

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – April 11th, 2017 at 3:30pm**County Planning Board Meeting – April 12th, 2017 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 *Final* minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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April 12, 2017 Meeting Attendance

Cities	Member	
Canandaigua	James Mueller	P
Geneva	Mary Bogin	A
Towns		
Bristol	Sandy Riker	P
Canadice	Stephen Groet	P
Canandaigua	David Wink, Chair	P
East Bloomfield	Arthur Babcock	E
Farmington	Patti Wirth	E
Geneva	Howard E. Meaker	P
Gorham	Jack Dailey	P
Hopewell	Louis Perryman	E
Manchester	Jaylene Folkins	P
Naples	Carol O'Brien	P
Phelps	Glen Wilkes	P
Richmond	Leonard Wildman, Vice Chair	P
Seneca	Timothy Marks	P
South Bristol	Albert Crofton	P
Victor	Timothy Maher	A
West Bloomfield	Vacant	V
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: Glenn Thornton (Capstone – Lisk Project & The Elms); Don Luster (Capstone –Lisk Project); Robert Brenner (Pelican Point Marina); Bob Nersinger (Cultural Arts); Brian Stumpf (Cypress Creek)

Call to Order/Roll Call: Chairman Wink called the 4/12/17 County Planning Board meeting to order at 7:30 p.m., and requested Ms. Sousa do roll call. Upon completion of roll call, Ms. Sousa reported that Twelve (12) members were present meeting quorum requirements.

Minutes:

- **March 8, 2017: Motion was made by Steve Groet, seconded by Leonard Wildman to approve the March 8, 2017 minutes as presented.**

Twelve (12) in Favor, 0 Opposed, 0 Abstentions. Motion carried.

37 - 2017	Village of Bloomfield Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Prestigiacomo, Joseph	
Representative:	Barry, John	
Tax Map No(s):	68.13-1-8.100 68.13-1-16.000	
Brief Description:	Site Plan, Special Use Permit, and Area Variance request to construct 61 residential senior townhouse units. Project located on Elm St. in the Village of Bloomfield.	

COMMENTS:

Proposed Elms Townhouse project includes the construction of 61 age restricted senior townhouse units within 12 buildings. Each building will have 2-6 units. Development will occur in phases, disturbing approximately 12 acres. Phase 1 having up to 24 units.

Private road to be created, with concrete sidewalks connecting the individual driveways. Since the parcels are within the R-1-20 zoning district a special use permit is required for cluster development. Units will be for rent, with the potential of sale of individual units in the future. Applicant is proposing a privately owned sanitary sewer system, which will also allow for future dedication of the system to the Village.

Existing stormwater runoff patterns and runoff rates will be maintained. A stormwater retention and detention facility to be constructed on the north side of the property.

Variance needed for the required 40 ft. front yard setback.

According to ONCOR:

- There are no State and Federal wetlands present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Lakemont silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately Low
 - Erodibility: Very High
- Soil Characteristics
 - Type: Honeoye loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium

OCSWCD Comments:

- The stormwater management area sizing info is not listed on page S-4 of the design.
- Silt fence is running up the hill on the east side of the site which will cause channeling of water and cause erosion. See NYS Standards and Specs for Erosion and Sediment Control for details on silt fence.
- This project will most likely require a 5 acre waiver. Special stormwater permit conditions will be required.

CRC Meeting Comments:

- It is recommended the applicant confirm the available hydrant flow is sufficient in case of an emergency.
- It is recommended the applicant consider looping the water system to ensure adequate water during emergencies.
- Given the scale and size of the proposed project it does not leave much, if any, open space for recreation, the applicant is encouraged to consider reducing the number of units to incorporate open space.
-

CPB Comments:

In addition to the comments listed above;

- The applicant is encouraged to continue to seek an easement from the adjacent Wishing Well Mobile Home Park in order to

facilitate efficient handling and discharge of stormwater.

- The referring board is encouraged to require screening on the south side of the parcel to buffer the existing residences.
- The applicant will need to confer with NYSDOT on any concerns they may have on proposed traffic volume, access and sight distances.
- Since the project is proposed to be completed in stages, the Village may want to require a completion bond to ensure the project is constructed in its entirety as proposed.

