

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –July 9, 2019 at 3:30pm
County Planning Board Meeting –July 10, 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.....21
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 |
|------------------------------|-------------------------|-------------------------|-----------------------------|--------------------|-------|------|
| 124 - 2019 | Town of Phelps | Town Board | Town of Phelps | Text Amendment | 2 | 3 |
| 125 - 2019 | Town of Victor | ZBA | Surmotech, LLC | Area Variance | 1 | 3 |
| 125.1 - 2019 | Town of Victor | Planning Board | Surmotech, LLC | Site Plan | 1 | 4 |
| 126 - 2019 | Honeoye Falls | Village Board | n/a | Text Amendment | TR | 19 |
| 126.1 - 019 | Honeoye Falls | Village Board | n/a | Map Amendment | TR | 19 |
| 127 - 2019 | Town of Victor | Planning Board | Conor Gallagher | Site Plan | 1 | 4 |
| 128 - 2019 | Town of West Bloomfield | Town Board | n/a | Text Amendment | 2 | 5 |
| 129 - 2019 | Town of Phelps | Planning Board | Lamar Advertising | Site Plan | 1 | 5 |
| 130 - 2019 | Town of Canandaigua | Town Board | n/a | Text Amendment | 2 | 6 |
| 130.1 - 2019 | Town of Canandaigua | Town Board | n/a | Map Amendment | 2 | 6 |
| 131 - 2019 | Town of Victor | ZBA | Paul Colucci, DiMarco Group | Area Variance | 1 | 6 |
| 132 - 2019 | Town of Farmington | Planning Board | Michael Best | Site Plan | 1 | 7 |
| 132.1 - 2019 | Town of Farmington | Zoning Board of Appeals | Michael Best | Temp. Use Permit | 1 | 8 |
| 133 - 2019 | Town of Farmington | Planning Board | Create-A-Scape | Site Plan | 1 | 8 |
| 134 - 2019 | Town of Farmington | Planning Board | Ontario Mall Antiques | Site Plan | 1 | 9 |
| 135 - 2019 | Town of Gorham | ZBA | Brad & Dolores Kruchten | Area Variance | AR-2 | 9 |
| 136 - 2019 | Town of Hopewell | Planning Board | Kevin Nedrow | Site Plan | 1 | 10 |
| 137 - 2019 | Town of Victor | Planning Board | Bell Atlantic Mobile | Site Plan | 1 | 10 |
| 137.1 - 2019 | Town of Victor | Planning Board | Bell Atlantic Mobile | Special Use Permit | 1 | 11 |
| 138 - 2019 | Town of Richmond | ZBA | Dan & Val Lewandowski | Area Variance | AR-2 | 11 |
| 139 - 2019 | Town of Canandaigua | ZBA | Creekview Apartments | Area Variance | AR-1 | 11 |
| 140 - 2019 | Town of Richmond | ZBA | Scott Gillen | Special Use Permit | 1 | 12 |
| 141 - 2019 | Town of Victor | Planning Board | Paul Colucci, DiMarco Group | Site Plan | 1 | 13 |
| 142 - 2019 | Town of Canandaigua | ZBA | Venezia & Associates | Area Variance | AR-2 | 13 |
| 142.1 - 2019 | Town of Canandaigua | Planning Board | Venezia & Associates | Site Plan | AR-1 | 13 |
| 143 - 2019 | Town of Canandaigua | Planning Board | William Metrose | Sketch Plan | TR | 19 |
| 144 - 2019 | Town of Manchester | Planning Board | Leonard’s Express | Site Plan | 1 | 14 |
| 145 - 2019 | Town of Canandaigua | Planning Board | Geoffery & Jane Halstead | Site Plan | 1 | 14 |

| | | | | | | |
|------------------------------|----------------------------|----------------|-------------------------|--------------------|----|----|
| 146 - 2019 | - | - | - | - | - | |
| 147 - 2019 | Town of Farmington | ZBA | Lyons National Bank | Area Variance | 1 | 15 |
| 148 - 2019 | Village of Clifton Springs | Planning Board | DeLong Company, Inc. | Special Use Permit | 1 | 15 |
| 148.1 - 2019 | Village of Clifton Springs | Planning Board | DeLong Company, Inc. | Site Plan | 1 | 16 |
| 149 - 2019 | Town of Canandaigua | ZBA | Royal Wash Canandaigua | Area Variance | 1 | 16 |
| 149.1 - 2019 | Town of Canandaigua | Planning Board | Royal Wash Canandaigua | Site Plan | 1 | 17 |
| 149.2 - 2019 | Town of Canandaigua | Planning Board | Royal Wash Canandaigua | Special Use Permit | 1 | 17 |
| 150-2019 | Town of Geneva | Planning Board | Ron & Martha BeBoover | Site Plan | 1 | 17 |
| 151-2019 | Town of Geneva | Planning Board | Patrick Cardinale | Site Plan | 1 | 18 |
| 152-2019 | Town of Geneva | Planning Board | Massa Construction | Site Plan | 1 | 18 |
| 153-2019 | Village of Victor | Planning Board | Lynaugh Road Properties | Sketch Plan | TR | 19 |

| 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 | Joe Crane | P | | |
| Canadice | Stephen Groet PB | P | | |
| Canandaigua | David Wink | P | | |
| East Bloomfield | Mike Woodruff | | E | |
| Farmington | Patti Wirth | P | | |
| Geneva | Steven High | P | | |
| Gorham | Jack Dailey | P | | |
| Hopewell | Bill Namestnik | P | | |
| Manchester | Ruby Morrison PB | P | | |
| Naples | Carol O’Brien PB | | E | |
| Phelps | Glen Wilkes PB | P | | |
| Richmond | Leonard Wildman PB | P | | |
| Seneca | Timothy Marks PB | | E | |
| South Bristol | Albert Crofton ZBA | P | | |
| Victor | Marty Avila | P | | |
| West Bloomfield | Sue Boardman | P | | |

Guests: Jeff Friend, Tom Kime, Michael Colacino/Lyons National Bank; Paul Colucci/DiMarco-Horsepower Motorworks; Mike Best & Lisa Spath/Ponds Edge Venue.

Call To Order/Roll Call: Chair Wildman called the 7/10/19 CPB meeting to order at 7:03 pm, and requested Ms. Frasca to do roll call. Ms. Frasca presented roll call and reported that there were thirteen (13) members present, meeting the quorum requirement. Two members arrived during discussion of the 1st referral bringing the number of members present to fifteen (15).

