

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – September 13th, 2016 at 3:30pm

County Planning Board Meeting – September 14th, 2016 at 7:30pm

2nd Floor Conference Room, Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

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

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September 14, 2016 Meeting Attendance

Cities	Member	
Canandaigua	James Mueller	P
Geneva	Mary Bogin	P
Towns		
Bristol	Sandy Riker	E
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, Vice Chair	P
South Bristol	Albert Crofton	P
Victor	Timothy Maher	A
West Bloomfield	Dan Holtje	E
P-Present, E – Excused Absence, A – Absent, V – Vacant		

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

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

Guests Present: Matt Newcomb (Seneca Springs); Gary Smith (Happiness House); Brendan Marks (Friendly Ford)

Call to Order/Roll Call: Chair Jaylene Folkins called the 9/14/16 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 Fourteen (14) members were present meeting quorum requirements.

Minutes:

- **August 10, 2016: Motion was made by David Wink, seconded by Tim Marks to approve the August 10, 2016 minutes as presented. Twelve (12) in Favor, 0 Opposed, 2 Abstention (L. Wildman; L. Perryman). Motion carried.**

135 - 2016	Town of Victor Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Prior, Scott	
Tax Map No(s):	1.03-1-2.000	
Brief Description:	Area Variance request to construct a 10ft x 14ft storage shed to house pool supplies. Applicant requesting to place shed 4ft from side yard property line when 15ft is required. Project is located at 6470 Springdale Ct. in the Town of Victor.	

136 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	McFarland Johnson Inc.	
Property Owner:	Bogojevski, Cane	
Tax Map No(s):	28.03-1-51.000	
Brief Description:	Site Plan request to convert existing Auction Direct USA building from strictly offices to offices as well as a small show room. No modifications to the existing building, parking, site lighting and site landscaping are proposed. The project is located at 6606/6608 SR 96 in the Town of Victor.	

Policy AR-4: Use of existing facilities for a permitted use with no expansion of the building or paved area.

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

Final classification: Class 1

Findings:

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area.

Note: If applicant intends to expand the use or modify any structures on the property, the application must be re-referred to the County.

137 - 2016	Town of Geneva Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Passero Associates	
Property Owner:	Missick, Greg	
Tax Map No(s):	119.00-1-30.210	
Brief Description:	Site Plan request to construct Phase I of a PUD which includes 76 single story townhomes, in combinations of 4 and 5 unit buildings. Other buildings will include a 8,000 sq ft community building, walking trails, green houses, and a dog park. The project is located at 463 Snell Rd. in the Town of Geneva.	

April 2016 Comments:

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

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

Parcel area = 51 acres
Project area = 16 acres

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

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

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

April 2016 CPB COMMENTS:

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

SEPTEMBER 2016 COMMENTS:

Applicant received the previously requested rezoning of the 51 acre parcel from R-1 to a PUD in June 2016. Adjustments to the proposed plan have been made including the reduction of total single-story townhomes to 76. They have also included a full build-out of the parcel. Phase 1 development is for 16 acres and includes the 76 townhomes, while future Phase 2 is for 18 acres and includes 70 units.

There is only one proposed access into the complex off of Snell Rd., the applicant is recommended to contact local emergency response personnel to ensure there is adequate access in and out of the complex in case of an emergency.

Comment below from the April 2016 meeting still applies:

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

OCSWCD Comments:

- Fertilizer is called for. Soil tests should always be done prior to applying fertilizer to avoid excess fertilizer run off.
- The weekly site inspection form provided is a generic form from Monroe County. It is suggested that the owner's site inspection form be specific to the site and include practices that will be utilized on that site.
- On the NOI, the owner operator listed on the first page is different than the person one listed on the final page of the NOI.
- In the SWPPP document, it lists no concrete washout will take place on site, but a concrete washout facility is shown on page 6 the plans/design.
- The limits of clearing should be clearly shown on the plans and staked out in the field prior to construction.
- Stone check dams are listed in the key on page 6 but not shown on the plans/design.