Board Motion: To accept late referral #37.2-2017 for consideration on the April Meeting Agenda.

Motion made by: Carol O'Brien

Seconded by: Len Wildman

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

FINDINGS:

In accordance with the Bylaws of the County Planning Board, the Board has historically been concerned with how the proposed actions affect the following areas of review;

NATURAL FEATURES

- *Natural Features: The Board has always had an interest in the protection of natural features:*
 - *Almost any water body by its very nature is "intermunicipal", whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.*
 - *The County Planning Dept, Soil & Water Conservation District, Cornell Cooperative Extension, and several involved municipalities have joined forces to protect the Canandaigua, Honeoye and Seneca Lakes, Flint and Irondequoit Creeks watershed.*
 - *The connection between a healthy tourism industry and a healthy environment is obvious.*
- *When making findings on the County wide and intermunicipal impacts a proposal may have on drainage, water quality, and other issues related to natural features, the Board will seek input from representatives from the Ontario County Soil & Water Conservation District, and the Ontario County Department of Public Works.*

Given the proposed location of the property, the topography, and the seasonal existing wet site conditions, it is necessary that all of the proposed stormwater infrastructure be constructed as part of the initial stage of construction to ensure the system functions as designed in protecting water quality.

EMERGENCY ACCESS

The Ontario County Emergency Management Office provides training to local EMS agencies. They also respond to "large or special needs emergencies to coordinate the response of multiple agencies". Additionally, Ontario County has, as part of their 911 initiative, assumed authority over road naming and numbering in order to improve emergency response. Perhaps most importantly, the Ontario County Sheriff's Department provides policing for all but six municipalities in this county.

When this is considered, it seems reasonable that the effect of local actions on emergency access qualifies as an intermunicipal and countywide concern.

Based on the referral documentation, the proposed development is to be marketed to seniors, a demographic that has the potential for limited mobility. Given the single point of egress for over 61 units, it is essential that the entire drive be constructed during the first phase of development to ensure swift and efficient response in the event of an emergency.

Board Motion: Referrals #37-2017 & #37.1-2017 & #37.2-2017 be retained as Class 2s and returned to the local board with the recommendation of **approval with the following modification.**

Modification #1: The proposed stormwater infrastructure and vehicular private drive shall be constructed, in their entirety, during the first phase of development. Construction of this important infrastructure will ensure necessary protection to water quality and provide critical emergency access to first responders in the event of an emergency.

Motion made by: Jaylene Folkins

Seconded by: Tim Marks

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

37.1 - 2017	Village of Bloomfield Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Prestigiacomio, Joseph	
Representative:	Barry, John	
Tax Map No(s):	68.13-1-8.100 68.13-1-16.000	
Brief Description:	Site Plan, Special Use Permit, and Area Variance request to construct 61 residential senior townhouse units. Project located on Elm St. in the Village of Bloomfield.	

Comments: See referral #37-2017 for project summary, comments and motions.

37.2 - 2017	Village of Bloomfield Zoning Board of Appeals	LATE REFERRAL Class: 2
Referral Type:	Area Variance	
Applicant:	Prestigiacomio, Joseph	
Representative:	Barry, John	
Tax Map No(s):	68.13-1-8.100 68.13-1-16.000	
Brief Description:	Site Plan, Special Use Permit, and Area Variance request to construct 61 residential senior townhouse units. Project located on Elm St. in the Village of Bloomfield.	

Comments: See referral #37-2017 for project summary, comments and motions.

39 - 2017	Village of Rushville Village Board	Class: Exempt
Referral Type:	Other	
Applicant:	Village of Rushville	
Representative:	Blair, Thomas	
Brief Description:	Village proposing improvements to existing Wastewater Treatment Plant and associated sewer collection system. Project located at 6 Warehouse Rd. in the Village of Rushville.	

40 - 2017	Village of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	AT&T Wireless	
Representative:	Adam Wolfrey-Centerline Communications	
Tax Map No(s):	16.17-1-18.000	
Brief Description:	Site Plan approval to install a cellular phone antenna, two radio heads, and other associated equipment. Project located at 2 West Main St. in the Village of Victor.	

