

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – January 8, 2019 at 3:30pm

County Planning Board Meeting – January 9, 2019 at 7:00pm

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/index.aspx?nid=516>

Attendance and Minutes.....2
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General Procedures and Legal Obligations for Referring Agencies.....19

Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
1 - 2019	Town of Victor	Planning Board	Woods at Valentown	Site Plan	1	1
2 - 2019	Town of Victor	Planning Board	Verizon Wireless	Site Plan	1	4
2.1 - 2019	Town of Victor	Planning Board	Verizon Wireless	Special Use Permit	1	
3 - 2019	Town of Victor	Planning Board	Verizon Wireless	Site Plan	1	
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4 - 2019	Town of Manchester	Planning Board	Tuttle, Albert	Site Plan	1	5
4.1 - 2019	Town of Manchester	Zoning Board of Appeals	Tuttle, Albert	Use Variance	2/A	6
5 - 2019	Village of Naples	Planning Board	Ashley-Stewart, Lauren	Site Plan	1	
5.1 - 2019	Village of Naples	Planning Board	Ashley-Stewart, Lauren	Special Use Permit	1	
6 - 2019	Town of Victor	Town Board	Town of Victor	Text Amendment	2/A	
6.1 - 2019	Town of Victor	Town Board	Town of Victor	Comprehensive Plan	2/A	7
7 - 2019	Town of Victor	Town Board	Town of Victor	Comprehensive Plan	2/A	
8 - 2019	Town of Victor	Planning Board	Goodwill of the Finger Lakes	Site Plan	1	
9 - 2019	Town of Victor	Planning Board	Fuentes, Mark	Site Plan	1	8
9.1 - 2019	Town of Victor	Planning Board	Fuentes, Mark	Special Use Permit	1	
10 - 2019	Town of South Bristol	Planning Board	David Burrows	Site Plan	AR 1	9
11 - 2019	Town of Canandaigua	Zoning Board of Appeals	Design Works Architecture	Area Variance	AR 2/D	
12 - 2019	Town of Canandaigua	Planning Board	McMahon, Greg	Site Plan	AR 1	10
13 - 2019	Town of Canandaigua	Zoning Board of Appeals	Sorgi, Peter	Area Variance	AR 2/D	11
14 - 2019	City of Canandaigua	Planning Commission	Bell Atlantic Mobile	Special Use Permit	1	13
15 - 2019	City of Canandaigua	Planning Commission	Bell Atlantic	Special Use Permit	1	
16 - 2019	Town of Canandaigua	Planning Board	Ontario County Industrial Development Agency	Technical Review		

	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
Canandaigua	Thomas Lyon	P		
Geneva	Vacant			V
Towns				
Bristol	Sandy Riker		A	
Canadice	Stephen Groet	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff		E	
Farmington	Patti Wirth	P		
Geneva	Steven High	P		
Gorham	Jack Dailey		E	
Hopewell	Vacant			V
Manchester	Ruby Morrison	P		
Naples	Carol O'Brien	P		Arrived at 7:06
Phelps	Glen Wilkes	P		Arrived at 7:10
Richmond	Leonard Wildman	P		Left at 7:10
Seneca	Timothy Marks	P		
South Bristol	Albert Crofton	P		Arrived at 7:06
Victor	Marty Avila	P		
West Bloomfield	Sue Boardman	P		

Guests: Andy Hart/Bergman, Goodwill; Fred Rainaldi & Nicole Petranto, Woods at Valentown; Rebecca Glitch/BME, Woods at Valentown; Albert Tuttle, Manchester; Peter Sorgi/Hopkins Sorgi, 3400 Poplar Beach.

Staff: Linda Phillips – OCPD, Linda Frasca - OCPD

Call To Order/Roll Call: Nominating Committee Chair, Patti Wirth called the 1/9/19 CPB meeting to order at 7:05p, and requested Ms. Frasca to do roll call. Ms. Frasca presented roll call and reported that there were ten (10) members present at 7:06p, meeting the quorum requirement. CPB members Carol O’Brien and Bert Crofton arrived at 7:06p making the total number of CPB members in attendance twelve (12).

Ms. Wirth reported that the Nominating Committee had spoken with all members of the Board regarding their willingness to serve as an officer and their recommendation of who should serve. The committee recommended that Leonard Wildman and David Wink be elected as Chair and Vice Chair respectively. **Motion made by Steve Groet, seconded by Marty Avila that Leonard Wildman be elected as the 2019 Chair of the CPB and David Wink be elected as the 2019 Vice Chair of CPB as presented. Motion unanimously carried.**

Based on the recommendation of the Nominating Committee, **Motion made by Ruby Morrison, seconded by Tom Lyon that Leonard Wildman be appointed as the CPB Representative and Albert Crofton be appointed as the Alternate Representative to the 2019 Water Resource Council. Motion unanimously carried.**

Chair Wildman thanked the board for re-electing him as Chairperson, and informed the board that he would be excusing himself from the meeting to attend to a personal matter and turned the meeting over to Vice Chair David Wink at 7:10p. Also at 7:10p CPB member Glen Wilkes arrived, resulting in continuation of twelve (12) members in attendance and meeting the quorum requirement.

Approval of Minutes: Vice Chair David Wink asked for a motion and a second to approve the following minutes as presented: **December 12, 2018: Motion made by Sue Boardman to approve the December 12, 2018 minutes seconded by Tim Marks. (required abstentions – Sandy Riker, Marty Avila, Mike Woodruff) Motion Carried.**

1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Woods at Valentown	
Representative:	BME Associates	
Tax Map No(s):	1.07-1-5.000	
Brief Description:	Final site plan approval for 288 apartments in 12 buildings off High Point Drive in the Town of Victor. http://www.co.ontario.ny.us/DocumentCenter/View/15925/1-2019-site-plan http://www.co.ontario.ny.us/DocumentCenter/View/16541/1-2019-Woods-at-Valentown-Conservation-Easement-Exhibit-1-9-18	

The following summarizes project description, comments, and potentially impacted features from previous CPB PDD zoning amendment referrals in July 2017 and June 2018 (#99-2018).