According to ONCOR:

- There is a Federal wetland are present on the south section of the property. No proposed construction within wetland.
- The parcel is not located within a FEMA floodplain.
- The property is not located within 500 ft. of Agricultural District
- Soil Characteristics
 - Type: Cayuga silt loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

- Soil Characteristics
 - Type: Schoharie silt loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

CPB MEETING ADDITIONAL COMMENTS:

In addition to the comments listed above the County Planning Board offers the following;

- The referring board is encouraged to solidify what type of landscaping will be associated with the proposed development and how it will lend itself to protecting the character of the community. A representative for the applicant stated that landscaping will be focused on buffering the development from Snell Road and community areas within the development. He also stated that the Home Owners Association will be responsible for maintaining the landscaping once planted. The referring Board should reiterate that site plan approvals are based on a specified set of plans. Exact plan documents should be referenced in any motions made by the board so there is no confusion as to what the expectation is.
- According to the applicant’s representative, the traffic study associated with this development was done under the consideration that the development would be marketed to seniors. However, they do not intend on exclusively selling to seniors only. It is highly recommended that the referring board require the applicant to complete a traffic study based on sale of the properties to working single families to understand the impact that could be caused depending on the future owner.

Board Motion: *Referral #137-2016 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: 13 in favor, 1 opposed (M. Bogin), 0 abstentions. Motion carried.

138 - 2016	Town of South Bristol Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Grove, William	
Property Owner:	Rogers, Guy	
Tax Map No(s):	184.00-1-56.110	
Brief Description:	Special Use Permit and Site Plan approval request to expand a mining operation. 3.4 acres to be added to the Pine View Gravel Mine. Project located at 6500 SR 64 at the intersection of SR 21 in the Town of South Bristol.	

COMMENTS:

SEQR per Mr. Griffiths – DEC Region 8

- Total volume of excavation is approx. 160,000 cubic yards of unconsolidated materials. Is estimated to be mined for 3 years.
- According to the SWPPP runoff from active mining area will be directed to a stormwater retention pond located in the southeast corner of the property
- Mined Land Reclamation Plan has been developed to address re-grading of mining faces, re-installation of stockpile topsoil, seeding and mulching of all areas of soil disturbance

If truck traffic will be accessing and exiting the parcel via County Rd. 12, the applicant should reach out to Ontario County Department of Public Works.

Steep Slopes:

Per D. Graham from the Town of South Bristol - [According to DEC Pine View Gravel Mine has an erosion control plan in place already and does not appear one is required.](#)

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within Agricultural District #9. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Palmyra gravelly loam
 - Slope: 15 to 25 percent
 - Soil permeability: High
 - Erodibility: Medium
- Soil Characteristics
 - Type: Palmyra gravelly loam
 - Slope: 3 to 8 percent
 - Soil permeability: High
 - Erodibility: Medium

CPB MEETING ADDITIONAL COMMENTS:

In addition to the comments listed above the County Planning Board offers the following;

- The referring board is encouraged to look at the proposed stormwater infrastructure and its ability to handle larger rain events. Stormwater infrastructure should be sized so that no sediment laden water is discharged offsite.
- The referring board is encouraged to understand the useful life of the mine and its total extent of development. It is suggested that all reclamation plans are provided as part of the record to ensure that the Special Use Permit and Site Plan approvals are based on those details. The Town is encouraged to work with NYSDEC to understand what level of reclamation has been done to date and to utilize their ability to place conditions on the applicant during the Special Use Permitting Process to ensure updates and/or inspections are provided to the Town.

Board Motion: *Referrals #138-2016 & #138.1-2016 be retained as Class 2s and returned to the local board with the recommendation of approval with comments.*

Motion made by: David Wink

Seconded by: Tim Marks

Vote: 14 in favor, 0 opposed, 0 abstentions. Motion carried.

138.1 - 2016	Town of South Bristol Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Grove, William	
Property Owner:	Rogers, Guy	
Tax Map No(s):	184.00-1-56.110	
Brief Description:	Special Use Permit and Site Plan approval request to expand a mining operation. 3.4 acres to be added to the Pine View Gravel Mine. Project located at 6500 SR 64 at the intersection of SR 21 in the Town of South Bristol.	