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

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

Final classification shall be Class 1.

Findings:

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

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

41 - 2017	Village of Manchester Village Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Village of Manchester	
Tax Map No(s):	32.17-2-35.120 32.17-2-49.2 32.17-2-46.000	
Brief Description:	Map Amendment to declare sections of the existing Railroad Ave in the Village of Manchester to be part of the public streets of the Village. Also to be renamed 'Merrick Circle'.	

COMMENTS:

The Village, using eminent domain, is seeking legal title to all lands forming the public streets and rights of way known as “Merrick Circle” and “Railroad Ave”. Specifically two parcels of land on Railroad Ave. The Village is considering improving the public streets of “Merrick Circle” and “Railroad Ave”.

Board Motion: Referral #41-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Bert Crofton

Seconded by: Leonard Wildman

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

42 - 2017	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text Amendment to amend Town Code Chapter 83 in regards to building permits and Chapter 211 in regards to site plan review of demolitions for historic significance.	

SUMMARY:

Proposed amendments to “Building Permits” section of code; including;

- Requirement for applications for demolition permits relating to structures 50 years or older, or structures listed on the Town Historic Resource Inventory be referred to the Planning Board.
- Site Plan review for demolition permits that meet the age or listing threshold will require a public hearing be held.
- Site Plan review will require evaluation of project based on criteria associated with significance assigned via the Town’s Inventory.

COMMENTS:

- How does the National Register of Historic Places fit in to the code as amended? If it is possible that a structure be listed on that register, but not on the Town’s Historic Inventory it is recommended that a reference to the National Register be incorporated in to the amendment.
- The language included in the site plan portion of the proposed amendment references the Town’s inventory ranking criteria (“high”, “medium” “Low”) as the main metric by which the subsequent criteria must be evaluated. For instance if a property is listed as having a “high” significance seven listed considerations must be investigated, while a structure with a “low” ranking criteria shall only require consideration of any recommendations from the Town Historian. The revised language in the site plan section of the code only appears to address structures that are already listed on the Town’s Inventory. It does not accommodate any criteria for structures that may be over 50 years old but not on the register, or those properties that are not on the Town’s Inventory but could be. It is recommended that additional language be added to provide clear guidance on what criteria should be evaluated in those instances.
- The Town is commended for taking steps to protect its historically significant structures.

Board Motion: Referral #42-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Leonard Wildman

Seconded by: Sandy Riker

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

43 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Fallone, Robert	
Property Owner:	Pierce, Timothy	
Tax Map No(s):	126.20-1-1.112	
Brief Description:	Area Variance to construct a residential building with height of 39.68 ft when 35 ft allowed by code. Project was previously granted site plan approval by the Town in 2012. Project is located at 4475 C R 16 in the Town of Canandaigua.	

44 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Jan Rte. 332 Realty Corp.	
Tax Map No(s):	56.00-2-25.21 56.00-2-25.71	
Brief Description:	Area Variance and Special Use Permit request to install 4 additional building signs on new Honda Dealership. Project located at 2311 SR 332 in the Town of Canandaigua.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Route 332 as a primary travel corridor for tourists visiting Ontario County; The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

44.1 - 2017	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Special Use Permit	
Applicant:	Jan Rte. 332 Realty Corp.	
Tax Map No(s):	56.00-2-25.21 56.00-2-25.71	
Brief Description:	Area Variance and Special Use Permit request to install 4 additional building signs on new Honda Dealership. Project located at 2311 SR 332 in the Town of Canandaigua.	

Comments: See referral #44-2017 for project summary, comments and motions.

45 - 2017	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Murray Law Firm	
Property Owner:	Rochester Gas & Electric	
Tax Map No(s):	153.00-1-35.000	
Brief Description:	Site Plan and Special Use Permit approval request to construct a 100ft tall mono-pole communications tower on a 1.06 acre parcel. Project is located at 5850 Monks Rd. in the Town of Canandaigua.	

