

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – August 11, 2020 at 3:30pm – [Link on-line & e-mail](#)**
County Planning Board Meeting – August 12, 2020 at 7:00 pm [Virtual Meeting Click Join Meeting hyperlink below](#)
 Telephone: 585-396-4455

This document will serve as both the minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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

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Meeting number (access code): 129 177 3676

Meeting password: 3n3WaGSbhf3

Wednesday, August 12, 2020

7:00 pm | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs

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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 PB	P		
Geneva	Paul Passavant	P		
Towns				
Bristol	Sandy Riker	P		
Canadice	Stephen Groet PB	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff PB	P		
Farmington	Patti Wirth	P		
Geneva	Steven High	P		
Gorham	Jack Dailey	P		
Hopewell	Bill Namestnik	P		
Manchester	VACANT			V
Naples	Carol O'Brien PB	P		
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Timothy Marks PB		E	
South Bristol	Albert Crofton ZBA		E	
Victor	Marty Avila	P		
West Bloomfield	Sue Boardman ZBA	P		
Matt Sousa	Alternate Member	P		

Call to Order/Roll Call: Chair Wildman called the 8/12/20 CPB meeting to order at 7:03, and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were seven (7) voting members and one (1) alternate member present virtually and five (5) voting members present physically at 20 Ontario Street, meeting the quorum requirement. Between 7:03 pm and 7:15 pm two additional members logged on virtually for a quorum of 14 voting members present for referrals 129-2020, 129.1-2020, and 129.2-2020, 120-2020, and 120.1-2020. One (1) additional member logged on virtually at 8:10 total a quorum of 15 on many referrals. One (1) member logged off at 9:39 pm leaving a quorum of fourteen (14) for acceptance of late referrals, voting on referrals 144-2020 and 114-2020, and block voting on class 1s not requiring abstentions or discussion.

Staff: Linda Phillips– OCPD, Erin Holley- OCPD

Guests: Rich Tiede/Marathon Engineering-ELS, Sean Maguire/Labela- ESL, Joe Burkart & Peter Woods/ESL; Rob Sweet/Mcbride Dale Clarion – Speedway, Daniel MacCauley/Speedway, Brian Burri/Bergman-Speedway; David Cox/Passero –Victor East, Matt Indiano & Rick Milham/Victor East; James Ritzenhaler; Catherine Borden (resident of Village of Naples)

Minutes:

- Motion made by Mike Woodruff to approve the **May 13, 2020 minutes**, seconded by Sandy Riker **Motion Carried**
- Motion made by Mike Woodruff to approve the **voting record of April referrals outstanding on May 13, 2020**, seconded by Len Wildman **Motion Carried**
- Motion made by Len Wildman to approve the **July 8, 2020 minutes**, seconded by Marty Avila **Motion Not Carried** due to required abstentions.

112 - 2020	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Venezia Associates	

Property Owner:	Fowler Family Trust
Tax Map No(s):	29.13-1-5.000
Brief Description:	Subdivision to create 3 lots from a 12 acre parcel at 6240 Pheasants Crossing in the Town of Farmington west of Mertensia Road and east of Mud Creek. https://www.co.ontario.ny.us/DocumentCenter/View/25007/112-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25008/112-20-Subdivision

According to OnCor, there is a floodplain along the creek which runs along the western boundary and the northern end of the parent lot. The majority of the 12 acre property is across a ravine with slopes of 30 to 60 % from the public ROW.

Comment

1. Lot 5C requires a width variance as it is 50' at road, not 125'.
2. The referring body should consider whether any conditions or changes to lot configuration are needed to minimize future steep slope disturbance. Conditions could include a single shared driveway to access area west of ravine or other limit on disturbance of this area.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

113 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Bella Estates LLC	
Tax Map No(s):	28.36-2-1.000	
Brief Description:	Subdivision for 45 for sale town homes on 6.4 acres at Willow Rise Town Homes off McMahan Road via Erica Trail in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25009/113-20-Subdivision	

Final site plan approval for 45 apartments and associated parking, circulation, and infrastructure was previously granted to this property while under different ownership. The current owner proposes to alter the project to provide 45 for sale townhouses on individual lots. This necessitates individual water and sewer connections, reconfiguration of the proposed building footprints to include 2, 3, 4, and 5 unit townhouse buildings rather than 6-7 unit apartment buildings, and subdivision approval.

Comments

1. Will the impervious building and lot coverage be equal to or less than the previous plan?

OCSWCD Comments

1. Phosphorus free fertilizer recommended unless soil tests show a need.
2. All areas/stockpiles must be stabilized within 7 days (disturbed area greater than 5 ac).
3. Consider alternative species for steep slope seeding mix.
4. Concrete truck washout is not indicated on plans.
5. Stormwater from this project is directed to a pond in another subdivision. SWPPP inspections should include this pond.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

114 - 2020	Town of Richmond Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Abundant Solar Power Inc	
Property Owner:	Chris Development LLC	

Representative:	Jon Hinman MRB/Sheila Chalifoux attorney
Tax Map No(s):	135.00-2-43.111
Brief Description:	Site plan for a 5 MW solar project located off SR 20A east of CR 37 and Center Street in the Town of Richmond. https://www.co.ontario.ny.us/DocumentCenter/View/20383/242-19-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25004/114-2020-site-plan-Richmond-Solar-Array---Revised--6-30-2020

This project was previously referred as a Special Use Permit and reviewed in December 2019 as referral 242-2020. The Special Use Permit has been granted. This project was also referred as a subdivision in July 2020 as 96-2020. The applicant combined the original project parcel with the access parcel resulting in a 45 acre project parcel and a 32 acre remainder lot. The project now accommodates 277 solar tables. The currently proposed area of disturbance is 36 acres and the area inside the fence is 33 acres. The revised site plan package includes additional detail on the stream crossing: the proposed culvert is 30" compared to the 24" existing culvert. The north and south setback to the residential districts are 100'; other setbacks are 40'. A double row of white spruce trees are proposed long the southern property line and the portion of the eastern property line adjacent to the lot with frontage on SR 20A.

The 2019 project description and comments are provided below.

The 77 acre parent parcel has access off CR 37 in 2 places and access off SR 20A opposite an equipment storage use, however these access points will all be on the 32 acre remainder parcel, not the project site. Access to the project site will be via a 60' easement from tax parcel 135.15-1-2.000, 8894 SR 20A which is owned by the same person as the project site. This access point will require crossing a Class C stream whose banks appear to have slopes of 16 to 30 %. Much but not the entire parent parcel is zoned G Commercial/Light Industrial. The proposed access easement and an adjacent portion of the project site are zoned A Residential-Agricultural.

The 42 acre project site will house approximately 228 tracking solar tables supported by H-piles. Solar tables will each be 6.5' long, vary in height from 5.5' to 6.5 feet depending on the angle, varying in length. The area enclosed with a black PVC coated chain link fence will be approximately 40 acres. The area under the solar tables will be approximately 30 acres or 67 % of the lot when 80% is allowed. The 20' wide gravel access road will cover approximately 5,416 SF. Impervious areas will also include a 1,122 SF concrete pad for electric equipment and 2,736 SF covered by support posts. A double staggered of 7-8' white spruce planted 10' on center is shown outside the southern fence line. The area under the solar tables will be planted with low-growth pollinator friendly seed mix.

According to OnCor, the project site is not in the agricultural district (though it appears to be in agricultural production) and is not constrained by floodplains or wetlands.

December 2019 Comments

1. Does the project require a variance for the 7' fence?
2. The site plan should show the G Commercial/ Light Industrial and A Agricultural –Residential zoning district boundary to confirm the 100' setback of project to A district is maintained.
3. The EAF anticipates a pilot agreement with Ontario County IDA. The policy of the Ontario County IDA is to not grant tax abatements to large scale solar energy facilities.
4. The grading plan notes indicate all site vegetation will be cleared follow installation of landscaping along the northern property boundary. Landscaping is only shown along the southern property boundary. Please also indicate the degree of soil disturbance anticipated during removal of vegetation.
5. The grading plan notes indicate the portion of the site disturbed for the access road and the topsoil stock pile will be reseeded within 14 days. Other disturbed areas of the site won't be seeded until project completion and no seed mix is specified. Low growth pollinator-friendly seed mix should be used and, if soil disturbance includes more than 5 acres, all such areas should be reseeded within 7 days.
6. The construction details include access road when slope is greater than 10%. What segments(s) of the access road have slopes greater than 10%?

7. Calculations should be provided regarding the sizing of the storm pipe to carry the stream under the access road.
8. No landscaping is provided along the easement portion of the access road and the construction staging area is outside the fence line. The referring body should consider whether any temporary or permanent screening is necessary to minimize project impacts to adjacent homeowners.
9. Any agricultural drainage tiles impacted during project development should be repaired.
10. The decommissioning plan should require the solar project owner to confer with the Town and site owner regarding whether to remove screening landscaping and the preferred seed mix used to re-vegetate the site.

