

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –October 14, 2020 at 3:30pm – Cancelled**
County Planning Board Meeting –October 14, 2020 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below
 Telephone: 585-396-4455

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

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

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Meeting number (access code): 173 801 4300

Meeting password: t84sWGmUR7

Wednesday, October 14, 2020

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

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Call To Order/Roll Call: Vice Chair **Wildman** called the 10/14/20 CPB meeting to order at 7:19, and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were (11) members present virtually and (3) members physically at 20 Ontario Street and, meeting the quorum requirement.

OCPD: Linda Phillips, Senior Planner; Erin Holley, Senior Clerk.

Guests. James Rientzenaler- Passero/Royal Car Wash. Jeff Ashline/Mossien & Ryan Destro/BME – CNB

Minutes:

- *Motion make by Jack Dailey to approve the July 8, 2020 minutes as seconded by Steve High **Motion carried.***
- *Motion made by Jack Dailey to approve the revised September 9, 2020 minutes as seconded by Patti Wirth **Motion carried***

Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
		P	E / A	V
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		A	
Manchester	VACANT	-	-	V
Naples	Carol O'Brien PB	P		
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Timothy Marks PB	P		
South Bristol	Albert Crofton ZBA			Resigned
Victor	Marty Avila		A	
West Bloomfield	Sue Boardman ZBA	P		
Matt Sousa	Alternate Member			Resigned

162 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text amendment to add daycare center as a specially permitted use in the Light Industrial District in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25855/162-2020-Victor-LL	

Board Motion: To retain referral 162-2020 as a class 2 and return it to the local board with a recommendation of approval.

Motion made by: Dave Wink **Seconded by:** Sue Boardman

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

163 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Woodstone Custom Homes	
Tax Map No(s):	14.00-1-58.100	
Brief Description:	Subdivision to create a clustered subdivision of 53 homes on 162 acres along the east side of Strong Road north of Taylor Road and the east and west sides of Willis Hill Road north of Moddock Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25856/163-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25857/163-20-Existing-Conditions https://www.co.ontario.ny.us/DocumentCenter/View/25858/163-20-overall-layout-plan	

Previously seen as a Technical Review 29-2020 in March 2020 with Transfer of Development Rights from Blumont Stables property at CR 41 and E. Victor Road. The following description and comments is from previous review followed by summary of subdivision now proposed and additional comments.

The development site includes 161 total acres with 55 acres located east of Willis Hill Road and 106 acres located to the west. The portion of the property west of Willis Hill Road includes frontage on Strong Road. The property is zoned R-2 and subject to residential overlay A. The allowable development density is .33 homes/acre with a minimum lot size of 25,000 SF or a clustered lot size of 17,299 SF. The proposed cluster development would preserve 95.8 acres or 59 % of the development site.

The clustered subdivision includes 24 lots on 55 acres east of Willis Hill Road. These lots are mostly .5 to 1 acre in size although there are 7 lots of 1 to 4 acre and 1 lot with 27 acres, including 23 of the 27 acres proposed for conservation easement in this area. Three of the midsize lots on the end of the cul-de-sac also include conservation land. The 3 largest lots are flag lots with narrow frontage on proposed Road A.

The clustered subdivision includes 29 lots on 106 acres west of Willis Hill Road with 68 acres proposed for conservation easements. The 29 lots would include an existing residence on a 34 acre parcel. The conservation easement would include 18 acres on this lot. The clustered subdivision includes 3 new 7 to 12 acre lots along Strong Road and a cul-de-sac (Road B) off Willis Hill Road north of

proposed Road A with 25 lots ranging in size from .4 to 4 acres depending on the extent of conservation easement lands on the lot. Typical lots include 15,000 SF outside the conservation easement.

If the transfer of development rights is approved, the section west of Willis Hill Road would include 64 lots along Road B which would extend through to Strong Road, and Road C (a cul-de-sac off Road B). The conservation easement would be reduced from 50 acres to 47 acres.

Each proposed section includes a small area designed for stormwater management within a private lot along Willis Hill Road near the proposed road A and B connection. The conceptual drainage plan indicates the 6.2 acres of development area along Strong Road, 15.7 acres of development area along Road B west of Willis Hill Road and 27 acres of development area along Road A east of Willis Hill Road.

March 2020 Comments

1. The concept plan should show the location of the development areas on the existing conditions/existing topography plan sheet to determine the suitability of proposed roads, lots, and conservation areas and the impact of potential removal of trees at the edge of the existing tree line and outside the conservation area.
2. The concept plans should include a scale and provide access connection spacing distances along Strong Road and along Willis Hill Road including spacing of existing residential driveways north and south of the property and between Murdock Road, Road A, Road B, a driveway to lot 21.
3. The referring body may want to identify access location(s) for any future development of the Turner Subdivision and possibly seek alignment with the driveway to Lot 21.
4. Will the 3 western most lots off the cul-de-sac (Road B) west of Willis Hill Road drain to the proposed SWMF at Willis Hill Road or continue to sheet flow to the west?
5. What is the approximate size of the two small areas identified for SWMF? These facilities are shown located on private lots: how will access and maintenance costs be handled?
6. Many of the lots west of Willis Hill have only small areas (-+ 15,000 SF) outside the conservation area. Is this area sufficient?
7. How will these homes be connected to the Town of Victor parks and trails system?
8. There appear to be utility infrastructure proposed in the conservation easement areas including drainage facilities in the conservation area east of Willis Hill Road and a water line from Strong Road to the Road B cul-de-sac west of Willis Hill Road. What impact do these development activities have on the value of such conservation lands?
9. Will there be any shared or public access to conservation lands? Are any trails proposed in the conservation areas? Will trails be developed along areas disturbed for infrastructure improvements in the conservation areas?
10. Will drainage from this development impact on drainage to the gully on the Turner property?

