impacts from this project on groundwater and stormwater can have inter-municipal impacts on residents of both communities.

2. There are existing issues related to water in basements in homes along the south boundary of the project that could be exacerbated if not adequately addressed as part of project planning and engineering.

Board Motion: Referrals #77-2016, #77.1-2016, #86-2016 & #86.1-2016 be retained as a Class 2 and returned to the local board with the following modifications:

1. The referring board will require that additional analysis be completed by the applicant to further investigate the impact that the proposed development and stormwater management system could have and include any changes that are necessary to mitigate potential adverse impacts on the adjoining residents from changes in surface and/or groundwater associated with this project.

Motion made by: Dave Wink

Seconded by: Jim Mueller

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

77.1 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Lynaugh Road Properties, Inc	
Representative:	BME Associates	
Tax Map No(s):	16.00-1-46.000	
Brief Description:	Site plan request associated with the creation of 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.	

See referral #77-2016 for project summary, comments and Board action.

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: George Barden, Canandaigua Lake Watershed Inspector

On May 23, 2016, this office approved an onsite wastewater treatment (septic) system repair/replacement system for an existing three (3)-bedroom residence at the property referenced above. (Copy of approval letter enclosed). This system that this office approved, consists of a 1,250-gallon septic tank, a 1,000 gallon pump tank, pumping to three (3)-peat moss module units installed on a level gravel pad, as shown on those plans titled : "Puraflo Peat Module Replacement Septic System - Ryan Cottage 6289 Old Post Road. Since it was relayed to this office that this design was for a repair replacement of an existing system for an existing residence, this office is allowed to review and subsequently approve such a system.

Today, June 3, 2016, this office received a Proposed Steep Slope Site Plan for the same property referenced above showing two (2)-proposed new dwellings on the same parcel referenced above, dated May 23, 2016. This is in complete contrast as to what this office approved on May 23, 2016, which creates the following problems:

1. New York State Department of Health (NYSDOH) categorizes "Peat Moss Module" systems as an Alternative system under NYS Public Health Law 201(1)(1) Wastewater Treatment Standards - Residential Onsite Systems - Appendix 75-A. This document is required to be followed for new construction / new build of a residence. Per this document and the NYSDOH, Alternative systems are required to be reviewed for approval by the NYSDOH, not this office. This office is allowed to review such systems as a repair / replacement only where there is an existing residence.
2. NYSDOH and this office considers a tear down / rebuild to be "new construction". The plan submitted to this office today shows two (2)-new residences on the above referenced property, and area where the existing residence was located on the previous approved plan is gone and a larger three (3)-bedroom foot print dwelling is shown and under a different name.
3. It has been brought to the attention of this office that the existing residence at 6289 Old Post Road is being torn down today June 3, 2016, as I write this letter. As a result of all that I have outlined above, this office has no choice but to pull the approval of a repair / replacement system issued on May 23, 2016, and it is now Null and Void.

Comments: Kevin Olvany, Canandaigua Lake Watershed Manager

I have reviewed the Site Plan and construction notes for the proposed development and offer the following comments:

- The driveway installed last year is part of the common plan of development and needs to be included in the disturbed area calculations. Although the applicant claims that the proposed disturbed area is 0.68 acres- measurements on GIS show that it is closer to 1 acre. This measurement should be verified with a map specifically showing the disturbed area.
- The Steep slope site plan shows one row of silt fence as the extent of the erosion and sediment control protection. The sequence of construction notes mentions check dams, but they are not identified on the plan. The entire disturbed area is at least 15% slope with large portions greater than 25% slopes- thus increasing the potential for major runoff.
- There should be additional rows of silt fence considered on the uphill side of the house, check dams on the driveway swale need to be identified on the plan, a more detailed sequence of construction that will limit the amount of disturbance at any one time, erosion control blankets along with straw should be required to be part of the approval and with the close proximity to the lake- the length of time before stabilization should be reduced to 3 days.
- There are probable concentrated flow paths coming from the site and hitting the silt fence- this is especially true on the south side of the Minges house- this needs to be handled in way that does not compromise the silt fence.
- The Steep Slope Law for South Bristol requires that “all existing and proposed natural or artificial drainage courses shall be on the plans along with their drainage capacity. Plans shall calculate the drainage capacity of the most immediate downstream drainage culvert for the ten-year design storm and determine if it can handle the increase from the proposed construction”. The 36 inch driveway culvert along with the drainage generated by the development should be provided as part of the application. How will the roof drainage and concentrated flow channels created as part of this development be routed down the cliff area without exacerbating erosion issues.
- The offsite drainage that flows through this area needs to be safely routed around the disturbed area in a non-erosive manner so as to not impact the development site.
- Is the Tramway existing or proposed- if it is proposed it needs to be on the plans as part of the disturbed area.
- Any additional docking system proposals should be shown on the plans to better understand the scope of the project
- The location of the houses at the edge of the cliff area is concerning. We have seen numerous cliff failures in this dynamic shale environment that is unstable. Landowners have incurred major costs to attempt to stabilize these areas due to the proximity of the house to the cliff area. The applicant and Town Planning Board should consider a greater set back from the edge of this area. We have recommended at least 50 feet in the past to provide a minimal buffer.
- The site is going to lose a lot of trees as part of this development. There should be a more detailed plan to maximize the number of trees that will be saved as part of this development- especially at the top of the cliff area. The trees do a tremendous job in holding the soil and shale together.
- Both driveways cross neighboring properties before entering onto the shared driveway/private drive- are there adequate easements that allow for this access.

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

CRC COMMENTS:

Per George's comments on June 3, 2016, the septic proposed for the southernmost house is inadequate. The applicant informed the board that they had spoken with their engineer, who redesigned a septic system and submitted it to George for review on June 7, 2016.

Per George Barden email on 6/8/16:

Because this is a new submission from the Approval I granted and then had to withdraw for a repair / replacement system,-----and this is now new construction for not one (1), but two habitable dwellings on one (1)-parcel, I am needing another Application form filled out along with review fee.

Once George receives the application he will complete the review and provide it to the applicant. He does have a meeting with Sheryl Robbins, P.E. of the New York State Department of Health (NYSDOH) office, and she scheduled a meeting with George, and Phil Sommer, C.E.O of South Bristol for Monday at 1:30 P.M.

There was also discussion on why the applicants are not subdividing the parcel. The concern being, if the applicants were to subdivide the applicants would be at risk of not meeting code for required setbacks. The applicants did state they have designed the site plan to taking into account a future subdivision, and that both structures would still meet the current setback requirements if the parcel were subdivided.

June 8, 2016 Meeting CPB COMMENTS:

The referring board is encouraged to:

- Have their Town Engineer review the proposed stormwater infrastructure; and
- Make sure there is enforcement of the required stormwater practices before, during and after construction, to ensure the impacts to the watershed and Lake are minimal.

Findings:

1. CPB bylaws establish the Board's interest in protection of water quality and the natural resources of Canandaigua Lake.
2. Construction on this parcel is severely constrained by a combination of steep slopes (in excess of 25% slope)and highly erodible soils. Go to [ONCOR Soils Report](#) for the detailed soil report for this parcel for additional detail.
3. The increasing frequency of high intensity short term storm/rainfall events in the area has caused serious washouts and adverse impacts on water quality on similarly situated projects in the area with similar slope and soil conditions.

Board Motion: Referral #78-2016 & #78.1-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with the following modifications;

Modification #1: The referring Board will not take action on granting site plan approval until George Barden, Canandaigua Lake Watershed Inspector and Sheryl Robbins, P.E. of the New York State Department of Health (NYSDOH) office have completed their review and concurred on the required onsite wastewater treatment systems and submitted their reports to the referring Board.

Modification #2: The referring Board will not take action until full compliance with the Town Steep Slopes regulations has been met and compliance with NYS Construction SPEDES has been verified.

Modification #3: The referring Board should not take action until all of the above concerns and questions brought up by George Barden from Ontario County Soil and Water Conservation District and Kevin Olvany from the Canandaigua Lake Watershed Council have been addressed to the local board's satisfaction.

Motion made by: Steve Groet

Seconded by: Dave Wink

Vote: 14 in favor, 0 opposed, 1 (Albert Crofton, S. Bristol) abstention. Motion carried.

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 and Board action.

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

CRC COMMENTS:

Question on what will be stored in the proposed outdoor staging areas? How much? How long? There is a concern that any outdoor storage can create an eyesore for the surrounding area.

Per Engineer Glen Thorton on 6/8/16:

The outdoor storage depicted on the New Energy Works site plan that was questioned by the CRC is stacked timbers that have been reclaimed from various building demolitions. Some is barn wood siding but most consists of large hardwood structural members that will be milled for timber frame building construction which N.E.W. is known to construct. Their existing storage yard as you can see in aerial photograph is fairly extensive and comprises most of the stoned area north of their primary buildings.

They recently inventoried their yard and found that a significant amount of the stacked timber storage is of no value and will be disposed, leaving a lesser amount of necessary outdoor storage area. The new finishing building will be constructed upon an existing stoned storage area that has been vacated.

I also want you to know that I spoke with P.J. yesterday and discussed his comments. I believe that he is satisfied that our plans have satisfactorily addressed his soil erosion concerns but he would like us to consider implementation of some "green infrastructure" practices if feasible. The Town Engineer has voiced a similar request so we will see how we might be able to treat some of the roof drainage. Maybe with a rain garden within the west setback.

Board Motion: Referral #79-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Sandy Ricker

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

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	
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.	

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.

Board Motion: Referral #82-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: David Wink

Seconded by: Sandy Ricker

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

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 stromwater management in the Town. Specifically to establish minimum management requirements for the publics' 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	
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 s ingle family residence. Variances needed for front setbacks and accessory structures. Project is located at 4788 CR 16 in the Town of Canandaigua.	

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.

OCSWCD COMMENTS: George Barden

This office is in receipt of a subdivision plat titled Mink Property located at the above referenced property. The proposal appears to be for subdividing the property into two (2) parcels with the existing main house being Lot 1, 4788 County Rd. 16 and the existing barn being Lot 2. It appears that the existing barn is to be renovated into a single family dwelling with a new water service being provided and a new onsite wastewater treatment (septic) system.

The proposal for the main residence on Lot 1 is for a new, onsite wastewater treatment (septic) system for that residence. It needs to be noted that the residence at 4788 County Road 16 consists of a five (5) bedroom, three and a half (3 Vz) bathrooms. It also needs to be noted that this residence is on a shared onsite wastewater treatment (septic) system with 4781 County Road 16 and 4785 County Road 16. The residence at 4781 County Road 16 consists of a three (3) bedroom, two (2) bathroom residence and 4785 County Road 16 consists of a one (1) bedroom boathouse and two (2) one (1) bedroom cottages, for a total of three (3) bedrooms and two and a half (2/4) bathrooms.

4781 County Road 16 and 4785 County Road 16 share a pump station which pumps the wastewater over to the system at 4788 County Road 16. These three (3) properties share a single unknown wastewater treatment system, and the pump station shared by 4781 and 4785 County Road 16 has deficiencies and does not meet current New York State Department of Health (NYSDOH) standards and requirements. An investigation was conducted at Mr. Mink's request on November 17 & 18, 2011 in an attempt to sort out this convoluted shared system.

As a result of all these existing shared situations with these three (3) properties on a single system, it is imperative that prior to any approvals for 4788 County Road 16 being granted, that stand-alone systems be designed and installed for both 4781 and 4785 County Road 16.

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

Board Motion: Referral #84-2016, #84.1-2016, #84.2-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Glen Wilkes

Seconded by: Jim Mueller

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

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	
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 Local 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 Local 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 Local 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.

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.

The Town's engineer should confirm that the change in the number of buildings proposed and their proposed layout does not impact the sizing or placement of the stormwater management infrastructure.

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

Board Motion: Referral #85-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Dave Wink

Seconded by: Glen Wilkes

Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

86 - 2016	Village 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	
Brief Description:	Subdivision request to create 17 residential lots on a 5.8 acre parcel for single-family homes, 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.	

COMMENTS:

Subdivision request to subdivide a 5.8 acre parcel into 17 residential lots to construct 17 single-family homes, 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.

Project description and town and village comments are included with the comments provided for Referral #77-2016 for the Town of Victor. Any comments specific to the Village will be identified as such.

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

CPB COMMENTS:

See Referral #77-2016 for all CPB comments and final decision.

86.1 - 2016	Village of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Lynaugh Road Properties, Inc	
Representative:	BME Associates	
Tax Map No(s):	16.18-3-1.200; 16.18-3-1.100	
Brief Description:	Subdivision request to create 17 residential lots on a 5.8 acre parcel for single-family homes, 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.	

COMMENTS: See referral #86-2016 for project summary and comments.

87 - 2016	Village of Victor Planning Board	Class: 2 Late Referral
Referral Type:	Subdivision	
Applicant:	Ferris, William	
Representative:	BME Associates	
Tax Map No(s):	Various	
Brief Description:	Subdivision approval for a 3-story proposed 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.	

April 2016 COMMENTS:

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

Variations requested include:

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

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

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

COMMENTS:

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

Per the referral documents, the development includes 6 parcels that will be consolidated into one 2.65 acres parcel. According to plan submitted with the referral documents the proposed parcels are currently held under different ownership. There is no subdivision documentation submitted with the referral package. As outlined the variance are not necessarily accurate as the property lines of the 6 parcels still exist.

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

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

CRC Meeting Discussion:

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

CRC COMMENTS:

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

June 2016 Notes (per Maria Rudzinski) - see below

Board Motion: To accept late referral #87-2016 & #87.1-2016 for consideration on the June Meeting Agenda.

Motion made by: Glen Wilkes

Seconded by: Arthur Babcock

Vote: 5 in favor, 10 opposed, 0 abstentions. Motion not carried.

87.1 - 2016	Village of Victor Planning Board	Class: 2 Late Referral
Referral Type:	Site Plan	
Applicant:	Ferris, William	
Representative:	BME Associates	
Tax Map No(s):	Various	
Brief Description:	Site Plan approval for a 3-story proposed 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.	

COMMENTS: See referral #87-2016 for project summary and comments.

87.2 - 2016	Village of Victor Zoning Board of Appeals	Class: 2 Late Referral
Referral Type:	Area Variance	
Applicant:	Ferris, William	
Representative:	BME Associates	
Tax Map No(s):	Various	

Brief Description:	Area variance approval for a 3-story proposed 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.
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NOTE ON THE REFERRAL REVIEW: At the Village’s request on June 7, 2016, the Ferris Terrace project was added to the June 8, 2016 CPB agenda as a late referral. The project consultant provided the most recent revised site plan for review on June 8, 2016.

The following review and comments are based on the site plan that was provided on June 8th and review collectively the proposed subdivision, site plan, and area variances.

Project Description

A 3-story proposed development that includes 44 apartments, 27,500sq ft mixed-use for a total of +/-80,800 sq.ft. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.

Variances Requested

- Height: 47 ft when 35 is allowed.
- Building setback: 2ft setback where 15’ is required.
- Variance from Sec. 170-12A(2)(b) of R-3 zoning district.

Site Characteristic	Significant Historic/Cultural Resources	Bicycle Parking: Not indicated.
Acres: 2.59	National/State: Parcels to be demolished are not, individually significant	Open Space/Recreation Borders/proximity to public recreation: Dedicated open space: No Linkages:
Land Use: Residential	Local: Parcels to be demolished are significant to maintaining the context of Victor Village	Community Character Lighting (Full cutoff of off sight light spillage: Not listed Signage: Not listed Landscape Plan: Retention of Natural Vegetation: No Buffering: No Streetscape: Yes Building façade: Yes
Adjoining Land Use/Land Cover North: Residential/Commercial South: Railroad East: Commercial West: Commercial	Important/Designated Viewsheds No	
Water Resources Major Watershed: Mud Creek Subwatershed: Great Brook Stream/Lake: No Aquifer: No Well Head Study:	Infrastructure Public Water: Yes Public Sewer: Yes Septic/Onsite: System No Subsurface Drainage System: No	
Wetlands/Wetland Soil Types (Hydric Soils) NWI: No DEC: NO Hydric Soil: No Potentially Hydric: No	Stormwater Management SWPP: Yes Green Infrastructure:	
Drainage Characteristics Slope: Steep slope at rear of property to drainage swale that parallels the tracks and flows to the east. Soil permeability: Erodibility:	Transportation Adjoins railroad: Yes State Road: SR 96 County Road: Public Sidewalks Yes	
Agricultural Soils/District Not Applicable Soils: Agricultural District: Within 500’ of District:	Highway Corridor Corridor Study Completed/Name: CPB Priority Highway: SR 96 Access Management Vehicular/Pedestrian Access: Internal Circulation/Linkages: Vehicular: Yes Pedestrian: Limited to around the building and to the sidewalk on Main St.	

Comments

Water Quality: Stormwater

OC CPB Bylaws Section 2.4_Natural Features address the CPB’s interest in maintaining water quality. This project borders County property on which Finger Lakes Railway operates.

NOTE: Stormwater management comments were provided by OC SWCD. The Village’s engineer also provided comments.

The previous submissions included a stormwater management plan that would excavate County land for the purpose of creating stormwater management facilities (infiltration and cisterns). This area already provides drainage that is very important to maintaining the stability of rail bed and track. The updated site plan provided today does not indicate stormwater management facilities on County property. At this time the County has not granted an easement for use of its land for stormwater management.

If County permission is not obtained, stormwater management is proposed to be handled by an underground storm chamber system. Minimal documentation was provided on this system and both OC SWCD and the Village Engineer requested additional information.

The Village Engineer’s report notes that there is a large drainage area from the watershed to the north and west that that drains to the swale on County property.

Parcel Soil Characteristics (Source: USDA NRCS 2012 OC Soils Survey)

Parcel	Soil Name & % Parcel Coverage	Soil Properties/Analysis
16.17-2-40.210	Palmyra Fine Sandy Loam – 99.7%	<ul style="list-style-type: none"> • Depth to Water Table – 6.6 ft. (201 cm) • Depth to any Soil Restrictive Layer - 6.6 ft. (201 cm) • Stormwater Management – Somewhat limited for ponds and infiltration. • Shallow excavation – Somewhat limited.
16.17-2-40.220	Palmyra Fine Sandy Loam – 79%	Same as above
	Galen Fine Sandy Loam – 21%	<ul style="list-style-type: none"> • Depth to Water Table – 1.7 Ft (51 cm) • Depth to any Soil Restrictive Layer - 1.7 Ft (51 cm) • Shallow excavation – Very Limited

An underground parking lot and stormwater underground chamber system is proposed. As noted above, the depth to water table and soil restrictive layer is between 1.7 and 6.6 ft. No analysis is provided regarding the impact of the soils present and the hydrology on use of this site for these facilities.

Parking

Proposed:

46 underground spaces for apartments	1 space per bedroom
119 surface spaces	1/200 sf retail (assumes no spaces will be used by guests of residents. <ul style="list-style-type: none"> • Village has no parking standards in the code. An explanation is needed regarding the type of uses that can be accommodated with 119 spaces
34 additional spaces on County property if approved. Note: Count of spaces on plan located on all or part of County property is +/- 49.	No easement has been approved at this time. The county spaces are located on the swale. This is not discussed. The plan refers to these spaces as Phase 2 which implies that this is a phased project. The building will be built and occupied at one time.
	It is likely, given the proximity of the parking area to adjoining and nearby commercial businesses, their patrons will use the project’s parking lot. This will be very difficult to control and can become an issue for the project’s retail/commercial tenants.

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Victor Coal and Tar currently uses the eastern portion of the parcel as load for trucks, etc. Parking spaces are indicated along their building limiting access for loading and unloading.

Traffic

- A traffic study was completed for the project which proposes two access points on SR96 – the westerly point is a service drive. These will be right turn out only. A left turn in is allowed from westbound on SR 96. There is also an access point on School St. that aligns with Adams St. The study indicated that the SR 96 corridor and surrounding roadway network has adequate capacity to accommodate this project; however the corridor is projected to begin to see failing individual movements as all anticipated developments in the area are constructed and occupied.

The NYSDOT has provided comments on the proposed site access. They noted that with construction of Fisher Ridge Phase 1 the intersection would be considered failing.

Pedestrian Linkages

There is a sidewalk on SR 96/Main St. and a sidewalk around the building. There is no pedestrian cross access to the commercial development to the west (DD) or to School St. which is exclusively vehicular. The development more closely reflects the approach of a suburban, self contained development that does not encourage pedestrian linkages to other parts of the community or businesses.

Bypass

Previous submissions referenced construction of a bypass road that would run from SR 251 to Maple St. (SR 244) and showed configurations that included a road location on the north or south side of the tracks or, if the rail line is abandoned, in the center of the County parcel. This was not indicated on the site plan submitted today.

To date, a concept plan was prepared +/- ten years ago but no additional feasibility analysis has been completed.