December 2019 OCSWCD Comments

1. Detail is required indicating Class C stream crossing.
2. Silt fence should not cross Class C stream, but should be placed to prevent any runoff to waterbody.
3. Silt fence should follow contours and should not be placed perpendicular to slope which may concentrate flow.
4. Removal of vegetation is indicated in plans, but does not specify whether grading or grubbing is occurring. Any soil disturbance requires stabilization within 7 days and erosion and sediment control measures should be ongoing throughout project.
5. Areas with a slope greater than 3:1 should have additional stabilization such as rolled erosion control materials to provide adequate stabilization.

August 2020 OCSWCD Comments

1. Applicant should investigate whether any underground agricultural drainage tile exists in the area which could become damaged during construction. If so, a repair plan should be in place.
2. Total area disturbed is greater than 5 acres and as such should follow guidelines laid out in New York State Standards and Specifications for Erosion and Sediment Control.
3. Impervious surface area is calculated as 0.01 acres for use in stormwater calculations. Panels themselves have the ability to act as impervious surface during rain events. Calculations should be reconsidered to make sure enough stormwater capacity is present on site.
4. How will stormwater be directed to the vegetated filter strips and what is the maintenance plan for these filter strips?
5. Ensure concrete washout is minimum 100 feet from all watercourses and wetlands. Refer to page 2.24 of NYS Standards and Specifications for Erosion and Sediment Control.
6. Plans include design for limited use pervious access road. Does this refer to new gravel access drive or unimproved access road? Design plans indicated limited use pervious access road should not have any construction vehicle traffic on it.

August 2020 NYSDOT Comment New access driveway will require NYSDOT approval.

Board Motion: A motion to retain referral 114-2020 as a Class 1 and return it to the local board with comments.

Motion made by: Tom Lyon

Seconded by: Mike Woodruff

Vote: 13 in favor, 0 opposed, 1 abstention Motion carried

115 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Victor East Holding LLC	
Tax Map No(s):	28.12-1-36.000	
Brief Description:	Site plan for temporary sign and for sale vehicle parking in the setback area at proposed Chrysler Jeep location 6484 SR 96 opposite E.Victor Road in the Town of Victor during the SR 96 closure for construction of round-a-bout at Lynaugh Road. https://www.co.ontario.ny.us/DocumentCenter/View/24981/115-2020-07-13-Site-Plan	

Applicant is seeking temporary approval to park 100 sales vehicles within the 80' parking setback required by the SR 96/SR 251 Overlay District. The applicant is also seeking approval for a 4'x 8' sign.

Comments

1. The applicant has not identified proposed access point, how close to the ROW and pavement edge parking is requested, nor whether any change in frontage vegetative cover is proposed.
2. No details are provided regarding sign structure or materials.

CRC Comments

1. What is the timeframe for the temporary uses?

CPB Comments & Clarifications from Applicant Representative

1. The temporary use will access the site at the existing house driveway, park all display vehicles behind the 80’ setback line and 200’ from Mud Creek, and spread asphalt millings on the site to provide stability in case of need for emergency access.
2. How will sheet flow off the asphalt millings impact the water quality of Mud Creek?

Board Motion: A motion to retain referral 115-2020 as a Class 1 and return it to the local board with comments.
Motion made by: Steve Groet
Seconded by: Mike Woodruff
Vote: 15 in favor, 0 opposed, 0 abstention **Motion carried**

116 - 2020	Town of Geneva Planning Board	Class: 1 Withdrawn
Referral Type:	Subdivision	
Applicant:	Hobart & William Smith Colleges	
Tax Map No(s):	119.05-1-10.110	
Brief Description:	Subdivision to create 3 lots of 37,500 to 43,800 SF from 8 acre house and barn property owned by Hobart & William Smith Colleges at 56 White Springs Lane in the Town of Geneva https://www.co.ontario.ny.us/DocumentCenter/View/24992/116-20-Aerial	

The proposed lots are located at the eastern end of the property with one at the corner of White Spring Drive. The western 5 acre remainder lot will include the potential wetland area at the corner of White Spring Circle and the house, barn and pond. The proposed lot widths are just over the 150’ required.

117 - 2020	Town of Gorham Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Weaver, Ed	
Representative:	Marks Engineering	
Tax Map No(s):	158.00-1-7.000	
Brief Description:	Site plan for 1,600 SF bulk food store on .75 acre portion of 25 acre parcel at 4928 CR 29 in the hamlet of Stanley, Town of Gorham. https://www.co.ontario.ny.us/DocumentCenter/View/24982/117-20-Site-Plan https://www.co.ontario.ny.us/DocumentCenter/View/24993/117-20-Aerial	

The site plan indicates a new gravel driveway and 9 parking spaces located perpendicular to CR 29.

The Town of Gorham Code allows class B home businesses in the Farmland Priority zoning district to occupy up to 40 percent of the single-family dwelling up to 1,000 SF and one detached accessory structure. The appearance of the structure shall not be altered and the business shall not be conducted in a manner that would cause the premises to differ from its existing neighborhood character. The regulations limit the home business to 10 customers or clients at a time and a maximum of 15 non-family employees. The hours of operation are limited to 7 am to 9 pm.

The edge of the parking area appears to be less than 8’ from the road ROW and no frontage vegetation is indicated.

Comments

1. The referring board should recommend changes to the site plan to retain a natural character along the roadway; screen dumpster, loading, and parking from view; and fit the use into the existing agricultural and residential character of the area.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020,126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, 140-2020 as Class 1s and return them to the local boards with comments.
Motion made by: D. Wink **Seconded by:** Marty Avila
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

118 - 2020	Town and Village of Naples Planning Board	Class: 1 withdrawn
Referral Type:	Special Use Permit	
Applicant:	Borden, Greg & Kate	
Property Owner:	L&D Group Holdings	
Tax Map No(s):	201.10-1-48.00	
Brief Description:	Special use permit for farm brewery and tasting room in the southwest end of the Hazlett Winery Building at 70 West Avenue in the Village of Naples. https://www.co.ontario.ny.us/DocumentCenter/View/24983/118-20-Site-Plan https://www.co.ontario.ny.us/DocumentCenter/View/24994/118-20-Aerial	

The site plan indicates 35 designated parking spaces, outdoor seating behind the building to the east, and use of an existing loading dock on the south side of the building.

119 - 2020	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Cox, David	
Property Owner:	120 Linden Oaks Drive	
Tax Map No(s):	28.12-1-36.000	
Brief Description:	Three area variances for location of motor vehicle repair use at 6484 SR 96 in the Town of Victor. Variance for use 200' from residential district boundary when 1,000' is required, location of proposed building 300' from nearest residential structure when 500' is required, and vehicle display parking 41' from the ROW when 80' setback for parking is required. https://www.co.ontario.ny.us/DocumentCenter/View/24984/119-20-Site-Plan https://www.co.ontario.ny.us/DocumentCenter/View/24996/119-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/15123/165-2018-Aerial_FEMA_NWI	

The project was previously referred for a Technical Review in October 2018 as referral 165-2018. The project continues to include a 28,500 SF showroom and service area. The previous referral indicated 434 required parking spaces. The current plan shows 403 parking spaces with a reduction in the number of vehicle display spaces from 265 to 246 and reduction in the number of customer/employee/service spaces from 169 to 158.

The requested area variance to allow vehicle parking (sale display area) closer than 80' from the SR 96 ROW has changed. Previously, the plan showed parking 40' to 50' from the ROW and 60' to 105' from the edge of the pavement. The current plan shows parking 41' to 63' from the ROW and 95' to 98' from the edge of pavement.

This application also includes additional information on area land uses. Adjacent uses include Victor Manor Apartment to the east; Auction Direct to the west; a Wastewater Treatment Plant to the north; and a home, vacant lot, and Mark's Pizzeria across SR 96 to the south.

This referral includes a FEMA Conditional Letter of Map Revisions Comment Document indicating the development as proposed to FEMA would result in a .6' increase in the Base Flood Elevation (expected to have a 1% chance of occurrence each year) extending approximately 1,200' down stream of SR 96 along Mud Creek. There is no indication of the impervious surface coverage or stormwater management facility capacity used in the FEMA analysis.

Since the previous review, the Town of Victor has also adopted an Access Management Plan and revised Access Management regulations. The narrative continues with the description and comment from the previous referral followed by additional comments primarily related to compliance with the Access Management Plan and Regulations and the implications of information in the Conditional Letter of Map Revisions.