March 2020 OCSWCD Comments

No SWPPP provided at this stage; will need to review proposed SWMF to determine capacity as site plan has limited footprint for storage in relation to drainage area/development areas.

Additional Zoning and Existing Conditions Descriptions

Zoning requires 50% of the parent lot to be included in deeded conservation areas. This parcel also has frontage on Moddock Road and Raccoon Run. The property is not in the agricultural district, though OnCor shows unwooded areas as currently farmed. OnCor also shows numerous areas of 16 to 30 percent slope and the center of the Phase 2 development area east of Willis Hill Road has areas of 30 to 60 percent slope. The OnCor soils information indicates there are 16 acres of highly erodible Arkport loamy fine sand with slopes of 25 to 35 percent and an additional 11 acres with slopes of 15 to 25 percent. Another 120 acres are highly erodible Arkport fine sandy loam soils with more moderate 0 to 15 percent and characterized as prime farmland or farmland of statewide important.

Currently Proposed Subdivision

The 53 lots currently proposed are allocated as follows:

- Phase 1: 5 estate lots, four that are 7-11 acres with individual driveways, infiltration basins, and 250'-500' of frontage on Strong Road and one lot of 41 acres including the existing residence off a long driveway from Strong Road just north of and below the hilltop between Strong Road and Willis Hill Road.
- Phase 1 also includes 6 and 16 acre type A conservation areas and a 19 acre type B conservation area. The type A conservation area includes lands east of the estate lots and appears to include the hilltop but not the wooded steep slopes around the existing residence. There is no on-site wildlife connection between the 2 parcels. The type B conservation area is located south of Phase 3 lots. Phase 1 includes an infiltration basin in the Type B conservation area on the west wide of Willis Hill Road. Portions of this facility are also on private lots in Phase 3
- Phase 2: 22 lots with .58 to 1.1 acres along a cul-de-sac, Road A, extending east off Willis Hill Road and one 7 acre lot off Willis Hill Road north of Road A. Each lot has developable area outside the wooded areas in this section. Lots on the west side of Road A include the woods along Willis Hill Road. This section includes a 29 acre type B conservation area. There is one 1 flag lot off Road A.
- Phase 3: 25 lots with .6 to 2 acres along cul-de-sac, Road B, extending west off Willis Hill Road. These lots/house sites appear to cross through the wooded area that extends south towards the barns proposed to be demolished.

Phase 2 includes a SWMF shown on the private lot north of Road B at Willis Hill Road. This SWMF is connected to the infiltration basis in Phase 1 and appears to discharge to an offsite Federal wetland to the north. There are proposed areas of 50% slope south of Road B.

The zoning requires 100' of frontage, 50' on a cul-de-sac. The proposed clustered subdivision provides 100' at the building line, but not necessarily at the road. The existing residence off Strong Road will be on a flag lot with 40' frontage. There is also a flag lot with 20' of frontage in Phase 2. The letter of intent indicates 85 percent of the lots meet the 25,000 SF minimum size for lots with water and sewer. The estate lots are indicated as all larger than 43,560 SF as required with no public utilities, though public water will be provided.

The subdivision plan shows extension of the Road B water line to Strong Road to loop the water line extension for the estate lots. The water line in Phase 2 will dead end north of Road A and Willis Hill Road. The property abuts the existing sewer district to the north and the subdivision proposes extension of the sewer district to include lots in Phases 2 & 3.

October 2020 Comments

1. No access spacing or sight distances are called out on the subdivision plan.
2. An analysis of acreage associated with natural features including woods, slopes over 15 percent, prime soils or those of statewide importance, hilltops/ridges, etc. and the resource value of lands proposed for conservation should be provided.
3. What is the different between the Type A and Type B conservation areas?
4. Does Type A conservation area allow development of public infrastructure such as the water line extension?
5. The conservation area type is not listed for the 2.8 acre conservation area shown as part of Phase 2 on C2.3
6. Zoning requires 81 acres of deeded conservation land; the subdivision proposes 44 acres of deeded conservation area.
7. The infiltration basin is shown as located in Phase 3 on sheets 3.2 and 4.2 utility and grading plans; the basin is shown in phase sheet c2.0 the overall plan.
8. Does Road A and the lots in Phase 2 drain to the infiltration basin?
9. What woods will be preserved during development of Phase 2?
10. Will any conservation lands be available for continued agricultural use?
11. Percent slope should be provided for any areas with existing or proposed slopes of greater than 1:5.
12. How will this subdivision be connected to and contribute to the Town's trail system?
13. Many of the comments on the previous layout also apply.

October 2020 OCSWCD Comments

1. Previous OCSWCD comments stand.
2. Construction details are included in concept plans with no indication of placement of erosion and sediment control BMPs.
3. Areas with constructed slope pose erosion concern; additional detail on BMPs is required to review.

Board Motion: A motion to retain 163-2020, 169-2020, 173-2020, and 174-2020 as class 1s and return each to the local board with comments.

