



Planning Board

Draft Minutes for February 10, 2010

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- Introduction -

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 heard by the CPB. It can also be viewed at the Ontario County Planning Department Website:

<http://www.co.ontario.ny.us/planning/cpbsch.htm>

- 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 1's are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. The CPB will identify such an impact for Class 2 applications 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 I, 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 \(c\)](#)

- Reporting back to the CPB -

Report of final action - Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.”

[NYS General Municipal Law, Article 12-b Section 239-m, Part 6.](#)

County Planning Board Members: -

Cities:

Canandaigua - John Thompson*

Geneva - Mary Bogin

Towns:

Bristol - Thomas Neary*

Canadice - **Stephen Groet***

Canandaigua - Mary Prince

East Bloomfield - **Arthur Babcock***

Farmington - Mary Neale

Geneva - Alan Deuel*

Gorham - **George McCadden***

Hopewell - Kirk Locus

Manchester - **Jaylene Folkins, Chair***

Naples - Terrence Hopper*

Phelps - **Glen Wilkes***

Richmond - Bruce Campbell*

Seneca - **Clifford Kunes***

South Bristol - Peter Osborne*

Victor - **John Palomaki**

West Bloomfield - **Richard DelVecchio, Vice Chair**

* Indicates attendance at the meeting. Names in bold are members that currently serve on a local Legislative body, Planning Board or ZBA.

County Staff Present:

Tom Harvey, Ontario County Department of Planning

Linda Frasca, Administrative Assistant, Ontario County Department of Planning

Guests:

Chris Mahen

Michael Morris

Kurt Charland

James Gray

Tom Bonacci

Deborah Kraft – Lochland School

Call To Order/Roll Call: Jaylene Folkins called the February 10, 2010 County Planning Board meeting to order at 7:31; with Ms. Frasca doing roll call and reporting that 12 members were present meeting the requirement to establish a quorum. The actions described below are not necessarily listed in order of occurrence.

Class 1 Referrals

18 -2010

City of Geneva Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *172 & 173-09*

Applicant: *Lochland School*

Property Owner: *Lochland School*

Representative: *Steven C. LaFrance*

Tax Map Parcel #: *119.16-1-1*

Brief Description: New Site Plan showing new location for proposed Administrative Building. The

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applicant has relocated the administration building further east on the site, which is actually located on Parcel No. 119.12-1-10. The Lochland School is located to the north of the American Legion on the east side of Lochland Rd. (State Rte 14).

NOTE: The CPB reviewed the project in Nov. 2009 as referral 172-2009. Citing no countywide or inter-municipal impacts, the Board abstained from making any recommendations and forwarded comments to the applicant for their review. The Board comments centered the need to develop a master plan for the entire property and ensuring that the architectural character of the property was not disrupted by the proposed new administrative building.

Review Area	Description	Review Comment
Gateway Corridor	<p>The project is located on State Rt 14 which is identified as a primary travel route for tourists. (See CPB Bylaws §2.1)</p> <p>The new location of the building is setback further from State Rt 14 behind a row of apple trees.</p>	<p>The increased front setback and the buffer provided by the existing vegetation should have a positive impact on the SR 14 streetscape</p>
Water Resources/ Stormwater	<p>This parcel is Seneca Lake watershed. It lies between State Rt 14 and the RR tracks along Seneca Lake.</p>	<p>Minimal information is provided regarding stormwater management.</p> <p>Considering its proximity to the lake, the applicant should assure that the project complies with all state and local stormwater regulations.</p> <p>The applicant should investigate opportunities to reduce surface water flow by incorporating sustainable design features such as a rain garden, infiltration bed/trench or bio-retention area.</p>
Infrastructure	<p>Public water and sewer service is available.</p>	
Traffic/Access Mgt.	<p>Existing access points are being used.</p>	

BOARD ACTION: On a motion by Terrence Hopper, seconded by John Thompson, the Board made no recommendation of the application stating that the review should be left to the sole discretion of the referring agency for the following reason with the following comment:

REASON: The application does not appear to have any significant county-wide, intermunicipal, or community character impacts.

COMMENT: The new proposed location for the administrative building is an improvement over

the previous proposal.

19 -2010

City of Geneva Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Hobart & William Smith Colleges*

Property Owner: *Colleges of Seneca*

Representative: *Chaintreuil Jensen Stark*

Tax Map Parcel #: *104.19-2-1.100*

Brief Description: Proposed conversion of the Harris House, which is part Hobart and William Smith College, from an educational use to a guest house with four guest rooms and one office suite. Located on the west side of South Main St., 230 ft. north of the St. Clair St. intersection.