Two variances relate to Town of Victor code requirements that no motor vehicle repair use be within 1,000' of a residential zoning district nor closer than 500' to any residential use. The proposed building is located 200' feet from the residential district boundary and 300' from the closest building at Victor Manor Apartments. The proposed use is separated from the residential uses by Mud Creek.

As shown on Panel 361249 0013 of the National Flood Insurance Program Floodway Map, 200' to 300' of the frontage off SR 96 opposite East Victor Road in the vicinity of the proposed project is in the floodway. The floodplain maps indicate lands along Mud Creek and at the rear of the property are in flood hazard zones A5 and B.

Town of Victor Chapter 120-15 Flood Damage Prevention restricts development activities within the floodway unless a technical evaluation demonstrates that the base flood elevation will not be affected. The regulations also require development in the floodplain to be elevated above the base floor elevation and/or flood proofed.

The Town of Victor Floodplain Administrator has requested the applicant to complete a technical evaluation that addresses the proposed development and previous fill, showing the project does not affect the base flood elevation.

The proposed site is adjacent to where Mud Creek and Fish Creek merge and travel under the County owned Railroad ROW. As such the County has a heightened interest in avoiding damage to the crossing structure or the rail bed resulting from potential changes in the base flood elevation.

November 2018 Comments

1. The reviewing body should be cognizant of the potential for flood damage and the impact on the business owner and the potential for downstream damage from unanchored vehicles entering the floodway.

November 2018 CRC Comments

1. Since the project includes lands in the floodway and floodplain the referring body must adhere to local, county, and national policies requiring compensatory floodway capacity if any fill is placed in the floodway.
2. To avoid cumulate impact to floodplain capacity, the referring body should also ensure compensatory flood water storage capacity if any fill is placed in the floodplain.
3. To avoid loss of floodplain storage capacity the referring body should also ensure on-site stormwater management results in no offsite stormwater quantity impacts.

August 2020 Comments

1. What is the area of disturbance?
2. How does the driveway location meet the access connection spacing requirements of the Town of Victor Chapter 55 Access Management regulations? This code requires access connection spacing of 660' along any road segment with a posted speed limit of 45 MPH or greater. The Victor Access Management Plan projects future signalization of the E. Victor Road and SR 96 intersection. It is important that any future driveways along this road segment not compromise the effectiveness of such future signalization. It is likely this driveway should be aligned with E. Victor Road or Blossom Drive.
3. To protect the water quality of Mud Creek, there should be some filtering vegetation between the edge of the floodplain and the parking area.
4. What impact would a .6' rise in base flood elevation have on the outflow of the Sewer Treatment Plant?

CPB Comments and Clarifications by Applicant Representative

1. Has applicant minimized potential visual and noise impacts to adjacent residential use through buffering, lighting design, and operations?
2. As potential floodplain impacts have not been resolved, the site plan when referred should be a class 2.
3. The site design places service area doors as far as possible from the residential district and uses full cut off light fixtures to minimize impact of use on adjacent residential uses.
4. The proposed impervious surface area is 4.5 acres or 40 %. All paved area will be curbed and all stormwater will be treated before discharge to Fish Creek.
5. The Farmington Sewer Treatment Plan located north of the site on Mud Creek is reportedly at an elevation 14' above the project site.

Board Motion: A motion to retain referral 119-2020 as a Class 1 and return it to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Glen Wilkes

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

120 - 2020	Town of Phelps Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sweet, Rob	
Property Owner:	4 Leaf Clover Properties LLC	
Tax Map No(s):	49.00-1-27.100 49.00-1-26.000	
Brief Description:	<p>Site plan and 3 area variances related to size and height of signage and height of light poles for a Speedway fuelling station with 14 fuel pumps and a 4,600 SF convenience store at the northeast corner of SR 14 and SR 318 in the Town of Phelps.</p> <p>https://www.co.ontario.ny.us/DocumentCenter/View/24997/120-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25025/120-20-Plot-Plan https://www.co.ontario.ny.us/DocumentCenter/View/25027/120-20-Landscape-Plan https://www.co.ontario.ny.us/DocumentCenter/View/25026/120-20-Sign-Plan</p>	

The proposed Speedway fueling station would be on 2 parcels with a combined size of 13.75 acres just south of Thruway exit 42. Proposed site development activities will disturb 4.5 acres. Construction includes a 4,600 SF building; 8 gasoline fuel pumps under a 5,400 SF canopy oriented north-south to the west of the building facing SR 14; and 6 diesel fuel pumps under a 3,200 SF canopy and a scale on the east side of building facing SR 318. There are proposed access points off both SR 14 (45" wide) and SR 318 (58' wide) and signage to direct entering trucks to use the SR 318 entrance. The SR 318 access aligns with access to the gas station on the southeast corner of SR 14/SR 318. No information is provided regarding alignment of SR 14 entrance with access points on the west side of SR 14.

There are three entrances to the convenience store: a main entrance on the west side facing SR 14 with accessible parking, an entrance on the east side by the diesel pumps, and a utility entrance on the north side. Building mechanicals will be on the roof and screen from other uses and the ROW.

Both canopies will be 20' high and light poles will be 17' along SR 14 and 23' along SR 318.

The site plan also shows 20 passenger vehicle parking spaces 20 oversized truck parking spaces and 2 stormwater management areas: one north of the SR 14 entrance with fore bay to allow settling of sediments and one south of SR 96 entrance extending to the corner of SR 318. The stormwater management system discharges to NYS drainage swales at a rate not to exceed current site sheet flow.

There is an existing electric easement along the eastern property boundary. The proposed on-site sand filtration wastewater treatment system is located west of this easement along the eastern side of the property.

The site plan proposes 1,600 SF of business signage plus additional directional signage. Proposed signs are as follows:

1. Goal post sign - 18' high with 96 SF of sign face setback 7' from SR 96 entrance.
2. Highway sign -125' high with 32' setback from SR 14 and 23' setback from northern site boundary.
3. Pole Sign- 45' high with minimum 7.5' setback at corner of SR 14 and SR 318.
4. Canopy signage includes 163 SF on the canopy over the gasoline pumps and 96 SF of signage on the canopy over the diesel fuel pumps.
5. There are also two 40 SF building signs and 107 SF of signage on the scale.

The High Rise Sign Visibility Analysis included with the application indicates the 125' pole sign is visible starting at 1.3 miles from the exit going eastbound near the exit 42 sign. It is partially visible through ROW vegetation at .7 miles near the beginning of the blue exit services signs (attraction/camping/lodging). Between .5 miles to the exit and .1 miles to the exit, the height of sign necessary for visibility decreases from 120' to 100'. Traveling westbound, a 120' or 100' sign would become visible at .8 miles near the blue exit services information sign. By .4 miles to the exit near a second blue exit services sign, a 90' sign would be visible.

The lighting plan/light level calculations indicate light levels of 1 to 7.5 foot-candles at ground level at the edge of the site. Lighting levels under the canopy are 40 to 60 foot-candles under the gasoline fuel canopy and 20 to 70 foot-candles under the diesel fuel canopy.

The landscaping plan shows 6 ornamental trees along both sides of the SR 96 entrance drive, 3 along the SR 318 entrance drive and another 6 in two clusters west of the driveway along SR 318,. The plan also shows 6 shade trees in the area around the store, clustered vegetation at 4 locations around the stormwater management pond at the corner of SR 14 and SR 318, a planting bed around the goal post sign at the SR 96 entrance, and plantings at the building corners and the eastern entrance. No landscaping is shown along the SR 318 frontage east of the entrance drive or in the vicinity of the scale.

Requested variances would allow two signs to exceed the 200 SF limit, one sign to exceed the 45' height limit, and lighting fixtures to exceed the 12' to 15' height limit.

Comments

1. These properties are located in the Town of Phelps Major Thoroughfare Overlay District (MTOD). The purpose of the district is to retain the rural character of state highways and access management. These regulations require driveway to be located 220' from the center of the intersection. What is distance to access point on SR 318 from the corner? Access on SR 96 is 377' from the corner. Is the SR 96 entrance appropriately aligned or off-set from access points on the west side of SR 14?
2. The MTOD regulations also require access planning to be based on full lot development. What are the plans for the portion of the lot north of the proposed development?
3. The referring body should consider whether the proposed amount of signage, brightness of lighting, and height of signs and light poles are consistent with the desired character of this community gateway.
4. SR 14 is a signed bicycle extending from Sodus Point to the Pennsylvania border. Care should be taken to provide safe bicycle circulation to this use and along the roadway is this busy area.
5. Are canopy lights recessed? Under canopy light levels are very bright and likely to produce glare if not recessed.
6. Signage plan – The site plan indicates sign C4 says Speedway while the signage table indicates simply an S. The site plan indicates sign C5 says S while the signage table indicates sign says Speedway. Please clarify.
7. What is the size of the combined site? The EAF indicates site is 13.3 acres, the variance applications lists site as 13.75 acres.
8. The site plan shows 20 truck parking space while the Agricultural data statement indicates there will be 28 such parking spaces.
9. Code requires 1 parking space per 300 SF or 15 spaces; the site plan shows 20 passenger vehicles parking spaces. Referring board to consider what parking is necessary.
10. Is the dumpster enclosure chain link with brown plastic or quik-brik with chain link gate, detail sheet only for chain link
11. Is there a cut and fill plan? Listed on cover sheet, but not in the plan set.