Motion made by: D. Wink

Seconded by: M. Woodruff

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

164 - 2020	Town of West Bloomfield Planning Board	Class: AR 1
Referral Type:	Subdivision	
Applicant:	Barnes, Curt	
Representative:	Thornton, Glen	
Tax Map No(s):	52.00-1-231	
Brief Description:	Three lot subdivision of 7.5 acre lot at 8482 CR 14 to create 2 new lots with access off Factors Walk in the Town of West Bloomfield. https://www.co.ontario.ny.us/DocumentCenter/View/25859/164-2020-Rev-drawings-9-4-2020	

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 is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
2. 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.
3. The applicant and referring agency are strongly encouraged to involve 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.

165 - 2020	City of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Hirschfield, Larry	
Representative:	Ashline, J	
Tax Map No(s):	104.18-3-25	
Brief Description:	Site plan for conversion of former 2,400 SF Friendly's building at 287 Hamilton Street in the City of Geneva to a Canandaigua National Bank. https://www.co.ontario.ny.us/DocumentCenter/View/25997/165-2020-CNB-Geneva-Site-Rendering_10-14-20	

The property is zoned B-1. The site plan indicates use of the existing driveway off Hamilton/SR 5/US 20, a single lane drive-thru and adjacent by-pass lane, and a connection and easement to an adjacent property developed with a CNB ATM. The project will also involve new asphalt paving and concrete sidewalks, a new dumpster enclosure, and new landscaping and lighting. Proposed parking includes 22 spaces for employees and customers. The project reuses the existing water, sanitary, and stormwater infrastructure.

Comments

1. Letter says 22 parking spaces provided. Including 4 spaces added on ATM parcel, the site plan shows 22 parking spaces, however, the 2 spaces to the rear of the ATM parcel are outside the area of disturbance.

CPB Comments

1. In response to Board questions, the applicant representative clarified location of snow storage in parking spaces at back of ATM parcel and in grass area on outside curve of drive-thru.
2. In response to Board questions, the applicant representative clarified that the bank will be purchasing the previously leased ATM parcel, retaining the cross access easement on the adjacent Holiday Manor parcel, leasing the new branch parcel, and formalizing an easement between the ATM and branch parcels.

Board Motion: To retail referral 165-2020 as a class 1 and return it to the local board with comments.

Motion made by: D. Wink **Seconded by:** M. Woodruff

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

166 - 2020	Town of Geneva Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Peisher, Shawn	
Tax Map No(s):	147.08-1-8.100	
Brief Description:	Area variance for rear(lake) setback for deck of 12.5' when 25' is required at 4599 Whites Point in the Town of Geneva.	

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

167 - 2020	Town of Geneva Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Augustine, Michael	
Tax Map No(s):	133.11-2-51.000	
Brief Description:	Area variance for adding a second garage bay on the west end of a house at 22 Bay Heights Circle in the Town of Geneva. The addition would have a side setback of 5' when 10' is required.	

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
 - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
 - Address impacts to ground and surface waters
- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

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

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

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

168 - 2020	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Hospitality Syracuse	
Property Owner:	R&F Canandaigua	
Tax Map No(s):	84.00-1-27.200	
Brief Description:	Site plan and special use permit for new 40 SF. 20' tall ground/pylon sign for Taco Bell at Raymour & Flanigan Plaza, 4404 SR 5/US 20 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/25870/168-2020-site-plan-ROUTE-5-and-20-4404-2020-09-10-and-Rendering	

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

168.1 - 2020	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Special Use Permit	
Applicant:	Hospitality Syracuse	
Property Owner:	R&F Canandaigua	
Tax Map No(s):	84.00-1-27.200	
Brief Description:	Site plan and special use permit for new 40 SF. 20' tall ground/pylon sign for Taco Bell at Raymour & Flanigan Plaza, 4404 SR 5/US 20 in the Town of Canandaigua.	

See information at 168.1-2020.

169 - 2020	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Marks Engineering	
Property Owner:	Metrose, William	
Tax Map No(s):	83.00-1.150	
Brief Description:	Subdivision of two parcels at 5100 and 5150 Bristol Road with a total of 7.43 acres into 10 lots for single family homes, and 1 lot for conserved open space. https://www.co.ontario.ny.us/DocumentCenter/View/25874/169-2020-sub-plan-BRISTOL-ROAD-5100-2020-09-21-pdf	

Previously reviewed as a Technical Review, referral 143-2019 in July 2019, and Sketch Plan in April 2020.

The subdivision continues to show 10 lots on a dedicated cul-de-sac off Bristol Road west of the Hammocks Apartments. Other adjacent land uses include a large lot single-family residence to the west and fallow agricultural land to the north. The conservation analysis indicates the site consists of open grass lands for the 350' closest to Bristol Road, then a mixture of brush and saplings to a distance of 650', then a mature forest to the rear of the property at 1,500' from the road. There is also an old hedge row of mature hardwoods along the western property boundary. According to Oncor, there are no mapped floodplains, wetlands or steep slopes on the site.

The proposed subdivision will remove approximately 200' of mature wood lot and retain the remainder. The plan also shows extension of public water and sewers, a single point of access onto Bristol Street, and an infiltration basin to the east of the project road. There is a cinder trail and a row of trees along the eastern property boundary as far as the cul-de-sac and a natural surface trail and 15' public access to the northern lot boundary and then turning east and continuing to a lot off Thompson Lane/Cornell Road in the City of Canandaigua. The subdivision requires a waiver to allow a minimum lot size of 9,000 SF when 10,000 SF is authorized by the clustering regulations.