Review Area	Description	Review Comment
Stormwater/Drainage	No change to impermeable surface. No additional paving, etc.	
Historic Preservation	The Harris House is part of the National Register - S. Main St. Historic District. The applicant is removing an exterior fire escape from the south side of the building.	The project has been reviewed by the City of Geneva Historic Districts and Structures Commission which has stated that the removal of the fire escape would improve the historic character of the building.
Community Character		(See Historic Preservation for comment on fire escape.) A guest house provides a use pattern more typical of residential land use.
Parking and Traffic – Public Safety	No additional parking is required. Off site parking is used. Applicant must comply with building codes	Building code compliance should assure that emergency exit from building is adequate given the removal of the fire escape.

BOARD ACTION: On a motion by Stephen Groet, seconded by Clifford Kunes, the Board made no recommendation of the application stating that the review should be left to the sole discretion of the referring agency for the following reason with the following comment:

REASON: The application does not appear to have any significant county-wide, intermunicipal, or community character impacts.

COMMENT: The College should be commended for identifying a use for an existing building of significant character that is compatible with the neighborhood and for investing in a historically sensitive rehabilitation of that structure.

22 -2010

Town of Geneva Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *White Springs Farm Estate Winery, Ltd*

Property Owner:

Representative:

Tax Map Parcel #: *133.00-1-18.120*

Brief Description: The applicant is proposing to construct an approximately 2,300 sq. ft. addition to the existing White Springs Tasting Room at the White Springs Farm Estate Winery located at 4200 State Rt 14 (west side of State Rt 14, north of the Bay . The winery is located on a 9.1-acre parcel in the Lake View Overlay District. The overly district establishes a special use permit requirement for tourist-related business. The addition will accommodate the limited production, tasting, and sale of a new craft beer.

Review Area	Description	Review Comment
Zoning	Parcel is located in an R-1 zone with a Lakeview Overlay District. A special use permit is required to permit tourist-related business activity within this zone. The special permit would allow the limited production, tasting, and sale of a new craft beer.	Per Town code, the permitted business can only consist of retail sales, sales of food and drink for consumption on premises, restaurant operation, lodging facilities. The beer production area may violate the permitted uses as per Town code. It is unclear as to what type of production equipment (and its capacity and noise generation) will be installed.
Setbacks and Height	The only mention of a setback is a 35 ft. setback on the backside of the building. There is a housing tract to the south and several residences between the parcel and State Route 14.	Per Town code, the permitted use shall be no closer than 250 feet to a property line upon which is located an existing residence. The buildings shall be no higher than two stories high, or 30 ft., whichever is higher, and shall not block the view of Seneca Lake from any existing residential property. The buildings shall be located at least 250 ft. from the western boundary of Route 14.
Water Features	There is a stormwater management facility on the property. The parcel along with adjacent parcels has a view of Seneca Lake.	Future development of this parcel will require care due to the location of the stormwater management facility.
Infrastructure	Public sewer and water is present.	Make sure all existing active sewer, water, gas, electric, and other utilities will be protected at all times during construction. Utility hookups may be needed in the beer production area if equipment will be installed.

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Traffic/Access Mgt.	There is no mention of increased parking or heavy truck traffic because of the increased square footage of the addition or addition of a new craft beer market.	The addition of square footage may require the addition of parking spaces and handicap parking spaces. The new craft beer component of the winery may draw more visitors needing more parking. More parking area may require more drainage needs. Adjacent residences may be sensitive to increased heavy truck traffic (because of new craft beer production).
Buffers	There is a 250 ft. buffer on two sides.	The 9.1-acre natural buffer may protect the residences from intrusion by view and noise. However, if the natural buffer is insufficient, a sufficient natural barrier per Town code should be erected and maintained on the property to create a buffer for existing residences.
Drainage	Private drainage infrastructure is present. There is no mention of grading, sloping, or cover of parking lot in terms of drainage.	Consider increased drainage needs with the construction of the addition.
Land Cover	Land type is orchard. Present land use in the vicinity of the winery is residential, commercial, and agricultural. The amount of land initially affected by the winery was approximately 9 acres. The addition will affect a minimal amount of land because the addition is in the existing tasting facility tract.	
Aesthetics	There is no written description of the architectural design or building materials.	Per Town code, the building must comply with architectural design: 1) exterior shall present a natural appearance of recognized quality building materials that shall appear to be wood, quality brick, glass, field stone or a combination of such materials, 2) the outward appearance of all buildings shall be fitting to and complement the rural area in which the Lakeview District is located.
Lighting	Outside lighting on the addition is not mentioned.	Per Town code, outside lighting must be low-level-type.