Comments: See referral #138-2016 for project summary, comments and motions.

139 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Farren, Christine	
Tax Map No(s):	126.20-1-1.200	
Brief Description:	Special Use Permit approval request to convert an existing single-family residence to a 3-bedroom Tourist Home for Caregivers. No structural improvements are proposed. Project is located at 4443 CR 16 in the Town of Canandaigua.	

COMMENTS:

Tourist Homes are allowed in the Town's RLD district under special permit, and are defined as 'An owner-occupied dwelling used for providing overnight accommodations and containing at least three but not more than five bedrooms for transient guests for compensation. For purposes of the Town Code, "tourist home" shall include bed-and-breakfast establishments.'

OCDPW Comments:

Property is currently assessed 1 (equivalent house) unit for use of County sewers. The change of use will need to be reevaluated in accordance with the Ontario County Sewer Rents Local Law and, if necessary, the sewer use charges adjusted.

Board Motion: Referral #139-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Glen Wilkes

Seconded by: Leonard Wildman

Vote: 14 in favor, 0 opposed, 0 abstentions. Motion carried.

140 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	Kenton, Charles & Marie	
Tax Map No(s):	154.13-1-2.000	
Brief Description:	Area Variance request to demolish existing storage shed and construct a new and larger storage building and associated drive-way extension. The project is located at 5133 CR 16 in the Town of Canandaigua.	

141 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Property Owner:	Bartholf, John	
Tax Map No(s):	98.09-1-19.000	
Brief Description:	Site Plan and area variance approval request to demolish existing single-family residence and construct a new single-family residence, along with associated porch, garage, parking area, and breezeway. 9 ft variance needed for the proposed retaining wall, which is 41 ft from the front property line when 50 ft is required. Project is located at 4959 Waters Edge in the Town of Canandaigua.	

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

The intent of this policy is to:

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

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

Final Classification: Class 1

Findings:

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (*Ontario Co. RPTS Annual Report*)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper storm water and erosion control is also needed to achieve that same end.
4. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
5. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
6. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

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

Canandaigua Lake Watershed Association Comments:

The location of the topsoil pile in close proximity of the lake is concerning. How is the pile going to get utilized and/or removed? In addition, the roof drainage is being focused to the north and south sides of the house without any swale/conveyance system to make sure it will be properly discharge to the lake and not impact neighbors' properties. Will the tear down rebuild need to meet any Town water quality requirements with the increased impervious cover? Also, the water on the south side of the lot has a high likelihood of going toward the top soil pile. This water needs to be properly conveyed to the lake in a non-erosive manner.

OCDPW Comments:

DPW received site plans from the Town, prepared by Venezia Land Surveyors and Civil Engineers, dated 8/23/2016.

- Applicant must obtain a building sewer connection/renovation permit from CLCSD.
- CLCSD provided a comment letter to the applicant dated August 25, 2016.
- Applicant is required to submit revised plans to CLCSD for approval.

141.1 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	Bartholf, John	
Tax Map No(s):	98.09-1-19.000	
Brief Description:	Site Plan and area variance approval request to demolish existing single-family residence and construct a new single-family residence, along with associated porch, garage, parking area, and breezeway. 9 ft variance needed for the proposed retaining wall, which is 41 ft from the front property line when 50 ft is required. Project is located at 4959 Waters Edge in the Town of Canandaigua.	

Comments: See referral #141-2016 for project summary, comments and motions.

142 - 2016	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Parrone Engineering	
Property Owner:	Finger Lakes United Cerebral Palsy Inc.	
Tax Map No(s):	83.00-1-35.211	
Brief Description:	Site Plan approval request to develop Phase 3 of the Happiness House PUD, which includes the construction of an 8 unit and 22 unit apartment buildings and associated roadways, parking, sidewalks, and utilities. Project located at 5415 CR 30 in the Town of Canandaigua.	