The 3.3 acres of preserved land will be retained in private ownership with a conservation easement to the Town of Canandaigua and the right to use the parcel for forestry, underground utilities, stormwater management, trails, and agriculture, including agricultural structures. A land management plan will be developed by the applicant prior to filing the conservation easement.

Comments

1. Will the trail connect to developed areas to the east? Is it intended as a portion of a trail connection from Outhouse Park to Miller Farm?

Board Motion: A motion to retain 163-2020, 169-2020, 173-2020, and 174-2020 as class 1s and return each to the local board with comments.
Motion made by: D. Wink **Seconded by:** M. Woodruff
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

170 - 2020	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Leo Genecco & Sons	
Tax Map No(s):	55.02-3-119.100	
Brief Description:	Subdivision and area variance for 2 lot subdivision on an extension of Mobile Road by Stella's Flowers off SR 332 south of Canandaigua-Farmington Town Line Road in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/25912/170-2020-Cdga-Farm-TL-Rd-geneco-subdivision-2020-09-29-	

170.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Leo Genecco & Sons	
Tax Map No(s):	55.02-3-119.100	
Brief Description:	Subdivision and area variance for 3 lot subdivision on an extension of Mobile Road by Stella's Flowers off SR 332 south of Canandaigua-Farmington Town Line Road in the Town of Canandaigua.	

There are 6 developed single family lots off Mobile Road. The proposed subdivision will create another 2 lots along a private extension of Mobile Road. The lots are 100' and 130' wide with .5 and .4 acres. The required lot width is 200' and the required lot size is 2 acres. The applicant is requesting variances of the lot size and width standards. The remainder lot includes 49.427 acres. There are also an additional 15 acres owned by applicant. The applicant is also requesting a waiver of section 174-16 of Town Code regarding Conservation Subdivisions.

The subdivision plan, but not Oncon indicate substantial wetland areas in the northern and western portions of the parent parcel. Oncon does show the property and adjacent properties are in the agricultural district.

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW’s or easements for roads and other infrastructure.
 - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
 - Address impacts to ground and surface waters
- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

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

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

Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. Is easement from Farmington-Canandaigua Town Line Road intended to provide future access to remainder parcel? The applicant should be required to provide an overall development plan for the entire site. In particular, the private extension of Mobile Road may complicate future site development.
3. The EAF indicates stormwater will be conveyed to an established conveyance system, though the subdivision plan does not include any details.
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.

171 - 2020	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	NMS Brownroft	
Tax Map No(s):	98.13-1-7.000	
Brief Description:	Site plan and area variance for addition to house and new garages and deck at 3411 West Lake Boulevard off CR 16 south of Adams Drive in the Town of Canandaigua. Area variance to allow 40' rear (lake) setback when 60' is required; existing house is setback 50'. Area variance for 6.5' side setback when 12' is required. https://www.co.ontario.ny.us/DocumentCenter/View/25879/171-2020-site-plan-WEST-LAKE-BLVD-3411-2020-09-21	

See information at 171.1-2020.

171.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	NMS Brownroft	
Tax Map No(s):	98.13-1-7.000	
Brief Description:	Site plan and area variance for addition to house and new garages and deck at 3411 West Lake Boulevard off CR 16 south of Adams Drive in the Town of Canandaigua. Area variance to allow 40' rear (lake) setback when 60' is required; existing house is setback 50'.	

According to OnCor, all existing structures and the site of the house addition and 1 of the proposed garages are in the floodplain. OnCor also shows bands of 16-30 percent slope at the road edge and near the western edge of the lot.

**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 as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

172 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Imburgia, Stephen	
Tax Map No(s):	113.19-1-8.000	
Brief Description:	Area variance to add deck to front of house at 3999 East Lake Road south of Angel Way in the Town of Gorham. Proposed front setback of 16' when 50' is required. Proposed side setback of 8.5' when 15' is required. Proposed lot coverage of 34.5 percent when 30 percent is allowed.	

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
 - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
 - Address impacts to ground and surface waters
- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

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

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

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

173 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Heberle, Phil	
Representative:	Harrix-Maxwell, Jay	
Tax Map No(s):	72.05-1-100	

Brief Description:	Site plan for 1,080 SF addition of second story at Superior Plumbing, 2400 SR 21 between Andrews Road and Schutt Road in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/25882/173-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25883/173-2020-site-plan
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The .5 acre lot currently includes a 4,300 SF building used by Superior Plumbing. The building includes an apartment on the 2nd floor of the 2-story portion at the rear of the building. The proposed addition is over the single story front portion of the building. The existing parking area is unstripped gravel. No modifications are proposed to this area; outline of parking spaces is intended to document sufficient area for required/land banked parking.

Adjacent land uses include agriculture to the northwest, single family homes to the northeast and southwest, and a storage building across SR 21 to the southeast.

Board Motion: A motion to retain 163-2020, 169-2020, 173-2020, and 174-2020 as class 1s and return each to the local board with comments.

Motion made by: D. Wink **Seconded by:** M. Woodruff

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

174 - 2020	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Cummings, Wayne	
Property Owner:	LaBrecque, Dr Julie	
Representative:	Group 1 Design	
Tax Map No(s):	32-13-2-42	
Brief Description:	Site plan for renovation of existing building at 2 S. Main Street (SR 21) at the corner of State Street in the Village of Manchester for a dental office. https://www.co.ontario.ny.us/DocumentCenter/View/25884/174-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25885/174-20-site-plan-layout	

The site plan indicates use of two existing access points of S. Main Street and identifies 20 parking spaces along the north and east sides of the building and between the driveways on S. Main Street with curb stops to prevent intrusion on the sidewalk.