CRC Comment: The Town should review and possibly update its definition of wineries to include beer production and beer sales to make it clear that this is an allowed use.

BOARD ACTION: On a motion by Alan Duel, seconded by Glen Wilkes, the Board made no

recommendation of the application stating that the review should be left to the sole discretion of the referring agency for the following reason with the following comment:

REASON: The application does not appear to have any significant county-wide, intermunicipal, or community character impacts.

COMMENT: The town should review and update as necessary the list of permitted uses and definitions to ensure that beer production and sales are clearly allowed uses.

Class 2 Referrals

23 -2010

City of Canandaigua Planning Board

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *FF Thompson Hospital, Inc.*

Property Owner:

Representative: *Bergman Associates*

Tax Map Parcel #: *83.20-1-2.1*

Brief Description: Applicant proposes demolition of 11,000 sq. ft. of the existing hospital, replaced by a 62,024 sq. ft., 3-story addition. The first floor is proposed at 25,545 sq. ft., the second at 25,793, and the third floor penthouse would be 10,686 sq. ft. The three story addition is proposed on the north side of the existing building. The project also involves remodeling 39,573 sq. ft. of the existing building, and modifications to the parking lot. A total of 3 acres of the site will be disturbed by the construction. The property is located at the northwest corner of the intersection of Parrish St. and West Avenue.

Review Area	Description	Review Comment
Zoning	Parcel is located in the City’s HR: Health Related District. The hospital use is an allowed principal use.	
Setbacks and Height	Zoning requires a minimum 5 acre parcel; the existing parcel is 24.3 acres. A front setback of 50 ft. is required, and 135 ft. is proposed. A side yard setback of 25 ft. is required and 607 ft. is proposed. A rear yard setback of 75 ft. is required, where 635 ft. is proposed. Lot coverage of 20% is allowed, where 10.6% is proposed. A maximum building height of 40 ft. is required (without increasing setbacks), and the proposed building will be below 40 ft.	Proposed construction meets all zoning dimensional and parking requirements for the hospital and related uses on the property.
Parking	A total of 627 parking spaces are required where 1,012 are proposed.	
Water Features	There is a stormwater management facility on the northeast corner of the property. This discharges to a natural drainage swale that drains eventually to Sucker Brook.	There are no significant water features on the property.

Infrastructure	Public sewer and water is present.	Sufficient public infrastructure exists to support the proposed expansion.
Traffic/Access Mgt.	On the Environmental Assessment form the applicant has stated the proposed project will not result in the generation of traffic significantly above present levels.	The existing buildings on site total 268,909 sq. ft., meaning after the proposed demolition and addition there will be a net increase of 51,024 sq. ft., bringing the total on site to 319,933 sq. ft. Traffic accident data on Parrish St. and West Ave. should be reviewed to ensure that additional improvements on these local roads and intersections are not warranted.
Buffers	No changes to landscaping at the periphery of the property is proposed.	
Drainage	There is a stormwater management facility on the north east corner of the property. Stormwater infrastructure will drain the proposed building and parking lot to that facility, which will be deepened slightly. A stormwater pollution prevention plan (SWPPP) has been submitted with the application. The detention facility discharges to a pre existing drainage swale and eventually drains to Sucker Brook.	The project appears to comply with current NYS DEC stormwater regulations, being compliant with the SPDES General Permit for Construction Activity (GP-0-8-001).
Land Cover	Buildings, parking, sidewalks, and other paving cover 16.1 acres of the property presently. The proposed project will increase this to 16.6 acres.	
Aesthetics	The elevations indicate the new building will face to the north (toward Bristol St.) and not be significantly visible off site. The building appears to be similar in form and construction materials as the existing building.	
Lighting	Outside lighting on the addition is not mentioned.	Site lighting should be revised to lessen off site light spillage.

Additional Information After CRC Meeting: In response to questions raised at the CRC meeting, the city clarified the proposed purpose of the addition: The addition will house hospital functions, as the doctor's offices will move off site. It is the hospital's intention to use the new drop off and entry on the

north side to serve as patient intake for patients with scheduled admissions, with all others being admitted through the emergency entry.

CRC Comments: The Town and the City should do a traffic study of the area because of all the additional residential and office uses that have been constructed and are being proposed for this area to ensure that additional traffic control measures are not needed on local roads and intersections.