Excerpt from July 2017 CPB minutes

- Applicant seeking to rezone multiple parcels totaling approximately 51 acres to become part of the High Point Business Park PDD, known as the Woods at Valentown. An additional 5.38 acre parcel will also be rezoned to High Point Business Park PDD, which is currently in the Conifer Village at Eastview PDD. The applicant wishes to construct 84 of the 300 apartment units on the former Conifer parcel.
- Amendment of the High Point Business Park PDD in regards to the currently permitted Homeowners Association (HOA) Lot. Applicant wishes to construct 216 apartment units in lieu of the previously planned 72 townhome units.
- The proposed development will occur in areas with steep slopes. Erosion and sedimentation control details and an updated SWPPP should be provided to ensure that water quality impacts during construction are mitigated.
- An updated traffic study that shows the impact of the additional residential units should be provided to NYSDOT for their review and comment to ensure signalization on SR 96 does not need to be further addressed.

According to ONCOR:

- There is a Federal wetland present on one of the parcels.
- The property is not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

July 2017 NYSDOT Comments (G. Trost)

“I don’t see where it would have an impact on the State highway system, unless their traffic study shows such an increase in traffic that the signal system needs to be adjusted”.

July 2017 OCSWCD

Understanding this is a rezoning for apartment buildings, the plan minimizes impervious surfaces from the previously approved development, but overall there will be a significant increase in impervious surfaces. SWPPP not provided so unable to comment on stormwater management.

July 2017 CPB Comments

In addition to the comments listed above, the applicant is encouraged to investigate additional means of emergency access. As currently configured the site plan shows a long access road to multiple units with no additional point of egress.

June 2018 This referral is for amendment of the PDD. In the future, the site plan will also be referred and a SWPPP will be prepared. Based on the submitted preliminary development plan dated August 2017, the applicant currently proposes 14 apartment buildings with 21 units each or 294 units. The HOA and townhouse lots will accommodate 231 units and the former Conifer lot will accommodate 63 units. Compared to the previously approved site plans, the development plan shows 7.7 acres of impervious surface coverage on the 51.49 acre HOA and Townhouse lands. This represents an increase of .53 acres and a corresponding reduction in greenspace to 85%. The total disturbed area has increased from 24 to 24.9 acres. Proposed development on the former Conifer lot involves disturbing 4.2 acres of the 5.38 acre lot with ultimate development on 35.5 % of the lot. No comparative data is provided.

The preliminary development plan indicates 588 parking spaces are required including 2 per apartment and 15 for the club house. The actual number required would be 603 not 588. The proposed parking includes 2 spaces per apartment and 19 for the club

house for a total of 612 spaces including 30 accessible spaces. In general each unit has 1 underground and 1 surface space, although there is 1 additional underground space per building (and 1 fewer surface space).

The Plan involves temporary impoundments for expansion of the infiltration pond. According to the EAF, 44 % of the site has slopes over 15%, there is a 4.5 acre federal wetland, and the project site is over or adjoining a principal and primary aquifer. The EAF also indicates the project will involve replacement of 20 acres of forest, 7.6 acres of meadow, and 1.2 acres of wetland with 9.2 acres of roads and buildings, 18.7 acres of lawn and landscaped area, and a .9 acre pond. The wetland disturbance and mitigation were completed as part of the initial phase of development at High Point Business Park

No information is provided regarding additional acreage of land proposed as permanent open space via a conservation easement. The EAF narrative also states the applicant will continue to expand the High Point trail network, but no details are provided.

June 2018 Comments

The site plan should clearly show areas of disturbance in environmentally sensitive areas such as steep slopes. The map should indicate lands with different percent slope such as less than 15 %, 15 to 25%, 25% to 40%, 40 to 50 % and more than 50%.

June 2018 OCSWCD Comments

Disturbance of steeply sloped areas for roadways, buildings, and associated infrastructure would all need review. Increase of impervious surface to 9.61 acres in steep slope area requires special attention to stormwater management and erosion and sediment control planning.

2018 CRC Comments

1. The applicant has provided additional mapping to show existing slopes of areas to be disturbed as well as mapping to show how the 3 story apartment buildings fit within the approved footprint of the 2 story townhouses.
2. The applicant asserts that potential visual impact of the taller buildings will be offset by the reduction in the number of buildings and improved sight lines between buildings.
3. In response to County and Local concerns regarding emergency access, the applicant intends to add turning lanes at Winwood Hollow, Cedar Glen, and Embry Ridge intersections.

2019 Project Description

The project currently proposed 288 apartments in 12 buildings, under the maximum allowable density of 296 units. Compared to the previous submission, 2 buildings have been eliminated and the 36 of the proposed units have been allocated to 4 other buildings which now accommodate 30 apartments per building while other buildings continue to accommodate 21 units. Buildings are a maximum of 48 feet high with underground parking and 3 floors of apartments. The current plan includes 597 parking spaces, including 38 accessible spaces and 19 spaces at the clubhouse.

The overall disturbed area is 28.6 of 56 acres, down slightly from 31.6 acres previously proposed. The site plan includes 1 acre of planted woods and conservation easement lands located in sections 2 and 4 which will be donated to the Town. Buildings and parking will cover 9.6 acres. The revised conservation easement includes 22 acres, an increase of .85 acres from the previously approved site plan.

