

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – July 12th, 2016 at 3:30pm**County Planning Board Meeting – July 13th, 2016 at 7:30pm**

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

This document will serve as both the **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/>

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July 13, 2016 Meeting Attendance

Cities	Member	
Canandaigua	James Mueller	P
Geneva	Mary Bogin	P
Towns		
Bristol	Sandy Riker	P
Canadice	Stephen Groet	P
Canandaigua	David Wink	P
East Bloomfield	Arthur Babcock	E
Farmington	Vacant	V
Geneva	Howard E. Meaker	P
Gorham	Jack Dailey	P
Hopewell	Louis Perryman	P
Manchester	Jaylene Folkins, Chair	P
Naples	Carol O'Brien	E
Phelps	Glen Wilkes	P
Richmond	Leonard Wildman	P
Seneca	Timothy Marks, Vice Chair	P
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: Carla Jordan, OCPD; Regina Connelly, OCPD

Guests Present: Greg McMahon (Farmington PUD Rezoning); Randy Soggs, William McAdoo (Cheribundi); Greg Schwarz (MiniTec); Andrew Spencer (Ferris Terrace); Bruce Habberfield -Finger Lakes Railroad (Ferris Terrace, Village of Manchester and Clifton Springs)

Call to Order/Roll Call: Chair Jaylene Folkins called the 7/13/16 County Planning Board meeting to order at 7:30 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:

- **June 8, 2016: Motion was made by Steve Groet, seconded by David Wink to approve the June 8, 2016 minutes as presented. Fourteen (14) in Favor, 0 Opposed, 1 Abstention (T. Marks). Motion carried.**

88 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Encao, John	
Representative:	Sipp, Janice	
Tax Map No(s):	15.00-2-27.000	
Brief Description:	Area Variance request to place a 78" x 36" freestanding sign in front of Victor Diamonds building, for a new tenant. The proposed sign does not meet code requirement because it identifies a particular business and all tenant signs must be mounted to the building. The project is located at 7404 State Rte. 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 Rte. 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.

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.

89 - 2016	Town of Gorham Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Pelican Point LLC	
Tax Map No(s):	141.10-1-64.000; 141.10-1-63.000; 141.00-1-60.000	
Brief Description:	Map Amendment request to rezone parcels #1 and #2 from R-1 (residential) to GB (general business) and consolidate them with parcel #3. All three parcels are contiguous and owned by Pelican Point Marina LLC. The parcels are located around 4801 Co Rd 11 in the Town of Gorham.	

COMMENTS:

- According to ONCOR:
 - No State or Federal wetlands are present on the property.
 - Parcels 141.10-1-64.000 & 141.10-1-63.000 are located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.
- Site Distance – The referring Board is encouraged to consult with the Ontario County Dept of Public Works to determine if any potential increase in traffic causes any concern relative to site distances and/ or site access.
- Screening – The referring Board is encouraged to consider if any needed screening and/or business restrictions are required to limit the impact of the potential expanded marina use on nearby residentially zoned parcels.

OCDPW Comments:

The Canandaigua Lake County Sewer District (CLCSD) has no objection to the proposed rezoning of these parcels from residential to general business. The Department of Public Works should be given the opportunity to review any site plans, utility plans, environmental review statements, traffic studies or drainage plans for the properties prior to approval to assure that negative impacts to County facilities are mitigated as appropriate.

CRC Meeting Comments:

If the rezoning is approved by the Town Board, the local boards are encouraged to consider the speed limit on Co. Rd. 11 during any

subsequent review as there may be an increase in foot traffic crossing Co. Rd. 11 as the applicant expands their business.

Board Motion: *Referral s #89-2016 & #89.1-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.*

Motion made by: Mary Bogin

Seconded by: Tim Marks

Vote: 14 in favor, 0 opposed, 1 abstention (J. Dailey). Motion carried.

89.1 - 2016	Town of Gorham Town Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Pelican Point LLC	
Tax Map No(s):	141.10-1-64.000 141.10-1-63.000 141.00-1-60.000	
Brief Description:	Map Amendment request to rezone parcels #1 and #2 from R-1 (residential) to GB (general business) and consolidate them with parcel #3. All three parcels are contiguous and owned by Pelican Point Marina LLC. The parcels are located around 4801 Co Rd 11 in the Town of Gorham.	

COMMENTS: See referral #89-2016 for project description, comments and motions.

90 - 2016	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Missick, Gregory	
Property Owner:	226 Turk Road LLC	
Tax Map No(s):	133.00-1-20.000	
Brief Description:	Special Use Permit request to use existing structures on a 5 acre parcel, formerly the Seneca Lake Country Club. Applicant is proposing to open a branch office for Branch by Bellangelo, which will offer wine tasting and retail sales. The project is located at 226 Turk Rd. in the Town of Geneva.	

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.

Based on the referral documents, no structural or aesthetic changes are proposed.

Board Motion: *Referral #90-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: Tim Maher

Seconded by: Leonard Wildman

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

91 - 2016	Town of Geneva Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Soggs, Randolph	
Property Owner:	Lake Geneva Center LLC	
Tax Map No(s):	104.00-1-3.110	
Brief Description:	Use Variance request to allow the expansion of manufacturing company Cheribundi into a vacant property zoned B-1, which prohibits manufacturing. The applicant is looking to consolidate both warehousing and manufacturing to one property for the production of their cherry juice drink. The project is located at 495 Route 5 & 20 in the Town of Geneva.	