BOARD ACTION: On a motion by George McCadden, seconded by Clifford Kunes, the Board recommends approval of the application as a Class 2 for the following reason with the following comment:

REASON: The improvements would separate visitor from patient entries to the building and the site (patients from West St. and visitors from Parrish St.), is in character with the surrounding neighborhood, and meets stormwater management regulations on site.

COMMENT: The CRC Comments are adopted as Board Comments.

25 -2010

Town of Farmington Planning Board

Class: 2

Type: *Special Use Permit*

Related Referrals: 26-2010

Applicant: *James Gray*

Property Owner:

Tax Map Parcel #: 31.00-1-35.100

Brief Description: Private use airport on a 54 acre parcel consisting of a 1,650 ft. long by 50 ft. wide turf runway in the A-80 Agriculture District. Located at the north east corner of the intersection of State Rte 96 and County Road 28.

Review Area	Description	Review Comment
<p>Existing/ Neighboring Land Uses</p>	<ul style="list-style-type: none"> ▪ Current use of site is farm land/open field ▪ Surrounded by agricultural uses ▪ The property is located in a County agricultural district and within 500 feet of a farm operation. ▪ The FAA recommends that “the centerline of an airport runway should have a lateral separation of at least 60 feet from roads and other objects for aircraft 	<ul style="list-style-type: none"> ▪ §100-65D.1.j requires “protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.” An airport is likely to have such impacts. Information is not provided regarding the magnitude of these impacts (e.g. hours of operation, # of planes using facility), nor how they will be mitigated (e.g. buffering) ▪ The FAA requires minimal distance from roadways and structures. Given that the current zoning for A-80 does not have setback requirements, the Town has no way (via zoning regulations) of ensuring that adjacent neighbors will not build within this 60’/120’ zone. This may post a safety issue. How did the applicant determine the runway length? Does the runway need to go to edge or property or can it be shortened? There is a discrepancy between the two maps in the application. One indicates the runway will be 1650’ in length and the other 1600.’ ▪ The distance between the runway and multiple existing structures as show on the applicants drawing labeled “10-

	with approach speeds less than 50 knots and 120 for airplanes with approach speeds of 50 knots or greater.	28 Runway Layout” do not appear to be in compliance with the aforementioned FAA distance standards. <ul style="list-style-type: none"> ▪ Need establishment of a runway protection zone (per <i>FAA Advisory Circular 150/5300-13 Airport Design Figure 2-1</i>)? It would appear creating that cone with interfere with existing buildings.
Land Cover	<ul style="list-style-type: none"> ▪ Wetlands, Fields 	
Zoning/FAA standards	<ul style="list-style-type: none"> ▪ In Zoning District A-80 (§165-18). Airports are allowed with a special use permit in Zoning District A-80 ▪ §165-66 details the regulations for special use permits for Airport ▪ The FAA recommends that “a clear 20:1 approach slope be established.” 	<ul style="list-style-type: none"> ▪ Zoning District A-80 has no setback requirements. FAA requires that all roadways and structures be greater than 60’ or 120’ away (depending on size of plane). Because the runway goes all the way to the edge of the property, there is not way to ensure compliance from adjacent properties in the future. The application does not indicate that an easement is proposed for the adjacent property to the east to ensure the recommended setback from the runway. ▪ Similar to the above, no easement is proposed to ensure that the recommended 20:1 approach slope (air space) is preserved over the adjacent property to the east at the end of the runway. ▪ The application is lacking several items required by §165-66.C, including: <ul style="list-style-type: none"> ▪ # and type of aircraft expected to be based at airport ▪ Anticipated daily operations ▪ USGS topographic map (to accompany airspace clearance granted by FAA) ▪ NYS Commissioner of Transportation’s determination concerning airport in accordance with provisions of §249 of the NYS General Business Law ▪ 1”:500’ scale map does not show exact location of runway. Does not show distance to all structures within 2000’ (e.g. across the road) ▪ 1”:100’ scale map does not show contour lines, aircraft parking and tie town areas, method of fuel storage, provisions for sanitary waste disposal and water supply, provisions for parking as required by §165-66.C(10)
Water Resources	<ul style="list-style-type: none"> ▪ Federal and State NYS DEC wetlands (CG-9) located on northwest corner of site. ▪ There appear to be drainage tiles in 	<ul style="list-style-type: none"> ▪ The proposed runway appears to lie within the 100’ buffer of State and/or Federal wetlands located on site.

	northeast corner of site. They do not appear to be directly impacted by proposed runway	
Infrastructure	<ul style="list-style-type: none"> ▪ Sewer and Water noted as “private” in application 	
Traffic/Access Mgt.	<ul style="list-style-type: none"> ▪ No information provided regarding changes to parking and/or access 	<ul style="list-style-type: none"> ▪ Where will planes be parked?
Stormwater Drainage	<ul style="list-style-type: none"> ▪ Noted as “private” in application 	
Signage	<ul style="list-style-type: none"> ▪ No information provided 	
Lighting	<ul style="list-style-type: none"> ▪ No information provided. Assumed not proposed. 	<ul style="list-style-type: none"> ▪ FAA recommendation letter recommends use only under visual flying rules, implying no night use.