OCSWCD Comments

1. The location of top soil stockpiles is not identified.
2. Where will jellyfish units be installed? Detail provided but location on plans is unclear.
3. All stormwater inlets in disturbed areas should receive inlet protection.
4. Will roof water from pumps and buildings be directly tied to stormwater system or will overland flow occur?

NYSDOT Comment – NYSDOT will review and recommend changes as appropriate for alignment or offset to the opposing driveway to the Park and Ride on SR 14 and whether a left turn lane is needed on SR 318.

CRC Comments and Clarifications from Applicant Representative

1. What is the status of the proposed FLX electronic billboard previously proposed for this site? Proposal abandoned.
2. The distance of the SR 318 driveway to the center line of the intersection with SR 14 is 420' and the distance from the SR 14 entrance to the intersection is 415'. The proposed driveway on SR 14 is 210' south of the existing gravel driveway and 60' edge to edge south of a driveway on the opposite side of the road or 110' centerline to centerline. The driveway offset to the opposing driveway will result in turning movement conflicts.
3. Canopy lights are recessed.
4. Signs 4 and C5 are switched on the plan and will be corrected.
5. There are 20 proposed truck parking spaces.

6. The dumpster enclosure is quik-brick with a chain link/vinyl slatted gate.
7. The cut-fill plan is for internal use.
8. Soil stockpile will be in the area to the north. A silt fence should be provided around the topsoil stockpile.
9. The roof drains are connected to the storm system, inlet protection will be shown on revised map, and the jellyfish units are proposed on structure #2.

CPB Comments

1. Advertising signs within 660' of the Thruway ROW require a permit from the NYS Thruway Authority. Such signs shall not exceed 200 SF nor extend more than 40' above the Thruway road surface. Electronic signs that change message (such as fuel price) once in 24 hours or less are subject to maximum brightness of 5,000cd/m² daytime and 280cd/m² nighttime.
2. SR 14 is a primary tourist travel route within Ontario County and this intersection is an important gateway to the Town of Phelps and the Finger Lakes Region.
3. What signage, pavement markings or grade separation is necessary to provide safe bicycle accommodations through this intersection?

Findings:

Ontario County Planning Board by-laws section 8.4 outlines county-wide and intermunicipal transportation network objectives. The by-laws also provide a link to the SR 96/SR 14/SR 318 Corridor Plan which provides additional overall and interchange planning recommendations. <https://www.co.ontario.ny.us/DocumentCenter/View/17437/Adopted-by-laws-March-13-2019>

- Ontario County has a substantial interest in protecting and improving the function of its intermunicipal transportation infrastructure. This includes:
 - State, Federal, and County roads
 - Hiking, biking, and snowmobile facilities that span more than a single municipality
 - Rail corridors
 - Public transportation
 - Airport
- SR 14 is a primary tourist travel corridor. Referrals along such roads and any others identified by the Board are subject to additional scrutiny due to their potential impact on desirability of Ontario County as a tourism destination. Such referrals may be reviewed for consistency with design, access, and view shed recommendations of corridor plans, relevant recommendations of local Comprehensive Plans, and other relevant considerations.
- The Goals of the SR 96/SR 14/SR 318 Corridor Plan include: to expand opportunities for recreational biking and hiking, improve pedestrian and bicycle safety in the corridor, and encourage bicycling and walking to and between commercial uses. The Corridor Plan also includes recommendations for architectural character, signage, landscaping, and interchange gateway treatments.

Board Motion: Referral 120-2020 to be changed to Class 2 in recognition of the potential impacts of the proposed commercial development on the character of a primary tourist travel corridor.

Motion made by: Paul Passavant

Seconded by: Marty Avila

Vote: 14 in favor, 0 opposed 1 abstention (Glen Wilkes). **Motion carried.**

Board Motion: Referral 120-2020 to be retained as a class 2 and returned to the local board with comments and the recommendation of approval with the following modification:

Modification #1: The referring board should request evidence of applicant consultation with the NYSDOT Pedestrian and Bicycle Section of the Safety Program Management and Coordination Bureau of the Office of Traffic Safety and Mobility regarding accommodations such as signage, pavement markings, or grade separated bike lane that would enhance the safety and mobility of bicyclists along this segment of the NYSDOT designated bike route and bicyclist stopping at the proposed convenience store.

Motion made by: Paul Passavant

Seconded by: Mike Woodruff

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

120.1 - 2020	Town of Phelps Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Sweet, Rob	
Property Owner:	4 Leaf Clover Properties LLC	
Tax Map No(s):	49.00-1-27.100 49.00-1-26.000	
Brief Description:	Site plan and 3 area variances related to size and height of signage and height of light poles for a Speedway fuelling station with 14 fuel pumps and a 4,600 SF convenience store at the northeast corner of SR 14 and SR 318 in the Town of Phelps.	

See information at 120-2020.

121 - 2020	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Minor Subdivision	
Applicant:	Baitsholts, Eileen	
Tax Map No(s):	125.00-1-38.000	
Brief Description:	Subdivision of 50 acre parcel at 5955 Knapp Road between Smith Road and Goodale Road in the Town of Canandaigua into 3 lots of 11,11, and 28 acres.	

Lot 1 will retain the existing cabin at the rear of the lot and 147' of frontage. Lot 2 to the east have 636' of frontage and include a house, barn and pond on the front half of the lot. Lot 3 at the eastern end will have 259' of frontage.

According to OnCor the parent parcel is not will be to the agricultural districts and not constrained by wetlands or floodplains. 30 percent of the lot has slopes of 16-30 percent and 65 percent has slopes over 30 percent. A stream runs southwest to northeast from the southern property boundary towards Knapp Road with the steepest slopes along the stream and a tributary to the northwest.

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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 of 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.
8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Comments

1. The applicant and referring agency should ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
2. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
3. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. 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.

122 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to the Town of Canandaigua lighting regulations, 220-77, to change standards for lights that emit greater than 900 lumens and edit purpose statement and treatment of pre-existing lighting. The amendment also includes changes to Town Code definitions. https://www.co.ontario.ny.us/DocumentCenter/View/25039/122-2020-Lighting-Code-2020-01-29-Draft-Local-Law	

Comment The amendment should include a definition of white light. This should require any LED site lighting to be warm white lighting with CCT < 3000 K; S/P ratio < 1.2 as outlined in the recommendations of the International Dark-Sky Association.

https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/IDA_LED_handout_48.pdf

<p>Board Motion: A motion to retain referrals 122-2020, 123-2020, 124-2020 and 125-2020 as class 2s and send each back to referring body with comments and a recommendation of approval.</p> <p>Motion made by: David Wink</p> <p>Seconded by Tom Lyon</p> <p>Vote: 15 in favor, 0 opposed, 0 abstention Motion carried</p>

123 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to 220-9S Placement of Manufactured Housing in the Town of Canandaigua to allow double wide homes on a permanent foundation in all residential districts, except the Residential Lake District, and revise standards for such foundations. https://www.co.ontario.ny.us/DocumentCenter/View/25040/123-2020-Manufactured-Homes-2020-03-13-Draft-LL	

Comment Double wide mobile homes should be allowed in all residential or mixed use districts where single-family homes are allowed to avoid discriminatory intent.

<p>Board Motion: A motion to retain referrals 122-2020, 123-2020, 124-2020 and 125-2020 as class 2s and send each back to referring body with comments and a recommendation of approval.</p> <p>Motion made by: David Wink</p> <p>Seconded by Tom Lyon</p> <p>Vote: 15 in favor, 0 opposed, 0 abstention Motion carried</p>

124 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to Town of Canandaigua off-street parking regulations, 220-73, to eliminate minimum parking standards, instead leaving such determination to the Planning Board with the assistance of a applicant provided parking demand analysis if warranted. The changes also authorize off-site parking within 1,350' of entrance and landbanking of parking areas with waiver from the Planning Board. https://www.co.ontario.ny.us/DocumentCenter/View/25041/124-2020-Off-Street-Parking-2020-07-06-Local-Law	

Comments

1. Will the off-street parking regulations continue to include a table of typical parking needs to provide some guidance to those developing property?
2. The amendment should indicate that the Planning Board, in defining the number of parking spaces to be developed and space to be land banked, will consider the range of parking needs to use that may occupy the site over time.