Comments

- Will the 20 proposed parking spaces be sufficient for the projected number of employees and patients given the number of treatment rooms and typical scheduling patterns? If not is on-street parking available on S. Main Street or in a municipal lot? The 5 parking spaces along the north side of the building fronting State St. could require backing into State Street. If these spaces are allowed, the referring board should consider requiring applicant to sign them for back in employee parking only. In conjunction with the NYSDOT request below to eliminate the northern access connection, the applicant could provide additional or relocated parking along the S. Main Street frontage.
- The apartment building at 8-10 S. Main Street does not appear to have on-site access to the parking area to the rear of the building. Does/should the lot have an access easement from the proposed site or via the driveway to the rear of the building at 12 S. Main St?

NYSDOT Comment

- The existing northern most site access point off SR 21/S. Main Street is very close to the State Street intersection. Continued use of this access point is a safety concern. The width of the other driveway appears sufficient to accommodate entering and exiting vehicles.

Board Motion: A motion to retain 163-2020, 169-2020, 173-2020, and 174-2020 as class 1s and return each to the local board with comments.

Motion made by: D. Wink **Seconded by:** M. Woodruff

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

175 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text amendment to Article V 211-51,52,53, and 54 regarding landowner responsibility for inspection and maintenance of stormwater facilities in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25886/175-2020-Stormwater-regs	

Amendments to stormwater control section of the zoning code to include added definition of Drainage Improvement Area and related map and changes to maintenance and repair section. The changes to 211-54 Maintenance and Repair of Stormwater Facilities includes clarification that property owners are required to inspect and maintain stormwater management facilities whether or not a formal maintenance agreement was executed at the time of development. Required property owner inspection applies in addition to any Town inspection as authorized by maintenance easements. The amendment requires landowners to have stormwater facilities inspected by a professional engineer every 3 years and to submit the inspection report to the Town with a plan and schedule to fix any problems. The amendment also includes procedures for enforcement and penalties for offenses.

Comment

1. Consider migrating to a code structure where the fines and penalties for code violations are centralized and can be easily updated?

Board Motion: To retain 175-2020 as a class 2 and return it to the local board with comments and a recommendation for approval.

Motion made by: T. Marks **Seconded by:** D. Wink

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

176 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Thomann, John	
Representative:	Marks Engineering	
Tax Map No(s):	127.19-4-56.000	
Brief Description:	Area variance for demolition and replacement of cottage at 4546 Lake Drive with house and 20x40 detached 2 story garage/bunkhouse. Re-development retains 42 percent lot coverage when 25 percent is allowed, 5.5' garage front setback when 30' is required and increases north side setback from <1' to minimum of 3'. Project also requires variance for garage height of 29' when 14' is allowed. https://www.co.ontario.ny.us/DocumentCenter/View/25887/176-20-site-plan	

When replacing a home, property owners are required to meet current regulations, or obtain variances regardless of pre-existing non-conformities or variances for the current building.

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

177 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Victor	
Brief Description:	Map and text amendment to Town of Victor zoning code 211-27.11 to add .54 acres adjacent to 607 Rowley Road to the Royal Car Wash at Cole and Parks Planned Development District. https://www.co.ontario.ny.us/DocumentCenter/View/25887/176-20-site-plan	

Area proposed for rezoning is identified only by metes and bounds; property has not been subdivided nor transferred to the applicant. The text amendment indicates the property will be added to Planned Development District; development within the district is governed by a PDD plan.

Comments

1. What use and setback regulations will apply to this property?
2. Will the added property be annexed to the existing developed lot?

NYS Thruway Authority Comments Requests that site plan approval be delayed or conditioned on transfer of property.

Board Motion: To retain 177-2020 and 177.1-2-02-as class 2sand return it to the local board with comments and a recommendation for approval.
Motion made by: Glen Wilkes **Seconded by:** Mike Woodruff
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

177.1 - 2020	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Map and text amendment to Town of Victor zoning code 211-27.11 to add .54 acres adjacent to 607 Rowley Road to the Royal Car Wash at Cole and Parks Planned Development District	

See information at 177-2020.

Board Motion: To accept late referrals 178-2020, 179-2020, 181-2020, and 181.1-2020.
Motion made by: Glen Wilkes **Seconded by:** Dave Wink
Vote: 14 in favor, 0 opposed 0 abstentions **Motion carried.**

178 - 2020	Town of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Victor Royal Car Wash LLC	
Property Owner:	Victor Royal Car Wash	
Tax Map No(s):	6.00-2-76.100	
Brief Description:	Site plan modification to construct a 3rd stacking lane with pay island, 15 additional vacuum stalls, and 5 employee stalls on land adjacent to existing Royal Car Wash at 607 Rowley Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25887/176-20-site-plan	

This is a site plan for the lands proposed to be transferred from the NYS Thruway Authority to Royal Car Wash. The application letter of intent indicates the property is 75'x300' though no dimensions are indicated on the site plan. The site plan does include a note that the existing property line will be dissolved. The additional property will accommodate a third stacking lane and pay island as well as 15 additional vacuum stations open to the general public and 5 employee parking stalls. .

Comments

1. The referring board should consider crosswalks or other features needed to provide safe passage of employees from new parking area to the office.

CPB Comment –Consider locating all vacuum stations on the new parcel and additional employee parking by the office where the existing vacuum stations are located.

NYS Thruway Authority Comments Requests that site plan approval be delayed or conditioned on transfer of property.