COMMENTS:

The following information was included as part of the referral documentation;

Use Variance Requirements and Applicant's Defense:**1. The property is incapable of earning a reasonable rate of return on initial investment if use d for any of the allowed uses in the district;**

This section of the Pyramid Mall was specifically constructed in 1992 for the location of a supermarket. It is over 84,000 square feet in size and sits back a significant distance from the main traffic through fare of Route 5. After the expiration of their lease in 2013, Tops relocated to a significantly smaller store on Route 5. The property has been vacant except for a small and very recent use of the property by Cheribundi for warehousing. If the use variance is not granted, this small tenancy will no longer exists as Cheribundi will be forced to relocate outside of the Town of Geneva. Even with the Cheribundi warehousing, the Pyramid Mall property is over 60% vacant. In addition to his significant amount of vacant space, there is an additional vacant shopping center across the street. A study of the retail market in the Town of Geneva would show an overall vacancy rate of retail space at almost 50%. This amount would be even greater if we exclude owner occupied stores such as Wegman's, Walmart and BJ's. Attached is a copy of the income and expense statements f or the property. They clearly show it is failing to make a reasonable return on investment. The requirement that manufacturing be excluded from potential use is making the property incapable of earning a reasonable return.

2. That the property is being affected by unique or at least highly uncommon circumstances;

It would be nice to say that fast growing local companies are commonplace in upstate New York. Unfortunately, they are not. This is a highly uncommon circumstance. A locally started company is growing rapidly. It is looking to expand with more jobs and a larger facility. After an exhaustive search, this was the only local facility that meets their needs. They need the space immediately so they cannot wait to have a facility built for them. It is either move to this space or move out of the area.

3. That the variance, if granted, will not alter the essential character of the neighborhood;

This neighborhood is currently a mix of a number of uses. The most dominate is retail but there is also a significant portion of vacant or farm land close to the property. There are other uses as well. A new self-storage facility is going up across the street. There is a significant green space buffer created by the drainage pond to the rear of the property. All of the manufacturing of the juice product will be done on the inside of the building. This is a clean almost sterile production process. There are no foul odors or unsightly components to this manufacturing process. The only significant change to the neighborhood will be additional jobs and opportunity. This will not change the essential character of the neighborhood but it will enhance the current character.

4. The hardship was not self-created;

When this property was purchased, it was the intent of the property owner to market it for non-industrial use. A number of potential uses have been determined from heated self-storage to smaller retailers to warehousing. It was only after the purchase and conversations with Cheribundi was it apparent that the zoning law was creating significant stumbling blocks to the use of this property in support of a local manufacturer and provider of jobs. Therefore, the hardship was not self-created. It did not exist until after the property was purchased.

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 Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.

According to the referral documentation no structural or aesthetic changes are proposed.

Board Motion: *Referral #91-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.*

Motion made by: Tim Marks

Seconded by: Sandy Riker

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

92 - 2016	Village of Victor Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Ferris, William	
Representative:	BME Associates	
Brief Description:	Subdivision request 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.	

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.

Site Characteristic
Acres: 2.59
Land Use: Residential
Adjoining Land Use/Land Cover
North: Residential/Commercial
South: Railroad
East: Commercial
West: Commercial
Water Resources
Major Watershed: Mud Creek
Subwatershed: Great Brook
Stream/Lake: No
Aquifer: No
Well Head Study:
Wetlands/Wetland Soil Types (Hydric Soils)
NWI: No
DEC: NO
Hydric Soil: No
Potentially Hydric: No
Drainage Characteristics
Slope: Steep slope at rear of property to drainage swale that parallels the tracks and flows to the east.
Soil permeability:
Erodibility:
Agricultural Soils/District
Not Applicable
Soils:
Agricultural District:
Within 500' of District:
Significant Historic/Cultural Resources
National/State: Parcels to be demolished are not, individually significant
Local: Parcels to be demolished are significant to maintaining the context of Victor Village

Important/Designated Viewsheds
No
Infrastructure
Public Water: Yes
Public Sewer: Yes
Septic/Onsite: System No
Subsurface Drainage System: No
Stormwater Management
SWPP: Yes
Green Infrastructure:
Transportation
Adjoins railroad: Yes
State Road: SR 96
County Road:
Public Sidewalks Yes
Highway Corridor
Corridor Study Completed/Name:
CPB Priority Highway: SR 96
Access Management
Vehicular/Pedestrian Access:
Internal Circulation/Linkages:
<ul style="list-style-type: none"> • Vehicular: Yes • Pedestrian: Limited to around the building and to the sidewalk on Main St. • Bicycle
Parking: Not indicated.
Open Space/Recreation
Borders/proximity to public Recreation:
Dedicated open space: No
Linkages:
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

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 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.

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.:

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. “

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.

Comments provided by applicant's engineer (BME Engineer) during the CRC Meeting included;

- Initial test pits were dug as part of the original site exploration, showing that groundwater is at least eight feet below surface.
- Stormwater management will take place onsite through the utilization of a chamber system. If additional geotechnical work is funded the applicant may look to utilize smaller chambers in conjunction with stormwater infiltration. Chambers discharge will be point source through a 3" pipe to the County's property/ stormwater infrastructure.
- Conversations with the County Commissioner of Public Works are ongoing relative to use of county property for parking and proposed access road adjacent to railed. Preliminary timeline for approvals is 3 months.
- Proposed parking on County property is considered to be a Phase II construction effort and will be proposed to be landbanked.
- Variances for this project for height, setback and residential code requirements have been given by the local zoning board.

CRC Meeting Comments:

It appears as though plans for stormwater management have changed since referral documents were submitted in June. County records indicate the Village engineer requested additional information pertaining to stormwater system design. BME stated those records were provided. BME needs to provide substantial update on stormwater and railroad correspondence with village engineer, to Department staff prior to the CPB meeting.

Department staff followed up with the DPW on 7/13/16 and offer the following clarifications.