Board Motion: A motion to retain referrals 122-2020, 123-2020, 124-2020 and 125-2020 as class 2s and send each back to referring body with comments and a recommendation of approval.

Motion made by: David Wink

Seconded by Tom Lyon

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

125 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Town of Canandaigua	
Brief Description:	Update to the Town of Canandaigua 2012 Natural Resources Inventory which maps significant natural and cultural resources including ecological communities, water resources, steep slopes, agricultural lands, extractive resources, and cultural resources. The report also outlines best management practices to conserve such resources. https://www.co.ontario.ny.us/DocumentCenter/View/25042/125-2020-DRAFT-NaturalResourcesInventory-WithAppendices7-7-2020 https://www.co.ontario.ny.us/DocumentCenter/View/25043/125-2020-SiteAssessmentProjectReviewGuideMaps_Jan2020	

Proposals for development in areas delineated on natural and cultural resource maps must be referred to the Town's Environmental Conservation Board for advisory review. There is also a separate project review guide.

Comments The Town of Canandaigua is to be commended for investing in identifying natural and cultural resources and developing procedures to retain the benefits of such resources as development occurs in such areas.

Board Motion: A motion to retain referrals 122-2020, 123-2020, 124-2020 and 125-2020 as class 2s and send each back to referring body with comments and a recommendation of approval.

Motion made by: David Wink

Seconded by Tom Lyon

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

126 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Bell Atlantic DBA Verizon	
Property Owner:	Rochester Gas and Electric - utility pole	
Tax Map No(s):	14.02-1-6.170	
Brief Description:	Site plan and special use permit to install a 65' replacement utility pole with micro cell equipment mounted at a height of 12' and an antennae mounted at 27' in the ROW of CR 42 (Wangum Road) in front of 7871 Lehigh Crossing in the Town of Victor.	

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

126.1 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic DBA Verizon	
Property Owner:	Rochester Gas and Electric - utility pol	
Tax Map No(s):	14.02-1-6.170	
Brief Description:	Site plan and special use permit to install a 65' replacement utility pole with mirco cell equipment mounted at a height of 12' and an antenae mounted at 27' in the ROW of CR 42 (Wangum Road) in front of 7871 Lehigh Crossing in the Town of Victor.	

See information at 126-2020.

127 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Tax Map No(s):	1.02-1-8.000 1,02-1-9.100	
Brief Description:	Text and map amendment to establish a 35 acre Cobblestone Court Mixed Use Overlay District allowing a mix of residential, recreational, commercial, and/or light industrial uses upon approval of a Mixed Use Plan by the Town Board.	

Map and text amendments to apply a similar overlay district to the 160 acres of contiguous property zoned for Commercial use in the Eastview Mall area were previously referred in September 2019 as referral 1902-2019. As previously, the amendment allows the Town Board broad discretion to allow residential, recreational, commercial and light industrial uses as proposed on the Mixed Use Plan.

Board Motion: A motion to retain referrals 127-2020 and 127.1-2020 as class 2s and send each back to referring body with comments and a recommendation of approval.

Motion made by: Steve Groet

Seconded by Bill Namestnick

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

127.1 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Victor	
Tax Map No(s):	1.02-1-8.000 1,02-1-9.100	
Brief Description:	Text and map amendment to establish Cobblestone Court Mixed Use Overlay District allowing a mix of residential, recreational, commercial, and/or light industrial uses upon approval of a Mixed Use Plan by the Town Board. https://www.co.ontario.ny.us/DocumentCenter/View/25010/127-2020-cobblestone-court-MUO-map-amendment	

See information at 127-2020.

128 - 2020	Town of Victor Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Bank of America	
Tax Map No(s):	6.00-1-67.00	
Brief Description:	Replacement of freestanding Panera Sign with a sign for both Panera and the newly completed Bank of America ATM at 7651 SR 96 in the Town of Victor.	

The variance is to allow names of two businesses not just a plaza name on the illuminated monument sign.

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.

129 - 2020	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	ESL Federal Credit Union	
Property Owner:	Michael Bliss, Robert Chiapperino & Jose	
Tax Map No(s):	16.17-2-28 16.17-2-27 16.17-2-32	
Brief Description:	Site plan, subdivision, and special use permit for construction of a 5,600 SF ESL Bank at the former site of Victor Coal land Lumber, 0, 20 & 32 School Street, in the Village of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/24985/129-20-Site-Plan https://www.co.ontario.ny.us/DocumentCenter/View/25018/129-20-Plat-Plan	

The combined site is 1.19 acres. In addition to the 5,600 SF bank building, the site plan shows a 3-lane detached ATM/Teller station requiring a special use permit. The proposed access drive is 32' wide providing 1 entry lane and 2 exit lanes replacing the open road edge and backing onto the ROW associated with existing uses.

Site development will result in .88 acres of impervious surface coverage for buildings, 36 parking spaces, driveways, and sidewalks. This is reduced from 1.13 acres under existing conditions.

The project requires 10 Planning Board waivers from the Center Business District site and architectural design requirements. The applicant proposes pedestrian light poles higher than 12' and acknowledges light levels are 1 foot-candle not .5 foot-candles as required along a portion of the northern site boundary by the ATMs and at the interior corner by the driveway. The site plan provides minimum 7' sidewalks along the School Street frontage and a 6' sidewalk connection from the road to the entrance. However, the driveway crossing is painted not concrete and half or more of the curbed frontage has .4 to 1.7' wider sidewalks and no brick accent/buffer area. Based on the length of the frontage, 4 street trees are required while 2 are provided.

With regard to architectural design requirements the waivers include the appearance of a two story building without two functional stories, a 13' not 12' first floor height, less than 30% second story window coverage, and use of floor to ceiling windows at the main entrance and along School Street. No waivers are requested from off-street parking or screening and buffering design standards.

The landscaping plan indicates several ornamental and shade trees in the interior of the site, a buffer to the property at 87-89 West Main Street, and continuous foundation plantings. There is no landscaping along the north side of the entrance driveway along the boundary with 79 West Main Street. Proposed signage includes three 57 SF wall signs on the bank building and a 17 SF sign on the ATM structure. There is an onsite stormwater management system shown on the site plan.

A special use permit is required for the drive-thru accessory use; the code does not include specific standards used to assess the suitability of such uses on individual sites. The project requires variances for a 19' high accessory structure when 12' is allowed and for 188 SF of business signage and 4 SF of direction signage, though variances are not part of the referral.

The EAF indicates the property is over or adjacent to a principal aquifer and presence of an Italianate house eligible for listing on the State/National Registry of Historic Places on or adjacent to the site. The applicant has received a no impact to historic or archaeological resources letter from the NYS Office of Historic Preservation.

Comments

1. Does the access drive comply with the Village of Victor Chapter 40 Access Management regulations?

2. Does the site plan appropriately balance pedestrian character of the streetscape and internal sidewalks and circulation and parking needs of vehicles? Could less parking be provided to make room for more street streets and separation of the sidewalk from the roadway?
3. All of the proposed light fixtures exceed the International Dark-Sky Association recommendations for CCT less than 3000 K to provide warm white not cool blue light. https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/IDA_LED_handout_48.pdf
4. Do the second story windows make up 30% of the School Street façade?
5. Is there roof mounted mechanical equipment and how is it screen from view?
6. Demolition debris should be recycled as available with the remainder disposed of in a permitted facility.

OCSWCD Comments

1. Location of topsoil stockpiles is not identified on plans.
2. The location of French drain and underground stormwater system mentioned in details is not shown on plans.
3. SWPPP not provided - unable to make comments.

CRC Comments and Clarifications Provided by Applicant Representatives

1. How many stacking spaces are provided for the drive-thru?
2. The lighting fixtures will be revised to provide warm white light.
3. The faux 2nd floor School Street façade has approximately 17 % window coverage when 30 % is required.
4. Concrete demolition debris will be crushed and re-used on site; other materials will be recycled or disposed of off-site.
5. The entire site is currently covered by pavement and buildings and no top soil stockpiling is anticipated
6. The stormwater system is shown on the utility plan in the area north of the driveway

Board Motion: A motion to retain referral 129-2020, 129 .1-2020, and 129.2-2020 as class 1s and send them back to referring body with comments.

Motion made by: Steve Groet

Seconded by: Carol O’Brien

Vote: 14 in favor, 0 opposed, 0 abstention **Motion carried**

129.1 - 2020	Village of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	ESL Federal Credit Union	
Property Owner:	Michael Bliss, Robert Chiapperino & Jose	
Tax Map No(s):	16.17-2-28 16.17-2-27 16.17-2-32	
Brief Description:	Site plan, subdivision, and special use permit for construction of an ESL Bank at the former site of Victor Coal land Lumber,0, 20 & 32 School Street, in the Village of Victor	

See information at 129-2020.