Board Motion: To retain referral 178-2020 as a class 1 and return it to the local board with comments.

Motion made by: Mike Woodruff Seconded by: Tom Lyon

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

179 - 2020	Town of Farmington Town Board	Class: n/a Late Referral
Referral Type:	Technical Review	
Applicant:	Farmington Pointe	
Property Owner:	Laviano, Rob	
Tax Map No(s):	41.00-1-13.111 41.00-1-37.000 41.00-1-36.110? 41.00-1-60.000? 41.00-1-35.100	
Brief Description:	Technical Review of incentive zoning concept plan showing 86 acres with commercial, multi-family, and single-family developed with 165 townhouses, 140 apartments, 70,400 SF of retail space and a 57,600 SF assisted living facility. Development includes frontage on SR 332, extension of Ivory Drive across the Auburn Trail, connection of Carmen's Way to Ivory Drive and a road connection from Carmen's. https://www.co.ontario.ny.us/DocumentCenter/View/25895/179-20-Concept-Plan	

The concept plan shows the following:

- Phase 1 –7 new buildings with 38,000 SF of retail space along SR 332 adjacent to the Terrace Apartments. This area is currently zoned General Business.
- Phase 2- 57,572 SF assisted living/memory care building with access off Carmen's Way at Ivory Drive in area zoned General Business.
- Phase 3- east of Auburn Trail – 6 townhouse buildings with 35 units and 16 visitor parking spaces, adjacent to Always Locked Mini Storage and A&D incentive zoning property. This area is zoned General Business
- Phase 3 - west of Auburn Trail - 9 townhouse buildings with 36 units and 12 visitor parking spaces. This area is zoned Residential Multi-Family.
- Phase 4 – 5 apartment building with 140 units adjacent to single family homes on Mountain Ash Drive and A&D Incentive Zoning property. this area is zoned R-1-15
- Phase 5-16 townhouse buildings with 95 units, adjacent to single family homes on Mountain Ash Drive and A&D Incentive Zoned property. This area is zoned R-1-15
- Phase 6-second connection to SR 332 opposite Duke of Gloucester Way. 26,774 SF plaza and 5,625 SF coffee shop in area zoned Neighborhood Business. The traffic study evaluated traffic generation of the smaller building as a fast food restaurant.

The concept plan indicates one or more stormwater management facilities in each phase except Phase 1. Overall building coverage is listed at 51 %. No information is provided about rate or number of parking spaces shown or deviations from setbacks of underlying zoning districts. Other site features include extension of Carmen's Way from SR 332 by Always Locked Mini-Storage through the site and connecting to the Hathaway Corners development, extension of Ivory Drive across the Auburn Trail, a new dedicated road from SR 332 near Mountain Ash Drive opposite Duke of Gloucester Way to allow for a future 4-way signalized intersection. This road crosses the Auburn Trail near SR 332 and continues on the west side of the trail to Ivory Way. There is a small trail parking area proposed southwest of this intersection. The concept plan also shows closing of the existing driveway to Prosecco's and related site modifications for patrons to use the existing post office plaza driveway and pass through the parking area in front of the new post office.

The traffic study refers to the Farmbrook/ Carmen's Way intersection as Farmbrook/Ivory Way and the future connection to SR 332 near Mountain Ash Drive as a driveway rather than a dedicated public road. The traffic analysis attributes 30 % of the commercial peak hour patrons during the evening peak hour as by-pass traffic currently using SR 332. The study indicates development of Phases 1-5 will generate peak hour traffic volumes exiting from Carmen's Way similar to the traffic volumes currently exiting via Farmbrook Drive and sufficient capacity existing as this and other study area intersections. The traffic study includes a preliminary signal warrant analysis indicating the proposed 4 way intersection opposite Duck of Gloucester Way would likely meet the minimum requirements for signal installation. The traffic study indicates to mitigate likely full development traffic impacts the applicant would be required to add the second connection to SR 332 at Duke of Gloucester Way as indicated on the Town's Major Thoroughfare Overlay Plan. Addition of this intersection will require removal of the existing northbound u-turn median break and likely a north bound left turn lane on SR 332. The study recommends an additional traffic study/signal warrant analysis be undertaken following the completion of Phase 5 to assess the need for this additional connection to SR 332.

Comments

1. The phases in the table with coverage calculations match the concept plan, but the table of units/SF by phase does not match the concept plan.
2. The applicant has not provided a summary of the development allowable under existing zoning. This analysis as well as documentation of any on-site wetlands and proposed incentives are necessary to evaluate the appropriateness of the proposed development density and the desirability of this Incentive Zoning proposal.
3. The traffic study should include analysis of the intersection of Mountain Ash Drive and SR 332 as the southbound residents of apartments and townhouses in Phases 4 and 5 can be expected to use this access point once the connection is made rather than the signalized intersection to the north at Carmen's Way.
4. Which roads will be dedicated or private roads? Where are sidewalks and pedestrian trail connections provided?
5. What is the state of existing vegetation within the Auburn Trail property and will the natural character of this trail corridor be preserved following development of this project?
6. Lot 135.10 with 22.2 acres is listed as included but not shown on the concept plan. Lot 41.00-1-60.000 with 14.6 appears to be part of the development but is not listed on the concept plan. What is the size of the projected development and the building and lot coverage?
7. Where is the stormwater management facility for Phase 1 development?
8. Where is the boundary line between Phases 3 and 5?
9. The 3 acres shown as intended for the Farmington Volunteer Fireman's Association appear to be landlocked
10. The coffee shop is shown partially in Phase 5 and partially in Phase 6. This may be significant if developed as a fast food restaurant.
11. There is no landscaping shown along SR 332 and limited landscaping along new internal roadways. What additional streetscape/ landscaping is needed?
12. There is no buffer landscaping shown between single family homes on Mountain Ash Drive and the Phase 5 townhouses or at the rear of the Phase 4 apartments and the Phase 5 townhouses adjacent to the proposed through road/driveway.
13. The new post office square footage should be included in the Phase 1 proposed building square footage.