Minutes:

*Motion made by Marty Avila to approve the June 12, 2019 minutes as presented, seconded by David Wink. **Motion passed.***

| 124 - 2019 | Town of Phelps Town Board | Class: 2 |
|--------------------|---|----------|
| Referral Type: | Local Law | |
| Applicant: | Town of Phelps | |
| Brief Description: | Text amendments to site plan review and zoning chapters | |

[Link to proposed local law](#)

The Town code amendments address the following:

1. Expands site plan review to accessory uses on single or two-family lots constructed prior to occupancy of the home and to farm accessory uses constructed prior to occupancy of a principal farm building.
2. Exempts from site plan review principal farm buildings.
3. Applies Zoning Ordinance definitions to Site Plan Review regulations.
4. Add to the Zoning Ordinance supplemental regulations explaining what development activities on single or two family lots or farms require site plan review.

Comments

1. Consider requiring site plan to indicate distances from any proposed access points to existing access points and intersections in both directions and on the opposite side of the road.
2. Consider requiring applicants to show the limit of disturbance and area on site plans.
3. The Town should consider adding a definition of “principal farm building” to the local law.

Board Motion: motion to retain referral 124-2019 as Class 2 and return it to the local board with comments and a recommendation for approval.
Motion made by: Ruby Morrison
Seconded by: Tom Lyon **Vote:** 15 in favor, 0 opposed, 0 abstentions. **Motion Carried**

| 125 - 2019 | Town of Victor Zoning Board of Appeals | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Area Variance | |
| Applicant: | Surmotech LLC | |
| Property Owner: | 7676 Netlink Drive LLC | |
| Tax Map No(s): | 15.01-1-11.100 | |
| Brief Description: | Area Variance and site plan to add parking with zero eastern side setback at 7676 Netlink Drive in the Town of Victor. | |

Links:

- [Photo](#)
- [Site Plan](#)

Contract manufacturer Sumotech, LLC is proposing to add a 640 SF storage shed in the grass area at the southwest corner of the lot at the western end of the parking aisle extending from Netlink Drive. The Commercial-Light Industrial District requires an 80’ front setback, 60’ rear setback, 5’ side setback and 40’ between buildings. The proposed shed location is 40’ from the existing building and 45’ and 63’ from the western and southern property boundaries. The applicant plans to install a solar panel to provide electricity to light the shed and is requesting a waiver from sprinkler system requirement to avoid the expense of running water to the shed.

The site is 4 acres and the proposed changes would disturb approximately .5 acres.

The proposed crushed stone parking expansion area would be located adjacent to the existing parking area to the east of the building, increase the number of parking spaces from 32 to 61, and require a variance from the 10’ parking setback to allow parking up to the lot line of the adjacent use. The parking would be converted to angled parking with a 15’ one-way drive aisle. Alternatively, the applicant is pursuing purchase of 20’ of depth from the neighboring property at 820 Phillips Road. This alternative would eliminate the need for the 10’ parking setback variance.

Comments

1. It appears Netlink Drive is a private road serving only this use. The proposed Town of Victor Official Map shows Netlink Drive as a public road providing an access option to additional lands zoned Light Industrial to the west of the site and north of NYS 251. The proposed shed location would preclude extension of Netlink Drive. An alternate shed location, perhaps at the north end of the expanded parking area, legal right-of-way transfer and road design standards should be formalized with the property owner at this time.
2. Where will storm water from parking expansion area drain? Is existing storm water facility on this or adjacent site sized to accommodate additional storm water? If flowing to adjacent site an easement and maintenance agreement should be filed.
3. The site plan included with the referral is from initial development of the site in 2000. The site plan shows parking similar to that proposed with 2-way drive aisles as well as additional parking west of the building. There is no indication why such parking was not built and why lot was subdivided to preclude such parking expansion in the future. It is also unclear from this site plan whether the intention was for any redevelopment of the portion of the lot fronting on Phillips Road to have access only off Netlink Drive.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 125.1 - 2019 | Town of Victor Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Surmotech LLC | |
| Property Owner: | 7676 Netlink Drive LLC | |
| Tax Map No(s): | 15.01-1-11.100 | |
| Brief Description: | Area Variance and site plan to add parking with zero eastern side setback at 7676 Netlink Drive in the Town of Victor. | |

See the summary for 125-2019 above.

| 127 - 2019 | Town of Victor Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Gallagher, Conor | |
| Property Owner: | Sacco, Rocco | |
| Tax Map No(s): | 7.02-1-79.000 | |
| Brief Description: | Site plan to open a portion of the farm winery at 521 CR 9 in the Town of Victor as a public tasting room. | |

The current referral would use the tasting room and permanent parking for weekend wine tastings and weekday tastings by appointment. The use would use a sandwich board sign at the entrance when the tasting room is open. CPB most recently saw a referral to allow 4 special events of not more than 100 people on the site in August 2018.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 128 - 2019 | Town of West Bloomfield Town Board | Class: 2 |
|--------------------|--|----------|
| Referral Type: | Text Amendment | |
| Applicant: | Town of West Bloomfield | |
| Brief Description: | Definitions and regulations for solar energy systems in the Town of West Bloomfield. | |

[Link to text of proposed amendment](#)

A local law was previously reviewed in June as referral 107-2019. The currently referred text amendment addresses nearly all of the previous comments.

Staff Comment:

- 1) Applicants should be required to notify the Town of any transfer of ownership, any updated emergency contact, and update on-site signage for emergency contacts.

Board Motion: motion to retain referral 128-2019 as Class 2 and return it to the local board with comments and a recommendation for approval.
Motion made by: David Wink
Seconded by: Marty Avila **Vote:** 15 in favor, 0 opposed, 0 abstentions. **Motion Carried**

| 129 - 2019 | Town of Phelps Planning Board | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Lamar Advertising | |
| Property Owner: | Sebastian, John | |
| Tax Map No(s): | 63.00-2-24.100 | |
| Brief Description: | Site plan to convert a 300 SF billboard to two 200 SF LED digital sign faces at 2130 SR 14 south of Cross Road in the Town of Phelps. | |

Links:

- [Air Photo](#)
- [Site Plan](#)
- [Digital Sign FAQ](#)
- NYSDOT [Digital Sign Rider](#)

The proposed sign location is 20’ from the front property line along the frontage of a junkyard and across from a fuel storage facility and other commercial uses in a C-1 Commercial zoning district. The proposed 2 sided digital billboard will measure 200 SF on each side and have a height of 16’ as allowed by Town Code. The sign brightness will automatically adjust for sunny, cloudy, and night time conditions. No information is provided regarding maximum sign brightness. The sign can accommodate 6 advertisements at any time and one space will always be reserved for community emergencies. The Town of Phelps code does not prohibit off premises advertising. As outlined in the FAQs regarding digital sign included in the referral, NYSDOT regulations require:

1. A minimum 8 second display of each ad,
2. No flashing, scrolling or animation, and
3. Off premises digital signs visible to a driver at the same time must be spaced 2,500’ apart on a controlled access highway and 300’ apart on other highways. If a digital sign is visible to a driver at the same time as a conventional billboard, they must be spaced 500’ apart on a controlled access highway, 300’ apart in a town or 100’ apart in a city or village.
4. The maximum brightness of a sign message is 5,000 cd/m² (daytime) and 280 cd/m² (nighttime). Cd/m² is candela per square meter.