COMMENTS:

Proposed 100 ft mono-pole communications tower at an existing RG&E electric substation site. The proposed project does not meet required minimum parcel size, and property line setbacks. It is unclear whether the applicant will be required to seek variances for these code standards. The Town Planning Board has not decided whether they will enact their right to waive provisions related to communication facility projects. If the Board does not waive the code standards the applicant will need to refer the project back to the CPB for variance approval, in regards to parcel size and setbacks.

The referring Board is encouraged to consider how the failure to meet the parcel size and setbacks will affect adjacent landowners. If setback considerations were put in place to accommodate the tower’s fall zone how will the impact associated with such a scenario be mitigated?

According to ONCOR:

- There are no State and Federal wetlands present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Howard gravelly loam (49%)
 - Slope: 8 to 15 percent
 - Soil permeability: High
 - Erodibility: Medium
- Soil Characteristics
 - Type: Pits, gravel and sand (51%)
 - Slope: Unknown
 - Soil permeability: Unknown
 - Erodibility: Unknown

Board Motion: Referrals #54-2017 & #54.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with comments.

Motion made by: Leonard Wildman

Seconded by: Sandy Riker

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

45.1 - 2017	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Murray Law Firm	
Property Owner:	Rochester Gas & Electric	
Tax Map No(s):	153.00-1-35.000	
Brief Description:	Site Plan and Special Use Permit approval request to construct a 100ft tall mono-pole communications tower on a 1.06 acre parcel. Project is located at 5850 Monks Rd. in the Town of Canandaigua.	

Comments: See referral #45-2017 for project summary, comments and motions.

46 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Marathon Engineering	
Property Owner:	Smith, John & Joanne	
Tax Map No(s):	126.20-1-15.200	
Brief Description:	Area Variance request to demolish existing residence and construct a new single family residence. Proposed construction does not meet lot coverage and setback requirements. Project is located at 4519 Davidson Landing Dr. in the Town of Canandaigua.	

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

The intent of this policy is to:

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

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

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

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

47 - 2017	Town of Farmington Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Victor Association of Cultural & Perform	
Tax Map No(s):	41.00-1-38.100	
Brief Description:	Site Plan and Area Variance Request to install a 225.75 sq ft digital commercial speech sign. The sign will digitally flip through multiple advertisements, not only for the direct business associated. The sign does not meet Town code size requirements. Project located at 1622 SR 332 in the Town of Farmington.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Route 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

B. **All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.**

Final classification: Class 2

Findings:

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

9. It is the position of this Board that the proposed signage is excessive.
 10. Excessive signage has a *negative impact on community character*.

Final Recommendation – Denial

47.1 - 2017	Town of Farmington Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Victor Association of Cultural & Perform	
Tax Map No(s):	41.00-1-38.100	
Brief Description:	Site Plan and Area Variance Request to install a 225.75 sq ft digital commercial speech sign. The sign will digitally flip through multiple advertisements, not only for the direct business associated. The sign does not meet Town code size requirements. Project located at 1622 SR 332 in the Town of Farmington.	

Comments: See referral #47-2017 for project summary and comments.

48 - 2017	Town of Farmington Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Burger King	
Property Owner:	Stathopoulos, Demetrios	
Tax Map No(s):	29.00-1-20.110	
Brief Description:	Site Plan to install a static message center to an existing monument sign located at the Burger King, 1298 SR 332 in the Town of Farmington.	

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Route 332 as a primary travel corridor for tourists visiting Ontario County; The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

C. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

49 - 2017	Town of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	D.O.B. Engineers	
Property Owner:	Morgan McMahan Rd., LLC	
Tax Map No(s):	28.36-2-1.000	
Brief Description:	Site Plan to construct 48 residential ranch style apartments in 10 buildings on a 6.4 arce parcel. Project located on McMahan Rd. in the Town of Victor.	

COMMENTS:

Site Plan to construct 48 apartments in four 6 unit buildings and six 4 unit buildings.
 Access to development will be from the Ballerina Court Subdivision, located directly north, via 60 ft wide parcel as a private road named Banjo Run.
 Private storm sewers, private water service, and public sanitary sewer.

Updated Traffic Study was provided, which analyzes the impact of both the proposed project and the Ballerina Court Subdivision.