- Commissioner Wright has been in discussion with BME relative to their proposed stormwater design. They approve of the proposal in concept but have not given final approval for the receipt of stormwater onto their property through the 3" pipes. It is recommended that official approval should be given by DPW prior to authorization by the referring board.
- The Commissioner has been in contact with the applicant's engineers relative to the proposed parking and access point on County property. While the DPW has committed to working through the options and approval process with the applicant, approval must ultimately be given by the Ontario County Board of Supervisors. The railroad needs to be further consulted prior to any action by the County. The feasibility of the proposed development should not rely on these approvals to be given in case they are ultimately not provided by the County. If the proposed parking and access are necessary to the viability of the project, appropriate County approval should be received prior to approval by the local Board.

FINDINGS:

OC CPB Bylaws Section 2.4_Natural Features address the CPB's interest in maintaining water quality.

Almost any water body by its very nature is "intermunicipal", whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.

When making findings on the County wide and intermunicipal impacts a proposal may have on drainage, water quality, and other issues related to natural features, the Board will seek input from representatives from the Ontario County Soil & Water Conservation District, and the Ontario County Department of Public Works.

This project borders County property on which Finger Lakes Railway operates. The stormwater collection and control measures presented by the applicant's engineer were not included within the most recent CPB referral package received in June 2016. Without the necessary details and input from County partner agencies the true impacts of the proposed stormwater management system and its impacts on water quality and county infrastructure is uncertain.

Board Motion: *Referral #92-2016 & #92.1-2016 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 should take no action on granting subdivision or site plan approval until the stormwater details provided by BME are reviewed and approved by the Village engineer and the County Department of Public Works.

Modification #2: The referring Board should take no action on granting subdivision or site plan approval until the applicant, the County Department of Public Works and Finger Lakes Railroad representatives discuss the potential impacts of the current stormwater system design, proposed parking spaces and proposed access point across from Adams Street, on County property and rail infrastructure, and ensure that the impacts identified are mitigated. Subsequently, County approval for the use of the County's property as outlined on the site plan must be obtained prior to approval by the local board.

Motion made by: Leonard Wildman

Seconded by: Sandy Riker

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

92.1 - 2016	Village of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Ferris, William	
Representative:	BME Associates	
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 #92-2016 for project description, comments and motions.

93 - 2016	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text Amendment request to amend Section 211-3B "General Regulations for Land Use" and Section 211-24C (8) "Light Industrial District" to permit prior nonconforming single and two-family uses in commercial, commercial/light industrial, and light industrial districts to have customary accessory uses and structures.	

- Text amendment to allow customary accessory uses/ structures associated with prior non-conforming single and two-family dwellings within commercial, commercial/light industrial, and light industrial districts. Customary accessory uses and structures include garages and storage sheds.
- Any structure destroyed by fire or other calamity may be restored within 12 months of destruction as long as the dimensions of the reconstruction do not exceed those of the destroyed property.
- Failure to exercise any non-conforming use for a period of 12 months or more shall terminate such non-conforming use of the structure/premises.

Board Motion: *Referral #93-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.*

Motion made by: Sandy Riker

Seconded by: David Wink

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

94 - 2016	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	

Brief Description:	Text Amendment request to amend Chapter 211, the planned development district known as "Eastview Commons." Town seeks to modify the existing PDD to allow for the construction and operation of a self-storage facility as well as the relocation of business offices, all to be located in an area formerly occupied by an asphalt plant.
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Purpose of the amendment is to modify the existing Planned Development District (PDD) known as Eastview Commons, to allow for the construction and operation of a small self-storage facility as well as for the relocation of business offices related to a small business, all in the area formally occupied by an asphalt plant.

Project was previously reviewed by CPB as referral s #127-2015 and #162-2015. Previous comment on proposed fence height variance (8' allowed by code, 10' requested by applicant) stated that the proposed fence height and design should not impede access by emergency vehicles.

Board Motion: *Referral #94-2016 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: David Wink
Vote: 15 in favor, 0 opposed, 0 abstentions. Motion carried.

95 - 2016	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Thompson, Duane	
Representative:	Ont. Co. Economic Development/ Ont. Co.	
Tax Map No(s):	32.17-2-49.100 32.17-2-28.000 32.17-2-42.122	
Brief Description:	Site Plan approval for the construction of a 48 x 13 grain storage silo and rail car loading equipment to offset the limited grain storage during high demand season. The project is located at 2 Merrick Circle in the Village of Manchester.	

Per Maria Rudzinski email on 6/30/16:
 The Village of Manchester referred the site plan for expansion of Thompson Grain at its Manchester Yard site. It appears that part of one silo nearest the tracks is on IDA property. Does Thompson have an easement or permission to build on IDA property? I know they load but don't know if they can build.

Per Sue Vary (Ontario County Economic Development) email on 6/30/16:
 Duane Thompson requested permission from Ontario County IDA for projects in the Village of Manchester and Clifton Springs. This will be considered at the July 25 OCIDA meeting. Our office wrote letters of support for both of these expansions (attached). This past spring, OCIDA transferred title for the railroad to Finger Lakes Railway (we now do Lease/Leaseback transactions rather than Sale/Leaseback transactions), but title cannot be "officially" recorded until NTSB reviews the transaction. It is under their review now.

COMMENTS:
Note: The Thompson Grain facility is included in the OC Freight Rail Corridor Development Planning project.

Internal Vehicular Circulation: The site plan does not clearly delineate the internal drives/roadways to be followed by trucks using loading/unloading at the facility. A substantial portion of the internal road is located on property owned by Old Castle, Inc. and the OC IDA. As noted above, the OC IDA is considering a lease arrangement with Finger Lakes Railway. No information is available regarding the status any access agreement with Old Castle.