March 2016 Comments:

Proposed text amendment to the Happiness House PUD. Per the referral documents; since the date of the local law filing and completion of Lot 1 of this project, New York State Homes and Community Renewal (the projects funding source) has revised its design criteria for the low income housing component, reducing the interior open and common space requirements. The change in

criteria now allows for an increased number of dwelling units (20 units originally, now 22). Additionally, the amendment seeks to clear up inconsistencies between the local law and associated reference map, requesting a minimum lot size of 0.35 acres for transitional housing units.

September 2016 COMMENTS:

Applicant seeking site plan approval to construct 8 unit and 22 unit apartment buildings. The proposed is Phase 3 of the overall development of the site.

OCSWCD Comments:

- No SWPPP was provided with the plans.
- Will this project require a 5 acre waiver?
- There were no erosion or sediment control or stormwater notes on any of the materials provided for review.
- The limits of clearing should be clearly shown on the plans and staked out in the field prior to construction.

OCDPW Comments:

The Department of Public Works (DPW) received Final Subdivision Plans for Happiness House Phase 3 from the Town of Canandaigua, prepared by Parrone Engineering, dated 8/12/2016.

- Applicant must obtain a sewer connection/sewer extension permit from the Canandaigua Lake County Sewer District (CLCSD).
- New York State Dept. of Environmental Conservation must also approve the plans for the sanitary sewer extension.

A full technical review of the plans will be provided when staff becomes available (from current assignments). Once we have completed our review, a list of comments will be forwarded to the applicant with a copy sent to the Town.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property is not located within a FEMA floodplain.
- The property is located within Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Rhinebeck silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

Board Motion: *Referral #142-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.*

Motion made by: Carol O'Brien

Seconded by: Al Crofton

Vote: 14 in favor, 0 opposed, 0 abstentions. Motion carried.

143 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile of Roch d/b/a Veriz	
Property Owner:	Benderson Development Co.	
Representative:	Peabody, Nixon	
Tax Map No(s):	6.04-1-78.000	
Brief Description:	Special Use Permit and Site Plan approval request to construct and operate a micro cell wireless telecommunications facility on the roof top of the Victor Crossing plaza. The will also be a 6' x 6' designated space on the ground for an equipment cabinet. Project located at 411 Commerce Dr. in the Town of Victor.	

COMMENTS:

Bell Atlantic Mobile of Rochester is proposing to develop a 6 ft x 6 ft area of leased ground space for the equipment cabinets(s) and an additional 6 ft x 6 ft area of leased rooftop space for the "cantenna" from Benderson Development Company. Verizon Wireless will construct and operate the micro cell wireless telecommunications facility, which includes a low power, single-sector radio unit with one approx. 282.7 inch tall, roof mounted external 'cantenna'.

Board Motion: *Referrals #143-2016 & #143.1-2016 be retained as Class 1s and returned to the local board with comments.*

Motion made by: Tim Marks

Seconded by: David Wink

Vote: *14 in favor, 0 opposed, 0 abstentions. Motion carried.*

143.1 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile of Roch d/b/a Veriz	
Property Owner:	Benderson Development Co.	
Representative:	Peabody, Nixon	
Tax Map No(s):	6.04-1-78.000	
Brief Description:	Special Use Permit and Site Plan approval request to construct and operate a micro cell wireless telecommunications facility on the roof top of the Victor Crossing plaza. The will also be a 6' x 6' designated space on the ground for an equipment cabinet. Project located at 411 Commerce Dr. in the Town of Victor.	

Comments: See referral #143-2016 for project summary, comments and motions.

144 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Hendler & Associates LLC	
Tax Map No(s):	28.12-1-19.120	
Brief Description:	Site Plan approval request to change the use of property from auto-repair to a mixed use, preferably medical, office or retail. Modifications to the structure's front exterior proposed along with the filling in of rear door. The project is located at 330 Phoenix Mills Plaza in the Town of Victor.	

Policy AR-4: Use of existing facilities for a permitted use with no expansion of the building or paved area.