No SWPPP was provided.

According to ONCOR:

- There are no State and Federal wetlands present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is not located within 500ft of an Agricultural District.
- Soil Characteristics
 - Type: Palmyra gravelly loam
 - Slope: 0 to 3 percent
 - Soil permeability: High
 - Erodibility: Medium
- Soil Characteristics
 - Type: Farmington loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium

OCSWCD Comments:

- The stormwater permit number is not correct on page 3-8 of the design
- Note # 6 on page 3-8 of the design needs to be clarified. The project engineer is required to determine areas to be mulched, not the Towns representative.
- On page 3-8 of the design note # 7 needs to be changed to be consistent with the current stormwater permit requirements, and the requirements of the 5 acre waiver.
- How will the steep slope areas be protected? The design references protection, but provides no details.
- Some erosion and sediment controls practices are listed on the details page but are not clearly shown on the design.
- Will any existing vegetation be preserved? If so, how? If so, it needs to be clearly shown on the plans and marked in the field prior to construction.
- Page 8 of 8 of the design note 5 on the infiltration garden needs to be more specific and include proper information. Also, a planting detail should be included listing species for the rain gardens. Also, the rim and pipe elevation of the structure should be included on the design and the details page.
- This project will require a 5 acre waiver which will have special permit conditions associated with it. These permit conditions should be listed on the plans also.

CPB COMMENTS:

In addition to the comments listed above, the referring board is encouraged to require full parcel build out of the developable lots. It appears that there are stub roads present in both this proposal and the adjacent Ballerina Court. If another development is proposed on the adjacent parcel the Town should understand the cumulative impacts of the potential developments to ensure any environmental impact are not segmented.

FINDINGS:

In accordance with the Bylaws of the County Planning Board, the Board has historically been concerned with how the proposed actions affect the following areas of review;

NATURAL FEATURES

- *Natural Features: The Board has always had an interest in the protection of natural features:*
 - *Almost any water body by its very nature is "intermunicipal", whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.*
 - *The County Planning Dept, Soil & Water Conservation District, Cornell Cooperative Extension, and several involved municipalities have joined forces to protect the Canandaigua, Honeoye and Seneca Lakes, Flint and Irondequoit Creeks watershed.*

- *The connection between a healthy tourism industry and a healthy environment is obvious.*
- *When making findings on the County wide and intermunicipal impacts a proposal may have on drainage, water quality, and other issues related to natural features, the Board will seek input from representatives from the Ontario County Soil & Water Conservation District, and the Ontario County Department of Public Works. Intermunicipal agreements and watershed studies that include development guidelines will also be considered.*

No Stormwater Pollution Prevention Plan was provided to this Board as part of the referral package. It is unclear whether the SWPPP is in conformance with NYSDEC requirement and accepted Best Management Practices, therefore the potential impacts to stormwater infrastructure and water quality cannot be fully understood.

Board Motion: *Referrals #35-2017& 35.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with the following modification.*

Modification #1: A Stormwater Pollution Prevention Plan must be submitted to the Ontario County Soil and Water Conservation District for comment. No action can be taken by the local board until the comments from the District are received and reviewed.

Motion made by: Jaylene Folkins

Seconded by: Len Wildman

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

50 - 2017	City of Canandaigua City Council	Class: 2
Referral Type:	Map Amendment	
Applicant:	Capstone	
Representative:	Thorton Engineering	
Tax Map No(s):	84.06-2-46.11	
Brief Description:	Map Amendment to rezone a M-1: Light Manufacturing parcel to PUD, for the purpose of rehabilitating existing industrial buildings into one and two-bedroom apartments. Project located at 243-299 Gorham St. in the City of Canandaigua.	

COMMENTS:

Applicant seeking a map amendment to rezone the old Lisk Manufacturing Company property from Light Manufacturing to PUD. Proposed development includes the redevelopment of the western portion of the property by rehabilitating several of the former industrial buildings and converting them to one or two bedroom apartments, for middle income renters. Potential redevelopment of the eastern portion of the property for a mix of residential and commercial space in rehabilitated buildings or light manufacturing in a new building.