Safety Emergency Management/Hazards:
 Grain storage and transfer facilities can pose significant hazards for fire and combustion. The facility's proximity to residences and the Red Jacket campus increases the potential impact from such an event. It is important that:

- This project must be reviewed in detail by any fire or ambulance district that could be first responders. It should be documented that these districts have the appropriate equipment to handle an event.

- An emergency management response plan should be required for this facility.

Responders should also be aware of any pesticides, or other potentially hazardous or harmful substances that are used as part of the facilities operation.

Stormwater Management

Though a SWPPP may not be required, stormwater management and erosion control measures should be detailed.

Build out

Potential future build out on this parcel should be identified based on the current zoning.

Lighting

A lighting plan should be provided that includes documentation for all external wall or pole mounted fixtures that are full cut off and dark sky compliant.

Site Security

To discourage trespass, adequate fencing and/or other site security measures should be detailed. This is particularly important given the projects location next to a school campus and in a village setting.

Site Plan & Project Documentation

Successful future (re)development of the Old Manchester Rail Yard requires that all development must be documented with a detailed site plan, drawn to scale the delineates, to scale, all structures, parking areas for employees and trucks, onsite storage areas, and, the location of all internal and external access roads/drives along with legally binding use agreements for facilities including drives, etc. not located on the parcel owned by the applicant.

Without proper documentation and clear presentation of what activities are permitted, location, and any specific limitations or conditions, future development on that site or on adjacent parcels can be bogged down due to legal ambiguity and confusion.

Correspondence/Letters of Support

Applicant has received letters of support from the Finger Lakes Railway Corp. (FGLK) and the Ontario County Office of Economic 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: Palmyra gravelly sandy loam
 - Slope: 0 to 3 percent
 - Soil permeability: High
 - Erodibility: Medium
- The property is located in the Paddleford Brook/Canandaigua Outlet watershed.

CRC Meeting Comments:

Applicant is encouraged to make sure operators of the grain elevator are adequately trained to run the equipment safely and first responders are trained to handle an explosion or fire and also have the necessary equipment. The applicant is further encouraged to coordinate with Jeff Harloff and the County's Emergency Management Office to develop specialized training and inspection protocols to ensure safety of the facility and surrounding residents.

Board Motion: Referral #95-2016 be changed to a Class 2.

Motion made by: David Wink

Seconded by: Steve Groet

Vote: 13 in favor, 1 opposed (G. Wilkes), 1 abstention (D. Holtje). Motion carried.

FINDINGS:

- *Thorough review of a project and its potential for intermunicipal or Countywide impact is the charge of the County Planning*

Board. In order for this review to occur, a current and detailed site plan should be referred to the CPB.

- The Ontario County Emergency Management Office provides training to local first response agencies. They also respond to “large or special needs emergencies to coordinate the response of multiple agencies”.
- It seems reasonable that the effect of local actions relative to emergency response qualifies as an intermunicipal and countywide concern. In cases where this is an issue, it would be wise to seek input from a representative of the Ontario County Emergency Management Office or encourage local planning boards to include emergency response in the site plan review criteria and involve emergency service providers (Fire & Medical) in the local approval process.

Board Motion: Referral #95-2016 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 should not take action on granting site plan approval until the applicant submits a more comprehensive site plan with specific details regarding; site access, internal traffic flow, vehicle staging area, lighting, security and stormwater management.

Modification #2: The referring Board should explore how the development currently being proposed fits into the scope/goals of the Freight Rail Corridor Plan currently being drafted through the County Planning Department.

Modification #3: The referring Board should not take action on granting site plan approval until the applicant has submitted a comprehensive safety plan which details; the facility’s existing and/or proposed safety protocols and programs, staff training, facility monitoring, and emergency response protocols.

Motion made by: Leonard Wildman

Seconded by: Jack Dailey

Vote: 14 in favor, 0 opposed, 1 abstention (D. Holtje). Motion carried.

96 - 2016	Village of Clifton Springs Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Thompson, Duane	
Tax Map No(s):	34.17-1-65.100	
Brief Description:	Site Plan approval to erect and and construct 2 - 72 x 24 grain bins and a 135 ft leg system to fill bins and load trucks and rail cars with grain. The project construction will take place in 2 phases spanning 1-2 years. The project is located at 48 Railroad Ave. in the Village of Clifton Springs.	

COMMENTS:

Note: The Thompson Grain facility is included in the OC Freight Rail Corridor Development Planning project.

Traffic

The facility is accessed off a Village road. Documentation of truck traffic, peak operational times, etc. should be provided to the local highway department official and evaluated to determine impacts on the existing road, potential stacking issues, and potential mitigation measures that may be required on Kendall or Railroad St.

Internal Vehicular Circulation: The site plan does not clearly delineate the internal drives/roadways to be followed by trucks using loading/unloading at the facility. Onsite parking for employees and trucks (if that is allowed) is not shown.

Cross Access Easement There is no formal legal agreement with the owner of the land locked residential parcel at the village line to the west, who uses an informal dirt/gravel road through the project parcel.

According to a 7/7/2016 staff conversation with Finger Lakes Railway regarding allowing that parcel to have a crossing to access Stephen Rd. – because of the curve in the railroad, there is not adequate site distance to allow a crossing at that location making it too hazardous. Given the increasing truck congestion associated with this expansion, a safe, legally binding, delineated access

easement/agreement is necessary.

Stormwater Management

Though a SWPPP may not be required, stormwater management and erosion control measures should be detailed.

Build out

Potential future build out on this parcel should be identified based on the current zoning.

Lighting

A lighting plan should be provided that includes documentation for all external wall or pole mounted fixtures that are full cut off and dark sky compliant.