129.2 - 2020	Village of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	ESL Federal Credit Union	
Property Owner:	Michael Bliss, Robert Chiapperino & Jose	
Tax Map No(s):	16.17-2-28 16.17-2-27 16.17-2-32	
Brief Description:	Site plan, subdivision, and special use permit for construction of an ESL Bank at the former site of Victor Coal land Lumber,0, 20 & 32 School Street, in the Village of Victor	

See information at 129-2020.

130 - 2020	Town of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Beckner, Mike	
Property Owner:	Weigert, Robert & Jeanne	
Representative:	Mantell, Mike	

Tax Map No(s):	45-1-6.110
Brief Description:	Site plan for 20 MW AC utility scale solar energy generation facility with associated stone access drive, security fencing, transformer, inverters, substation, and utility interconnection on 179 acre property at 3169 CR 13 on south side between CR 7 and Silver Street in the Town of Manchester. https://www.co.ontario.ny.us/DocumentCenter/View/25001/130-20-Overall-Site-Plan

Installation of the proposed solar energy generating equipment would disturb 135 acres and fence 130 acres. Proposed site disturbance includes some site grading and removal of vegetation including removal of all existing hedgerows. The facility will be connected to the National Grid 115 kV transmission line south of property. There is a Federal wetlands along the southern property boundary and a class C stream, tributary to Flint Creek, along the western boundary.

The existing property owners will continue to occupy the on-site residence

Comments

1. Why is grading necessary to maintain existing drainage patterns?
2. Soil testing should be completed to determine if fertilizer with phosphorus is necessary to promote germination.
3. Show quadrant boundaries on existing conditions map or town lot line on overall grading plan to allow reviewer to visually compare existing and proposed conditions.
4. The SWPPP says no disturbance of federal or state wetlands and that timber matting will be used if access to area is necessary. Will wetland areas be disturbed or not?
5. The cover letter and EAF indicate no change to impervious surface coverage. What about concrete pads for inverters/transformer?
6. Is lot coverage as allowed by code?
7. Have operation and maintenance and decommissioning plans been provided and reviewed?

OCSWCD Comments

1. Will location of concrete washout allow for smooth flow of traffic in and out of site?
2. Consider grading of contours in channel located in NW quadrant to reduce concentrated flow in the area.
3. No top soil stockpiles are indicated in southern quadrants. Will topsoil from the construction of the pad and road be taken across site?
4. Signage should be used to help delineate and protect wetlands.
5. The stabilized construction entrance should be minimum 12 feet.
6. Pre-existing agricultural tile drainage should be considered and maintained if present to avoid impacts to remaining agricultural lands in the area.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

131 - 2020	City of Geneva Zoning Board of Appeals	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	McFadden, Robert	
Representative:	Angelo, Dennis	
Tax Map No(s):	104.5-2-6	
Brief Description:	Special use permit for a 125 SF building mounted sign on the west side of of the new Finger Lakes Federal Credit Union Operations Center at 45 Seneca Street in the City of Geneva.	

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.

132 - 2020	Town of South Bristol Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Grove, PE, William	
Property Owner:	Melissa Scott, Scott Portuando &	
Tax Map No(s):	185.10-1-13.000	
Brief Description:	Site plan for new single family home, deck, etc. with total lot coverage of 17 percent to replace seasonal residence at 6377 Old Post Road off Hawks Road in the Town of South Bristol.	

133 - 2020	Town of South Bristol Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Hickman, Bryan	
Representative:	Venezia, Anthony	
Tax Map No(s):	178.00-1-76.100	
Brief Description:	Site plan for 12'x24' pre-fabricated shed on crushed stone pad at 6233 Bopple Hill Road in the Town of South Bristol.	

134 - 2020	Town of South Bristol Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Meager, Wendy	
Property Owner:	Sheils, Philip & Lucy	
Tax Map No(s):	191.09-1-2.100	
Brief Description:	Site plan, area variance, and special use permit for a new year round home on a combined lot at 6847/6877 Walton Point in the Town of South Bristol. The project requires a special use permit as the combined lot will include a seasonal cottage. The area variance is for a house front setback of 10.5' when 50' is required.	

The existing house is setback only 9'. According to OnCor, the properties are in the floodplain. There is also an area of 16-30 percent slope near the shoreline on the northern 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 plans, including home occupations.

Comments

1. The Town 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 or Canandaigua Lake Watershed Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.
3. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

134.1 - 2020	Town of South Bristol Planning Board	Class: AR 1
Referral Type:	Special Use Permit	
Applicant:	Meager, Wendy	
Property Owner:	Sheils, Philip & Lucy	
Tax Map No(s):	191.09-1-2.100	
Brief Description:	Site plan, area variance, and special use permit for a new year round home on a combined lot at 6847/6877 Walton Point in the Town of South Bristol. The project requires a special use permit as the combined lot will include a seasonal cottage. The area variance is for a house front setback of 10.5' when 50' is required.	

See information at 134-2020.

134.2 - 2020	Town of South Bristol Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Meager, Wendy	
Property Owner:	Sheils, Philip & Lucy	
Tax Map No(s):	191.09-1-2.100	
Brief Description:	Site plan, area variance, and special use permit for a new year round home on a combined lot at 6847/6877 Walton Point in the Town of South Bristol. The project requires a special use permit as the combined lot will include a seasonal cottage. The area variance is for a house front setback of 10.5' when 50' is required.	

See information at 134-2020

135 - 2020	Town of South Bristol Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Fields, Jeremy	
Tax Map No(s):	168.16-1-2.160	
Brief Description:	Site plan for installation of a tram connecting a parking garage on Cliffside Drive to a lakeside parcel at 5676 Shore Drive and replace/expand the private marina sales office at 5670 Shore Drive in the Town of South Bristol. https://www.co.ontario.ny.us/DocumentCenter/View/25003/135-20-Site-Plan	

The site plan shows installation of two 170 linear foot tram tracks along the cliff face. The area of disturbance is listed as 3,000 SF.

According to Oncor, Mr. Fields owns three parcels including the .32 acre, 2 story 15,252 SF parking garage; the 2 acre cliff side parcel with frontage by the marina, and the .16 acre parcel on which the existing marina sales office sits. The existing marina sales building is 200 SF and was built in 1980. The applicant does not own parcel 168.16-1-7.100, the ½ acre lot that surrounds the marina office parcel and includes the Bristol Harbor beach, land connection for the marina docks, and most of the elevator up the cliff. It appears

that the bottom portion of the elevator and the landing area are on the Fields cliff side parcel with frontage by the marina and that the stairs start on the intervening parcel not owned by the applicant but are mostly located on the parcel with the marina office.

The municipality has indicated they are responsible for reviewing the location and suitability of the proposed double track tram with regard to local zoning regulations, but not for issuing a building permit or review of safety of the tram.

Comments

1. The site plan does not label the mean high water mark. It appears the 180 SF of dock area for the tram landing area are on the Lake side of the mean high water line. The referring body should require the applicant to document the proposed dock addition in in compliance with the Canandaigua Lake Uniform Docks and Moorings law.
2. The referring body will require the applicant to document compliance with the Steep Slope Development Law.
3. If any filling is involved, a NSYDEC permit will be required.
4. The referring body should require the applicant to combine the two contiguous parcels or record cross access easements to avoid future difficulties associated with portions of the tram lines being on different parcels.
5. The referring body should also consider legality of requiring the applicant to put in place the cross access easements needed for access to the elevator mechanical room, the elevator, and the stairs now that each is located partially on Bristol Harbor property and property owned by the applicant.
6. The site plan does not provide enough detail regarding vehicle and pedestrian circulation to assess the safety of the upper tram loading area location.
7. No provisions have been made to protect workers or the lake from shale debris dislodged during driving of aluminum pillars or installation of the tram tracks and cross braces.
8. The area of disturbance does not include the bottom portion of the tram lines and the dock expansion for the landing area.

OCSWCD Comments

1. Plan Erosion Control Specs list rolled erosion control fabric and sediment control logs to be used without indication on plan where this material will be installed.
2. Plan indicates no disturbance of steep slope area. Installation of pillar foundation, including tracking up and down slope, may disturb soil and downslope area adjacent to lake and should have erosion control device such as silt fence installed as preventative measure. As per NYSDEC Erosion Control Guidelines, during winter conditions, disturbed areas within 100 ft. of the lake must have two rows of silt fence installed on the contour with 5 ft. spacing.