Section 1 includes 4 buildings with a level of 96 parking spaces and 3 stories for 84 apartments, 91 surface parking spaces, and the clubhouse and pool

Section 2 includes 3 buildings with a level for 84 parking spaces and 3 stories for 81 apartments, 79 surface parking spaces, bio-retention area 1, and expansion of the northern portion of a stormwater management facility A

Section 3 includes 2 buildings with a level for 60 parking spaces and 3 stories for 60 apartments, 60 surface parking spaces

Section 4 3 buildings with a level for 72 parking spaces and 63 apartments, 55 surface parking spaces, and bio-retention areas 2,3 and 4. This section will drain to existing stormwater management facility B.

2019 Comments

1. When will retaining walls be installed?
2. When will 1 acre of proposed woods be planted?

3. How many acres are proposed for donation of conservation easement in sections 2 and 4?
4. How many acres of disturbed land are included in lands previously or currently proposed as conservation lands?
5. The EAF indicates public transportation within ½ mile and potentially accommodations for alternative fueled vehicles, bicycles and pedestrians but such accommodations are not shown on the plans.
6. No SWPPP provided.

CRC 2019 Comments

In response to member questions, the project engineer clarified construction sequencing and activities as follows:

1. As final grading for each section is completed, disturbed area will be stabilized with seeding and/or erosion control mats as outlined in the SWPPP. The section 2 area is largely cleared and excavations will be used to provide needed fill for sections 1 and 3. Additional excavated materials from Section 4 will be necessary to achieve grades for section 3.
2. Some tree transplanting may occur in the proposed woods area as grading is completed, but the majority of tree planting will be completed in conjunction with installation of building landscaping.
3. The applicant has committed to constructing and maintaining 3.5 miles of trails including approximately 1 mile along High Pointe Drive and additional trails in the vicinity of each residential section. The developer anticipates partnering with Victor Hiking Trails who would provide some volunteer trail building and maintenance.

OCSWCD 2019 Comments OCSWCD reviewed the engineer’s report and final site plan detail sheets including utilities, grading, and soil and erosion control and offered no comments.

CPB 2019 Comments Municipality should secure an easement for the existing High Pointe trails.

Board Motion: A motion to retain referrals # 1-2019 as Class 1 and return it to the local board with comments.
Motion made by: Tom Lyon
Seconded by: Patti Wirth
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

2 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Verizon Wireless	
Property Owner:	Benderson Development	
Representative:	Costich Engineering	
Tax Map No(s):	6.04-1-78.000	
Brief Description:	Site plan and special use permit for replacement of 1 roof-mounted antenna and addition of 1 remote radio head in ground equipment area at 413 Commerce Drive in the Town of Victor.	

Existing and replacement antenna mounted on a roof at elevation of 20’ above ground level. Existing and replacement antenna height are 8.5’ above the roof. An existing parapet extends 6’ above the roof partially screening the antenna. The added radio head will be installed in the ground equipment area at northeast rear corner of retail development.

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return each to the local board with comments.
Motion made by: Marty Avila
Seconded by: Carol O’Brien
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

2.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Verizon Wireless	
Property Owner:	Benderson Development	
Representative:	Costich Engineering	
Tax Map No(s):	6.04-1-78.000	

Brief Description:	Site plan and special use permit for replacement of 1 roof-mounted antenna and addition of 1 remote radio head in ground equipment area at 413 Commerce Drive in the Town of Victor.
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See information at 2-2019.

3 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Verizon Wireless	
Property Owner:	60 fishers LLC	
Representative:	Costich	
Tax Map No(s):	6.00-1-59.210	
Brief Description:	Site plan and special use permit to replace building mounted antenna, relocate equipment cabinet, and add a remote radio head in the ground equipment area at 600 Fishers Station Drive in the Town of V ictor.	

Existing and replacement antenna mounted on a roof at elevation of 26' above ground level. Existing and replacement antenna height are 7.7' above the roof.

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return each to the local board with comments.

Motion made by: Marty Avila

Seconded by: Carol O'Brien

Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

3.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Verizon Wireless	
Property Owner:	60 fishers LLC	
Representative:	Costich	
Tax Map No(s):	6.00-1-59.210	
Brief Description:	Site plan and special use permit to replace building mounted antenna, relocate equipment cabinet, and add a remote radio head in the ground equipment area at 600 Fishers Station Drive in the Town of V ictor.	

See information at 3-2019.

4 - 2019	Town of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Tuttle, Albert	
Tax Map No(s):	32.00-2-73.100	
Brief Description:	Site plan and use variance to rent a 4,240 SF barn for a fire equipment sales and service business on a 2.6 acre lot at 3991 Dewey Road in the Town of Manchester.	

The property is zoned A-1 Agricultural. The purposes of the A-1 District include:

1. To delineate areas where agricultural is the predominate use
2. To protect agricultural areas from premature or inefficient development which would adversely affect the rural character
3. To provide for residential nonfarm uses in a manner appropriate to the agricultural character of the area.

Permitted uses in the A-1 District include single family dwellings, farms, and related accessory uses. A variety of industrial (quarrying, airport, utility systems facilities), commercial (day care, motel, auction facility, professional, medical, or veterinary office), recreation (golf course, gun range, campground, municipal park), residential (two family, multiple family), institutional (education facility, church) and accessory uses are allowed by special use permit.

According to OnCOR, the property is not located in an agricultural district and not subject to environmental constraints from floodplain, wetlands, or steep slopes.

CPB Comment If the Planning Board determines that a stamped site plan is not required, the Board should formally waive the requirement.

Board Motion: A motion to retain referral # 4-2019 as Class 1 and return it to the local board with comments.