Site Security

To discourage trespass, adequate fencing and/or other site security measures should be detailed. This is particularly important given the projects location next to a school campus and in a village setting.

Safety Emergency Management/Hazards:

Grain storage and transfer facilities can pose significant hazards for fire and combustion. The facility's proximity to residences and location in a village setting increases the potential impact from such an event. It is important that:

- This project must be reviewed in detail by any fire or ambulance district that could be first responders. It should be documented that these districts have the appropriate equipment to handle an event.
- The fall radius be documented
- An emergency management response plan should be required for this facility.

Responders should also be aware of any pesticides, or other potentially hazardous or harmful substances that are used as part of the facilities operation.

Site Plan & Project Documentation

A detailed site plan, drawn to scale that delineates, to scale, all structures, parking areas for employees and trucks, onsite storage areas, wetlands, utility easements, etc. is needed.

Height Variance

The proposed facility is +/-120 feet tall. For comparison, the Ontario County Courthouse is 120 ft tall at the statue on top of the dome.

Correspondence

Applicant has received letters of support from the Finger Lakes Railway Corp. (FGLK).

According to ONCOR:

- There is a Federal wetlands present on the property (Freshwater Emergent Wetland).
- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
 - Type: Galoo loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium

CRC Meeting Comments:

Applicant is encouraged to make sure operators of the grain elevator are adequately trained to run the equipment safely and first responders are trained to handle an explosion or fire and also have the necessary equipment. The applicant is further encouraged to coordinate with Jeff Harloff and the County's Emergency Management Office to develop specialized training and inspection protocols to ensure safety of the facility and surrounding residents.

CPB Comments:

To avoid any conflicts, Chair Folkins turned responsibilities for facilitation of the referral review over to Vice Chair Tim Marks.

Board Motion: *Referral #96-2016 & #96.1-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.*

Motion made by: Mary Bogin

Seconded by: Albert Crofton

Vote: *13 in favor, 0 opposed, 2 abstentions (J. Folkins, D. Holtje). Motion carried.*

96.1 - 2016	Village of Clifton Springs Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Thompson, Duane	
Tax Map No(s):	34.17-1-65.100	
Brief Description:	Area Variance request to erect and and construct 2 - 72 x 24 grain bins and a 135 ft leg system to fill bins and load trucks and rail cars with grain. Applicant is seeking a 86 ft variance for the height of the leg system. The project construction will take place in 2 phases spanning 1-2 years. The project is located at 48 Railroad Ave. in the Village of Clifton Springs.	

COMMENTS: See referral #96-2016 for project description, comments and motions.

97 - 2016	Town of Richmond Planning Board	Class: AR-1
Referral Type:	Subdivision	
Applicant:	Schultz, Wayne	
Property Owner:	Schultz, Hilda	
Tax Map No(s):	120.00-1-76.100 120.00-1-75.100	
Brief Description:	Subdivision request to divide a 21.4 acre parcel into a 12 acre lot to be sold and a 9 acre parcel which will be consolidated into an adjacent parcel. Both parcels are owned by the same owner and the parcel remaining will be left vacant. Project is located at 4159 Frost Hollow Rd. in the Town of Richmond.	

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.
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 NYSDEC.
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.

98 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	

Applicant:	Raeman, Robert
Property Owner:	City of Canandaigua
Tax Map No(s):	84.00-1-32.000
Brief Description:	Special Use Permit request to construct a 3.5 acre solar array development. The photovoltaic panels will be mounted on ballasted structural frames with associated appurtenances. Parcel was formerly used as the City's Landfill and in total is 10 acres, which will be leased 'Pfister Energy of Baltimore'. Project is located at 4620 CR 46 in the Town of Canandaigua.

COMMENTS:

The southwest corner of the proposed lease area appears to encroach within the NYSDEC 100' wetland buffer. An Article 24 Freshwater wetland permit will be required from the State prior to proceeding with any ground disturbance.

The proposed method of panel installation appears to involve pouring concrete foundations and utilization of anchors at the surface/ at grade.

Based on the referral documents it is not clear where the boundaries of the former municipal landfill are. As such any soils disturbed during the process should be appropriately handled and disposed of. No disturbance to the former landfill site should be undertaken without consultation with the NYSDEC to ensure that the proposed development does not conflict with any post closure monitoring requirements at the site.

Fencing (7' perimeter fence) and screening (evergreens) of the lease area is proposed. Signage at the access points should include emergency contact information.

The proposed access road should be constructed to accommodate emergency response vehicles.

According to ONCOR:

- There are both a State (Class 1) wetland and Federal (Freshwater Emergent) wetland present on the property.
- The property **is** located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
 - Type: Lakemont silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

OCDPW Comments:

If new access to project is proposed from CR 46, Applicant will be required to obtain a County Highway Work Permit.

OCSWCD Comments:

- The SW corner of the project encroaches into the NYS DEC wetland buffer. Is there any way to move the project up to avoid this?
- Note #9 on page C1.0 is incorrect.
- Note #3 on page C 2.0 doesn't appear to match the detail it references. There are other notes on this page that appear incorrect also.
- Note #5 on page C4.1 calls for fertilizer and lime. This may not be required. It is best to conduct soil tests to see if these are needed prior to adding them.

Board Motion: *Referrals #98-2016 & #98.1-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: Glen Wilkes

Seconded by: David Wink

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

98.1 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Raeman, Robert	
Property Owner:	City of Canandaigua	
Tax Map No(s):	84.00-1-32.000	
Brief Description:	Site Plan approval to construct a 3.5 acre solar array development. The photovoltaic panels will be mounted on ballasted structural frames with associated appurtenances. Parcel was formerly used as the City's Landfill and in total is 10 acres, which will be leased 'Pfister Energy of Baltimore'. Project is located at 4620 CR 46 in the Town of Canandaigua.	