Staff Comments:

1. Does the sign meet the Town Code requirements of maximum light intensity of .5 foot-candles or Illuminating Engineering Society of North America (IESNA) standard for use and .5 foot-candles at the property line?.
2. The referral does not include lighting plan with detailed information on the maximum lighting and potential light spill to the public ROW. If the Planning Board is waiving submittal requirements of 92-9 of zoning code or illuminance of 92-10, justification of such waiver should be included in the findings and resolution.
3. The sign will require an outdoor advertising permit from NYSDOT.

CRC Comment – What impact will this off-premises sign have on the ability of other businesses in the corridor to erect business identification sign?

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.

Motion made by: David Wink

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 130 - 2019 | Town of Canandaigua Town Board | Class: 2 |
|--------------------|--|----------|
| Referral Type: | Text Amendment | |
| Applicant: | Town of Canandaigua | |
| Brief Description: | Text and map amendment to expand areas eligible for re-zoning to MUO Mixed Use Overlay west of SR 332 between Townline Road and Street in the Town of Canandaigua. | |

[Link to map of proposed changes](#) – add areas outlined in red to MUO. Lands proposed for addition to the MUO include lands west of frontage in the MUO west of SR 332 between North Street and Thomas Road and between Purdy Road and Townline Road and lands east of frontage in the MUO east of SR 332 between Purdy Road and Townline Road.

The MUO Mixed Use Overlay zoning district establishes the eligibility of a parcel of land for consideration by the Town Board for development of a mix of uses. The MUO allows a range of uses including single-family and multi-family residential uses, uses allow in Community Commercial, Neighborhood Commercial, Industrial, however, each different use must be on a different lot though part of an overall site plan. The MUO regulations require 40 % open space in addition to any constrained lands or drainage facilities.

Comment The Uptown Plan has the following policy and regulatory recommendations:

1. Revise the existing Community Commercial District for the entirety of the State Route 332 corridor.
2. Draft and adopt Design Standards to guide building and site design throughout Uptown.
3. Adapt the existing Mixed-Use Overlay District for the Uptown Development Parcel and Office/Employment Character Area.
4. Establish a Mixed Residential Zoning District for neighborhood development

Is this map amendment a step toward transitioning the MUO to a base mixed use district(s) to include design and use standards for different areas as outlined in the Uptown Plan? In particular, the MUO requirement that different use types be on different parcels seems contrary to the recommendations of the Plan.

Board Motion: motion to retain referral 130-2019 and 130.1-2019 as Class 2s and return them to the local board with comments and a recommendation for approval.

Motion made by: Marty Avila

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried

| 130.1 - 2019 | Town of Canandaigua Town Board | Class: 2 |
|--------------------|--|----------|
| Referral Type: | Map Amendment | |
| Applicant: | Town of Canandaigua | |
| Brief Description: | Text and map amendment to expand areas eligible for re-zoning to MUO Mixed Use Overlay west of SR 332 between Townline Road and North Street in the Town of Canandaigua. | |

Refer to the staff summary for application 130-19, above.

| 131 - 2019 | Town of Victor Zoning Board of Appeals | Class: 1 |
|-----------------|--|----------|
| Referral Type: | Area Variance | |
| Applicant: | Colucci, Paul | |
| Property Owner: | ANAC Holdings Inc | |
| Representative: | Tomlinson, Matt | |
| Tax Map No(s): | 28.00-1-51.000 | |

| | |
|--------------------|--|
| Brief Description: | Five area variances for portion of lot south and east of Brace Road to allow development of a 63,500 SF motor vehicle repair facility not meeting building or parking setbacks to residential district or structure, front parking setback, or required parking spaces at 1256 Brace Road in the Town of Victor. |
|--------------------|--|

Links:

- [Site Plan](#)
- [Air Photo](#)

[See also application 141-2019, below](#)

The proposed use is for restoration and service of classic and high performance vehicles. The business has outgrown its current space at 825 Phillips Road. There will continue to be 15 employees at the new facility with 2-3 customers visiting each day. The variance application characterizes the proposed use as similar in character to a specialty manufacturing operation, not a typical motor vehicle repair facility.

The proposed variances include:

1. A variance to locate a motor vehicle repair facility 100’ from the boundary of a residential district when 1,000’ is required
2. A variance to locate a motor vehicle repair facility 300’ from a residential use when 500’ is required.
3. A variance to locate parking 36’ from the ROW when 80’ is required.
4. A variance to locate parking 76’ from a residential district when 100’ is required.
5. A variance to provide 92 parking spaces (4.6 per bay) when 120 spaces (6 per bay) are required.

Lands to the south of the lot in question are zoned R-2. The Town of Victor intends to purchase adjacent lands as a new site for their highway garage. The site plan shows 1.4 acres of wetland on the western end of the parcel at the bend in Brace Road. The northeastern 2/3 of the lot is within a mapped 100 yr. flood plain. The building will be built 2’ above existing mapped flood elevation. Applicant and local officials anticipate the property will be removed from the floodplain as part of the on-going FEMA mapping update.

Staff Comments:

1. The need for variances could potentially be reduced if the building and parking were oriented parallel to Brace Road in the vicinity of the site driveway.
2. Will this use be accessed off Anthony Drive?