Board Motion: Referral #50-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Leonard Wildman

Seconded by: Sandy Riker

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

51 - 2017	Town of Canandaigua Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Necci, Michael	
Property Owner:	2635 County Rd. 22 Properties, LLC	
Tax Map No(s):	71.00-1-21.151	
Brief Description:	Map Amendment to rezone a 1.94 acre parcel from AR-1: Agricultural Rural to MUO: Mixed Use Overlay for a fire and water restoration clean-up company in the existing buildings. Project located at 2635 CR 22 in the Town of Canandaigua.	

COMMENTS:

Map amendment to rezone a parcel from Agricultural Rural to Mixed Use Overlay for an existing non-conforming use.

The referring board is encouraged to investigate all potential uses of the property under the MUO classification to ensure that once its rezoned, any potential allowable use of the property would not be in conflict with adjacent properties/ districts.

Board Motion: Referral #51-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Tim Marks

Seconded by: Glenn Wilkes

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

52 - 2017	Town of Richmond Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Pfeiffer, Diane	
Tax Map No(s):	149.19-1-10.112	
Brief Description:	Area Variance request to construct a deck on the lake side of a single-family residence. The deck does not meet the lake setback requirements. Project located at 5337 CR 36 in the Town of Richmond.	

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

The intent of this policy is to:

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

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

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

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

53 - 2017	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Strauss Solar, LLC	
Tax Map No(s):	90.00-2-69.110	
Brief Description:	Site Plan approval to install a 2,000 kw solar system on 25 acres of a 53.7 acre parcel. Project is located at 335 Carter Rd. in the Town of Geneva.	

COMMENTS:

Site Plan for a 2 MW shared solar system. Of the 53 total acres, 19.6 will be disturbed. The parcel will be leased for 20 yrs. No SWPPP was provided.

According to ONCOR:

- There are no State and Federal wetlands present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is not located within 500ft of an Agricultural District.
- Soil Characteristics
 - Type: Pits, gravel and sand
 - Slope: Unknown
 - Soil permeability: Unknown
 - Erodibility: Unknown
- Soil Characteristics
 - Type: Schoharie silt loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High
- Soil Characteristics
 - Type: Schoharie silty clay loam
 - Slope: 8 to 15 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

OCSWCD Comments:

Will the existing tree line be preserved during construction? Will this be properly marked in the field prior to construction?

Per Email from Daniel Band from Cypress Creek on 4/12/17:

- 1) You were asking about whether there might be additional build-out after this project and the effects that might have... given current site restrictions – including wetlands and local zoning constraints – we don't anticipate additional build-out after completing this project. There are wetlands to the south of our project which we need to avoid and there is also a 50% lot coverage maximum. Since we're currently at 31.5% lot cover, we likely wouldn't have enough room to pursue another project under the NY Community Distributed Generation (CDG) program. If in the future, regulatory conditions change to make an additional project feasible, we would update on-site stormwater improvements to handle any additional runoff. We have prepared a SWPPP and proposed improvements as part of the current project.
- 2) The Treeline is shown on the site plan attached here. In total, we're looking to clear ~16 acres of trees and we'll have a total disturbed area of a little less than 22 acres. The property is 50.8 acres, so our total disturbance comes to less than half the site (42.5%).

CPB Comments:

In addition to the comments listed above;

- The referring board should require as much screening as possible for the residential uses to the east of the parcel.
- Given the large area to be cleared the referring board is encouraged to not to take action until a Stormwater Pollution Prevention Plan is submitted to the Ontario County Soil and Water Conservation District for review and comment.

Board Motion: Referral #53-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Tim Marks

Seconded by: Carol O'Brien

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

54 - 2017	Town of Farmington Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Best, Michael	
Tax Map No(s):	17.00-1-11.200	
Brief Description:	Site Plan and Special Use Permit approval to have a home occupation of photography for special events, such as senior pictures, weddings, engagements, etc. No additional buildings are proposed. Project located at 6165 Brownsville Rd.	

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 design off onsite sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.