COMMENTS: See referral #98-2016 for project description, comments and motions.

99 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Premier Sign Systems	
Property Owner:	Widewaters Group	
Tax Map No(s):	98.00-1-46.100	
Brief Description:	Area Variance request for a proposed second sign for TJMaxx/Home Goods. Variance is needed since Town code does not allow for more than one tenant identification sign. The project is located at 3225 S R 364 in the Town of Canandaigua.	

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 Rte. 364 and US 5 & 20 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.

99.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Special Use Permit	
Applicant:	Premier Sign Systems	
Property Owner:	Widewaters Group	
Tax Map No(s):	98.00-1-46.100	
Brief Description:	Special Use Permit request for a proposed second sign for TJMaxx/Home Goods. Variance is needed since Town code does not allow for more than one tenant identification sign. The project is located at 3 225 SR 364 in the Town of Canandaigua.	

COMMENTS: See referral #99-2016 for project details and comments.

100 - 2016	Town of Farmington Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Farmington	
Property Owner:	Home Leasing	
Representative:	McMahon, P.E., Greg	
Tax Map No(s):	29.00-1-23.110	
Brief Description:	Map Amendment approval for the Farmington 332 LLC Incentive Zoning Project. Previously approved for overall incentive zoning in 2008. Now looking for an amendment to the incentive zoning to change Lot #4 from Restricted Business to Residential Multi-Family. Particular changes include change in type and size of buildings, a larger stormwater management basin, and extension of proposed hiking trail.	

Applicant is seeking to change the use for lot #4 (previously approved as restricted business) to residential multi-family. The request is to eliminate 5 two story office buildings totaling 50,000 sq. ft. and replace them with 10 apartment buildings, two storage buildings and a community center.

In addition, applicant is requesting a change to portion of lot #5, eliminating 1 two story 43,200 sq. ft. office building and replacing it with 4 two story office buildings totaling approximately 20,000 sq. ft.

The amendment is proposing a larger stormwater management basin to accommodate increased water volumes. The amendment also proposes the extension of the hiking trail connecting to the existing trail located on lot #2 (senior housing).

Proposed amendments result in an overall net reduction of 380 parking spaces.

Memo from the Town Planning Board Chair included in the referral package states that "The Planning Board finds that the proposed amendments to Lot #4 and #5 are generally consistent with the overall plan for the incentive zoning project and recommends the Town Board continue with the formal amendment process."

A trip comparison study is included in the referral package. The study concludes that the proposed changes to the lots as outlined above would generate approx. 121 fewer vehicles entering and 25 more vehicles exiting the development during the peak AM hour, and 21 more vehicles entering and 137 fewer vehicles exiting the development during the peak PM hour.

A SWPPP was not included with the referral package. If a SWPPP was reviewed as part of the initial IZ approval, it should be revised to include the proposed changes in development. The SWPPP should be reviewed by the Ontario County Soil and Water Conservation District prior to the start of construction.

The referral documents list the following as incentives to be received by the Town in connection with the project;

- Dedicated road connection between Hathaway Drive and Mercier Blvd.
- Pedestrian interconnection with eventual continuation to RT 96 & 332 commercial areas including the Southerly connection from Hathaway Drive to Perez Dr.
- Water main connection between dead end on Hathaway and Mercier Blvd.
- Reduction in peak hour traffic as a result of change from business to residential for a portion of the site.
- Construction of stormwater facilities that will improve drainage and lessen flooding for adjoining properties.
- Street lighting along Hathaway from Mercier Blvd to the end of the project.

The local Board is encouraged to review these incentives to ensure that they represent something offered to the Town that is above and beyond what would be reasonably requested/ required as part of the development process (i.e. stormwater management, lighting).

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.

Board Motion: *Referral #100-2016 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: Leonard Wildman

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

101 - 2016	Town of Farmington Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Town of Farmington	
Property Owner:	MiniTec Framing Systems	
Representative:	Blackwood Associates, LLC	
Tax Map No(s):	42.00-1-54.100	
Brief Description:	Subdivision, Special Use Permit, and Site Plan request to subdivide a 10 acre parcel and construct a 51,536 sq ft one story building for fabrication and assembly of metal components. Construction will include, driveway, parking area, stormwater management areas, and utilities. The project is located almost at the intersection of CR 8 and CR 41 in the Town of Farmington.	

COMMENTS:

MiniTec Framing Systems, LLC design, fabricate and distribute aluminum extruded profiles as well as custom machining and processing for customers on a national basis.

Site Characteristics

Acres: 10 acres / 5.0 acres proposed to be disturbed.

Land Use: LI Limited Industrial

Adjoining Land Use/Land Cover

North: Industrial/Commercial

South: Residential

East: Residential

West: Industrial /Commercial

Public Water: Yes

Public Sewer: Yes

Parking: 139 spaces required by code for Phase I development. 54 spaces proposed (with an additional 85 spaces to be landbanked).

Signage: Down lit sign proposed at facility entrance

Landscape Plan: Provided

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 (District 1). An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Odessa silt loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately Low
 - Erodibility: Very High

As represented on the referral drawings, stormwater infrastructure is proposed within portions of the 30 ft. setbacks. Referring board should confirm that this development is allowed within the setbacks.

OCDPW Comments:

Applicant will be required to obtain a County Highway Work Permit. Our primary concern with the MiniTec development is stormwater management. We'll need to have a comprehensive stormwater management plan for the entire site including the proposed MiniTec subdivision. Further subdivision of this parcel without a comprehensive stormwater management plan will only lead to more issues for all involved; we need to solve the stormwater issues now.