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

Final classification: Class 1

Findings:

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area.

Note: *If applicant intends to expand the use or modify any structures on the property, the application must be re-referred to the County.*

145 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Davis, Charles	
Property Owner:	Weeks, Dorothy	
Tax Map No(s):	71.00-1-23.000	
Brief Description:	Area Variance approval request to construct an attached garage and associated breezeway to existing single-family residence. The existing residence is a preexisting non-conforming structure in an industrial district. Variance needed for setback from creek located on property, 39.9 ft is proposed when 100 ft is required. The project is located at 2700 CR 10 in the Town of Canandaigua.	

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

The intent of this policy is to:

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

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

Final Classification: Class 1

Findings:

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

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

146 - 2016	Village of Phelps Village Board	Class: AR-1
Referral Type:	Other	
Applicant:	Sitter, Nancy	
Property Owner:	Sitter, Nancy	
Brief Description:	Sign Permit approval request to erect a sign on the front and back of bakery. Sign will be 4 ft x 6 ft and meets all municipal code requirements. Project is located at 104 Main St. in the Village of Phelps.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the following roads as primary travel corridors for tourists visiting Ontario County: **State Route 96**

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

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

Final Classification: Class 1

Findings

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

character.

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

147 - 2016	Town of Seneca Planning Board	Class: 2 (revised per motion)
Referral Type:	Subdivision	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Subdivision, Site Plan, & Special Use Permit approval to subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

COMMENTS:

Project includes a 15 acre parcel to be subdivided into two parcels. Parcel A will be approx. 12 acres and be used as the site for the relocation of the Ford dealership (~42,000 sq. ft.), currently located a .5 mile down 5 & 20, and will include 68 parking spaces and 260 spaces for vehicle staging. Parcel B will be approx. 3 acres for a New Quick Lane building (~8,000 sq. ft.) with 40 parking spaces and 90 spaces for vehicle staging. Approximately 9 acres of the site will be disturbed.

The 15 acres related to this project were previously subdivided from an 88 acre parent parcel, back in February 2016. The remaining 65 acres of the parent parcel will continue to have access off of Rte. 5 & 20 ultimately creating a flag lot and will remain under agricultural use, but zoned commercial.

There are 2 proposed access points off of Rte. 5 & 20. The eastern most access point is a cross access/parking easement along the parcel boundary to serve both parcels.

The referring board is recommended to have the applicant provide full parcel build out for Parcel A to ensure the maximum lot coverage is not exceeded in any future development.

Due to the past agricultural use of the property it is recommended that any drainage infrastructure associated with the property be mapped. Any associated infrastructure (tiles) encountered during construction should be repaired or tied into appropriate stormwater conveyances.

OCSWCD Comments:

- Due to the location of the site, dust control will be crucial during construction. The plans/SWPPP should specify how dust control will be achieved.
- Stone check dams are specified on page C400 but not shown on the design/plans.
- Fertilizer is called for on page C 400. Soil test should always be done prior to applying fertilizer.
- Inlet protection is also called for on page C501 but not shown on the design/plans.
- The NOI is not signed in the SWPPP book.
- The limits of clearing should be clearly shown on the plans and staked out in the field prior to construction.

According to ONCOR:

- State or Federal wetlands are present on the property in the Southwest corner, but no construction will occur in that area.
- The parcel is not located within a FEMA floodplain.
- The property is within Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Kendaia loam
 - Slope: 0 to 3 percent

- Soil permeability: Moderately High
- Erodibility: Medium
- Soil Characteristics
 - Type: Lima loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: High
- Soil Characteristics
 - Type: Lima loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: High

Rt. 5 & 20 Corridor Economic Development

The C-2 Community Commercial Zoning District is located at the eastern end of Rt. 5 & 20 and totals 20 parcels on 334 acres bordering the Town of Geneva. The Town chose this location for its higher-intensity commercial development because it had access to water and sewer infrastructure and was a continuation of the type of development along the corridor in the Town of Geneva.