CRC Comments: The Town should take note of the impact of the approach lanes at the end of the runways and their impact on both the air rights on adjacent property and the need for easements or other controls to prevent obstructions, including trees, into the approach lanes in compliance with FAA recommendations. The possibility of plane landings and takeoffs being a distraction to drivers on State Rte 96 and County Road 28 is a concern for traffic safety.

BOARD ACTION: On a motion by Terrence Hopper, seconded by Peter Osborne, the Board recommends approval of the application as a Class 2 for the following reasons with the following comments:

REASON: The small scale of the operations proposed will have little countywide, intermunicipal, or neighborhood character impacts as long as the referring agency specifies precise limits on the types of planes, facilities, and operations that are allowed. A larger plane and/or more frequent flights may become a distraction to drivers on State Rte 96 and County Road 28.

COMMENTS: The Town should ensure that the approach lanes to the runways are clear of obstructions and are protected from future encroachment, adjusting the length of the runway as necessary. The Town should also be aware of the proximity of the proposed runway to a NYS DEC protected wetland and a federal wetland as indicated on the National Wetland Inventory Map in the vicinity of where tree removal and minor grading will be required.

26 - 2010 Town of Farmington Planning Board Class: 2

Type: *Site Plan*

Related Referrals: 25-2010

Applicant: *James Gray*

Property Owner:

Representative:

Tax Map Parcel #: *31.00-1-35.100*

Brief Description: Private use airport on a 54 acre parcel consisting of a 1,650 ft. long by 50 ft. wide turf runway in the A-80 Agriculture District. Located at the north east corner of the intersection of State Rte 96 and County Road 28.

BOARD ACTION: On a motion by Terrence Hopper, seconded by Peter Osborne, the Board recommends approval of the application as a Class 2 for the following reasons with the following comments:

REASON: The small scale of the operations proposed will have little countywide, intermunicipal, or neighborhood character impacts as long as the referring agency specifies precise limits on the types of planes, facilities, and operations that are allowed. A larger plane and/or more frequent flights may become a distraction to drivers on State Rte 96 and County Road 28.

COMMENTS: The Town should ensure that the approach lanes to the runways are clear of obstructions and are protected from future encroachment, adjusting the length of the runway as necessary. The Town should also be aware of the proximity of the proposed runway to a NYS DEC protected wetland and a federal wetland as indicated on the National Wetland Inventory Map in the vicinity of where tree removal and minor grading will be required.

20 - 2010 Town of Geneva Planning Board Class: 2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Town of Geneva*

Property Owner: *Neal A. Headley*

Representative: *Murray P. Heaton, Esq.*

Tax Map Parcel #: *103.04-1-30.000*

Brief Description: Three Area Variances are requested: 1) Reduction of front setback; 2) Reduction of rear setback; 3) Reduction of side setback on the west side of the property. The applicant is proposing to construct a 2,530 sq. ft. addition to the existing Headley's Liquor storage and retail space of 1,830 sq. ft. at 820 Routes 5&20. The existing sewer line is to be moved to the south side of the property at the owner's expense.

Review Area	Description	Review Comment
Zoning	Parcel is located in a B-1 zone. Front setback is proposed at 21.5 ft. (same as the rest of the existing building) where 75 ft. is required. A rear setback of 5 ft. is proposed where 35 ft. is required (31 ft. existing). On the west side a setback of 5 ft. is proposed where 25 ft. is required (18 ft. is existing).	
Lot Coverage	Total area of parcel is 0.228 acres. The commercial building is a 2-story with each story 12 ft. in height. Gross floor area is 3,720 sq. ft. and perimeter is 364.	The addition may violate the density control schedule for B-1 district. The lot coverage may be violated. Schedule IIIB density should be (after sewers): nonresidential uses must have an area of 37,500 sq. ft., width of 150 ft., depth of 250 ft.; minimum yard dimensions must be 75 ft. front, 25 ft. side, and 35 ft. rear. Maximum lot coverage should be a maximum of 35% (including all accessory buildings). For new construction, Schedule IIIC density should be: nonresidential uses must have an area of 45,000 sq. ft., width of 200 ft., depth of 200 ft.; minimum yard dimensions must be 75 ft. front, 25 ft. side, and 35 ft. rear. Maximum lot coverage should be a maximum of 35% (including all accessory buildings).
Water Features	There is no mention of water features.	
Infrastructure	Public sewer and water infrastructure is present. Existing sewer line is to be moved to the south side of the property at the owner's expense.	Make sure all existing active sewer, water, gas, electric, and other utilities will be protected at all times during relocation of sewer line and construction of addition.
Traffic/Access Mgt./Parking	There is 7,000 square ft. of asphalt on this parcel. There are currently 12 off-street parking spaces on the parcel. A portion of the parking spaces on the south side of the building are within the right-of-	The addition increases the square footage which may then require additional parking spaces and handicap parking. The code mentions that retail business or service requires 1 off-street parking space for each 200 square feet of customer floor area. If the entire addition is customer floor area, then an additional 12 parking spaces may be needed.

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	way of Route 5 and 20.	
Buffers	Curb provides a buffer along Tremont and 5&20. A hedge row seems to be present as a buffer in the northern corner of lot.	Buffers may be important on this parcel in terms of stormwater runoff and drainage. Be sure that the buffers assist in the prevention of flooding into adjacent properties and roadways.
Drainage	There is no mention of drainage infrastructure or blacktop grading.	An addition may cause additional stormwater runoff and flooding. Parcel seems to be covered completely in black top. Drainage system should be defined as to not affect adjacent properties and roadways. Grading of black top should drain stormwater away from the building and addition. There should be drainage basins between parking areas and public streets to avoid flooding. Consider drainage at edge of parking area near curb island where stormwater could pool if not drained properly. If drainage basins are removed because of addition, make sure to replace drainage basins somewhere else on property. Consider the addition of grassy drainage swales.
Land Cover	Present land use in vicinity is commercial. The amount of land affected both initially and ultimately is .058 acres.	
Aesthetics	There is no written description of architectural design or building materials for the addition.	The addition should be fitting to and complement the existing building and surrounding area.
Economy	Application states that the retail liquor store is unable to remain economically viable at its current size under existing competitive market trends.	
Adjacent Properties	The application provides a list of people owning or living on property within 500 feet. The application states that the character of the district would be unchanged because this is a continuation of a	

	permitted use on a lot that is smaller than its business neighbors.	
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CRC Comment: The magnitude of the variances and the need for additional parking indicates the proposed expansion is too big for the parcel. The proposal would make an existing non conforming structure property more non-conforming.

BOARD ACTION: On a motion by Terrence Hopper, seconded by George McCadden, the Board recommends Denial of the application for the following reasons:

REASONS: The magnitude of the variances are indicative that the proposed building is too large for the lot, no stormwater mitigation is proposed, and the site does not appear to support sufficient parking for the size of the proposed building.

21 -2010

Town of Phelps Planning Board

Class: 2

Type: *Map Amendment*

Related Referrals: *n/a*

Applicant: *Town of Phelps*

Brief Description: Rezone 475 acres along State Rte 96 to C-1 Commercial west of the village of Phelps.

The Town of Phelps is seeking to amend their zoning map, converting approximately 475 acres to Commercial (C-1) Zoning classification.

Review Area	Description	Review Comment
Zoning	<ul style="list-style-type: none"> ▪ RAG & R-1 Being converted to C-1 Commercial 	<ul style="list-style-type: none"> ▪ Approx. 460 acres being converted from RAG
Traffic & Transportation	<ul style="list-style-type: none"> ▪ Ontario Pathways has a trail head located along St Rte 96. 	<ul style="list-style-type: none"> ▪ The Town should consider developing Access Management Regulations to guide development along the St Rte 96 corridor.
Existing/ Neighboring Land Uses	<ul style="list-style-type: none"> ▪ The majority of the 475 Acres is currently vacant land or productive agricultural land. ▪ 401 Acres fronts the NYS Thruway (I-90) to the North and the Finger Lakes Rail Line to the South. ▪ 50 Acres is currently 	<ul style="list-style-type: none"> ▪ SEQP Paperwork cites 580 acres being rezoned. While the physical land area identified on the map (produced by the OC Planning Department) is only 475 acres. ▪ The majority of the area being rezoned is in conflict with the Routes 96 & 318 Rural Corridor Study completed by Ontario County in conjunction with the Town of Phelps. ▪ The plan indicates that the majority of the land should remain in open space and agricultural uses. ▪ Town’s Comp Plan (March 2007) identifies 400