OCSWCD Comments:

I have no comments on this proposal. It appears (on paper) to meet the requirements of the SPDES permit and includes proper erosion and sediment and stormwater controls.

The largest item that always needs to be confirmed on any of the proposals is maintenance. This is always neglected and should be clearly specified who will be responsible for inspecting the practices and who will be responsible to ensuring that they are properly maintained.

FINDINGS:

OC CPB Bylaws Section 2.4 Natural Features address the CPB's interest in maintaining water quality.

Almost any water body by its very nature is "intermunicipal", whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.

When making findings on the County wide and intermunicipal impacts a proposal may have on drainage, water quality, and other issues related to natural features, the Board will seek input from representatives from the Ontario County Soil & Water Conservation District, and the Ontario County Department of Public Works.

This project intends on installing separate stormwater system within the County's right of way in place of previous plans to discharge to the County's road side swales. The stormwater collection and control measures presented by the applicant's engineer at the CPB meeting were not included within the most recent CPB referral package received. Without the necessary details and input from County partner agencies the true impacts of the proposed stormwater management system and its impacts on water quality and county infrastructure is uncertain.

Board Motion: *Referrals #101-2016 & #101.1-2016 & #102.2-2016 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 should take no action on granting subdivision, site plan or special use permit approval until the stormwater details relative to the proposed development are provided for review and approved by the County Department of Public Works.*

Motion made by: Tim Maher

Seconded by: David Wink

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

101.1 - 2016	Town of Farmington Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Town of Farmington	
Property Owner:	MiniTec Framing Systems	
Representative:	Blackwood Associates, LLC	
Tax Map No(s):	42.00-1-54.100	
Brief Description:	Subdivison, Special Use Permit, and Site Plan request to subdivide a 10 acre parcel and construct a 51,536 sq ft one story building for fabrication and assembly of metal components. Construction will include, driveway, parking area, stormwater manangement areas, and utilities. The project is located almost at the intersection of CR 8 and CR 41 in the Town of Farmington.	

COMMENTS: See referral #101-2016 for project description, comments and motions.

101.2 - 2016	Town of Farmington Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Town of Farmington	
Property Owner:	MiniTec Framing Systems	
Representative:	Blackwood Associates, LLC	
Tax Map No(s):	42.00-1-54.100	
Brief Description:	Subdivision, Special Use Permit, and Site Plan request to subdivide a 10 acre parcel and construct a 51,536 sq ft one story building for fabrication and assembly of metal components. Construction will include, driveway, parking area, stormwater management areas, and utilities. The project is located almost at the intersection of CR 8 and CR 41 in the Town of Farmington.	

COMMENTS: See referral #101-2016 for project description, comments and motions.

102 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Bayer Landscape Architecture	
Property Owner:	Sands, Richard	
Tax Map No(s):	154.06-1-7.100	
Brief Description:	Site Plan approval for the demolition and removal of existing tennis court and associated accessory structure and construction of an in-ground swimming pool, spa, decorative water feature, pool storage & equipment structure, and pool wing structure. The project is located at 4947 CR 16 in the Town of Canandaigua next to the lake.	

The CPB understands based on the referral document submitted that the applicant is also proposing the construction of a lodge on a parcel to be subdivided. It is the recommendation of this board that the local board consider the cumulative impacts of all proposed development on the property.

The CPB previously reviewed an application for the above referenced parcel pertaining to an area variance request for a side setback of 12 ft. when 15ft. is required. It was our recommendation at that point in time that the local board disapprove the project as outlined (please see previously submitted administrative review attached for your reference). It appears as though the setback has not been revised from what was originally submitted, but the referral cover sheet is asking us to make a recommendation on site plan only. Please note that although the CPB will make no recommendation on the site plan, based on the findings below our recommendation associated with the previously submitted area variance still stands.

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

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: 1

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.
6. 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.

7. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.
8. Collectively individual residential developments have significant impacts on surface and ground water.
9. Proper design off onsite sewage disposal is needed to protect ground and surface waters.
10. Proper storm water and erosion control is also needed to achieve that same end.

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

103 - 2016	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Norry, Lewis	
Property Owner:	Norry, Lewis	
Representative:	Gorman, Peter	
Tax Map No(s):	140.07-1-34.000	
Brief Description:	Site Plan and Area Variance for the removal of a portion of existing dock and construction of a new dock, boat accessory structure, tram from house, retaining wall associated with existing deck structure and 'Natural Stone Retaining Wall' above and below Mean High Water Mark. The project requires 2 rear setback variances and is located at 4625 CR 16 in the Town of Canandaigua on the lake.	

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

The intent of this policy is to:

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

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

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

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

Final Classification: 2

Findings:

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

Per NYSDEC review of referral projects;

103-2016 Lewis Norry will need an Article 15 permit application for proposed excavation and fill below the mean high

water elevation of Canandaigua lake, according to the proposed work summary.

103.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Norry, Lewis	
Property Owner:	Norry, Lewis	
Representative:	Gorman, Peter	
Tax Map No(s):	140.07-1-34.000	
Brief Description:	Site Plan and Area Variance for the removal of a portion of existing dock and construction of a new dock, boat accessory structure, tram from house, retaining wall associated with existing deck structure and 'Natural Stone Retaining Wall' above and below Mean High Water Mark. The project requires 2 rear setback variances and is located at 4625 CR 16 in the Town of Canandaigua on the lake.	

COMMENTS: See referral #103-2016 for project description and comments.

104 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	James Fahy Design	
Property Owner:	Twombly, Jeff & Laurie	
Tax Map No(s):	126.12-2-13.100	
Brief Description:	Area Variance request for the height of proposed single-family house. Height allowed is 25 ft and the proposed is 26.8 ft. Project is located at 4365 CR 16 in the Town of Canandaigua next to the lake.	