CRC Comments

1. In response to staff comments, the applicant’s engineer explained that fill for the driveway and building would be off-set with excavations elsewhere on the site to mitigate floodwater storage impacts. The portion of the site east of the driveway will drain east to the creek and portions of the site west of the driveway will drain west towards the wetland.
2. Stormwater management; erosion and sediment control, and cut and fill quantities should be reviewed by OCSWCD.
3. Any toxic materials used in business operations should be disposed of properly.

| |
|---|
| Board Motion: motion to retain referral 131-2019 and 141-2019 as Class 1s and return them to the local board with comments. Motion made by: David Wink Seconded by: Tom Lyon Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried |
|---|

| 132 - 2019 | Town of Farmington Planning Board | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Best, Michael | |
| Tax Map No(s): | 17.00-1-11.200 | |
| Brief Description: | Site plan and temporary use permit to rent outdoor space at Ponds Edge at 6165 Brownsville Road in the Town of Farmington for special events of 200 people or less. | |

Links:

- [Site Plan 1](#)
- [Site Plan 2](#)

- [Air Photo](#)

The proposal use would be for wedding ceremonies (but not receptions) and other family or business events. The site would be available for rent March 1 to November 1 and would operate till 9 pm M-W and till 10 pm Fri. and Sat. The narrative indicates potential parking need of 21,000 SF or 67 spaces, enough for 200 attendees based on Town code.

The 5 acre residentially zoned property is currently developed with a house, garage, shed, metal barn, 2 ponds plus a retention pond, a gathering spot by the large pond, a 40'x 80' (3,200sf) paved parking area, and an additional 26,000 SF of potential paved and grass parking areas. The site plan appears to show a new access connection from Brownsville/Gillis Road less than 100' east of the existing driveway.

According to OnCOR, portions of the site between the house and the large pond have slopes of 16 to 30 %. OnCOR indicates the property is not constrained by wetlands or floodplains and is in an agricultural district. Site soil characteristics in the area proposed for parking Palmyra cobbly loam 3 to 8 % slope, high permeability and medium erodibility.

CRC Comments

- 1) This facility will be subject to requirements in the Uniform NYS Fire prevention & Building Code. This includes erection of large tents, fire access, the electrical set up for site lighting and sound etc, as well as other aspects of the operation.
- 2) The referring body should strongly consider limiting hours of operation based on available site lighting and out of concern for neighboring residents.
- 3) The referring body may want to specify the frequency of events and the maximum number of attendees allowed in any authorizing resolution to minimize negative impacts.
- 4) What provisions have been made for guest drinking water and bathroom needs?

CPB Comments

1. Applicant indicated they have requested a driveway permit for an access connection to the grass parking area to the east of the house with a connection to existing paved/gravel area by the house. This driveway likely would not meet desirable driveway spacing standard for the functional class and speed limit of Brownsville Road.
2. In response to questions, applicant reported potable water and bathroom facilities, including handicapped accessible bathroom are available in the barn on-site; there is a rope fence preventing accidental entry into pond; and no roadside parking is anticipated.

Board Motion: A motion to retain referrals 132-2019 and 132.1-2019 as Class 1s and return them to the local boards with comments.
Motion made by: Tom Lyon
Seconded by: Marty Avila
Vote: 15 in favor, 0 opposed, 0 abstention **Motion carried**

| 132.1 - 2019 | Town of Farmington Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Temporary Use Permit | |
| Applicant: | Best, Michael | |
| Tax Map No(s): | 17.00-1-11.200 | |
| Brief Description: | Site plan and temporary use permit to rent outdoor space at 6165 Brownsville Road in the Town of Victor for special events of 200 people or less. | |

Refer to staff summary for application 132-2019, above.

| 133 - 2019 | Town of Farmington Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Create a Scape | |
| Property Owner: | Del Re, Ryan | |
| Representative: | Habscom, Michael | |
| Tax Map No(s): | 29.00-1-73.110 29.00-1-76.100 | |
| Brief Description: | Site plan to expand area used for parking and storage of landscape materials and equipment at 6162 SR 96 west of SR 332 in the Town of Farmington. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The 6.6 acre property is zoned for general business. Applicant is proposing additional parking for cars, trucks and trailers all on a crushed stone surface. Also proposed are different types of outdoor storage for landscaping materials including two soil piles, bulk storage bins for stone and mulch and another area for palletted materials. No variances are needed. There are no mapped wetlands or flood zones on the property. There will be a separation of about 100' between the developed areas and adjoining residential lots. Existing site access will remain the same.

Comment The site plan does not show space for landscaping or buffer along the eastern property boundary line/potential future ROW.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 134 - 2019 | Town of Farmington Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Temporary Use Permit | |
| Applicant: | Ontario Mall Antiques | |
| Tax Map No(s): | 41.16-2-39.100 | |
| Brief Description: | Temporary use permit for up to 6 stalls of farmers selling fruits and vegetables at Ontario Mall Antiques, 1740 SR 332 in the Town of Farmington. | |

Links:

- [Air Photo](#)

Applicant is requesting permission to convert 6 of their 123 existing parking spaces into stalls for vendors of seasonal fruits and vegetables. No other changes are proposed. The farmer vendor spaces would be located at the north end of the parking aisle closest to the southern wing of the building.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 135 - 2019 | Town of Gorham Town Board | AR-2 |
|--------------------|---|------|
| Referral Type: | Area Variance | |
| Applicant: | Kruchten, Brad & Dolorres | |
| Representative: | Professional Engineering Group | |
| Tax Map No(s): | 127.07-1-30.000 | |
| Brief Description: | Replacement of an existing house with a new house at 4124 Torrey Beach in the Town of Gorham. Proposed house to reduce lot coverage non-conformity. | |

The parcel is 4,370 sf and split into two parts by Torrey Beach. The house and deck are on the lakefront portion and will be replaced with structures in the same location and of very similar size. The shed currently sits across the east lot line on the upland portion of the parcel. A shed of similar size will be moved entirely onto the applicant's property. 9 variances are required.

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

| 136 - 2019 | Town of Hopewell Town Board | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Nedrow, Kevin | |
| Representative: | McCormick Engineering PC | |
| Tax Map No(s): | 74.00-1-16.112 | |
| Brief Description: | Construction of a 68'x248' barn and a 80' diameter manure storage tank approximately 1,060' west of the intersection of County Road 4 and Algerine Street in the Town of Hopewell | |

Links:

- [Site Plan](#)
- [Air Photo](#)

This is an addition to an existing farm operation on the 6.4 acre site. No variances are needed. There are no mapped floodplains or wetlands on the site. Adjacent land uses are agriculture and residential.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 137 - 2019 | Town of Victor Planning Board | Class 1 |
|--------------------|--|---------|
| Referral Type: | Site Plan | |
| Applicant: | Bell Atlantic Mobile Systems of Allentow | |
| Property Owner: | Pinnacle Towers | |
| Representative: | Nixon Peabody | |
| Tax Map No(s): | 1.02-1-24.000 | |
| Brief Description: | Approvals for proposed co-location of 6 panel antennas and ground equipment on an existing tower at 90 Baker Road in the Town of Victor. | |

The panels will be attached to the existing tower with no height extension. Ground equipment will be located in existing buildings and within the existing fenced area at the base of the tower. No other changes to the site are proposed.

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 present 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).

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 137.1 - 2019 | Town of Victor Planning Board | Class 1 |
|--------------------|---|---------|
| Referral Type: | Special Use Permit | |
| Applicant: | Bell Atlantic Mobile Systems of Allentow | |
| Property Owner: | Pinnacle Towers | |
| Representative: | Nixon Peabody | |
| Tax Map No(s): | 1.02-1-24.000 | |
| Brief Description: | Approvals for proposed co-location of 6 panel antennas and ground equipment on an existing tower at 90 Baker Road | |

Refer to staff review and findings for 137-2019, above

| 138 - 2019 | Town of Richmond Zoning Board of Appeals | AR-2 |
|--------------------|---|------|
| Referral Type: | Area Variance | |
| Applicant: | Lewandowski, Dan/Val | |
| Tax Map No(s): | 165.05-1-43.00 | |
| Brief Description: | Side setback variance to remove 8' of existing structure and construct a 24' x 15.5' two story addition to an existing lakefront home at 5396 Hamilton Point in the Town of Richmond. | |

The proposed addition would be an extension of the 15.5' wide home 16' to the east. The side setbacks for the addition are similar to the existing. A 5' side setback is required. 3.5' and 4.7' are proposed. No other variances are needed.

Staff Comments:

- 1) It would be helpful to have a more detailed site plan that shows existing easements, underground utilities, etc before deciding on this variance.

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

| 139 - 2019 | Town of Canandaigua Board of Appeals | Class: AR-1 |
|--------------------|--|-------------|
| Referral Type: | Area Variance | |
| Applicant: | Creekview Apartments Housing Development | |
| Tax Map No(s): | 94.00-1-44.100 | |
| Brief Description: | Installation of illuminated signs at the intersection of Woodland Park Circle and County Road 10 | |

Proposed signage size and number allowed by code. Area variance required to illuminate ground signs.

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.

| 140 - 2019 | Town of Richmond Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Special Use Permit | |
| Applicant: | Gillen, Scott | |
| Property Owner: | Gillen, Kippley | |
| Tax Map No(s): | 135.00-2-20.2100 | |
| Brief Description: | Special Use Permit for Woodsedge Retreat, 8823 Briggs Street in the Town of Richmond. | |

Links

- [Site-Plan-with-parking](#)
- [Air Photo](#)

The Town of Richmond amended its zoning code in November 2017 to allow event centers by Special Use Permit in the Residential/Recreational zoning district. The proposed event center would be on a vacant 44 acre property would operate from May to October hosting approximately 12 wedding with 50 to 250 guests and 2 to 3 additional special events. The use will not involve any permanent structures. Events will be housed in a tent and guests will use bottled water and port-a-potty or trailer restroom facilities. Parking is located on grass off an existing driveway.

The referred materials include supportive comments from several area property and business owners, a letter opposing a commercial use in a residential area from a neighbor, and a letter from the fire department indicating the proposed access driveway could accommodate their ambulance or brush truck but not their larger 42', 72,000 lbs. fire truck.

NYS Ag and Markets has guidelines regarding which agri-tourism events are protected farming activities. Typically, the primary purpose of the event must be marketing of farm products with not more than 30 % of event revenue coming from other sources. Based on the information provided, this use is intended to promote area farm products generally not farm grown products and would likely not be a protected activity.

Staff Comments:

- 1) This facility will be subject to requirements in the Uniform NYS Fire prevention & Building Code. This includes erection of large tents, fire access, the electrical set up for site lighting and sound etc, as well as other aspects of the operation.
- 2) The referring body should strongly consider limiting hours of operation based on available site lighting and out of concern for neighboring residents.
- 3) The referring body may want to specify the frequency of events and the maximum number of attendees allowed in any authorizing resolution to minimize negative impacts.
- 4) As noted in the ZBA minutes, Richmond may want to consider delegating SUP review to the PB to streamline the review process.

CPB Comments

1. Are there emergency vehicle/exiting vehicle pull offs along the one-lane access road?
2. The referring body should consider requiring a secondary access point.
3. A site plan with measured width of access road, location of required pull offs, and outline of parking area and tent site should be reviewed by the Town Planning Board and referred to County Planning Board.

Board Motion: A motion to retain referrals 140-2019 as Class 1 and return it to the local board with comments.
Motion made by: Tom Lyons
Seconded by: Marty Avila
Vote: 15 in favor, 0 opposed, 0 abstention Motion carried

| 141 - 2019 | Town of Victor Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Colucci, Paul | |
| Property Owner: | Angelo, Edward | |
| Representative: | Marathon Engineering | |
| Tax Map No(s): | 28.00-1-51.000 | |
| Brief Description: | Site Plan to construct a 63,500 sq ft building on 11.5 acre parcel for a premier speciality restoration and service center at 1256 Brace Road in the Town of Victor. | |

[See also application 131-2019 above](#)

The proposed use is for restoration and service of classic and high performance vehicles. It will employ 15 people and have 2-3 customers visiting each day. Access will be via a new driveway onto Brace Rd. No sight distances were provided. Plan shows 40 parking spaces proposed and 63 land banked.

The property is two parcels located on the east and west side of Brace Road. The development is proposed for the 11½ ac western portion of the property (the development site) which is proposed to be split off and sold to the applicant by the current owner. The development site includes a 1.4 acre federal wetland on the west end adjacent to Brace Rd. The northeastern 2/3 of the lot is within a mapped 100 yr. flood plain. The proposed development will disturb upwards of 10.5 acres. The plans show new storm water management ponds on the east and west sides the lot. Drainage calculations were not provided.

Board Motion: motion to retain referral 131-2019 and 141-2019 as Class 1s and return them to the local board with comments.

Motion made by: David Wink

Seconded by: Tom Lyon Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried

| 142 - 2019 | Town of Canandaigua Zoning Board of Appeals | AR-2 |
|--------------------|--|------|
| Referral Type: | Area Variance | |
| Applicant: | Venezia Associates | |
| Property Owner: | Violas Family Trust | |
| Tax Map No(s): | 98.11-1-10.000 | |
| Brief Description: | Demolition & reconstruction of a lakefront single family home & garage on a 50' x 140' lot on Fallbrook Pk | |

The existing lot and home have several conditions that are pre-existing and nonconforming. For example the lot is 50' wide and 6,945 sf in area when 150' and 20,000 sf respectively, are required. Though the proposed home will have a footprint very similar to the existing, variances will be needed for the front, side, and rear setbacks as well as building coverage and lot coverage. The proposed footprint increases building coverage from 25.8% to 29.1% when 25% is allowed but reduces lot coverage from 47.4 % to 45.9 % when 40 % is allowed by installing a porous driveway. Silt fencing will be installed around the area to be disturbed.

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

| 142.1 - 2019 | Town of Canandaigua Zoning Board of Appeals | Class: AR-1 |
|-----------------|---|-------------|
| Referral Type: | Site Plan | |
| Applicant: | Venezia Associates | |
| Property Owner: | Violas Family Trust | |
| Tax Map No(s): | 98.11-1-10.000 | |

| | |
|--------------------|---|
| Brief Description: | Demolition & reconstruction of a lakefront single family home & garage on a 50' x 140' lot on Fallbrook Pk. |
|--------------------|---|

See the staff summary for 142-2019, above.

| 144 - 2019 | Town of Manchester Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Leondard's Express | |
| Property Owner: | Cabbage Patch Lane LLC | |
| Representative: | LaBella Associates DPC | |
| Tax Map No(s): | 44.00-2-65, 44-2-4, 44.06-1-209 | |
| Brief Description: | Site plan including directional signage associated with re-occupancy of the Finger Lakes Kraut buildings at 13 Clark Street in the Town of Manchester as a Leonard's Express warehouse facility. | |

Links:

- [site plan](#)
- [air photo](#)

The site, sign, and circulation plan applies to both the Town of Manchester (2 parcels with 33.5 acres) and the Village of Shortsville (2 parcels with 4.2 acres). The existing 225,000 SF factory building constructed between 1928 and 1998 partially in the Town and partially in the Village will be re-purposed for warehousing use. The existing 6 loading docks will be retained as dock area C. Four additional loading docks will be added as dock area D on the Village side of the building. The more recently constructed 65,000 SF twin warehouse building with dock areas A and B encompassing 20 docks will be refurbished and a new fire protection system will be installed. This will require directional drilling under the adjacent railway to connect to public water.

The proposed business identification sign locations on Cabbage Patch Lane and CR 13 are in the Town of Manchester as is the proposed no right turn prohibiting truck traffic on CR 13/East Main Street toward the village center. The No Trucks sign on Clark Street to prohibit truck traffic from using this entrance is in the Village of Shortsville.

Comments

1. Drilling under the County owned railroad ROW to extend public water will require an easement from Ontario County.

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| <p>Board Motion: A motion to retain referrals 144-2019 as Class 1 and return it to the local board with comments. Motion made by: Tom Lyons Seconded by: Len Wildman Vote: 14 in favor, 0 opposed, 1 (abstention Rudy Morrison) Motion carried.</p> |
|--|

| 145 - 2019 | Town of Canandaigua Planning Board | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Thornton, Glenn | |
| Property Owner: | Hallstead, Geoffry/Jane | |
| Tax Map No(s): | 97.02-2-2.100 | |
| Brief Description: | Site plan approval for reconfiguration and expansion of parking lot at 3240 Middle Cheshire Road between Parish Street extension and NY 5/US 20 in the Town of Canandaigua. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The facility is a residence previously converted to a dentist’s office. The existing driveway onto Middle Cheshire Rd will be removed. A driveway and 25 space parking lot will be built to the north of the office building. A possible future expansion onto the back of the existing building is also shown. The site is served by public water and sewer. There no mapped wetlands or floodplains on the site.

Comment

1. The relocated driveway should be aligned with the existing driveway on the opposite side of Middle Cheshire Road.

| |
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| <p>Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.</p> |
|--|

Motion made by: David Wink
Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 147 - 2019 | Town of Farmington Zoning Board of Appeals | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Area Variance | |
| Applicant: | Lyons National Bank | |
| Property Owner: | Furari, Peter | |
| Tax Map No(s): | 29.73-1-50.000 | |
| Brief Description: | Area variances to maintain existing 24' front setback from CR 41 when 75' is required and reduce non-conforming SR 332 setback from 37' to 44' when 100' is required to reuse original portion of Hathaway ay house at 1423 Hathaway Drive and build 4,339 SF addition as a Lyons National Bank. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

Applicant is seeking to redevelop a 1.6 acre property on the southeast corner of State Route 332 and County Road 41 from a farm house with associated farm buildings (the Hathaway House) into a full service bank with parking and drive-through. Access to the site will be via a curb cuts onto Hathaway Drive to the east and a potential 2nd curb cut from Hathaway Drive through RG&E owned property associated with an adjacent substation. Hathaway Drive continues north to intersect with Calm Lake Drive and Mercier Boulevard, which provides a traffic signal and access to northbound and southbound SR 332.

The original portion of the 2-story farm house will remain. The large barn and two smaller sheds will be removed and replaced with a large barn like structure attached to rear of the house. There will be three drive-through lanes with cueing capacity for 32 vehicles and 28 parking spaces. Public water and sewer serve the site.

CRC Comment The driveway entrance from Hathaway Drive provides only approximately 100' of corner clearance. A minimum corner clearance of 125' is desired.

Board Motion: A motion to retain referrals 147-2019 as Class 1 and return it to the local board with comments.

Motion made by: Marty Avila

Seconded by: Ruby Morrison

Vote: 15 in favor, 0 opposed, 0 abstention Motion carried

| 148 - 2019 | Village of Clifton Springs Planning Board | Class: 1 |
|-------------------|---|----------|
| Referral Type: | Special Use Permit | |
| Applicant: | Delong Co Inc. | |
| Property Owner: | Delong Co Inc. | |
| Representative: | DDS Companies | |
| Tax Map No(s): | 34.17-1-65.100 | |
| Brief Description | Site pan and special use permit for relocation of 4 storage bins and construction of new 14'x24' dryer building and 33'x42.5' dumping building and a small shed and small control room at 48 Railroad Ave. off Kendall Street in the Village of Clifton Springs | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The facility is designed to store grain and load it for transport. Proposed activities will add approximately 2,000 SF of building area to the 14 acre site. Increased site stormwater will be directed to the existing storm drains.

The proposed dryer building will be enclosed on the north, west, and east sides to control dust and noise. The proposed dump building will have 2 sides and a sloped roof to mitigate unloading and truck noise. Additional dust control measures includes application of mineral oil to loading grain, application of a soy oil product to the driveway and covering the dump pit.

They will also be drying grape seeds and making animal feed products in the mill.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.
Motion made by: David Wink
Seconded by: Glen Wilkes **Vote:** 15 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

| 148.1 - 2019 | Village of Clifton Springs Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Delong Co Inc. | |
| Property Owner: | Delong Co Inc. | |
| Representative: | DDS Companies | |
| Tax Map No(s): | 34.17-1-65.100 | |
| Brief Description: | Site pan and special use permit for relocation of 4 storage bins and construction of new 14'x24' dryer building and 33'x42.5' dumping building and a small shed and small control room at 48 Railroad Ave. off Kendall Street in the Village of Clifton Springs. | |

Refer to application 148-2019, above

| 149 - 2019 | Town of Canandaigua Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Area Variance | |
| Applicant: | Cox, David | |
| Property Owner: | Royal Wash Canandaigua | |
| Tax Map No(s): | 70.16-4-6.100 | |
| Brief Description: | Site plan and area variance for Royal Car Wash at 2586 State Route 332 north west of North Street in the Town of Canandaigua. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The applicant is proposing to construct a new 4,096 sf carwash building with 13 parking spaces on a commercially zoned site. The 2.1 acre lot currently has a single family residence and gravel parking that are used as commercial. The business will have a single access point onto State Rt 332. Surrounding land uses are commercial. Storm water will be directed to a pond on the east side of the development. Public water and sewer serve the site.

This project was previously reviewed in April 2019 as referral 71-2019, 71.1-2019, and 71.2-2019. The project has been revised to shift the driveway to the south to provide a 16’ setback from the northern property line when 20’ is required. The resubmission also reduces the amount of signage to comply with code.

April 2019 The project site is a 2.1 acre property with 175’ of lot frontage. The north entrance to Tops is 3’ from the shared southern property line and the Tops stormwater management pond is directly behind the property to the southwest. The proposed building is 4,096 SF. Site activities are projected to disturb 1.5 acres and result in impervious surface coverage of 33%.

The proposed site signage includes 187 SF of building signage and a pole mounted sign with 40 SF per face. Proposed site signage requires 3 variances:

- 1st building mounted sign to be 77.2 SF where 32 SF is allowed
- 2nd building mounted sign to be 32.5 SF when 16 SF is allowed
- 3rd building mounted sign of 77.3 SF when only 2 building signs are allowed

The proposed site plan shows foundation plantings, a landscaped area around the sign, and a landscaped island by the parking area. The proposed site grading along the north property boundary has a 1 on 1 slope down to Georgian Motel stabilized with stone rip-rap. The lighting plan shows limited light spill at an intensity of 1 foot-candle to the north property near the street.

April 2019 Comments

1. Approving the side setback variance would result in driveway spacing approximately 142’ to the south and approximately 110’ to the north. The posted speed limit in this area is 40 MPH, transitioning to 30 MPH at the city line. Desirable driveway spacing on an arterial road with a posted speed limit of 36 to 45 MPH is 440’. Even if operating speeds are less than 35 MPH, the desirable driveway spacing would be 245’. The proposed driveway alignment with regard to the driveway across SR 332 will also create left turn conflicts due to the short off-set. The referring body should consider whether any lot interconnections are desirable to provide adequate driveway spacing and preserve roadway safety and capacity in the face of future development in this area.
2. The Zoning Code and the Uptown study require landscaping to separate automotive uses from the street and enhance the road edge and create an attractive pedestrian friendly streetscape. The proposed plan shows limited frontage landscaping.
3. The zoning code requires 13 parking spaces based on the size of the building. If fewer spaces are needed for business operation, lot coverage and stormwater impacts could be reduced by land banking the area and leaving as pervious coverage.
4. How many cars can be stacked in the queuing area?
5. The elevations show signs on all 4 sides, yet 3 signs are proposed.

2019 Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2019, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 149.2-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.

Motion made by: David Wink

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 149.1 - 2019 | Town of Canandaigua Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Cox, David | |
| Property Owner: | Royal Wash Canandaigua | |
| Representative: | | |
| Tax Map No(s): | 70.16-4-6.100 | |
| Brief Description: | Site plan, special use permit, and area variance for Royal Car Wash at 2586 State Route 332 north of North Street in the Town of Canandaigua. | |

Refer to the staff summary for referral 149-2019, above.

| 149.2 - 2019 | Town of Canandaigua Zoning Board of Appeals | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Special Use Permit | |
| Applicant: | Cox, David | |
| Property Owner: | Royal Wash Canandaigua | |
| Tax Map No(s): | 70.16-4-6.100 | |
| Brief Description: | Site plan, special use permit, and area variance for Royal Car Wash at 2586 State Route 332 north of North Street in the Town of Canandaigua. | |

Refer to the staff summary for referral 149-2019, above.

| 150 - 2019 | Town of Geneva Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Ron & Martha DeBoover | |
| Tax Map No(s): | 147.00-1-26.000 | |
| Brief Description: | Site plan for 280’ diameter, 2.9 million gallon earth and concrete manure storage facility at DeBoover Farm 966 Ansley Road in the Town of Geneva. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The facility will be located on the site of an existing 200 head dairy farm adjacent to existing farm buildings. The farm currently has no manure storage lagoon. No variances are being requested. The site is permitted as a concentrated animal feeding operation

(CAFO) through the NYSDEC. In addition to compliance with NRCS standards, the facility is also being regulated by a separate section for Manure storage facilities in the Town Zoning Code.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.

Motion made by: David Wink

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 151 - 2019 | Town of Geneva Planning Board | Class: 1 |
|--------------------|--|----------|
| Referral Type: | Site Plan | |
| Applicant: | Patrick Cardinale | |
| Property Owner: | True Lawn Care, LLC | |
| Tax Map No(s): | 90.00-2-72.300 | |
| Brief Description: | Site Plan for building and material storage associated with Tru Lawn Care at 2813 Carter Road in the Town of Geneva. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

This project was previously reviewed in March 2019 as a Technical Review referral60 -2019. Since that time, the site has been rezoned to Industrial. The applicant would like to set up the pile and screening operation in the northeast corner of the lot. A new driveway from Carter Rd will access the operation. Applicant maintains that the site distances in both directions are greater than 700'. A 90' buffer of existing vegetation will be preserved between the operation and adjacent residential uses to the north and east. The operation will be set back 130' from Carter Road. There are no mapped wetlands or floodplains on the site.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.