	<p>within Agricultural District No. 6, which was recently recertified by NYS Ag & Markets</p>	<p>acres of the rezoned area as future industrial lands (Business & Tourism Appendix)</p> <ul style="list-style-type: none"> ▪ The area south of State Rte 96 is identified as a transitional zone between the Village of Phelps and the more rural land uses located within the town. ▪ The majority of the area being rezoned is adjacent to the exiting C-1 district which fronts St. Rt. 96. This existing district (497 acres) remains predominantly agricultural and does not contain vast wetland areas.
Water Resources	<ul style="list-style-type: none"> ▪ Approx 135 acres of NYS and 175 acres or NWI Wetlands are located within the 401 acre portion of the rezoning. ▪ A FEMA 100yr flood zone is mapped along Flint Creek south of St Rte 96 with in the rezoning area. 	<ul style="list-style-type: none"> ▪ Given the proximity to the NYS Thruway it is suspected that these wetland features have migrated and grown in size since they were originally mapped in 1985.
Infrastructure	<ul style="list-style-type: none"> ▪ Public water ▪ No sewer 	

CRC Comment: The committee questions the need to rezone so much acreage to commercial while existing commercial zoned property is not fully utilized, and is concerned that the rezoning along State Route 96 does not comply with the recommendations in State Rte 96/318 Corridor study. Access to the property to be rezoned along the Thruway is burdened with state and federally regulated wetlands and will require a large investment to provide road access to a relatively limited amount of buildable acreage.

BOARD ACTION: On a motion by Terrence Hopper, seconded by George McCadden, the Board recommends Denial of the application for the following reasons with the following comment:

REASONS: The requested rezoning does not conform to the recommendations of the State Rt 96/318 Corridor Study, much of the property along the Thruway is burdened with state and federally regulated wetlands with difficult vehicular access, and the vast majority of commercially zoned property along State Rt 96 is not currently developed indicating that demand for commercially zoned property is not high.

Motion carried with eleven ayes (11) with one (1) abstention, Board member Glenn Wilkes abstained from voting and participating in the discussion concerning this application.

Late Referral

CRC Recommendation: The CRC recommends the Planning Board consider a motion to waive the rule and consider the following referral even though it was received after the official application deadline because the application does not involve a complicated development application, and to allow the Town to act on the local law to extend its moratorium before the next County Planning Board meeting in March.

BOARD ACTION: On a motion by Arthur Babcock, seconded by Clifford Kunes, the Board waived its rule concerning submission deadline and will consider the referral 27-2010 at this meeting for the following reasons:

REASONS: The referral application does not involve a complicated development proposal, is an extension of an existing moratorium, and consideration at this month's meeting will allow the town to act on extending the moratorium at its March 8, 2010 meeting minimizing the amount of time a moratorium is not in effect.

Motion carried with eleven ayes (11) with one (1) abstention, Board member Glenn Wilkes abstained from voting and participating in the discussion concerning this application.

27 -2010 Town of Phelps Town Board Class: 1
Type: *Moratorium*

Related Referrals: *n/a*

Applicant: *Town Board*

Property Owner: *N/A*

Representative: *Norman L. Teed, Supervisor*

Tax Map Parcel #: *N/A*

Brief Description: Propose to extend moratorium on new and expansions of mining operations for 1 year.

The Town enacted an existing moratorium a year ago that expires on February 17, 2010 which prohibits the review, approval, or creation of any expansions to existing mining operations, operations involving the extraction of soil, stone, sand or gravel and operations involving excavation or the approval of new mining operations. In a cover letter, the town claims it has had a committee working on revising its zoning regulations governing mining operations for a year, but that the death of 2 of the committee members has delayed completion of their work. The intent of the local law implementing an additional 1 year moratorium states that the town 'is concerned that approval of expansions to existing such operations or approval of new such operations, under the existing laws, could negatively impact the value and appearance of the neighborhoods in which they would be situate and of the Town as a whole.' The local law also points out that the Town and Village of Phelps Joint Comprehensive Plan identified the need to update the town's zoning concerning extraction of soil, stone, sand, or gravel. Adoption of a moratorium on land development is a type II action under the New York State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617, meaning it is an action exempt from environmental review. The town has scheduled its public hearing on the proposed moratorium local law for March 8, 2010.

CRC Comments: The committee is concerned with the extension of the moratorium for an additional year. The Town should carefully document and substantiate its need for a moratorium lasting more than six months to prevent any legal challenges as to the validity of the length of the moratorium.