105 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Harter, P.E., Scott	
Property Owner:	Victor Property Holding LLC	
Tax Map No(s):	28.12-1-33.000	
Brief Description:	Area Variance request to demolish existing structure and construct a restaurant for Mark's Pizzeria. Applicant is seeking a 27.1 ft variance for the front setback. The project is located at 6499 SR 96 in the Town of Victor.	

Project was previously reviewed as CPB Referral #5-2016.

JANUARY 2016 COMMENTS are included below;

- Site plan approval for the reuse of an existing car dealership building and associated parking lot for a proposed Mark's Pizzeria location.
- Project includes an expansion of the existing parking areas to create a total of 55 paved parking spaces.
- Project will utilize existing curb cuts.
- According to ONCOR data;
 - No State or Federal wetlands are present on the property.
 - The property **IS** located within a FEMA floodplain per 1983 mapping. Floodplain is associated with creeks flowing to the west and east of the parcel (including Mud Creek).

The property is not located within 500 ft. of an Agricultural District.

JULY 2016 COMMENTS

Applicant does not want to utilize the existing foundation/ floor slab and now wishes to demolish the existing structure and construct a new building.

Applicant is requesting a 52.9' front setback when 80' is required by code. *The referring board is encouraged to grant the minimum variance necessary.*

Total area of disturbance is listed in the referral documents as approx. 0.70 acres. Even though the extent of the disturbance is less than 1 acre, stormwater and erosion and sedimentation control should be required to prevent any negative impact on the nearby surface water bodies and water quality in general. No documentation relative to this scope was provided in the referral packet.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is located within a FEMA floodplain. Floodplain is associated with creeks flowing to the west and east of the parcel (including Mud Creek).
- The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics
 - Type: Hemlock silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

Board Motion: *Referral #105-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: David Wink

Seconded by: Tim Maher

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

106 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Kumpf, Rudy	
Tax Map No(s):	16.00-1-1.110	
Brief Description:	Area Variance request to allow an existing barn to be a principal building before applicant subdivides the parcel into two lots. Lot 1 will be the applicants new home, while Lot 2 with existing house will be sold. The project is located at 670 CR 9 in the Town of Victor.	

Applicant wishes to build a new home on Lot #1 (with the existing barn). In order for the lot to be subdivided and the existing home sold, the barn (accessory structure) would be considered the principle building on proposed Lot #2.

Based on the referral documents provided, it is unclear how the proposed Lot #1 would be accessed. If the owner intends on utilizing the existing driveway on proposed Lot#2 then a cross access easement should be provided as part of the review process. If a new curb cut is proposed, the referring board should consult with the Ontario County Dept of Public Works prior to granting approval.

Board Motion: *Referral #106-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: David Wink

Seconded by: Leonard Wildman

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

107 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Urbanczyk, Jim	
Representative:	Ferr & Mullin	
Tax Map No(s):	15.01-1-42.000	

Brief Description:	Area Variance request due to the setback requirements not met once a portion of 829 Phillips Rd. is consolidated with 827 Phillips road to allow the business to have an effective driveway.
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According to the referral documents the applicant wishes to adjust lot line so that a piece of the property currently associated with 829 Phillips Road can be utilized for access to the 827 Phillips road parcel. Subdividing the piece of property for the construction of an 18' wide drive makes the 829 Phillips road lot non-conforming.

The required property line setback is 30 ft., the proposed subdivision would create a lot with a 25 ft. setback.

184-10.1 Lot line adjustment substantive criteria.

(2) The adjustment shall not cause any existing or proposed building or structure to come into violation of the Victor Town Code. However, these criteria shall not prevent the approval of an adjustment where an existing building or structure is nonconforming under the Zoning Ordinance ^[1] prior to the parcel line adjustment and the proposed adjustment will not increase the overall degree of nonconformity.

(10) The adjustment shall not eliminate or modify the configuration, alignments, number or profiles of driveways or other points of vehicular access serving affected parcels and/or associated easements.

Current access to the 827 parcel is provided via an access easement through 825 Phillips Road.

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

According to ONCOR:

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

CPB MEETING COMMENTS:

The applicant is encouraged to look for other feasible alternatives that will not result in the creation of a non-conforming lot. Acquiring a legal access easement across the parcel would give the applicant the same access they are looking for while maintaining the parcel's conformity.

Board Motion: *Referrals #107-2016 & #107.1-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: Sandy Riker

Seconded by: David Wink

Vote: 14 in favor, 1 opposed (G. Wilkes), 0 abstentions. Motion carried.

107.1 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Venezia Associates	
Property Owner:	Urbanczyk, Jim	
Representative:	Ferr & Mullin	
Tax Map No(s):	15.01-1-42.000	
Brief Description:	Subdivision and Area Variance request to consolidate a portion of 829 Phillips Rd. with 827 Phillips road due to the setback requirements not met once a portion of to allow the business to have an effective driveway.	

COMMENTS: See referral #107-2016 for project description and comments.

108 - 2016	Town of Phelps Town Board	Class: Exempt
Referral Type:	Text Amendment	
Applicant:	Town of Phelps	
Brief Description:	Text Amendment to amend Town's Chapter 105: Property Maintenance to include 'noxious weeds'.	

NEW BUSINESS: None.

ADJOURNMENT: Being no further business Chair Folkins requested a motion to adjourn. Motion to adjourn the 7/13/16 CPB meeting made by David Wink, seconded by Leonard Wildman. Motion carried. The 7/13/16 CPB meeting adjourned at 9:41 p.m.

Respectfully submitted,

Regina Connelly

Planner

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 I, 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)

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn