

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –May 7, 2019 at 3:30pm**
County Planning Board Meeting –May 8, 2019 at 7:00pm

2nd Floor, Conference 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
Referral Reviews and Board Action.....3
General Procedures and Legal Obligations for Referring Agencies.....
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
82 - 2019	Town of West Bloomfield	Town Board	Town of West Bloomfield	Local Law	With-drawn	1
83 - 2019	Town of Victor	Planning Board	Crown Castle -Sprint	Site Plan	1	2
83.1 - 2019	Town of Victor	Planning Board	Crown Castle -Sprint	Special Use Permit	1	
84 - 2019	Town of Victor	Planning Board	Morrell Builders	Site Plan	1	
85 - 2019	Town of South Bristol	Planning Board	Fields Construction Inc.	Site Plan	1	3
86 - 2019	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment	2/A	
87 - 2019	Town of Hopewell	Planning Board	Abate, Tom	Site Plan	1	
88 - 2019	Town of Hopewell	Planning Board	Meyer, Mark	Site Plan	1	4
89 - 2019	Town of Hopewell	Planning Board	Vaccaro, Dean	Site Plan	1	5
90 - 2019	Village of Naples	Planning Board	Williams, David & Shanna	Site Plan	1	6
90.1 - 2019	Village of Naples	Planning Board	Williams, David & Shanna	Special Use Permit	1	
91 - 2019	Town of Farmington	Planning Board	Sonbryne Sales Inc	Site Plan	1	
92 - 2019	City of Geneva	Planning Board	Ramada Geneva Wyndham	Special Use Permit	1	8
93 - 2019	Town of Richmond	Zoning Board of Appeals	Dowland, Eric	Area Variance	AR 2/D	
94 - 2019	Town of Canandaigua	Planning Board	Costich Engineering	Technical Review	n/a	9
95 - 2019	Town of Canandaigua	Planning Board	Venezia Associates	Site Plan	AR 1	10
95.1 - 2019	Town of Canandaigua	Zoning Board of Appeals	Venezia Associates	Area Variance	AR 1	11
96 - 2019	Town of Canandaigua	Planning Board	Glenn Thornton Engineering	Site Plan	AR 1	
96.1 - 2019	Town of Canandaigua	Zoning Board of Appeals	Glenn Thornton Engineering	Area Variance	AR 1	12
97 - 2019	Town of Canandaigua	Planning Board	Degraw, Bernard	Special Use Permit	AR 1	
98 - 2019	Town of Manchester	Planning Board	Apple Pie Home Sales	Sign Permit	AR 1	13
99 - 2019	Town of Manchester	Town Board	Town of Manchester	Map Amendment	2/A	
99.1-2019	Town of Manchester	Town Board	Town of Manchester	Text Amendment	2/A	14
100 - 2019	City of Canandaigua	Planning Board	Valvoline Instant Oil Change	Site Plan	1 Late Referral	
100.1 - 2019	City of Canandaigua	Zoning Board of Appeals	Valvoline Instant Oil Change	Area Variance	1 Late Referral	

Cities	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	Paul Passavant	P		
Towns				
Bristol	Sandy Riker	P		
Canadice	Stephen Groet	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff	P		
Farmington	Patti Wirth	Arrived 720		
Geneva	Steven High	P		
Gorham	Jack Dailey	Arrived 708		
Hopewell	Bill Namestnik	P		
Manchester	Ruby Morrison		E	
Naples	Carol O'Brien	Arrived 705		
Phelps	Glen Wilkes	Arrived 718		
Richmond	Leonard Wildman	P		
Seneca	Timothy Marks			A
South Bristol	Albert Crofton	P		
Victor	Marty Avila	P		
West Bloomfield	Sue Boardman	P		

Guests: Shanna and Paul Williams/Naples Mini-Storage; Bill O’Hanlen/Leonard’s Express, Manchester; Christian Brunelle/Bryne Dairy; Joe Crane/incoming T. Bristol CPB representative.

Call To Order/Roll Call: Chair Wildman called the 5-8-19 CPB meeting to order at 705, and requested Ms. Phillips to do roll call. Ms. Phillips presented roll call and reported that there were twelve (12) members present, meeting the quorum requirement. Late arrivals Carol O’Brien and Jack Doyle participated in discussion and voting of all referrals. Late arrivals Glen Wilkes and Patti Wirth missed discussion and voting on referrals 99-2019, 99.1-2019, 90-2019, and 90.1-2019.

Minutes: Due to required abstentions, approval of minutes was delayed until the end of the meeting when 16 members were present. Motion made by Steve Groet to approve the April minutes as presented, seconded by Patti Wirth. **Motion passed** with 5 abstentions: Bill Namestnik, Sandy Riker, Mike Woodruff, Marty Avilla, and Steve High.

82 - 2019	Town of West Bloomfield Town Board	Withdrawn
Referral Type:	Local Law	
Applicant:	Town of West Bloomfield	
Brief Description:	Local law to add chapter to zoning code and add definitions related to solar energy systems in the Town of West Bloomfield.	

83 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Crown Castle -Sprint	
Representative:	Barclay Damon	
Tax Map No(s):	14.02-1-6.200	
Brief Description:	Site plan and special use permit for upgrading equipment on existing cell tower at 795 Old Dutch Road north of the railroad ROW in the Town of Victor.	

This application involves removal and replacement of 6 panel antennas and 3 cables and the installation of 3 remote radio heads and 6 splitters.

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.
Motion made by: David Wink
Seconded by: Tom Lyon
Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

83.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Crown Castle -Sprint	
Representative:	Barclay Damon	
Tax Map No(s):	14.02-1-6.200	
Brief Description:	Site plan and special use permit for upgrading equipment on existing cell tower at 795 Old Dutch Road north of the railroad ROW in the Town of Victor.	

See information at 83-2019.

84 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Morrell Builders	
Property Owner:	Bluestone Creek Development LLC	
Representative:	145 Culver Road	
Tax Map No(s):	14.02-1-6.116	
Brief Description:	Site plan for construction of a 33,600 SF flex space building to accommodate office, manufacturing, and warehouse space of multiple tenants on 3 acre lot at 7901 Lehigh Crossing in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/17881/84-19-Utility-Plan	

The proposed building and parking represent 25 percent building coverage when 40 percent is allowed and 74 percent lot coverage when 76 percent is allowed. The building is expected to accommodate 60 employees and there are 84 parking spaces proposed, including 8 labeled for handicapped persons.

According to provided narrative, the proposed development is to be similar in character to the other lots previously developed and will include lighting, landscaping, parking, and loading dock access similar to existing buildings. The landscaping adjacent to the Lehigh Valley Trail to the rear of the proposed building will match landscaping installed during the development of Lot 8. Management of stormwater quality and quantity impacts will be handled by the existing storm water management facilities constructed for the business park.

The landscaping plan proposes a staggered mix of spruce, maple, and firs along the Lehigh Valley Trail and several additional trees along the internal trail connecting the Lehigh Trail to the 93 acre municipal park to the north.

OCSWCD Comments

1. SWPP was not provided for site to allow for adequate stormwater capacity review.
2. Extend silt fence along eastern property boundary.
3. Concrete truck washout is not identified.
4. Is the swale to the west to be permanent? If so, permanent inlet protection may be required to ensure proper function.

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.
Motion made by: David Wink
Seconded by: Tom Lyon
Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

85 - 2019	Town of South Bristol Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Fields Construction Inc.	
Property Owner:	Seneca Point Properties LLC	
Tax Map No(s):	168.20-1-42.100	
Brief Description:	Site plan amendment for development of carriage house at 5734 Seneca Pont Road in the Town of South Bristol.	

The Planning Board previously approved a site plan for development of a guest house with a footprint of 3,554 SF and near maximum lot coverage. The amendment reduces the building footprint to that of the existing foundation, 3,247 SF and provides a 4 car garage on the first floor with potential for development of a 3 bedroom/3.5 bathroom apartment above. Site plan changes also remove a front patio, gazebo, rear patio and fire pit, and reduce the height of the building to within the height limit. The site retains a large permeable paver driveway area.

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 16 in favor, 0 opposed, 0 abstention **Motion carried**

86 - 2019	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to allow multi-tenant development signs within the CC zoning district along SR 332 and SR 5/US 20 in the Town of Canandaigua. Proposed front setback is 33’ when 60’ is required. https://www.co.ontario.ny.us/DocumentCenter/View/17883/86-2019-Multi-Tenant-Signage-2019-04-16	

Proposed text amendments to the Town sign code would permit:

1. Roof mounted signs not exceeding district height limits.
2. One ground mounted development identification sign in the CC, NC, RB-1, LI, I or PUD districts where more than one principal building or use is sited on a single lot as in a shopping plaza or office or industrial park. Sign may identify the complex as a whole and not individual businesses. Sign to not exceed 20’ in height nor 40 SF per face or 80 SF if double sided.
3. Multi-use development identification sign which permits the name of the development and individual business names on parcels fronting on SR 332 or SR5/US 20 in the CC district. Adjacent businesses that share an access may apply for a SUP to allow listing on an adjacent parcel’s multi-use development identification sign. Permitted size and height of sign varies with floor area of development and speed limit of adjacent roadway.

Multi-Use Development Identification Signage

Development Floor Area	Single Side Max. SF	Max. Height
<15,000	40	16
15,000-24,999	60	17
25,000-49,999	80	18
50,000-74,999	100	19
>75,000	120	20

- Multiplier of 1.25 sq. ft. and +2 ft. height (22 ft. max) for signs perpendicular to 55mph or greater roadways.
 - Multiplier of 1.25 sq. ft. for signs that stay below 16 ft. height.
4. Limits building signage within a multi-use development to 10’ in height and 1 SF of sign for each foot of building frontage.
 5. Requires all ground signs to include 4” reflective street identification number incorporated into the sign face or supporting structure.

Comments

1. Clarify whether multi-use development sign requirement to use “same or similar architectural elements and materials as the building” allows colors/logos of individual businesses.
2. Consider including property line setback for multi-use development signs.
3. Consider providing standards for sign illumination.

4. Requiring a SUP for a use to be listed on a multi-use development sign on an adjacent property may discourage use of this desirable reduction in sign clutter.

Board Motion: A motion to retain referral 86-2019 as a Class 2 and return it to the local board with recommendation of approval with comments.

Motion made by: Carol O'Brien

Seconded by: Mike Woodruff

Vote: 16 in favor, 0 opposed, 0 abstention **Motion carried**

87 - 2019	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Abate, Tom	
Representative:	McCormik Engineering PC	
Tax Map No(s):	72.00-1-20.000	
Brief Description:	Site plan for 15,000 SF new warehouse in front of existing All About Books warehouse on a 6.9 acres site at 2471 SR 21 in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/17884/87-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17885/87-2019-Landscape-Plan	

The site and adjacent lands are zoned I-1 Industrial. Adjacent land use to the northeast along SR 21 is industrial. Other adjacent land uses include 2 single family homes to the southwest along SR 21 and 4 additional single family homes in the across SR 21. These homes are also in the industrial district. The site backs to the Finger Lakes Railway.

This development involves disturbance of .97 acres including the 15,000 SF building, and 19,400 SF paved area. Other site changes include 5 parking spaces and frontage landscaping of deciduous trees planted 50' on center interspersed with evergreens planted 50' on center. No provisions for control of additional stormwater are provided. The lot coverage will increase from 22 to 33 %. Dominant soils are Schoharie silty clay loam 0-3 % slope with the following characteristics:

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Not Hydric**

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 16 in favor, 0 opposed, 0 abstention **Motion carried**

88 - 2019	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Meyer, Mark	
Property Owner:	Iverson Ventures LTD	
Representative:	Schultz Associates PC	
Tax Map No(s):	85.03-1-18.000	
Brief Description:	Site plan and special use permit to construct a 218 space inventory parking lot immediately east of the existing Mark's Leisure Time Marine sales and repair facility located at 4336 Recreation Drive in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/17886/88-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17887/88-19-Erosion-Control	

The 3.2 acre site is zoned C-1 Retail/Commercial. The site is adjacent to Mark's Leisure Time Marine offering sales of new and used boats, parts, and repair services. The applicant has indicated the parking area is intended for parking of sales inventory only, not for in season on-demand or off-season boat storage. The proposed parking area will disturb approximately 2.17 acres and be

connected to the existing asphalt parking area via a 24' wide driveway. The new parking will also have a 26' wide access connection off Recreation Drive near the eastern property boundary. This access is likely not aligned and not sufficiently off-set from the 2nd access to Roseland Bowl and is near the curve of Recreation Drive. The site plan does not retain a connection from Recreation Drive to the existing stone access drive extending from the site to the adjacent site to the east.

The site drains east to west. Runoff from the parking area will drain to a proposed stormwater pond on the western portion of the site between the existing building and the proposed parking area. From the pond, stormwater will outlet to the storm sewer along Recreation Drive and then into an existing open drainage way located to the west of Roseland Bowl which ultimately drains to the Canandaigua Outlet.

The site plan indicates 61 percent lot coverage when 85 percent is allowed and 25 percent green space. Lighting levels range from 2 foot-candles at poles to .1 foot-candles at property boundaries. There are existing street trees in the Recreation Drive ROW.

Proposed landscaping includes birch, service berry, spruce and forsythia along the perimeter of the parking area/stormwater management area including along the property frontage. The parking area is setback 30' from the north property line to allow retention of existing trees and brush along a portion of this property boundary.

According to OnCOR the site is not located in or adjacent to an agricultural district and is not constrained by steep slopes, wetlands, or floodplains. Primary site soils are Odessa silt loam, 0-3 percent slope with the follow characteristics:

Prime Farmland, if drained	
Permeability: moderately low	Erodibility: very high
Hydrological Group C/D	Partially Hydric

Comments

1. Is the parking area for boat storage or boat sales? What are the dimensions of the parking spaces? Is additional customer parking required?
2. The intent statement of the C-1 district indicates most business activities are intended to be conducted within a completely enclosed building. A limited area may be used for seasonal outdoor product display or storage.
3. What setback and screening requirements apply to the proposed use? Off-street parking standards in section 1102 require parking areas to be no closer than 20' to the ROW and located to the side or rear of a primary building, which in the C-1 district would require a 60' front setback. Landscaping standards in section 1003 require at least a 5' landscaped area along the ROW and 1 tree to provide shade per 10 parking spaces. Landscape islands are required at the end of parking rows with additional islands within any parking aisle for every additional 15 spaces. The minimum size of a landscape island in a parking area is 360 SF or the size of 2 typical parking spaces.
4. How does proposed development of this parcel impact future access to other parcels in the area? How is access for farm vehicles or future development provided to the landlocked parcel zoned High Density Residential north and east of the subject property? Is there an access easement from this site through the adjacent Widewaters property on Recreation Drive? Has the closing of the existing gravel access been discussed with the adjacent property owner?
5. If the parking area will be plowed, a snow storage area should be identified on the site plan.

OCSWCD Comments

1. More information is needed regarding area identified as permeable stone paving area including underground tile, underground tile outlets and locations of drop inlets including elevations.
2. Placement of permeable stone pavement area should be evaluated if expected to catch all surface runoff from site.
3. If new stormwater retention area is to also service the business to the west system should be reevaluated.
4. Maintenance of permeable stone paving area should be included.
5. Sequencing of removal of temporary stockpiles should be identified.