BOARD ACTION: On a motion by Peter Osborne, seconded by Tom Neary, the Board recommends approval of the application for the following reasons with the following comment:

REASON: The magnitude of existing and potential future mining operations in the town warrant careful consideration in the crafting of local rules to protect other land owners and the neighborhood character in much of the town.

COMMENTS: The Town should carefully document a schedule for its development and adoption of amendments to its zoning and other local laws to deal with mining operations to justify the length of the proposed moratorium.

NOTE: Representative Glen Wilkes abstained from the vote and all discussion on this matter.

Administrative Referrals (no board action required)

24 -2010

Town of Richmond Planning Board

Class: 1A

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Richmond*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: Revising Sandy Bottom Park Local Law

The Town has proposed revising the local law prohibiting bringing dogs and other pets into Sandy Bottom Park. The proposed changes would still require non-guide dogs to be brought into the park except as confined in a motor vehicle or cage. Dogs on a leash under the complete control of the dog's attendant or in a fenced in area designated for dogs would now be allowed. The section of the local law establishing parking fees for the park is proposed to be deleted.

BOARD ACTION: Returned to the town without comment for the following Reason: The proposed local law is not based on state enabling statutes for zoning, site plan, or subdivision review, and as such is not subject to review by the County Planning Board under Section 239 of the General Municipal Law.

OTHER BUSINESS:

Minutes: George McCadden requested that the January 13, 2010 minutes be corrected to show that he removed himself from the meeting and abstained from voting on Application 4-2010, Town of Gorham – Planning Board – Special Use Permit – Jack Dekouski matter, and made motion that was seconded by John Thompson to accept the minutes with revision incorporated as correct and final. Motion carried with 11 votes with Arthur Babcock abstaining.

County Planning Board Annual Report – A copy of the Ontario County Planning Board – 2009 Annual Report has been sent electronically to CPB members and was handed out to those unable to receive the report via email. CPB members have been requested to review the report and get back to planning staff with comments/suggestions.

Request for CPB members to report monthly training hours: Ms. Folkins requested that CPB members contact either Julie Gotham or Linda Frasca, Planning staff with their 2009 training attendance. CPB members stated they had attended training events and had signed in but had not received acknowledgement of their attending. Ms. Frasca will look in to the matter and report back at the next meeting.

Bruce Campbell shared that he does not have the internet and therefore is not aware of what training sessions are being offered in advance. Also stated that the required training sessions being offered has become overwhelming and time consuming. Mr. Campbell requested a list of upcoming training

sessions be sent to him in advance of the events in order for him to decide which training sessions he should attend. Ms. Frasca will follow up with his request.

G-mail accounts: Ms. Frasca will work with the six (6) CPB members who do not have internet access but would like to receive application materials for review electronically.

CPB member George McCadden requested an updated copy of CPB members contact information. Ms. Frasca will follow up with this request.

Historic Resources Committee Presentation: Ms. Folkins reported that the Historic Resources committee had presented their finding to the many Town of Victor boards on 1/25/2010; and that it had been very well received and impressed with the information provided. Ms. Folkins shared that the Victor Town Board passed a resolution creating a Historical Advisory Group for the Town of Victor.

ADDITIONAL DISCUSSION:

Stephen Groet stated that he is very pleased and gave kudos to Planning staff members on the positive changes that have been made to the CRC/CPB summary/minutes setup. He shared that he felt staff members have made it very informative and easy for CPB members to review the CRC summaries and CPB minutes and wanted it on record showing what a great job Planning staff members are doing. Terrence Hopper seconded Mr. Groet's motion. CPB members were in agreement with Mr. Groet's comments as well.

Stephen Groet brought up the matter of required member attendance at CPB meetings – stating that according to Bylaws Section 4: Attendance – it is stated that members are required to attend a certain number of meetings per year; and shared his concern that the Town of Hopewell representative (K. Locus) has not attended any CPB meetings since October 2009. Mr. Groet stated that although Mr. Locus' input and representation is very much valued he needs to be in attendance at the meetings in order to represent the Town of Hopewell accordingly; and requested that staff follow up on the matter and report to the board at the March meeting.

Ms. Folkins requested that longstanding CPB members, Campbell, Kunes, and Wilkes, allow her to take a photograph of them for recognition purposes.

Adjournment: Being no further business for discussion Ms. Folkin's requested a motion to adjourn. **A motion to adjourn the 2/10/2010 was made by John Thompson seconded by George McCadden. Motion unanimously carried.** The 2/10/2010 CPB meeting adjourned 8:50 p.m.

Respectfully submitted,

Linda R. Frasca
Administrative Assistant