- 14. Does not seem realistic to expect retail to be developed first when other area mixed use projects are proceeding with residential but not commercial development.
- 15. Can a snowplow turnaround with vehicles in the visitor parking spaces at end of Phase 3 east access road?
- 16. What uses and development density are allowed by Incentive Zoning on the A & D property to the west?

Board Motion: To accept late referrals 180-2020 and 180.1-2020
 Motion made by Mike Woodruff Seconded by Jack Doyle
Vote: 13 in favor, 0 opposed 1 abstention (Glen Wilkes) Motion carried.

180 - 2020	Town of Phelps Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Hanson Aggregates NY LLC	
Property Owner:	Kenneth & Lillian Horst	
Representative:	Michael A. Fogel Esp @Brown, Duke & Foge	
Tax Map No(s):	49.00-1-66.111 49.00-1-73.220	
Brief Description:	Site plan and special use permit for 35 acre mining area expansion by Hanson Aggregates on the south side of SR 96 west of the existing mine at Haynes Road and east of the creek in the Town of Phelps. https://www.co.ontario.ny.us/DocumentCenter/View/25896/180-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25897/180-20-Mining-Plan-Map https://www.co.ontario.ny.us/DocumentCenter/View/25897/180-20-Mining-Plan-Map	

On June 2, 2020, Hanson Aggregates received a permit from DEC to amend their Mined Land Use Plan to add 35 acres immediately west of the previous extent of property included in the mine permit area and now the subject of a special use permit and site plan. The modification area is zoned C-2 and in the Mine Overlay District. The modification area extends as far west at the class C(t) tributary to the Canandaigua Outlet. The application materials identify the modification area as currently in agricultural use with 18 percent of the area listed as highly productive soils. The new area will not include an additional access point from SR 96 and no buildings are proposed.

The modification area consists of two parts: one with 11 acres owned by Hanson along SR 96 and a portion of a 325 acre dairy farm to the south. Hanson recently requested that the 11 acre property be removed from the agricultural district. There are 3 active farm operations within 500’ of the modification area. Other non-mine uses along SR 96 near the modification area includes a home on Pre-Emption Road to the west (R1 in the noise analysis), a cluster of homes on the north side of SR 96 (the nearest house is R2 in the noise analysis) and 2 homes on the south side of SR 96 between the existing and added mine area (R3 in the noise analysis).

According to application materials, the modification area has slopes of less than 10 percent and is located over a principal aquifer. One-third is poorly drained soils. In 2018 the applicant conducted drilling to document subsurface conditions. The silty clay overburden is 17’ to 37’ in depth over sand and gravel deposits.

The recent permit increased the Life of Mine area to 459 acres. The 189 acre Permit Term Area covered by the 11/16/2016 to 11/15/2021 permit remains unchanged. The Mined Land Use Plan shows the location of active areas south of SR 96 including a fine sand mining east of Hayes Road (27.2 acres) and the south pit, west of Hayes Road. It also shows the 25 acre processing plant, stockpile area, and settling ponds north of SR 96 opposite Hayes Road; the Phase I and Phase II reclaimed areas totaling 46 acres north of the plant, and 52 acres for future mining located immediately east and west of Hayes Road and south of the south pit.

The Reclamation Plan Map identifies an additional 14 acres of reclaimed land and 19 acres of open water in Phases III and IV north of SR 96, a plan to reclaim the fine sands area east of Hayes Road for agricultural use, 115 acres of open water in the south pit/modification area, and 37 acres of open water further south and immediately east of Hayes Road. The current mine permit and modification expect no more than 50 percent of reclaimed areas to be open water with 40 percent emergent growth area with a maximum depth of 1’ to 3’, and 10 percent undisturbed or reconstructed islands.

The Reclamation Plan Map indicates a 100’ setback along the Niagara Mohawk power transmission line ROW that separates the south pit area from expansion areas further south. The Plan shows a small area of overburden disposal within a portion of this setback and a large area of overburden disposal to the east of the two residences at noise receptor R3. The plan shows 100’ setback areas along SR 96, 75’ setbacks along some perimeter property lines, and 25’ setbacks along some property lines. Some of the proposed berm areas identified on the Mining Plan Map are not labeled on the Reclamation Plan Map.

The applicant anticipates mining 1.5 million cubic yards from the modification area over 10 years and creating a 4.5 million gallon, 30 acre groundwater impoundment area. The pond will be contiguous with the existing pond created by mining the south pit. As reported above, the final size of the pond will be 115 acres with a maximum depth of 50’. Existing mine operation plan provisions regarding spill prevention, control, and containment will apply to the modification area. The disturbed perimeter will be graded to natural slope of 1v 3h, ponds will have 1’-3’ depth at edge and 1:3 or 1:4 slopes further out.