CRC Comments

1. Will the stormwater management facility be landscaped?
2. Will landscaping be provided to screen any outdoor storage?
3. Will any security fencing or lighting be installed?
4. Given the tight geometry of Recreation Drive, consider moving the driveway further from the curve.
5. Was Recreation Drive built to Town of Hopewell road standards before dedication as a local road?

CPB Comments

1. The northern end of Canandaigua Lake is at capacity with regard to boat traffic. This parking area should not be used for in season on-demand boat parking as such use would likely increase the amount of boat traffic at the northern end of Canandaigua Lake.
2. If sales inventory may include used boats, measures should be taken to minimize potential site contamination from gas, oil and other toxic substances.
3. Are erosion and sediment control measure sufficient to minimize potential run-off from soil stockpiles, especially given potential extended duration of disturbance related to soil sales.

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

89 - 2019	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Vaccaro, Dean	
Representative:	Marks Engineerinbg PC	
Tax Map No(s):	58-1-45.200	
Brief Description:	Site plan for conversion from retail to personal service of a 3,237 SF building at 2163 SR 21 north of Chapin in the Town of Hopewell.	

The site is zoned SB-MU and was most recently a retail outlet for pickup truck cabs and accessories. Redevelopment for a personal service use includes a fence to the south of the driveway, an 8 SF building sign, and replacement of the on-site septic system. The business provides off-site testing, inspection and repair of life safety medical equipment. Adjacent uses include a residential use to the south, a vet with a kennel to the north, a residential use and gas measuring station across SR 21, and Finger Lakes Roadway to the rear.

OCSWCD Comments on proposed replacement septic system

1. It appears the soil investigation was conducted on 12-20-18. It is important the soil was not frozen during the percolation tests.
2. The deep hole data notes red clay at 36"-48". Is the required 4' of usable soil available?
3. The plan shows a pump station with a high level alarm. Is it possible to gravity feed effluent from the new septic tank to the new distribution box/leach field? Also, is the 24"x58" pump basis shown on the plan undersized?
4. The plan does not appear to show a 50% expansion area.
5. The plan does not appear to show on the map which perc test hole is which.
6. Will the existing leach area be removed?

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

90 - 2019	Village of Naples Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Williams, David & Shanna	
Property Owner:	Wordingham, Al	
Tax Map No(s):	201.10-1-9.000	
Brief Description:	Site plan and special use permit for construction of five 30'x110' mini-storage buildings at 11 Toby Street in the Village of Naples. https://www.co.ontario.ny.us/DocumentCenter/View/17888/90-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17889/90-2019-site-plan	

The applicant controls 3 lots totaling 1.39 acres in the C-3 Commercial District. The C-3 district is subject to the same bulk standards as the C-1 district. Properties across the street and to the west are in the C-3 district. Properties to the east on both sides of the road are in the R-1 district with all but the southwest corner lot at Toby Street and SR 21 in the Community Service Property Overlay. The C-3 district was recently amended to allow mini-storage uses not exceeding 300 SF and having individual outdoor entrances.

Each building is 3,300 SF for a total future building coverage of 16,500 SF. The site plan indicates 3 street trees in the Toby Street ROW along the lot frontage, although OnCor appears to locate them on the parcel. The site plan indicates buildings are setback 21' from the ROW with a 20' gravel driveway in front of the buildings. The manufacturing use to the north west was built in 1910 and is setback about 5' from the edge of pavement. The storage building to the southeast built in 1970 is setback approximately 38' from the ROW. The two homes across Toby Street are setback 15' to 25' from the ROW. Behind the proposed buildings is Hazlitt's Red Cat Cellers' sewer treatment plant.

The proposed development has been evaluated based on the 1-year, 24 hour storm event which is projected to produce 2.19" of rain and 323 cubic feet of runoff per hour. The site plan indicates a 750 SF grass swale at the eastern end of the perimeter drive which can store approximately 812 SF of run-off and infiltrate 102 CF of runoff per hour. The grass area downgrade of the swale is approximately 6,200 SF and is projected to infiltrate approximately 842 CF of runoff per hour. The site plan indicates an open ditch to the north of the site on an adjacent site and an open ditch to the east of the property on an adjacent property.

Comments

1. Does the lot coverage include the Toby Street pavement within a ROW on the lot?
2. What frontage vegetation will be retained, replaced, or enhanced? Is frontage landscaping necessary to screen the use from the residential uses across the street?

OCSWCD Comments

1. Stabilized outlet for grass-lined swale should be identified.
2. Consider possible catch-basin protection in the event silt fence should fail.

CPB Comments

1. Local board should ensure stormwater provisions are sufficient to maintain stormwater discharge levels at pre-development conditions as required in NYSDEC stormwater manual.
2. Local board to review proposed exterior siding colors and materials are in keeping with the village character.

Board Motion: A motion to retain referrals 90-2019 and 90.1-2019 as Class 1 and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 13 in favor, 0 opposed, 1 abstention, Carol O'Brien Motion carried

90.1 - 2019	Village of Naples Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Williams, David & Shanna	
Property Owner:	Wordingham, Al	
Tax Map No(s):	201.10-1-9.000	
Brief Description:	Site plan and special use permit for construction of five 30'x110' mini-storage buildings at 11 Toby Street in the Village of Naples.	

See information at 90-2019.

91 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sonbryne Sales Inc	
Property Owner:	6215 Route 96 Associates LLC	
Representative:	Brurelle, Christian	
Tax Map No(s):	29.00-1-48.1	

Brief Description:	Site plan for redevelopment of a 1.99 acre lot at 6215 SR 96 at Mertensia Road in the Town of Farmington as a 4,232 SF Bryne Dairy convenience store and fueling facility. https://www.co.ontario.ny.us/DocumentCenter/View/17895/91-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17896/91-2019-Site-Plan
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In addition to the 4,232 SF building, proposed site features includes 6 fuel pumps with 12 fueling locations under a 24' canopy. Development activities are expected to disturb 1.6 acres. Following site development the lot coverage will include 11 % for building and fuel canopy, 42 % for pavement, and 47 % pervious cover including stormwater management facility. The engineer's project narrative indicates the stormwater management facility discharges to the Mertensia Road storm sewer.

Site plan indicates a dumpster in the southwest corner near the stormwater management facility and locations of eleven 17' light poles, 12 recessed canopy lights, and 5 wall mounted lights, all dark sky compliant. No photometric plan was provided. No circulation plan or lighting for the proposed ATM is indicated on the site plan. The site plan includes provision of 33 parking spaces when 26 are required. Applicant will construction 390' of 5'sidewalk along SR 96.

Landscaping appears to include a 12' buffer of evergreens along Pat Drive and the southern portion of Northrup Lane, street trees in the 27' setback along the SR 96 frontage and remaining portion of Northrup Lane, and plantings is the island on the east side of the SR 96 entrance and around the sign 16' from the ROW near the intersection of SR 96 and Mertensia Road. No landscaping is indicated along the Mertensia Road frontage. The site plan appears to indicate retention of a tree along the SR 96 frontage and several along the western property line in the vicinity of the closest mobile home driveway but not along Pat Drive or the interior of the site. Proposed signage includes a 49 SF building sign and a 64 SF 15' high freestanding sign, both of which are internally illuminated. No canopy signage is proposed.

The site is zoned GB and in the Major Thoroughfare Overlay District. Adjacent land uses includes a mobile home park to the west and to the south of the Mertensia Road access at Pat Drive; undeveloped land and a secondary access drive to the Tops grocery store at Farmington Market Center to the east; and a car wash, a power sports vehicle dealer, and a residence to the north of SR 96 all zoned GB.

The included traffic study indicates existing operating speeds are 47 to 52 mph in the 45 mph zone and existing gaps in traffic are sufficient to accommodate projected 140 peak hour trips. Site trip generation is based on 60% bypass traffic and background traffic increase is projected at 1 % per year.

According to the NYSDEC Environmental Resource Mapper, there are no DEC wetlands on or within 100' of the site. According to the US Fish and Wildlife Service Wetland Online Mapper there are no Federal wetlands on the site. According to the National Flood Insurance Program Flood Boundary and Floodway Map the site is not in the 100 year flood plain.

The existing site driveways operate at Level of Service (LOS) C with 15 to 25 second peak hour delay. Following development, site driveways operation will decline to LOS D with 25 to 35 second peak hour delay.

Comments

1. The site plan indicates pedestrian access to the building from the Mertensia Road sidewalk, but not from SR 96.
2. To tie this site into the Town Center anchored by Tops, the streetscape treatments and light poles should be consistent. In any case pedestrian scale lighting (12 to 14' poles) is desirable.
3. How does the internal site circulation discourage cut through traffic? Vehicles exiting the site to Mertensia Road by making a left turn will be required to stop at the stop sign and likely again in the intersection. Locating the building adjacent to the grass area along Mertensia Road would avoid this intersection and provide a location for outdoor tables which can be accessed without introducing vehicle-pedestrian conflicts. The site circulation would still have to address how to discourage cut through traffic.
4. Is a 64 SF sign needed for readability given the proximity of the freestanding sign to the road?
5. Will the applicant plant grass or other low vegetation in the area between the curb and the sidewalk in the NYSDOT ROW?
6. Will green infrastructure be incorporated at the parking area perimeter?

7. The applicant should justify provision of parking in excess of code requirements.
8. Locating buildings near the sidewalk, parking to the rear, and transparent windows contributes to a pedestrian friendly streetscape.
9. The distance from the proposed driveway to Northrup Drive is less than the 220' required by the MTOD regulations.
10. A motor vehicle service station also requires special use permit and re-referral to CPB.
11. Planning Board to ensure the proposed buffer to residential uses to the west and south complies with the requirements of 165-57 and the Route 96/Route 332 Corridor Development Plan.

CRC Comments

1. Site plan should indicate lighting and circulation for ATM.
2. Demolition debris should be recycled or disposed of at a licensed facility.
3. In response to questions, the applicant indicated site plan will be altered to indicate pedestrian corridor from SR 96, to clean up and seed the area in the SR 96 ROW between the existing pavement and the property line, and install streetscape landscaping and pedestrian scale lighting as identified by the Town for all parcels in the Town Center.

CPB Comments

1. Local board to work with applicant to identify ATM lighting that meets bank and NYS requirements and also minimizes light level at the fixtures and potential impact on adjacent residences.
2. A crosswalk across Pat Drive may improve the pedestrian safety of children and other store customers walking to the site from the homes directly to the south.

Board Motion: A motion to retain referral 91-2019 as a Class 1 and return it to the local board with comments.

Motion made by: Sue Boardman

Seconded by: Marty Avilla

Vote: 16 in favor, 0 opposed, 0 abstention **Motion carried**

92 - 2019	City of Geneva Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Ramada Geneva Wyndham	
Representative:	Hintenaach, Andrew	
Tax Map No(s):	104.12-2-29.2	
Brief Description:	Special use permit for event pavillion on the lakeside of the Ramada Hotel at 41 Lakefront Drive in the City of Geneva.	

In previous years the Ramada has erected a white vinyl tent along the Lakeside promenade. This application proposes a slightly larger 3,080 SF permanent rustic pavilion with operable glass doors. The building is expected to use downspouts with splash blocks and sheet flow to the Seneca Lake.

Comments

1. The pavilion appears to extend slightly onto City of Geneva property. Has the applicant secured an additional easement from the city to authorize this encroachment?
2. The tent/pavilion area appears to be grass. What provisions have been made to mitigate the stormwater impacts of this additional impervious surface?

CRC Comments

1. What erosion and sediment control measures will be in place during construction of the pavilion?
2. Does the structure meet the setback requirements of the LF-C district?

CPB Comment Will pavilion roof run-off contribute to icing along the promenade?

Board Motion: A motion to retain referrals 83-2019, 83.1-2019, 84-2019, 85-2019, 87-2019, 88-2019, 89-2019, and 92-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Tom Lyon

Vote: 16 in favor, 0 opposed, 0 abstention **Motion carried**

93 - 2019	Town of Richmond Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Dowland, Eric	
Tax Map No(s):	150.17-1-10.000	
Brief Description:	Area variance to locate deck 25 feet from waterline when 50 feet is required at 5268 Cottage Cove in the Town of Richmond.	

According to OnCor there are no wetlands or steep slopes along this segment of shoreline.

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

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

Comments

1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

94 - 2019	Town of Canandaigua Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Costich Engineering	
Property Owner:	Goal Investments. LCC	
Tax Map No(s):	84.00-1-26.120	

Brief Description:	Technical review of an application to subdivide the 9.2 acre Big Lots parcel at Townline Plaza to create a 1 acre lot for development of a carwash and associated changes to internal circulation including abandoning a portion of the perimeter access road at 4406 SR5/US 20 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/17890/94-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17891/94-2019-Site-Plan
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The Town of Canandaigua code requires a minimum lot size of 10 acres for a shopping center or plaza. Existing Lot 1 is 9.29 acres and the proposed subdivision would create a new 1 acre lot (Lot 4) for the proposed car wash and reduce the size of Lot 1 to 8.29 acres. The lot width in the CC district is 500'. The proposed subdivision would result in Lot 1 and Lot 4 each having 175' lot widths. These proposed lot dimensions would each require a variance.

Comments

1. How will delivery and emergency vehicles travel to the rear of the plaza and loading docks following development on the western portion of the perimeter access road?
2. Are car wash employee parking spaces sufficient?
3. How do vehicles access the 3 vacuum stalls closest to the building?
4. How do people exit the 6 western vacuum stations if they are not getting their car washed?
5. More than 1 vehicle at the stop control for vehicles traveling from the western Big Lots parking area to the signalized access driveway would block the exit from the carwash to the plaza.
6. Will the signal queue block the right turn exit from the car wash?
7. There is no by-pass lane for those who mistakenly enter the car wash queue thinking it is still the way to the plaza exit or for waiting vehicles if the car wash is temporarily inoperable.

CRC Comments

1. The Firm Marshall should review proposed changes to on-site circulation and impacts to emergency response.
2. A traffic engineer should review the site plan to assess the impact of the proposed changes to on-site circulation on potential for delay or unsafe conditions for vehicles traversing, entering or existing the site. The assessment should be based on full occupancy of existing structures and consideration of the cross access available to other properties in the area. The assessment should address apparent access to vacuum stations and dumpsters from the relocated site ring road.
3. What percentage of water will be recycled?
4. Could the car wash use be accommodated in any of the existing vacant building in the plaza?

95 - 2019	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Gray, Richard & Kimberly	
Tax Map No(s):	98.0901015.000	
Brief Description:	Site plan and area variance for replacement of a house and garage at 4959 Island Beach Drive in the Town of Canandaigua.	

Applicant proposes to tear down existing structures and construct a new single family home, retaining wall, and detached garage. The existing lot is less than 50% of the required size and lot width. The following table summarizes pre-existing nonconformities, proposed setbacks, and required setbacks. The proposed development reduces the degree of non-conformity for all but the front house setback. Therefore the front setback requires an area variance and the other deviations are allowed.

Setback	Existing nonconformity	Proposed Setback	Required Setback
Rear (Lake)	22.9'	23.5'	30'
Dwelling front setback	14.25' or 15'	10.8'	50'
Garage front setback	.4'	20.3'	50'
Retaining wall setback	0'	2.3'	8'
Lot coverage	47.9%	43.6%	40%

According to OnCOR there are slopes of 16 to 30 percent near the shoreline, likely the existing retaining wall. OnCOR also shows the floodplain covering the front third of the lot.

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 involving 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. Is any fill proposed to obtain proposed building elevation and are compensatory cuts made elsewhere on the lot?
2. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
3. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
4. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.
5. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

95.1 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Gray, Richard & Kimberly	
Tax Map No(s):	98.0901015.000	
Brief Description:	Site plan and area variance for replacement of a house and garage at 4959 Island Beach Drive in the Town of Canandaigua.	

See information at 95-2019.

96 - 2019	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Glenn Thornton Engineering	
Property Owner:	Schrierer, John & Janice	
Tax Map No(s):	140.07-1-41.100	
Brief Description:	Site plan and area variance for a new house at 4609 Misty Hill Drive in the Town of Canandaigua.	

The proposed front setback is 33' when 60' is required. The proposed house location reduces disturbance in the area of steep slopes.

The Town CEO in an e-mail outlined a number of concerns with the referred site plan. Those related to key County areas of concern including sediment and erosion control and stormwater management during and after construction are summarized below:

1. The site has been disturbed without a permit. The site plan should detail limits of existing and propose disturbance.
2. No green infrastructure is detailed. Disturbance in areas of steep slopes requires water quality treatment for up to a one year storm event. Engineer to provide calculations, narrative, and add details to site plan. Roof downspouts should be directed to water quality treatment system.
3. Limit of disturbance is not realistic and sediment and erosion control measures are not adequate. Multiple rows of silt fence should be indicated outside a measured area of disturbance sufficient to allow operating room for excavation equipment. Area of disturbance to include soil stock pile and silt fence located a minimum of 10' from the toe and downslope of the soil stockpile.
4. The site plan should include erosion control matting for any disturbed areas with slopes greater than 33%.

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 involving 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 stabilized construction entrance is in the road ROW.
2. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
3. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).

4. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.
5. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

96.1 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Glenn Thornton Engineering	
Property Owner:	Schrierer, John & Janice	
Tax Map No(s):	140.07-1-41.100	
Brief Description:	Site plan and area variance for a new house at 4609 Misty Hill Drive in the Town of Canandaigua.	

See information at 96-2019.

97 - 2019	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Special Use Permit	
Applicant:	Degraw, Bernard	
Tax Map No(s):	56.00-1-57.000	
Brief Description:	Special use permit for ground mounted sign at FLX Marine underconstruction near Yerkes Road at 2121 SR 332 in the Town of Canandaigua.	

The Town of Canandaigua code allows each use in a CC Community Commercial district to have a building sign of 1 SF per linear foot of building frontage and not more than 10' in vertical height and a ground sign not exceeding 40 SF per side and 20' in height subject to a special use permit regarding the location, size and design in relation to the surroundings. The proposed 24 SF ground sign complies with the size and number of signs allowed.

Policy AR-7B: Signage complying with local limits on size and number

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Final Classification: Class 1

Findings

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

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

98 - 2019	Town of Manchester Planning Board	Class: AR 1
Referral Type:	Sign Permit	
Applicant:	Apple Pie Home Sales	
Property Owner:	Horizon Land Management	
Tax Map No(s):	33.00-1-49.100	
Brief Description:	Sign permit for replacement sign at Apple Pie Homes, 3180 SR 96 West in the Town of Manchester.	

The proposed sign is the same size and height as the existing sign and complies with the 32 SF maximum size.

Policy AR-7B: Signage complying with local limits on size and number

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Final Classification: Class 1

Findings

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

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

99 - 2019	Town of Manchester Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Manchester	
Brief Description:	Map and text amendments to introduce a new industrial district for rail enabled development in the Town of Manchester. https://www.co.ontario.ny.us/DocumentCenter/View/17892/99-2019-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/17893/99-2019-Aerial-w-Proposed-M-3 https://www.co.ontario.ny.us/DocumentCenter/View/17899/99-2019-T_Manchester-Local-Law-Creating-a-Rail-District-and-Rezoning	

The proposed map and text amendment preserves rail access and guides rail enabled development in accordance with the Ontario County Freight Corridor Development Plan and the 2017 Joint Comprehensive through a new M-3 Rail Enabled Industrial District. The regulations permit a range of food processing, manufacturing, and warehousing uses. The regulations explicitly allow multiple uses and buildings on a single parcel. The regulations require:

- Documentation of consultation with the rail operator regarding feasibility of proposed or future rail access, with such access to be shown on the site plan.
- Landscaping plan prepared by a licensed landscape architect and indicating preservation of natural vegetation; foundation, frontage, perimeter, and parking area landscaping; screening of any outdoor storage; and 150' landscaped buffers to any adjacent residential uses.
- Internal access road to provide access to multiple sites if the alternative is curb cuts closer than 400'.
- No construction or impervious surfaces within 100' of NYSDEC classified streams.
- Dark sky compliant lighting fixtures and limited light spill to adjacent properties.
- Emergency Response Plan.
- Internal building separations are based on NYS Uniform Fire Prevention and Building Code and access and staging needs of emergency responders.

Comments

1. Consider amending text requiring site plan to indicate distances from proposed access to existing access points on adjacent properties and on the opposite side of all adjoining roads.