The C-2 District created the opportunities a diverse mix of uses while retaining the rural character that the Town values. It provides the Town (and the County) with higher-value development opportunities. These can only be maximized if the parcels are developed in a manner that meets the immediate needs of a particular use or project as well as future development of undeveloped land on the project parcel and adjoining parcels.

The most desirable parcels for development are those which are “shovel ready” for the initial use or phase but plans for build out of the parcel(s). It will also streamline the regulatory process as future uses or phases come on line.

The 80 acre parent parcel, prior to the February subdivision, represent 24% of all land in the C-2 District and was also the largest parcel. The subdivision and development layout proposed for the 15 acre parcel may meet the immediate project needs but does not facilitate future development of either it or the 65 acres of the original parent parcel. Consider:

- The two proposed internal roadways are relatively narrow. Parked cars pull out directly into the roadway. This configuration does not plan for vehicle circulation to future expansion to the undeveloped 10 +/- acres of the parcel.
- The zoning code allows 50% lot coverage (impermeable surface). Lot R-3A is currently at 35% (+/-) coverage leaving very little impermeable surface available for future development.
- It is not clear what the design capacity is for water and sewer infrastructure. If the layout and sufficient capacity is not planned for now, future development will become very costly.
- The storm water management facilities are designed to meet the current needs. Planning for additional capacity now will be cost effective for current and future development.
- The site's soils have moderately high permeability making them potentially suitable for permeable pavement. This would be cost effective because 1) it would reduce the size of stormwater management facilities, and 2) increase the amount of developable land by reducing impermeable surface.
- The 65 acre adjoining parcel has the potential for significant commercial development. This is severely hampered by its configuration as a flag lot with only one 100 ft. wide access point that will likely not be able to accommodate the traffic that such a development would generate. While there may be no immediate development plans for the parcel, future development options will be limited and likely require an unnecessarily large investment in site infrastructure. It also will be leaving a considerable amount of potential tax base ‘on the table’.

- Within 750 +/- ft. along Rt. 5 & 20, there will be five driveways. The proliferation of uncoordinated parcel access points, particularly in a commercial area on a high traffic corridor, is in direct contradiction to the access management principles that are in the *ROUTES 5 & 20 CORRIDOR ACCESS MANAGEMENT PLAN - TOWNS OF HOPEWELL AND SENECA* which are as valid today as when the study was completed.

NYS DOT is responsible for providing access to a given parcel and not for planning for long term access management for development. That legal responsibility is given to the locality through planning and zoning. NYS DOT funded that study with the hope of avoiding future haphazard development patterns with piece meal access management.

A well-planned and coordinated build out will deliver the maximum short and long term economic benefit for the landowners, town and county.

CPB MEETING ADDITIONAL COMMENTS:

In addition to the comments listed above the County Planning Board offers the following;

The referring board is strongly encouraged to consider access to the parcel in accordance with the corridor plan referenced above. It is recommended that the Town facilitate conversations between the adjacent property owners to create a shared access plan that would increase the marketability of the lot located behind the subject parcel, create a safe number of curb cuts and keep the neighborhood character that is associated with entrance into the Town of Seneca from the eastern 5&20 corridor.

Board Motion: *Referrals #147-2016, #147.1-2016 & #147.2-2016 be changed to Class 2s.*

Motion made by: Glen Wilkes

Seconded by: Leonard Wildman

Vote: 13 in favor, 0 opposed, 1 abstention (T. Marks). Motion carried.

Board Motion: *Referrals #147-2016, #147.1-2016 & #147.2-2016 be retained as Class 2s and returned to the local board with the recommendation of approval with comments.*

Motion made by: Mary Bogin

Seconded by: Lou Perryman

Vote: 13 in favor, 0 opposed, 1 abstention (T. Marks). Motion carried.

147.1 - 2016	Town of Seneca Planning Board	Class: 2 (revised per motion)
Referral Type:	Site Plan	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Subdivision, Site Plan, & Special Use Permit approval to re-subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

Comments: See referral #147-2016 for project summary, comments and motions.