Aesthetics/Village Character

The CPB bylaws establish the interest aesthetics: *“Sec. 2.1 Aesthetics Aesthetics: This area is a concern to the Board primarily as to how the appearance of individual developments affects the county wide **tourism industry**. The Board has identified but is not limited to the following as primary travel corridors for tourists visiting Ontario County – SR 96”*

Victor Village has a distinctive style and character that sets it apart from highway commercial development that is characteristic on other parts of the corridor. New developments approved by the Village west of the project site have maintained the Main St. aesthetic as can be seen in the new developments to the west that retain residential design features and/or are in scale with adjoining buildings. This creates the unique sense of place. The Village’s zoning Code *Article II Design Standards for Central and Gateway Business Districts* state “regulation will be largely based on form and impact as well as use”

The Village also completed a Main St. Master Plan to provide guidance for infill buildings on Main St.

The proposed structure is not in keeping with the guidelines in the Mains St. Plan or standards in Article II Chapter 50.:

Height variance: The proposed variance would allow construction of a building that is substantially inconsistent with the character of the neighborhood. The Village of Victor’s Main St. Master Plan provides guidance for infill buildings buildings on Main St.:

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Architectural Design - Proportion



This indicates that a height variance should not exceed the taller of the adjoining structures. The building will be in between a residential structure and the Dunkin' Donuts building which are not three stories. There are no three story buildings or buildings 45 ft tall between School St. and Dunkin Donuts. The only three story buildings in the Village are at the intersection of Maple St. and Main St.

Building Footprint Standard

Article II Sec. 50-15 A. 4. & 5. Central Business District Architectural Design:

- 4.) Maximum: 10,000 gross square feet; 5,000, building footprint.
- 5.) Maximum: 50,000 gross square feet allowed for grocery.

The proposed building footprint is 27,507 sf which exceeds the standards. While a grocery could be a tenant there is no formal agreement with a grocery store developer to occupy this site. No variance has been requested.

Village/Historic Character

A Reconnaissance Level Survey of Village Properties is being conducted by the Landmark Society of Western NY. The report has not been completed but characterizations of the buildings demolished were provided to the Village. Landmark Society staff, Cynthia Howk, provided clarification (6/8/2016 per email) on the four houses proposed for demolition:

“... regarding the three (or 4?) houses that would be demolished for the proposed commercial development on W. Main Street in the village.

In the Reconnaissance Level Survey of Village Properties, each of these individual addresses were listed as having “low” architectural and historical significance at this time – due, in part, to the contemporary siding (vinyl, aluminum) which covers several of the buildings. However, these houses do retain their identities as residential buildings constructed in the late 19th to early 20th century. As a group, their significance is greater, than if taken individually – as they represent part of the row of houses that defines the residential character here on West Main Street. They include recognizable architectural styles (Colonial Revival, Arts-and-Crafts) that are of a more familiar vernacular (not high-style) design.

Also, as a group, they represent the western-most extent of the W. Main Street historic residential district – still recognizable by the presence of 19th and 20th century houses that survive here on West Main Street. They are the “western gateway” into the village and help define the residential character that’s identified this part of W. Main Street since the early/mid 19th century. “

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General Comment

- The size, scale and intensity of this project will have a significant long term impact on the Village. It is a defining project which the Village will have to adapt to far into the future. It will change the essential character of the Village's western gateway and business district.

The Village has not formally updated its comprehensive plan. It has a Main Street Plan that provides more detailed direction for the core business area (business/institutional area on the blocks east and west of Maple St. than the other areas of Main St. and design guidelines.

Given the potential long term impact of this project on the Village and SR 96 corridor, the Village is encouraged to undertake a planning process (sub area plan) that will take a detailed look at the area from School St. to the town line and how it is integrated into the rest of the village.

- The Village is encouraged to prepare an access management plan to establish both a short and long term process for reducing the number of existing curb cuts and consolidating access points for infill, redevelopment, and new development.

NEW BUSINESS:

- Ontario / Yates County Training on June 22nd

ADJOURNMENT: Being no further business Chair Folkins requested a motion to adjourn. ***Motion to adjourn the 6/8/16 CPB meeting made by David Wink, seconded by Tim Maher. Motion carried.*** The 6/8/16 CPB meeting adjourned at 10:15p.m.

Respectfully submitted,

Maria Rudzinski

Senior Planner

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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: l, (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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