Final Recommendation – The CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

54.1 - 2017	Town of Farmington Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Best, Michael	
Tax Map No(s):	17.00-1-11.200	
Brief Description:	Site Plan and Special Use Permit approval to have a home occupation of photography for special events, such as senior pictures, weddings, engagements, etc. No additional buildings are proposed. Project located at 6165 Brownsville Rd.	

Comments: See referral #54-2017 for project summary, comments and motions.

55 - 2017	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Lanning, David & Karen	
Tax Map No(s):	154.08-1-30.000	
Brief Description:	Area Variance request to demolish existing single-family residence and construct a new single-family residence. Proposed construction does not meet required side yard setbacks. Project located at 5102 CR11 in the Town of Gorham.	

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

The intent of this policy is to:

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

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

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

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

56 - 2017	Town of South Bristol Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Hiller, Michael	
Property Owner:	Canandaigua Marina LLC	
Tax Map No(s):	195.05-1-18.000	
Brief Description:	Site Plan and Area Variance request to demolish a two-story customer service facility and build a one-story facility. Variances needed for front yard, side yard, and lake side setbacks. Project located at 7099 SR 21 in the Town of South Bristol.	

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

The intent of this policy is to:

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

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

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

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

56.1 - 2017	Town of South Bristol Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Hiller, Michael	
Property Owner:	Canandaigua Marina LLC	
Tax Map No(s):	195.05-1-18.000	
Brief Description:	Site Plan and Area Variance request to demolish a two-story customer service facility and build a one-story facility. Variances needed for front yard, side yard, and lake side setbacks. Project located at 7099 SR 21 in the Town of South Bristol.	

Comments: See referral #56-2017 for project summary, comments and motions.

57 - 2017	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Johnson, Robert	
Representative:	Polimeni Esq, John	
Tax Map No(s):	73.18-1-11.000	
Brief Description:	Site Plan to construct a 1428 sq ft addition to an existing general store for the sale of ice cream and related items. Project is located at 3421 CR 4 in the Town of Hopewell.	

COMMENTS:

- Site Plan to construct a 1428 sq ft one story addition to an existing general store, for the sale of ice cream.
- Internal circulation and parking details should be provided to ensure a traffic circulation and pedestrian conflict does not exist.
- The referring board should confer with the Ontario County Highway Department of Public Works to ensure any potential concerns regarding traffic volume and access in such close proximity to the intersection of two county roads are mitigated.

Board Motion: Referral #57-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Jaylene Folkins

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

58 - 2017	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Fiorello, Dennis	
Property Owner:	Coble Land LP	
Representative:	Identity Design, PLLC	
Tax Map No(s):	85.03-1-10.100	
Brief Description:	Site Plan to renovate an existing beauty salon for a new hair salon including a 74 sq ft building mounted sign. Project is located at 3189 CR 10 in the Town of Hopewell.	

COMMENTS:

Site plan to renovate an old beauty supply store into a hair salon. No outside or building improvements proposed, except the addition of a new sign. Sign meets all Town code requirements.

Board Motion: Referral #58-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Sandy Riker

Seconded by: Jim Mueller

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

59 - 2017	Town of East Bloomfield Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of East Bloomfield	
Brief Description:	Text Amendment to adopt zoning for solar energy.	

Proposed amendment defines projects based on mounting and size.

- Roof mounted solar energy systems may be permitted as an accessory use in all districts.
- Ground mounted solar energy systems are permitted as accessory structures in all districts.
- Large scale projects may be permitted in all districts upon issuance of a Special Use Permit. Amendment details SUP application requirements (lease agreements, blueprints stamped by professional engineer or registered architect, equipment spec sheets, property operation and maintenance plan, decommissioning plan).
- Large scale projects must not exceed 50% of lot coverage. Surface area covered by ground mounted solar panels shall be included in total lot coverage.
- Large scale projects have height and setback requirements.

COMMENTS:

- If solar energy projects are allowed either by right or through issuance of a special use permit (depending on size), setback requirements should be considered in coordination with those requirements of the underlying district. For example; if a large scale project is proposed on a lot whose district would require a 40 ft rear setback, and the proposed amendment requires a 30 foot setback, it is recommended that the more restrictive setback apply. Language should be added to the proposed amendment to convey that fact.