Canandaigua Lake Watershed Manager Comments

1. The tram design plans should be reviewed and signed by a licensed engineer.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020,126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, 140-2020 as Class 1s and return them to the local boards with comments.
Motion made by: D. Wink **Seconded by:** Marty Avila
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

136 - 2020	Town of East Bloomfield Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Spelman, James	
Representative:	Refermat, John	
Tax Map No(s):	54.00-1-16.121	
Brief Description:	Use variance for an industrial use (highway/heavy construction contractor) on a 7.4 acre lot with an existing use variance for a commercial use (cabinet assembly) previously conducted in three existing buildings with a total of 17,400 SF at 6600 Rice Road in the Town of East Bloomfield. https://www.co.ontario.ny.us/DocumentCenter/View/25015/136-20-Aerial-Location https://www.co.ontario.ny.us/DocumentCenter/View/25016/136-20-Aerial-Site	

The applicant is also proposing a 3,200 SF addition to the rear (north) of the largest building. Following construction of the proposed addition, the site will have approximately 2.5 acres of impervious service or 35 % lot coverage.

Area uses include agricultural operations and homes including one with a home daycare. Boughton Park is approximately 3 miles from the site. At the time of the original use variance other businesses uses in the area included a motor vehicle repair garage.

The use variance application materials includes the following documentation regarding granting of the original use variance and expansion of the area of the use variance and buildings.

- Documentation from the time of granting the original use variance indicates the proposed building would resemble a barn with a cupola. The applicant indicated 8 employees operating with 2 vehicles and a potential future business expansion to increase from 2 to 5 vehicles with no projected estimate of employees. Expected deliveries were characterized as 1 per week plus occasional UPS deliveries. The minutes reflect that expansion beyond the scale of a home based business would require another variance. The minutes indicate based on the design of the proposed building in keeping with those around it, the ZBA will pass a resolution to approve a use variance for operation of a commercial business on 2 acres. The actual resolution does not reference the 2 acres.
- Documentation from a 1999 area variance to add 1.5 acres from the applicant's 41 acre holding to the area included in the use variance to accommodate a storage building with no additional employees or traffic. A second storage building appears to have been added in 2001 and in 2002 the driveway was approved to be moved to the west and the commercial area was expanded 200' to the east and 225' to the north with no change to business, traffic, noise, or lighting. Also documentation of some business activity outside typical business hours.
- Documentation included with the request for an industrial use variance/interpretation of whether the desired business operations can be completed under the existing use variance indicates the proposed business would continue to store equipment and materials in the existing and proposed buildings and involve more outdoor storage of equipment than the current use.

Application materials indicate the carrying cost of the property is \$200,000 annually with 75% of the cost attributed to the mortgage. The application also includes a Comparative Market Analysis by Leverage Properties, LLC and an assessment of highest and best use by Bruckner, Tillett, Rossi, Cahill & Associates. The Comparative Market Analysis established the likely value of the property as 1.4 to 1.5 million based on a capitalization rate of 0-11 %. The highest and best use analysis identified office, warehouse, and light manufacturing use as that likely to realize the highest value.

Comments

1. The record does not provide documentation of unnecessary hardship with regard to granting of the original use variance. In fact the record indicates the applicant's purchase offer of the property was contingent on granting of the use variance and the record further indicates the applicant chose this property instead of other available locations because appropriately zoned land was cost prohibitive and the business owner would not be allowed to combine a house and business on the same lot.
2. The ZBA record does not clearly outline the scale and intensity of use allowed by the multiple use variance expansions. Was expansion from 8 to 54 employees and related increase in traffic and potentially off-hours operations authorized? If operations exceeded the scale and intensity of use allowed, any consideration of future potential impact on the neighborhood character should be based on the allowed, not actual operations on the site.
3. What is the rate of return of the property at the 1.3 million asking price? What is rate of return for other permitted uses?
4. The applicant has not provided a statement of operations signed by the future owner. Such a statement would help the referring body understand the proposed use and its potential impact on the essential character of the neighborhood. The statement of operations should include information such as hours of operation; type and quantity of vehicles involved and the likely frequency of entering and exiting the site; quantity and turnover of any materials stock piles or other activities that will occur outside of enclosed buildings; and the nature and location of vehicle and equipment maintenance.
5. The Ontario County Agricultural Enhancement Board and Plan have identified increased vehicle traffic on rural roads as a threat to agricultural viability. Increased traffic makes it more difficult and less safe to move farm equipment from field to field when passage on public roads is required.

CPB Comments

1. It is the responsibility of the ZBA not the CPB to determine whether the applicant has documented financial hardship resulting from unique characteristics of the property not from personal actions of the applicant and that the proposed activities associated with the requested use variance won't negatively impact the neighborhood character.
2. Board members generally felt uncomfortable recommending this referral for approval or denial. Though the applicant and various legal representatives assembled a large volume of information, the information provided is not clearly and concisely applied to the 4 prone use variance test. Key operational information needed to assess whether the proposed use falls within the existing use variance (not subject to CPB review) or the impact of the proposed use variance on the neighborhood character and therefore eligibility for a new use variance is lacking.

Board Motion: A motion to retain 136-2020 as class 2 and return it to the referring body as incomplete. The applicant has not connected the dots to clearly and concisely show whether the documentation provided substantiates unnecessary hardship with the applicant unable to obtain a reasonable rate of return for any permitted use (including use allowed under the existing variance). Nor has the applicant substantiated that the proposed heavy highway equipment contractor use will not alter the essential character of the neighborhood and the uniqueness of their situation.

Motion made by Marty Avila

Motion seconded by Mike Woodruff

Vote: 15 in favor, 0 opposed, 0 abstentions. **Motion carried.**

137 - 2020	Town of Gorham Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Johnson, Robert	
Representative:	Marks Engineering	
Tax Map No(s):	141.17-2-32.100	
Brief Description:	Area variance for a home with a front setback of 20' when 35' is required and a stream setback of 50' when 100' is required at 4989 CR 11 in the Town of Gorham. https://www.co.ontario.ny.us/DocumentCenter/View/24999/137-20-Site-Plan	

OCSWCD Comments

1. All work involving a Class C Stream will require permitting approval through NYS DEC and US Army Corps of Engineers.
2. No indication of soil stockpiles and required accompanying silt fence on plans. Grading notes indicate soil stockpile.
3. Temporary diversion swale detail not included. Erosion and sediment control measures accompanying swale may be needed.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

138 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Shepard, Thomas & JoAnn	
Representative:	Marks Engineering	
Tax Map No(s):	127.81-1-36.000	
Brief Description:	Area variance for garage with left side setback of 5' when 10' is required and lot coverage of 42 percent when 30 percent is allowed at 4622 Bachelor Row in the Town of Gorham.	

The lot is 28' wide and extends from Bachelor Row to Fair Oakes Avenue. The existing house faces Bachelor Row, the existing driveway and proposed garage are off Fair Oaks Avenue. The proposed 12'x 28' garage will increase lot coverage from 33 percent to 42 percent when 30 percent is allowed. The site plan indicates a new culvert under the new gravel driveway at Fair Oaks Avenue and a 51' infiltration trench to provide storage for increase in roof run off during 25 year storm. The trench is located along the west side of the garage with the 5' setback.

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
1. 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 Town 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 or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Board Motion: A motion to **accept late referrals** 139-2020, 140-2020, and 144-2020.

Motion made by: Dave Wink

Seconded by Marty Avila

Vote: 14 in favor, 0 opposed, 0 abstention **Motion carried**

139 - 2020	Town of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	St Patricks Church	
Tax Map No(s):	15.00-1-47.000	
Brief Description:	Site plan for new office, service building, columbarium and driveways associated with master development plan for remaining lands at St. Patricks Cemetary, 990 High Street, in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25013/139-2020-07-21--Phase-1	

The 7.2 acres cemetery is located on the west side of High Street between the 2 Victor CSD entrances. The cemetery has developed a master plan including a new service building, office and additional interior roadway. The current site plan is for Phase 1 activities including 5 parking spaces near the entrance and site of the existing and future office and construction of a new internal road segment off the entrance driveway and continuing north parallel to High Street and curving west to join the northern most existing section drive.

No existing buildings are listed in the OnCor parcel detail report; however, the aerial appears to show an existing building along the main entrance road before it splits and a building with a separate driveway near the southern boundary of the site. The aerial also shows a stream corridor parallel to High Street through the undeveloped portion of the site. The master plan indicates a 6” PPE drainage pipe to be replaced. This site plan was not referred to OCSWCD.

The EAF says the site is 6.9 acres with 3 acres disturbed during development of 14,800 LF of new and improved roadway.

Comments

1. The phase 1 site plan has no scale.

2. Does the proposed distance of the new road from High Street comply with the required throat length of the regulations in code Chapter 55 Access Management and provide sufficient stacking distance to avoid congestion on High Street burial arrive of burial processions?
3. The only provision noted for stormwater management associated with the phase 1 and future construction is replacement of the drainage pipe. The applicant is responsible for on-site stormwater management sufficient to avoid any increase in off-site stormwater discharge. There are known drainage issues downslope of this property along High Street.
4. Applicant to clarify site acres, area of disturbance, LF of new or widened road proposed, and size of existing and proposed buildings.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

140 - 2020	Town of Victor Zoning Board of Appeals	Class: 1 Late Referral
Referral Type:	Area Variance	
Applicant:	Dana, Mathew	
Property Owner:	Difelice Structures LLC	
Tax Map No(s):	15.01-1-24.000	
Brief Description:	Area variance for auto repair use at 91 Victor Heights Parkway that is 700' from a residentially zoned district when 1,000' is required in the Town of Victor.	

The repair facility will be for private fleet of FedEx branded vehicles and not open to the public. The repair facility will not have a paint booth or air conditioning repair capabilities.

Board Motion: A motion to retain referrals 112-2020, 113-2020, 117-2020, 126-2020, 126.1-2020, 130-2020, 135-2020, 137-2020, 139-2020, and 140-2020 as Class 1s and return them to the local boards with comments.

Motion made by: D. Wink **Seconded by:** Marty Avila

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

141 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR 2 Late Referral
Referral Type:	Area Variance	
Applicant:	Meagher Engineering PLLC	
Property Owner:	Greco, Paul & Charin	
Tax Map No(s):	141.10-1-5.100	
Brief Description:	Area variance for demolition and re-building of a single family home at 4674 Lake Drive in the Town of Gorham. The project involves 50% lot coverage when 25% is allowed, a lake setback of 25' when 30' is required, a south side setback of 9' when 15' is required, and a north side setback of 12' when 15' is required.	

The project would add 1,000 SF of building footprint while reducing the footprint of the driveway and patio area to retain 50 percent lot coverage. The existing stone retaining wall will be removed and re-assembled. The proposed site plan preserves the 25" sugar maple and two 5" Russian olive trees along the southern boundary while calling for removal of the 25" sugar maple closest to the Lake. A new infiltration trench. . . According to OnCor, the front quarter of the site is in the floodplain and has slopes of 16 to 30 percent. .

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 body 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 or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
3. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and placement of on-site septic system.

142-2020	Town of South Bristol Planning Board	Class: AR-2 Late Referral
Referral Type:	Site Plan	
Applicant:	McNabb, Andrew & Marie	
Tax Map No(s):	168.20-1-9.000	
Brief Description:	Site plan and 2 area variances to allow demolition of an existng house and construction of a new home ona .53 acre lot at 5697 Applewood Drive in the Town of South Bristol. Variances are to allow 26% lot coverage when 20% is allowed and a 23’ rear (lakeside) setback when 25’ is required.	

Proposed site disturbance is 94 percent of the lot. The site plan notes indicate removal of the existing raised septic field and on-site wastewater treatment system design plans, however, no plans for a new septic system are included with referral. The applicant also owns a .18 acre lot with a seasonal residence to the north of this property.

According to OnCor, the property is not constrained by wetlands or steep slopes and there is only a small area in the southeast corner of the lot in the floodplain.

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

- C. 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:

9. Protection of water features is a stated goal of the CPB.
10. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
11. Increases in impervious surface lead to increased runoff and pollution.
12. Runoff from lakefront development is more likely to impact water quality.
13. 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.
14. Protection of community character, as it relates to tourism, is a goal of the CPB.
15. 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.
16. 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:

4. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
5. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
6. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and placement of on-site septic system.
7. The area of disturbance line does not clearly identify protection area for trees to be retained and other undisturbed areas.
8. Does the area of the engineered gravel driveway/infiltration area overlap with the construction entrance?
9. Is the aerobic digester in the septic easement associated with this lot or the lot to the north?
10. The site plan appears to show a significant portion of the lot in the floodplain (elevation 691.2), but the site plan does not show the northern extent of the floodplain. Also the garage FFE of 690 is lower than the 100 year floodplain elevation of 691.2.
11. The site plan indicates the area of the existing raised septic field will be lowered resulting in net gain to the floodplain. The existing house is listed as in the floodplain and the proposed house appears to be at FFE of 691.0. Will on-site material be re-located to raise the elevation of the house? Will off-site fill be imported? How do the proposed cuts and fills result in a new gain to the floodplain area as stated?
12. Is the cobble reinforced shoreline existing or proposed? If proposed area should be included in limit of work. If existing, the proposed tree locations should be sufficiently inland of the cobbles to promote stable root system formation.
13. Erosion and sediment control plan not included with referral. The sediment trap is located very close to the Lake and does not appear designed to catch sediment from the northern portion of the site including the construction entrance and the driveway/infiltration area.

OCSWDC Comments As later referral, plans not submitted to OCSWDC.

142.1 - 2020	Town of South Bristol Zoning Board of Appeals	Class: AR-2 Late Referral
Referral Type:	Area Variance	
Applicant:	McNabb, Andrew & Marie	

Tax Map No(s):	168.20-1-9.000
Brief Description:	Site plan and 2 area variances to allow demolition of an existng house and construction of a new home with 26% lot coverage when 20% is allowed and a 23' rear (lakeside) setback when 25' is required.

See information at 142-2020.

143 - 2020	Town of Hopewell Planning Board	Class: 1 Exempt
Referral Type:	Site Plan	
Applicant:	Alan Trickey	
Representative:	Venezia & Associates	
Tax Map No(s):	58.00-2-52.100	
Brief Description:	Site plan, subdivision, and area variance for creating 2 lots from an 80 acre parcel at 3666 SR 488 in the Town of Hopewell. The area variances are for a 2.8' setback for an 193 SF existing accessory structure when 15' is required and a 5.4' setback for a 310 SF structure when 15' is required.	

143.1 - 2020	Town of Hopewell Planning Board	Exempt
Referral Type:	Subdivision	
Applicant:	Alan Trickey	
Representative:	Venezia & Associates	
Tax Map No(s):	58.00-2-52.100	
Brief Description:	Site plan, subdivision, and area variance for creating 2 lots from an 80 acre parcel at 3666 SR 488 in the Town of Hopewell. The area variances are for a 2.8' setback for an 193 SF existing accessory structure when 15' is required. The area variances are for a 2.8' setback for an 193 SF existing accessory structure when 15' is required and a 5.4' setback for a 310 SF structure when 15' is required.	

143.2 - 2020	Town of Hopewell Planning Board	Class: AR-1 Late Referral
Referral Type:	Area Variance	
Applicant:	Alan Trickey	
Representative:	Venezia & Associates	
Tax Map No(s):	58.00-2-52.100	
Brief Description:	Site plan, subdivision, and area variance for creating 2 lots from an 80 acre parcel at 3666 SR 488 in the Town of Hopewell. The area variances are for a 2.8' setback for an 193 SF existing accessory structure when 15' is required. The area variances are for a 2.8' setback for an 193 SF existing accessory structure when 15' is required and a 5.4' setback for a 310 SF structure when 15' is required.	

According to OnCor, the parent parcel includes acreage both north and south of SR 488; the southern section also has frontage on Swamp Road. The parcel is in the agricultural district and receiving an agricultural exemption. There are not floodplain or wetland areas on the parcel. The lot to be created carves out .7 acres (30,000 SF) with 248' of frontage and 121' of depth with the existing house, leach field, and fenced pasture along the north side of SR 488. The pasture area and other remainder parcel frontage on the north side of SR 488 have slopes of 16 to 30 percent.

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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 of 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.
8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. The applicant and referring agency should Consult with the NYS Department of Transportation and ensure that the sight distances for any proposed driveway complies with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The referring agency is encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed inspector or Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic, if proposed for remainder parcel.
5. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager or 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 if a new driveway is proposed.
6. Will a new access point be developed for the barns on the remainder parcel or will a temporary or permanent easement be granted through Lot 2?

144 - 2020	Town of Farmington Town Board	Class: 2 Late Referral
Referral Type:	Local Law	
Applicant:	Town of Farmington	
Brief Description:	Six month moratorium on consideration of new applications for solar collection systems or expansion of existing systems in the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/25017/144-2020-Solar-Farm-Moratorium-LL	

In their review of large scale solar energy collection systems, the Town has identified some desired regulatory changes. The moratorium is intended to pause consideration of new applications while the Town drafts, reviews, and approves desired amendment.

Board Motion: A motion to retain referral 144-2020 as a class 2 and return it to the local board with a recommendation for approval.
Motion made by: D. Wink **Seconded by:** Marty Avila
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

Upcoming Training Opportunities – Fall on-line training dates not set yet.

Clearing House Reviews – none

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 8/12/20 County Planning Board meeting. ***A motion to adjourn was made by*** Glen Wilkes, ***seconded by*** Bill Namestnik. ***Motion Carried.*** The 8/12/20 CPB meeting adjourned at 9:48 pm.

Respectfully submitted by Linda Phillips, Senior Planner

Linda Phillips

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 or approval without recommended modification.

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)