The EAF Part 1 identifies potential air emissions in diesel exhaust from generators and excavation equipment and dust from excavation, haul roads, and processing. The mine permit application provides an analysis of noise impacts at existing homes in the vicinity of the modification area. The analysis identifies the primary source of existing ambient noise as traffic on SR 96 and CR 6. The analysis used field measurements to identify the sound level of equipment to be used in stripping and mining the modification area as follows:

- Stripper 84 dBA
- Above water excavation with front-loader 81.6 dBA,
- Below water excavations with dredge 86 dBA.

The noise analysis projected the impact of such equipment operations on existing noise levels at 3 locations (R1, R2 and R3). Most sound level changes are projected at 3-6 dBA above existing levels. According to the application, NYSDEC only considers such increases significant for very sensitive receptors. The greatest sound impact would be from stripping activities around the 2 homes between the existing mine and modification area (R3). Proposed stripping activity is projected to increase sound level by 13.8 dBA at R3 on the south side of SR 96; the potential for adverse noise impact at R3 is mitigated by a proposed perimeter berm. The berm would reduce sound increase to 5.2 dBA.

Comments

1. The Mined Land Reclamation law restricts local municipal input on mine operations to appropriate setbacks from adjacent properties and the public ROW and design of berms. The Mine Land Plan indicates a proposed berm outside the 25’ no operations setback and within an identified additional 75’ setback to active mining area. The submitted materials do not indicate when the berm will be installed, though the noise impact analysis indicates the berm is necessary to mitigate the impact of noise from stripping activities on the two homes at receptor R3. In approving any site plan or special use permit, the referring body should condition any stripping or mining activity in the modification area on satisfactory completion of the berm.
2. The applicant may be asked to clarify current and future compliance with the 50 percent open water, 40 percent emergent wetland, and 10 percent undisturbed or constructed islands in the reclamation areas.

Board Motion: To retain 180—2020 and 180.1-2020 as class 1 and return to the local body with comments.
Motion made by: David Wink Seconded by: Tom Lyon
Vote: 13 in favor, 0 opposed 1 abstention (Glen Wilkes Motion carried).

180.1 - 2020	Town of Phelps Zoning Board of Appeals	Class: 1 Late Referral
Referral Type:	Special Use Permit	
Applicant:	Hanson Aggregates NY LLC	
Property Owner:	Kenneth & Lillian Horst	
Representative:	Michael A. Fogel Esp @Brown, Duke & Foge	
Tax Map No(s):	49.00-1-66.111 49.00-1-73.220	

Brief Description:	Site plan and special use permit for 35 acre mining area expansion by Hanson Aggregates on the south side of SR 96 west of the existing mine at Haynes Road and east of the creek in the Town of Phelps.
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See information at 180-2020.

181 - 2020	Village of Naples Village Board	Class: n/a Late Referral
Referral Type:	Technical Review	
Applicant:	Village of Naples	
Brief Description:	Technical review of proposed amendments to Village and Town of Naples Zoning Codes to consolidate definitions and apply appropriate development regulations to commercial, residential, and mixed use areas and ease administrative of code by shared CEO and Joint Planning and Zoning Boards. https://www.co.ontario.ny.us/DocumentCenter/View/25899/181-2020-Naples-Zoning-TR-	

TBA

181.1 - 2020	Town of Naples Town Board	Class: n/a Late Referral
Referral Type:	Technical Review	
Applicant:	Village of Naples	
Brief Description:	Technical review of proposed amendments to Village and Town of Naples Zoning Codes to consolidate definitions and apply appropriate development regulations to commercial, residential, and mixed use areas and ease administrative of code by shared CEO and Joint Planning and Zoning Boards.	

TBA

Clearing House Reviews – none

Upcoming Training –

Wed. October 21 to December 30, 2020 various daytime events and topics Capital Districts Regional Planning Council

https://www.eventbrite.com/e/cdrpc-fall-webinar-series-tickets-122397681761?mc_cid=61ba772f5c&mc_eid=d636d0d359

Wed. October 21, 2020 from 2-4 pm- Affordable Housing NYS DOS/Southern Tier West

Registration Link: <https://meetny.webex.com/meetny/k2/j.php?MTID=t7c3348217f3e45c95f92947589181fec>

Mon. October 26, 2020 from 6-8 pm – Solar Energy Regulation, NYSDOS/Columbia County Planning

<https://meetny.webex.com/meetny/k2/j.php?MTID=t1319148ca295b069e05794cdb1ac280f>

Thurs. October 29 from 3-4:30 Floodplain Regulations for Local Review Boards, NYSDOS/ Black River Watershed Conference,

Registration link: https://us02web.zoom.us/webinar/register/WN_gs1eENq4RHylTR1_X4b_Mw

Wed. November 4, 2020 from 2-4 pm –Sign Regulation NYS DOS/Southern Tier West, Registration link will be posted here when available. <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

Thurs. November 12, 2020 Time TBA, Floodplain Regulations for Local Review Boards, NYSDOS/Dutchess County Registration link will be posted here when available. <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

- **Other info to share** – resignations received from Matt Sousa, Alternative CPB member and Bert Crofton representative from the Town of South Bristol. The Town of South Bristol has recommended a replacement who will likely be appointing and present as a voting member in January 2021.
- **Privilege of the Floor**

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 10/14/20 County Planning Board meeting. **A motion to adjourn was made by** Glen Wilkes, **seconded by** Bill Namestnik. **Motion Carried.** The 10/14/20 CPB meeting adjourned at 8.33 pm.

Respectfully submitted by Linda Phillips, Senior Planner

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)