Board Motion: Referral #59-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Jaylene Folkins

Seconded by: Bert Crofton

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

60 - 2017	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Village of Victor/Villager Construction	
Property Owner:	Antonelli Construction, LLC	
Tax Map No(s):	16.00-1-53.000	

Brief Description:	Site Plan request to allow the Village of Victor DPW and Villager Construction to use a 29 acre parcel for approximately 7,300 yards of clean fill. Project located at the corner of CR 9 and Gillis Rd. in the Town of Victor.
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COMMENTS:

Fill will be brought from the Maple Ave Road construction project to the site for use in the proposed Anton Valley Estates development. Hours of operation will be Monday – Thursday 7am-5pm, for approximately 3 months.

According to ONCOR:

- There are is a Federal wetland present in the southeast corner of the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #1.
- Soil Characteristics
 - Type: Kendaia loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Medium
- Soil Characteristics
 - Type: Rhinebeck silty clay loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

CPB Comments:

In addition to the comments listed above;

- The referring board should require erosion and sedimentation control plans are provided to ensure water quality is protected during the filling and grading process.
- The referring board should consult with the Ontario County Department of Public Works to ensure that the proposed placement of fill on the property does not impact the County’s roadside stormwater conveyances.

Board Motion: Referral #60-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Glenn Wilkes

Seconded by: Jack Dailey

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

61 - 2017	Town of Gorham Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Pelican Point Marina	
Representative:	Peabody, Nixon	
Tax Map No(s):	141.10-1-63.000 141.10-1-64.000 141.00-1-64.5	
Brief Description:	Map Amendment and Subdivision to rezone 3 parcels from R-1: Residential and R-R: Rural Residential to GB: General Business, then consolidate the parcels with the additional parcels owned by Pelican Point Marina. Project located 4801 CR 11 in the Town of Gorham.	

July 2016 Comments:

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

OCDPW Comments:

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

APRIL 2017 COMMENTS

The Town is encouraged to look at whether the potential exists to issue a special use permit for use of the 6 acres parcel off of Route 364 in lieu of rezoning the parcel. Issuance of a special use permit instead of re-zoning the parcel would ensure that commercial uses don't become allowed by right in what should be a rural residential district.

CRC Meeting Comments:

If the rezoning is approved by the Town Board, the local boards are encouraged to consider the speed limit on Co. Rd. 11 during any subsequent review as there may be an increase in foot traffic crossing Co. Rd. 11 as the applicant expands their business.

CPB Comments:

In addition to the comments listed above;

- The referring board is encouraged to consider the best way to ensure that the proposed intensity of the use is maintained/controlled. Either through re-zoning or the special use permit process, how can the board best regulate the scale of the proposed operations; making considerations to limit the number of cars, trailers, boats, etc. to guard against over development of the parcel.
- The referring board is encouraged to ensure adequate buffering of the operations from other uses in the adjacent rural residential district.

Board Motion: Referrals #61-2017 & #61.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with the comments.

Motion made by: Jaylene Folkins

Seconded by: Len Wildman

Vote: 11 in favor, 0 opposed, 1 abstention (J. Dailey). Motion carried.

61.1 - 2017	Town of Gorham Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Pelican Point Marina	
Representative:	Peabody, Nixon	
Tax Map No(s):	141.10-1-63.000 141.10-1-64.000 141.00-1-64.5	
Brief Description:	Map Amendment and Subdivision to rezone 3 parcels from R-1: Residential and R-R: Rural Residential to GB: General Business, then consolidate the parcels with the additional parcels owned by Pelican Point Marina. Project located 4801 CR 11 in the Town of Gorham.	

Comments: See referral #61-2017 for project summary, comments and motions.

ADJOURNMENT: Being no further business Chair Wink requested a motion to adjourn. Motion to adjourn the 4/12/17 CPB meeting made by Tim Marks, seconded by Carol O'Brien. Motion carried. The 4/12/17 CPB meeting adjourned at 9:24 p.m.

Respectfully submitted,

Regina Sousa

Senior Planner

General Information

The Ontario County Planning Board was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: 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 l

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	Variations 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)