<p>Board Motion: A motion to retain referrals 99-2019 and 99.1-2019 as Class 2 and return them to the local board with recommendation of approval with comments.</p> <p>Motion made by: Steve Groet</p> <p>Seconded by: Sandy Riker</p> <p>Vote: 14 in favor, 0 opposed, 0 abstention Motion carried</p>
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99.1 - 2019	Town of Manchester Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Manchester	
Brief Description:	Map and text amendments to introduce a new industrial district for rail enabled development in the Town of Manchester	

See information at 99.1-2019.

100 - 2019	City of Canandaigua Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Valvoline Instant Oil Change	
Representative:	Whelan & Curry Construction	
Tax Map No(s):	70.16-1.66	
Brief Description:	Site plan and area variance for 730 SF addition to the Valvoline Instant Oil Change at 490 North Main Street in the City of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/17900/100-2019-VIOC-Canandaigua_ZBA-site	

The applicant proposes to extend the building approximately 12' toward the southern property boundary and 10' to 12' to the rear to accommodate a ground level inspection bay and relocated oil tank storage area. The asphalt area will also be extended in the

rear of the building and the site plan appears to show relocation of the dumpster area. There will also be 150’ of wood privacy fence along the southern property line. The proposed building will be 5’ from the southern property boundary when the required side yard is 30’ adjacent to residential zone or 10’ otherwise.

The 1.5 acre site is zoned C-3 Heavy Commercial as are office and commercial uses to the north along the west side of SR 332. South on SR 332 and across the street is zoned R-1B. Adjacent land uses in the residential district include the CCE/OWSWCD building to the south and 2 single family homes and an office building across SR 332.

The variance application indicates stormwater from the addition, like stormwater from the existing building will be conveyed to the rear of the site via an underground leader, through piping is not indicated on the site plan.

Comments

1. As part of site redevelopment a concrete sidewalk should be installed in line with adjoining sidewalk segments and the access driveways should be narrowed if continuing to provide separate ingress and egress or one could be eliminated in compliance with 850-53 which allocates one driveway per 200’ of road frontage. Either change would allow planting of additional frontage landscaping to improve the visual character of the streetscape and the pedestrian environment.
2. Where will the existing oil tanks be moved during construction of the new bay and oil room?
3. The snow storage proposed in front of the building appears to partially block the exit from the new inspection bay. The snow storage proposed between the two driveways in the road ROW will likely impede visibility for exiting vehicles.

Board Motion: A motion to accept late referrals 100-2019 and 100.1-2019.

Motion made by: Len Wildman

Seconded by: Sue Boardman

Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

Board Motion: A motion to retain referrals 100-2019, and 100.1-2019 as Class 1s and return them to the local boards with comments.

Motion made by: David Wink

Seconded by: Mike Woodruff

Vote: 16 in favor, 0 opposed, 0 abstention Motion carried

100.1 - 2019	City of Canandaigua Zoning Board of Appeals	Class: 1 Late Referral
Referral Type:	Area Variance	
Applicant:	Valvoline Instant Oil Change	
Representative:	Whelan & Curry Construction	
Tax Map No(s):	70.16-1.66	
Brief Description:	Site plan and area variance for 730 SF addition to the Valvoline Instant Oil Change at 490 North Main Street in the City of Canandaigua.	

See information at 100-2019.

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)

Other Agenda Items

- SEQR Interested Agency Reviews
T. Phelps water district extension along Griffin Road between Melvin Hill Road and Lester Road, Fort Hill Road from Village line south to CR 23 and within Agricultural Districts 6 and 8.
- Clearing House Reviews
Federal Fiscal Year 2019 National Dam Safety
NYS Air Pollution Control Program Grant
- Training
May 21, 2019 6:30 to 8:30 pm OCPD presents– **SEQR Basics and Recent Changes**
3019 Ontario Complex Drive off CR 46, Room 204/205
Register on line at <https://tinyurl.com/y3ov9eze>

May 17, 2019 Spring Workshop: PB/ZBA overview, case law update, signs, drinking water source protection, small cell/5G communication networks, 2020 Census, solar, stormwater, erosion and flood control, – Genesee-Finger Lakes Regional Planning Council- Burgundy Basin 9 am to 5 pm, 1361 Marsh Road Pittsford, NY 14534.
<http://www.gflrpc.org/spring-workshop.html>

June 4, 2019 5:00 to 9:30 pm NYSDOS and Yates & Ontario County Planning Departments
Yates County Office Building Auditorium, 413 Liberty Street, Penn Yan
Register at <http://tinyurl.com/yxruwhmh>

5:00 to 7:00 Introduction to Planning Board and Zoning Board of Appeals
Dinner provided

7:30 to 9:30 Hot Button Land Uses

- Avoiding Exclusionary and Spot Zoning; Handling Controversial Uses
- Farm Events, Wineries, Distilleries, & Farm Labor Housing
- Mining, Medical Marijuana, & Adult Uses
- Drones, Cell Towers, Dish Antenna, Solar, & Wind
- Street Vendors and Food Trucks
- Chickens, Pet Facilities and Uses, Group Homes, & Religious Uses
- Short-Term Rental Housing, Monster Homes, Manufactured Housing
- Signs, Large Scale Retail, & Home Day Care

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn. **Motion to adjourn made by Sandy Riker, seconded by Glen Wilkes. Motion carried.** The May 8, 2019 CPB meeting adjourned at 8:40 PM.

Respectfully submitted,
Linda Phillips
OCPD Senior Planner