Motion made by: Tom Lyon

Seconded by: Patti Wirth

Vote: 8 in favor, 3 opposed, 1 abstention (Ruby Morrison). **Motion Failed.**

Board Motion 2: A motion to retain referral # 4-2019 as Class 1 and return it to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Patti Wirth

Vote: 10 in favor, 1 opposed, 1 abstention (Rudy Morrison). **Motion Carried with 10 votes in favor.**

4.1 - 2019	Town of Manchester Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Tuttle, Albert	
Tax Map No(s):	32.00-2-73.100	
Brief Description:	Site plan and use variance to rent a barn for a fire equipment sales and service business at 3991 Dewey Road in the Town of Manchester.	

Board Motion: A motion to retain referral 4.1-2019 as Class 2 and return it to the local board with recommendation of approval with comments.

Motion made by: Tom Lyon

Seconded by: Patti Wirth

Vote: 9 in favor, 2 opposed, 1 abstention (Ruby Morrison). **Motion Failed.**

See project description at 4-2019.

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove “unnecessary hardship.” To prove this, NYS law requires the applicant to show all of the following:

1. That the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the districts (actual “dollars and centers” proof must be submitted);
2. That the property is being affected by unique, or at least highly uncommon circumstances;
3. That the variance, if granted, will not alter the essential character of the neighborhood;
4. That the hardship is not self-created.

The 4,000 SF barn was previously granted a use variance for operation of a disposal business. Adjacent uses include two homes to the north across Dewey Road and number of homes 250’ or more to the west in the Village of Manchester.

CPB Comments

1. Does the use variance fit with the overall intent of the district as expressed in the Comprehensive Plan and zoning?
2. Referring Board should require expiration of the existing use variance as a condition of the proposed use variance if granted.

5 - 2019	Village of Naples Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Ashley-Stewart, Lauren	
Representative:	Simpson, Rex	
Tax Map No(s):	201.13-1-28.000	
Brief Description:	Site plan and special use permit to convert a 5 bedroom house into one 2 bedroom and one 3 bedroom apartment at 20 Lyons Street in the Village of Naples.	

The Village of Naples R-1 Residential District allows 2 family homes subject to special use permit standards. Proposed apartment A is 850 SF and is located on the first floor. Proposed apartment B is 1,210 SF and on two floors.

The referral includes a report from the Canandaigua Lake Watershed Commission regarding an on-site water treatment system inspection. The inspection identified that not all plumbing was connected to the septic system and the subsequent correction of this deficiency. The report identified a 1,000 gallon septic tank when a 1,500 task is required for a 5 bedroom house. The also report

identified that the leach lines run under the driveway of the residence to the west and recommended that an easement be obtained for leach times on the adjacent property.

Comments

1. The village of Naples should consider adopting the Local On-site Wastewater Treatment Law developed by the Canandaigua Lake Watershed Council.
2. In accordance with the wastewater treatment system inspection report, the applicant should upgrade the septic tank and obtain an easement for the off-site leach lines.
3. No site plan showing required provisions for buffering, garbage or lighting is provided.
4. What exterior modifications are proposed?
5. How will the property meet code requirements for 4 off-street parking spaces?
6. Apartment A does not meet the minimum 900 SF standards for converted units.

CRC Comment The referring body should make replacement of the 1,000 gallon septic tank with a 1,500 gallon tank as required by current standards a condition of any approval for change to the property.

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return it to the local board with comments.
Motion made by: Marty Avila
Seconded by: Carol O'Brien
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

5.1 - 2019	Village of Naples Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Ashley-Stewart, Lauren	
Representative:	Simpson, Rex	
Tax Map No(s):	201.13-1-28.000	
Brief Description:	Site plan and special use permit to convert a 5 bedroom house into one 2 bedroom and one 3 bedroom apartment at 20 Lyons Street in the Village of Naples.	

See information at 5-2019.

6 - 2019	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Town of Victor zoning text amendment to add incentive zoning regulations and related Comprehensive Plan amendment.	

The Comprehensive Plan envisioned an incentive zoning program that would facilitate the movement of development rights from areas where open spaces and agriculture are preferred to areas where additional density would be appropriate. Many of the areas considered appropriate for additional density are in the Route 96 corridor which experiences traffic congestion that could limit additional density. Therefore, the Town Board’s proposed Incentive Zoning Program allows as community amenities, not only density reductions in desired areas, but also, payments toward 6 priority transportation projects identified in the Route 96 Transformative Corridor Strategic Infrastructure Plan that could accommodate increased density in appropriate areas.

Comments:

1. The resolution authorizing local and county planning board review and public hearing of the proposed amendment and the EAF indicate the Town is expanding the allowable amenities from those included in the Comprehensive Plan to include not only reduced development density but also the transportation infrastructure improvements needed to support increased density in appropriate locations. The proposed zoning amendment allows the Town Board to consider any amenity that implements physical, cultural, and social policies of the Comprehensive Plan (LL Section II. And 211-46.1 A. Purpose and intent.); to accept cash to reduce residential density on sites that would benefit the Town; and to fund infrastructure improvements of public facilities including adequate transportation, water supply, waste disposal, and fire protection to accommodate increased residential density under incentive zoning. (211-46.1 F. (1) (b) [2]. Further, the Comprehensive Plan p. 4.8 lists affordable housing, historic preservation, farmland protection, open space and recreation or increased environmental protection as

desired benefits of Incentive Zoning. The Town should be clear and consistent in identifying the purpose and allowable amenities.

2. The Town should consider adjusting Anticipated Full Build-Out for undevelopable lands including floodplains, wetlands, and steep slopes.
3. 211-46.1 D. requires the Town Board to consider Comprehensive Plan and Natural Resource Inventory in making a determination regarding the appropriateness of a requested incentive. Similar language should be included regarding Town Board determination of appropriateness of an offered amenity.
4. 211-46.1 D. suggests review of incentive zoning proposed by the Town Planning Board is discretionary. 211-46.1 G. (2) requires Town Planning Board referral when the Town Board determines an incentive zoning proposal is worthy of further consideration. The amendment should be consistent regarding review of incentive zoning proposals by the Town Planning Board.
5. 211-46.1 D. requires the Town Board to consider relevant information in the Natural Resources Inventory when considering appropriate locations for the use of incentives. 211-46.1 G (1) and (2) do not require the applicant to report on presence of features listed in the inventory at the time the Town Board is considering the appropriateness of location for the use of incentives.
6. Since the definitions of incentive/bonus and amenity/benefit are identical, consider using 1 term consistently or cross referencing the terms.
7. 211-46.1 G. (2) (a) requires Sketch Plan 1 to show proposed amenities. Should this sketch plan show incentives?
8. The amendment defines the terms anticipated full build out and hypothetical full build out, but uses the term developed to its fullest potential.
9. The intent of 211-46.1 G (5) (b) is unclear.
10. The markup of the Comprehensive Plan amendment does not includes deletion of the 2 paragraphs on 4.27 regarding policy of no net changes to anticipated build-out and possible inclusion in Incentive Zoning regulations of bonuses for water conservation, energy efficiency etc.
11. Before adopting the Incentive Zoning law and related changes to the Comprehensive Plan the Town Board and the public should review a sample calculation of the magnitude of trust fund contributions that could be raised based on various assumptions regarding the scale of incentive provided and the value of such additional development units.

CPB Comment Board commends the Town of Victor for drafting updated Comprehensive Plan sections to reflect the policy changes regarding operation of the incentive zoning program.

Board Motion: A motion to retain referrals 6-2019 and 6.1-2019 as Class 2 and return each to the local board with recommendation of approval with comments.
Motion made by: Ruby Morrison
Seconded by: Marty Avila
Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

6.1 - 2019	Town of Victor Town Board	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Town of Victor	
Brief Description:	Town of Victor zoning text amendment to add incentive zoning regulations and related Comprehensive Plan amendment.	

See information at 6-2019.

7 - 2019	Town of Victor Town Board	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Town of Victor	
Brief Description:	Town of Victor comprehensive plan amendment to incorporate Route 96 Transformative Corridor Infrastructure Plan. http://www.victoryny.org/DocumentCenter/View/2518/A-Route-96-Transformative-Corridor-Strategic-Infrastructure-Plan-03212018-PDF?bidId= http://www.co.ontario.ny.us/DocumentCenter/View/16497/7-2019-Victor-Historic-Rail-and-Current	

The Route 96 Plan includes 6 Priority Projects to improve travel conditions along Route 96 in the Town and Village of Victor and enable continued development.

1. **New Local Street along the Ontario Central Railroad ROW.** This project involves conversion of an underutilized section of the railroad ROW from SR 251 east to near Lynaugh Road or a new traffic signal at Plastermill Road. The ROW is wide enough to accommodate a Complete Street with provisions for motor vehicles, bicycles, parking, and a sidewalk and realigned railroad tracks. A traffic signal would be added at SR 444 (Maple Street).
2. **Expand Route 96 from Omnitech Place to SR 251 from 3 lanes to 5 lanes.** Road cross section to include curbs, 8-foot shoulders, two 12-foot through lanes in each direction and a 14-foot center left turn lane. Minimal ROW acquisition would be required.
3. **SR 251/Lane Road Connection.** Construct new segment of Lane Road north of its current alignment and cul-de-sac endpoint for current Lane Road alignment. Add 200' turn lanes for right turns from Lane Road to Route 96, right turns for eastbound travel on Route 96 to SR 251, and left turns for westbound travel on Route 96 to SR 251.
4. **Omnitech Place/Willowbrook Road Connection.** Extend Willowbrook Road to create a new signalized intersection with 100' left turn lanes on Route 96 in both directions.
5. **Plastermill Road/Collett Road/Delray Drive Connection.** See also alternative connection outlined in Comment 2 below.
6. **Lane Road/Victor Egypt Road/Lynaugh Road Roundabout.** A roundabout reduces the severity of crashes by lowering speeds. This one would also assist in reducing speeding as vehicles southbound on Victor Egypt Road enter the village of Victor at Church Street.

The Finger Lake Railroad (FLRR) currently provides services to Victor Insulator via the County owned tracks in the former Lehigh Valley ROW from School Street east to Maple Avenue. The Town and County have initiated discussions with FLRR regarding the abandonment of the ROW west of Maple Street. Abandoning the rail line between School Street and Maple Street would require development of trans-loading facilities at Victor Insulator to receive materials via truck instead of rail.

In addition to providing continued service to Victor Insulator, Finger Lakes Railroad is interested in an improved option for westward goods movement. Currently westbound freight must travel to Solvay outside Syracuse or sometimes Albany before going west to Buffalo and beyond. Ontario County has been advocating the transfer to FLRR of unused Norfolk Southern tracks between Geneva and Lyons to provide a connection to the CSX mainline. This would allow FLRR more direct westbound and eastbound transfers.

In the absence of a westbound connection via the Norfolk Southern line, FLRR is interested in preserving options(s) for westbound connection via the Lehigh Valley connection to the CSX mainline in Henrietta or via a connection in Caledonia. The possibility of a future CSX connection through Victor can be preserved via the former Lehigh Valley ROW portions of which are owned by the County and the Town of Victor and/or the former Ontario Central Railroad ROW (Auburn Trail) and the former Electric Light Rail ROW portions of which are owned by RG&E, the Town of Victor, and the Village of Victor.

Comments

1. The Comprehensive Plan amendment should reflect the Route 96 Plan language regarding potential for accommodation of both street and re-aligned rail line.
2. The Comprehensive Plan amendment should reflect ongoing discussions with the Town of Farmington regarding the desirability and feasibility of extending Mertensia Road to cross the Ontario Central Railroad and intersect Plastermill Road at Gateway Drive as an alternative to the connection of Delray Road and Collet Road at Plastermill Road.

Board Motion: A motion to retain referral 7-2019 as Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: Ruby Morrison
Seconded by: Tom Lyon
Vote: 12 in favor, 0 opposed, 0 abstention. Motion Carried.

8 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Goodwill of the Finger Lakes	
Property Owner:	Eastview Mall LLC	
Representative:	Bergmann Associates	
Tax Map No(s):	6.00-1-12.100	

Brief Description:	Site plan to renovate an existing vacant out building for a new Goodwill Store at Eastview Mall in the Town of Victor.
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Board Motion: A motion to retain referral # 8-2019 as Class 1 and return it to the local board with comments.
Motion made by: Ruby Morrison
Seconded by: Patti Wirth
Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

The site plan indicates changes on the east, west and north sides of the building. The inside of the building will be renovated to accommodate donation processing, retail sales, and a community room to allow Goodwill to better serve the Victor community. A second door will be added at the loading dock on the west side of the building and a new concrete pad for a roll-off trash compactor container in lieu of a dumpster enclosure will be located in this area. A new donor drop-off canopy will be added on the east side of the building and a new curbed 10'x20' grass island and new pavement striping in the east parking lot to define the traffic circulation path for donation drop-off. A new curb ramp will be cut into the existing concrete sidewalk along the north side of the building.

9 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Fuentes, Mark	
Property Owner:	Crown Castle Towers	
Representative:	Costich Engineering	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Site plan and special use permit for modification of equipment on existing tower and addition of ground equipment at 914 Brownsville Road in the Town of Victor.	

Applicant proposes to install 6 antennas, 15 remote ratio heads, 4 squid, 6 power cables, and 4 fiber cables on an existing telecommunications tower and add a 7' x 12' steel platform with radio base station, power and generator within the existing fenced area. Application includes a structural report documenting that the tower and its foundation have sufficient capacity to carry the proposed load.

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return each to the local board with comments.
Motion made by: Marty Avila
Seconded by: Carol O'Brien
Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

9.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Fuentes, Mark	
Property Owner:	Crown Castle Towers	
Representative:	Costich Engineering	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Site plan and special use permit for modification of equipment on existing tower and addition of ground equipment at 914 Brownsville Road in the Town of Victor.	

See information at 9-2019.

10 - 2019	Town of South Bristol Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	David Burrows	
Property Owner:	Myers, Ruth	
Tax Map No(s):	191.17-1-26.000	

Brief Description:	Site plan for 2 small additions and replacement of the existing wastewater treatment system at 6995 Coye Point Drive off SR 21 in the Town of South Bristol.
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The existing home is 888 SF. With the proposed two small additions, 180 SF on the east side and a net 33 SF addition to the rear, the house will be 1,101 SF. A previous site plan and variances for shed side setback and lot coverage was referred in November 2018 as 196-2018 and 196.1-2018. This site plan reduces the size of the addition slightly, shortens the existing driveway, and proposes a smaller shed in a conforming location, eliminating the need for any area variances. The site plan continues to show replacement of the existing wastewater treatment system with an aerobic enhanced treatment system as currently required for shoreline properties. The system has been reviewed by the Canandaigua Lake watershed inspector.

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. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

Final Recommendation – With the exception of applications involving lakefront properties requiring side, lake, or lot coverage variances or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comments

1. The applicant and referring agency are strongly encouraged to involve the 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.

11 - 2019	Town of Canandaigua Zoning Board of Appeals		Class: AR 2
Referral Type:	Area Variance		
Applicant:	Design Works Architecture		
Property Owner:	Lisa Campbell, Greg Gifford		
Tax Map No(s):	140.11-1-12.000		
Brief Description:	Area variance to relocate an existing break wall and change from a concrete vertical face to an eight-inch timber break wall at 4681 North Menteth Drive in the Town of Canandaigua.		

The proposed project replaces an existing concrete break wall with a timber break wall and areas of rip rap. An area variance is required because the Town of Canandaigua code requires any structure to be setback 15' from the mean high water mark and the proposed break wall is at the mean high water line. The replacement break wall involves less fill than the existing break wall, but involves approximately 3 cubic yards of fill and extends the break wall to the north.

According to OnCOR, a portion of the southern frontage of the property is in the floodplain and the center portion of the site has areas of 16 to 30, 31 to 60 and over 60 percent slope.

**Policy AR 5 Applications involving one single family residential site, including home occupations.
Part B Development of Lakefront Parcels.**

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

Comments

1. When reviewing the site plan for this site, the referring body should consider compliance with the town’s shoreline development guidelines intended to maintain a natural appearance at the lake’s edge, reduce erosion, provide habitat, and screen views from the lake to development.

12 - 2019	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	McMahon, Greg	
Property Owner:	Futerman, Eli & Peggy	
Tax Map No(s):	140.14-1-21.000	
Brief Description:	Site plan for lakeside addition at 4803 CR 16 in the Town of Canandaigua.	

The CPB previously conducted an administrative review of an application for 6 variances for this project in December 2018 as referral 203-2018. Administrative review policy 5B directs a recommendation for disapproval of variances involving side or lake setbacks variances as required for this project.

The current referral is for the site plan. Since the previous referral, the site plan has been revised to include infiltration trenches. The local planning board will only act on the site plan if variances have been received from the zoning board of appeals. Once variances have been approved, the site plan is considered to conform to local regulations and is subject to Administrative Review Policy 5C not 5B. Policy 5C assigns the referral as class 1. No recommendations are made on class 1 referrals.

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. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

Final Recommendation – With the exception of applications involving lakefront properties or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comment The applicant and referring agency are strongly encouraged to involve the 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.

13 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Sorgi, Peter	
Property Owner:	Summit PPX 911 LP	
Tax Map No(s):	98.15-1-1.100	
Brief Description:	Area variance for construction of stone concrete retaining wall and stairs within 25’ of the mean high water elevation of Canandaigua Lake at 3400 Poplar Beach Road in the Town of Canandaigua.	

The referral is for an area variance to allow construction of a stone/concrete wall and stairs within 25’ of the mean high water elevation of Canandaigua Lake. The area variance would legalize a retaining wall built in 2015. Submitted documentation indicates the retaining wall involves 125 cubic yards of material, at least 9 cubic yards of which is imported fill in a floodplain.

The Town of Canandaigua also has shoreline development guidelines that encourage retention of natural vegetation and use of riprap along shorelines to maintain the natural appearance of the lake’s edge, reduce erosion, provide habitat, and screen views from the lake to development.

According to OnCOR, the portion of the lot between the lake shore and the house has a slope of 4 to 9% and is in the floodplain. On-site soils are Rhinebeck silty clay loam. Soil characteristics are as follows:

Prime farmland if drained, 0-3 % slope
Permeability: moderately high **Erodibility:** very high
Hydrological Group C/D **Partially Hydric**

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

Part B Development of Lakefront Parcels.

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

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The referring body is encouraged to maintain the capacity of the floodplain.

CPB Applicant questioned the legality of the Board’s Administrative Review process.

14 - 2019	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile	
Tax Map No(s):	84.54-1-12	
Brief Description:	Special use permit for construction of a small cell wireless telecommunications facility on a rooftop at 245 S. Main Street near Saltonstall Street in the City of Canandaigua.	

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return each to the local board with comments.

Motion made by: Marty Avila

Seconded by: Carol O’Brien

Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

The purpose of the small cell wireless telecommunications facility is to efficiently address areas of high user demand while minimizing visual impact. The existing roof is 24’ above ground level with a 2’ parapet. The height of the antenna will be 30’ above ground level or 4 feet above the parapet. The application includes photo simulations of rooftop facility visibility from 5 locations near the Main Street location.

15 - 2019	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic	
Tax Map No(s):	83.08-2-56	
Brief Description:	Special use permit for small cell telecommunications facility on a replacement RG&E utility pole adjacent to 134 N. Main Street north of Wilcox Lane in the city of Canandaigua.	

Board Motion: A block motion to retain referrals # 2-2019, 2.1-2019, 3-2019, 3.1-2019, 5-2019, 5.1-2019, 9-2019, 9.1-2019, 14-2019, and 15-2019 as Class 1 and return each to the local board with comments.
Motion made by: Marty Avila
Seconded by: Carol O’Brien
Vote: 12 in favor, 0 opposed, 0 abstentions. Motion Carried.

The purpose of the small cell wireless telecommunications facility is to efficiently address areas of high user demand while minimizing visual impact.

16 - 2019	Town of Canandaigua Planning Board	Technical Review
Referral Type:	Technical Review	
Applicant:	Ontario County Industrial Development Agency	
Representative:	McFarlan Johnson	
Tax Map No(s):	70.00-1-74.110 & 69.00-1-13.100	
Brief Description:	Technical review of sketch plan for long term development of IDA owned airport property near the intersection of Thomas and Brickyard Roads in the Town of Canandaigua. http://www.co.ontario.ny.us/DocumentCenter/View/15928/16-2019	

Based on building coverage figures provided, the sketch plan envisions adding 3.15 acres to the 1.72 acres of building on the 286 acre site. No information is provided on anticipated total impervious surface coverage including buildings, parking, and airplane circulation areas, though it is likely 2 to 3 times the building acreage. The sketch plan also shows development of the Auburn Trail on airport property outside the fence along the Brickyard Road frontage. The sketch plan shows the snow removal equipment building (L) and widening of the existing maintenance access road off Thomas Road from 20’ to 24’ (M) which was the subject of CPB #144-2018 in September 2018. The sketch plan also identifies 7 future development phases. Funding is in hand for development of phase 1. Other development will proceed based on market demand. Development envisioned includes:

- Phase 1: new terminal (R), 60’x125’ hanger (P), and circulation area to northwest of existing hangers
- Phase 2: 100’x190’ (O) and 125’x200’ (N) hangers, restaurant (Q), circulation area, and access off Thomas Road cul-de-sac
- Phase 3: four 60’x60’ box hangers (T) and three 50’x50’ box hangers(S), circulation area at southeast end of runway, and a new internal road with access off Brickyard Road opposite Town owned property between Pactiv and Gatehouse Media
- Phase 4: six 50’x50’ box hangers (D) and 100’x200’ hanger (G), circulation area, widening of taxiway to Mercy Flight (K) to 34’ and new access off Thomas Road halfway between existing maintenance access road and Brickyard Road
- Phase 5: two 100’x100’ hangers (E & F) and circulation area; involves disturbance to a small area with slopes over 10 % & a wetland
- Phase 6: three 100’x200’ hangers (A, B, C) and circulation area
- Phase 7: two 100’x100’ hangers (H & J), circulation area, and new access off Brickyard Road

According to sketch plan notes, the buildings meet the zoning standards which require 60’ building setbacks and maximum 48’ height; new driveways have sight distances of 800’.

The referral package also includes the full master plan update which includes additional information about plans for the entire airport property. There is a berm proposed on the property at the south west corner of the Thomas/Brickyard Road intersection to reduce views from the existing townhouses to future hangers. There is an additional potential development area between Phases 4 and 5 along Thomas Road which will not have airplane access and is proposed for airport related aeronautical or non-aeronautical use. The airport has an existing easement at the immediate northwest end of the runway/airport property. There are proposed easement acquisition areas of ±22 acres at either end of the runway. Portions of the easement areas appear to have a 35’ height restriction and plans call for removal of vegetation exceeding that height on 18 acres by 2021.

The project area is zoned Industrial and owned by the Ontario County Industrial Development Agency. According to OnCOR, a majority of the site drains to Hathaway Brook. The phase 3 development on the southeast portion of the site currently drains to the Canandaigua outlet. It appears the southeast portion of the existing runway drains to Canandaigua Lake. There was a stormwater basin built in the northwest portion of the new airport area in 2013 in conjunction with the extension of the runway. No additional information is available on plans to manage stormwater from future development. Dominant soil characteristics are as follows:

<u>Odessa Silt Loam</u>	0-3 %	98 acres	
Prime Farmland			
Permeability: moderately low			Erodibility: very high
Hydrological Group C/D			Partially Hydric
<u>Lakemont Silty Clay Loam</u>	0-3 %	59 acres	
Farmland of statewide importance			
Permeability: moderately low			Erodibility: very high
Hydrological Group D			Partially Hydric
<u>Cayuga Silt Loam</u>	0-3 %	37 acres	
Prime Farmland			
Permeability: moderately high			Erodibility: very high
Hydrological Group C/D			Not Hydric
<u>Schoharie Silt Loam</u>	0-3 %	16 acres	3 - 8 % 12 acres
Prime Farmland Prime			
Permeability: moderately high			Erodibility: very high
Hydrological Group C/D			Not Hydric

The airport master plan also proposes to FAA to return the visibility approach distance to 1 mile from the 7/8 mile which was applied after the runway extension. This change would significantly reduce the required runway protection zone and avoid the need for additional easement acquisition and relocation of homeowners.

Comments

1. What best management practices are planned to mitigate stormwater quantity and quality impacts of increased development?
2. What provisions are planned to safely connect the existing Auburn Trail segment on the NE side of Brickyard Road to the segment along the southwest side of Brickyard on the airport property?
3. The site plan should show all existing airport buildings; infrastructure including septic systems, stormwater management facilities; and ownership of buildings and infrastructure.
4. All hangers on county airport property whether publically or privately owned should be inspected periodically for code compliance.

OCDPW Comments

1. The Brickyard Road sewer extension was constructed to facilitate the development of hangers and aviation related businesses on the airport property. All future development should be connected to the Canandaigua Lake County Sewer District on Brickyard Road, not to Centerpointe or the SR 332 Sewer District sewers. All sewer facilities shall conform to the requirements of the Sewer Use Local Law including retreatment as applicable.
2. The sketch plan should be amended to indicate the Brickyard Road ROW is 66’ (4 rods) not 65’.

3. Care should be taken in the selection of stormwater management practices for collecting and treating stormwater from proposed new impervious surfaces at the airport. In particular, practices that attract waterfowl and increase potential for midair collisions should be avoided.
4. The Airport Master Plan sheet 4 delineates existing terrain which lies within protected airspace and identifies 8 hilltops that are obstructions to navigable airspace and recommended for navigational lighting. In light of the fact that the hilltops are not near either airport approach surface and 3 of the 8 are in close proximity to taller communications towers with aviation warning lights, OCDWP asks whether the recommended lighting is clearly warranted based on an FAA aeronautical study.

Other Business

- Upcoming Training

January 17 6 to 8 NYSDOS webinar ZBA Overview <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

February 26 6:30 to 8:30 at Safety Training, Encouraging Tourism Economic Development
<https://tinyurl.com/ycl26v3m>

March 7, 2019 6 to 9 pm Marriot Syracuse Downtown, Form-Based Zoning, Community Design Tools, and Open Space Planning <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

- Clearing house review of Finger Lakes Area Counseling and Recovery Agency request to US Rural Development for \$1.72 million to construction a 6,000 to 7,000 SF building in the Village of Clifton Springs to house administrative offices, Care Management program and staff, Supportive Living program and staff, and Vocation Services program and several ancillary service departments,
- OCSWCD Newsletter – info on several collaborative efforts to reduce erosion and improve water quality and tree order form. [Ontario County Soil & Water Conservation District: Newsletters: SWCD Newsletters \[Digital Towpath\]](#)
- Notification from Town of Livonia on zoning change.
- Discussed training requirements and importance of regular attendance and calling in if unable to attend.

Privilege of the Floor:

Steve Groet raised the matter of CPB members' attendance at CPB meetings. Mr. Groet requested that follow up be done in regards to any member who has been absent continually at the monthly meetings. Ms. Phillips stated she would follow up and report back to the board if need be.

Steve Groet shared his concern regarding Referral Application 11-2019 designated as an AR-2 and the challenge by a lawyer and requested Ms. Phillip follow up and report back to the Board at the February meeting.

Adjournment: Being no further business for discussion, Vice Chair Wink requested a motion to adjourn the 1/9/19 County Planning Board meeting. **A motion to adjourn was made by Timothy Marks, seconded by Marty Avila. Motion Carried.** The 1/9/19 CPB meeting adjourned at 9:05 pm.

Respectfully submitted,

Linda Frasca

Sr. Administrative Clerk

General Information

The Ontario County Planning Board (CPB) 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 recommendation for Denial).

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 denial 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 AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR Policy 1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR Policy 2	Applications that are withdrawn by the referring agency
AR Policy 3	Permit renewals with no proposed changes
AR Policy 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 Policy 5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR Policy 5 B. Class 2 Denial	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR Policy 5 C.	All other applications involving a site plan for one single-family residence.
AR Policy 6	Single-family residential subdivisions under five lots.
AR Policy 7 A. Class 2 Denial	Variations for signs along major designated travel corridors.
AR Policy 7 B.	Applications involving conforming signs along major travel corridors.
AR Policy 8	Co-location of telecommunications equipment & accessory structures on existing towers and sites (Applications that require a special use permit or for new towers or increasing the height of an existing tower require full Board review)