147.2 - 2016	Town of Seneca Planning Board	Class: 2 (revised per motion)
Referral Type:	Special Use Permit	
Applicant:	Friendly Ford of Geneva	
Tax Map No(s):	103.00-1-17.100	
Brief Description:	Subdivision, Site Plan, & Special Use Permit approval to re-subdivide an existing lot into two lots; Parcel A-12.3 acres and Parcel B-2.2 acres. Framed quick Lane Service Station to be constructed on Parcel B and Framed Ford Dealership to be constructed on Parcel A. Proposed joint parking lot, utilities and stormwater management facilities. Project located on 5 & 20 0.5 miles East of Yageal Rd.	

Comments: See referral #147-2016 for project summary and comments.

148 - 2016	Town of Seneca Planning Board	Class: 2 (revised per motion)
Referral Type:	Site Plan	
Applicant:	Martin, Abram	
Tax Map No(s):	103.00-1-7.111	
Brief Description:	Site Plan approval request to construct a 10,000 sq ft addition to existing barn and 17 parking spaces for continuation of the overhead door business. Applicant will also be demolishing 5 other buildings and putting in an on-site wastewater treatment system. The project is located at 4081 SR 14 in the Town of Seneca.	

COMMENTS:

- Full acreage of parcel = 17
- Acres to be disturbed = 1
- Zoning is C-2
- The referring board is encouraged to have the applicant provide a full parcel built out to ensure sound development practices and to avoid segmentation.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Lima loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: High
- Soil Characteristics
 - Type: Lima loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: High

CPB MEETING ADDITIONAL COMMENTS:

In addition to the comments listed above the County Planning Board offers the following;

- The referring board is encouraged to reference the ROUTES 5 & 20 CORRIDOR ACCESS MANAGEMENT PLAN - TOWNS OF HOPEWELL AND SENECA to ensure the proposed access point is in compliance with that vision.
- The referring board is encouraged to require the applicant to provide a full parcel build out of the site to ensure any proposed opportunity for expansion in the future is considered in the decisions that are made relative to this proposal (i.e. is the proposed septic system appropriately sized to handle any potential for expansion to the business, does the Town want to/ can the Town require the applicant to extend the water infrastructure in place of the proposed septic?)

Board Motion: *Referral #148-2016 be changed to a Class 2.*

Motion made by: Glen Wilkes

Seconded by: Leonard Wildman

Vote: *13 in favor, 0 opposed, 1 abstention (T. Marks). Motion carried.*

Board Motion: *Referral #148-2016 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: Carol O'Brien

Vote: 13 in favor, 0 opposed, 1 abstention (T. Marks). Motion carried.

149 - 2016	Village of Victor Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Mack, Michael & Sarah	
Tax Map No(s):	28.06-2-56.000	
Brief Description:	Area Variance request to construct a 32 ft x 44 ft garage 19 ft in height. Town code specifies no detached accessory buildings shall not exceed 12 ft in height. Applicant asking for a 7 ft variance. Project is located at 245 East Main St. in the Village of Victor.	

150 - 2016	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Mitchell Design Build	
Property Owner:	Victor Self Storage, LLC	
Tax Map No(s):	28.05-1-56.210	
Brief Description:	Site Plan approval request for the expansion of an existing self-storage facility, with the construction of 2 new buildings (3,500 sq ft and 2,200 sq ft) and new pavement in between. The project is located at 200 School St. in the Village of Victor.	

COMMENTS:

Project details:

- Construction of a 2,200 sq ft storage building (meet all setback requirements)
- Construction of a 3,500 sq ft storage building (meet all setback requirements)
- Relocation of existing 6 ft tall chain link fence
- New pavement between the 2 proposed storage buildings
- Development of a Fire Access lane made of crushed stone off of Rawson Rd.

According to ONCOR:

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

Board Motion: *Referral #150-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: Glen Wilkes

Seconded by: David Wink

Vote: 14 in favor, 0 opposed, 0 abstentions. Motion carried.

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.

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.

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)