Motion made by: David Wink

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

| 152 - 2019 | Town of Geneva Planning Board | Class: 1 |
|--------------------|---|----------|
| Referral Type: | Site Plan | |
| Applicant: | Mike Sayers c/o Massa Construction, Inc | |
| Property Owner: | Massa Construction, Inc | |
| Representative: | | |
| Tax Map No(s): | 103.00-3-13.000 | |
| Brief Description: | Site Plan for 2,900 SF storage building to be constructed at site of an existing construction business at 630 CR 6 in the Town of Geneva. | |

Links:

- [Site Plan](#)
- [Air Photo](#)

The building will be placed over an already developed area of the site. Site access will remain the same. No variances are required and no other changes are proposed.

Board Motion: A block motion to retain referrals #125-2019, 125.1-2019, 127-2019, 129-2019, 133-2019, 134-2019, 136-2019, 137-2017, 137.1-2019, 145-2019, 148-2019, 148.1-2019, 149-2019, 149.1-2019, 150-2019, 151-2019, and 152-2019 as Class 1s and return them to their respective local boards with comments.

Motion made by: David Wink

Seconded by: Glen Wilkes Vote: 15 in favor, 0 opposed, 0 abstentions. Motion Carried.

Technical Reviews (no CPB recommendation)

| 126 – 2019 & 126.1-2019 | Honeoye Falls Village Board | Class: N/A |
|-------------------------|--|------------|
| Referral Type: | Text Amendment and Map Amendment | |
| Applicant: | Village of Honeoye Falls | |
| Brief Description: | Comprehensive Zoning Code Update and Map amendment for the Village of Honeoye Falls. | |

Links:

- [Map](#)
- [Text](#)

This comprehensive zoning update includes CBD, transitional, and gateway commercial districts, standards for conversion of single family homes to more intensive uses, and design standards to fit new construction into the village setting. The Code also provides an example of applying Environmental Protection Overlay Districts for NYSDEC wetlands, floodplains, stream corridors of various sizes, lands with slopes of 15% or more and woodlots of 2 acres or more in a village setting.

The code requires 30 % open space, excluding all impervious surfaces and storm water retention/detention facilities and incorporate detailed standards for outdoor lighting. Administratively, the Code assigns site plan and special use permit review as well as variance, appeal and zoning code interpretation responsibilities to the ZBA.

| 143 - 2019 | Town of Canandaigua Planning Board | Sketch Plan |
|--------------------|--|-------------|
| Referral Type: | Sketch Plan | |
| Applicant: | Marks, Brennan | |
| Property Owner: | Metrose, William | |
| Tax Map No(s): | 83.00-1-7.150 83.00-1-8.00 | |
| Brief Description: | Sketch plan review for 10 residential lots on the east side of Bristol Rd just north of the Hammocks Apts. | |

Links

- [Sketch Plan](#)
- [Air Photo](#)

This is a sketch plan review subject to comments only. The proposal is to create 10 residential lots while preserving what appears to be about 3.5ac. There are no mapped floodplains, wetlands or steep slopes on the site. Public water and sewer are available. There will be a single point of access onto Bristol Street

Staff Comments:

- 1) The lot calculations indicate zoning allows for 9 residential lots. 10 are shown.
- 2) The lot calculations also show an area of 151,693sf (3.5ac) in the AR-2. Does this really yield two lots if the minimum lot size is 2 acres?

| 153 - 2019 | Village of Victor Planning Board | Sketch Plan |
|--------------------|--|-------------|
| Referral Type: | Sketch Plan | |
| Applicant: | Lynaugh Road Properties, LLC | |
| Property Owner: | Dante Gullace | |
| Representative: | Andrew Spencer c/o BME | |
| Tax Map No(s): | 16.18-03-1.1, 16.18-03-1.2, 16.18-03-2, 16.18-03-50, 16.18-03-51 | |
| Brief Description: | Technical review of a sketch plan for 5 existing parcels with 5.94 acres into 16 single familyl lots on a new public street oppostie Hillcrest Drive in the Village of Victor. | |

Links:

- [Sketch Plan](#)
- [Air Photo](#)

The property sits on the Village/Town boundary. 5 lots will be reconfigured into 16 single family residential lots averaging about ¼ acre. An additional area of about .68 acre will be set aside for a combined storm water facility serving this development and

adjacent development under common ownership in the Town. Public water and sewer serve the site. There are no mapped wetlands or floodplains or steep slopes on the site. The property abuts the Village's Harlan Fisher Park to the east. A 5' wide natural surface trail with a short segment outside the Village will connect the development to the adjacent Harlan Fisher Park from the north.

This project was reviewed previously, most recently in March 2018 as referral 29-2019. The only relevant comment from previous reviews is a recommendation that the Village engineer reviews the groundwater investigation and determines whether any additional engineering measures such as installation of membrane backstops at field inlets and interceptor drains are necessary to ensure no increased ground water flows to East Parkway.

CRC Comments

The Town of Victor representative shared the Town of Victor Planning Board's conditions relevant to approval of this project with portions located in the both the Town and Village. In particular, a consolidated stormwater management facility and bio retention facilities will serve all 4 sections of the project including the currently referred Village portion and 3 sections in the Town. The Town's conditional approval requires Village approval of stormwater management facilities located in the Village prior to issuance of building permits for development in the Town.

The Town conditional approval also requires applicant to incorporate engineer measures including installation of membrane backstops at field inlets and interceptor drains to direct infiltration away from residences on East Parkway to the satisfaction of the Town engineer and the Village.

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) |

- Clearing House Reviews
 1. Request for \$167,720 in federal assistance through USDA Housing Preservation Grant program and \$200,000 in State assistance to rehabilitate 26 owner-occupied homes in Ontario, Seneca, Steuben, Wayne and Yates Counties. \$54 million for Drinking Water State Revolving Loan Fund including \$9 million in state funds.
 2. Request for \$515,712 from US EPA for NYS Clean Diesel Grant Program. Funds will be used to replace eligible diesel powered drayage trucks which transport goods over short distances.

- Online Training Opportunities

NYSDOS offers eight 1-2 hour on-line interactive training opportunities here:
<https://www.dos.ny.gov/lg/onlinetraining/interactive.html>
These courses may be paused and have a final quiz and provide a certificate of completion

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn. **Motion to adjourn made by Glen Wilkes, seconded by Bill Namestnick. Motion carried.** The July 10, 2019 CPB meeting adjourned at 8:51 PM.

Respectfully submitted

Linda Phillips
OCPD Senior Planner