



Planning Board

Draft Minutes for July 14, 2010

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Ontario County Planning Board

- 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 reviewed 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.](#)



Planning Board

County Planning Board Members:

Cities:

Canandaigua - John Thompson A Geneva - Mary Bogin E

Towns:

| | | | |
|--|---|---|---|
| Bristol - Thomas Neary | P | Canadice - Stephen Groet | P |
| Canandaigua - Mary Prince | P | East Bloomfield - Arthur Babcock | P |
| Farmington - Mary Neale | P | Geneva - Howard E. Meaker | P |
| Gorham - George McCadden | P | Hopewell - Kirk Locus | P |
| Manchester Jaylene Folkins, Chair | E | Naples - Terrance Hopper | P |
| Phelps - Glen Wilkes | P | Richmond - Bruce Campbell | P |
| Seneca - Clifford Kunes | P | South Bristol - Peter Osborne | P |
| Victor - John Palomaki | P | West Bloomfield Richard DelVecchio, Vice Chair | P |

Names in bold are members that currently serve on a local Legislative body, Planning Board or ZBA.

(P) Indicates present at the meeting, (E) indicates CPB member has been excused – (A) absent without notification.

County Staff Present:

Thomas P. Harvey^{AICP}, Associate Planner, Ontario County Department of Planning
 Linda Frasca, Administrative Assistant, Ontario County Department of Planning

Guests: Dennis Brewer (Town of Canandaigua), Kevin Reynolds (Town of Canandaigua); Tim McElligott (Ontario County Highway Engineering), Patrick Elwell (Maxfield Hose Company); James Slating (Maxfield Hose Company); Holger Stave; Doug Eldred; Ted Mayhood; Marty McMillan; Jayne McElroy.

Call to Order/Roll Call: Vice Chair Richard DelVecchio called the July 14, 2010 County Planning Board meeting to order at 7:40 p.m.; with Ms. Frasca doing roll call and reporting that 15 members were present meeting the requirement to establish a quorum. Let the record show the following additional CPB Member(s) arrived after roll call as indicated below:

7:45 p.m. – Glen Wilkes

Total CPB Members present at the July 14, 2010 CPB meeting: 15

The actions described below are not necessarily listed in order of occurrence.

CLASS 1 REFERRALS

CLASS 1

121 -2010 Town of Canadice Planning Board Class: *I*

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *Canadice Construction Corp.*

Property Owner:

Representative:

Tax Map Parcel #: *173.00-1-78.000*

Brief Description: *Five lot commercial/residential subdivision at 9801 Purcell Hill Rd. in the Town of Canadice.*

| Review Area | Description | Review Comment |
|---|--|--|
| Zoning | <p>The parcel is located in the R-Rural Zoning District which allows all land uses except as those requiring special use permits and listed accessory uses.</p> <p>This is a subdivision only.</p> | <p>The landowner is not proposing any particular use for each parcel so a mix of residential and non-residential uses is possible.</p> <p>Any non-residential development of a parcel will require A separate site plan approval is required for a parcel with non-residential development.</p> |
| Infrastructure | <ul style="list-style-type: none"> - Private water and sewer - Private drainage - Private road—no information is provided regarding who or what entity will be legally responsible for the maintenance. Will the road be a separate parcel? Or is it provided by easement associated with the adjoining parcel? | <p>Sec, 108-26 Required Documentation requires a deep hole percolation test for each proposed septic system as part of subdivision approval</p> <p>No information is provided regarding the quantity/quality of ground water for private water supply.</p> <p>The planning board must require the necessary documentation to assure that any parcels created are able to support development including wastewater and potable water requirements. Also see Environmental comments below.</p> <p>Any easement/ownership and maintenance responsibilities must be clearly and legally defined prior to subdivision approval.</p> |
| Highways/Access Management Public Safety | <p>Parcel is located at the corner of Rt. 15A at Purcell Hill Rd. The subdivision will be accessed off of Purcell Hill Rd. by a private road.</p> <p>Both commercial and residential uses are allowed on this parcel. The landowner is not specifying a land use.</p> <p>Sec.108-34 Private Drives C. of the Town subdivision regulations specifies that Commercial, etc. must meet private drive standards.</p> | <p>Providing access off Purcell Hill Rd. is to be commended since it promotes traffic safety on Rt. 15A by limiting curb cuts on a busy highway.</p> <p>The private road is proposed to be constructed to meet town road standards.</p> |

CLASS 1 REFERRALS

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|---|---|--|
| Existing Land Use and Land Cover | A small office building is located on site along with a road way serving the northern half the site. The balance is secondary growth and woodland | |
| Environment | <p>Steep slopes (>15%): A steep slope area is located on the southern boundary of the parcel.</p> <p>Watershed: This project is within the Hemlock Lake watershed, a water supply lake for the City of Rochester.</p> <p>Wetlands: None</p> <p>Floodplain: None</p> <p>Water Bodies: None</p> <p>Erodible Soils: Highly erodible- Hs – Hornell Soil type is present on Lots D and E.</p> <p>Soil Permeability: All soil types are classified as “slow”.</p> | <p>Development of these parcels is constrained by soils that are not well suited for onsite wastewater treatment systems, areas of steep slope and highly erodible soils.</p> <p>Given these constraints, the town planning board should adhere to the requirement set forth in Sec. 108-2 Town Subdivision Reg. – General Lot Requirements, as well as other sections to assure that the subdivision will result in ‘buildable lots’.</p> |
| Water Quality | <p>No stormwater management plan or erosion control plan is included.</p> <p>No information is provided on on-site wastewater treatment suitability.</p> | <p>Given the highly erodible nature of these soils and location of the site in the Hemlock Lake watershed, the Town should consult with the Ontario County Soil and Water Conservation District to assure compliance with all stormwater regulations.</p> <p>Sec, 108-26 Required Documentation requires a deep hole percolation test for each proposed septic system.</p> |

Board Action: *Citing a lack of potential for countywide or intermunicipal impact Glen Wilkes made a motion that was seconded by Clifford Kunes to abstain from making a formal recommendation on application 121-2010 and to send the following comments to the referring agency for their consideration:*

Comments: A vegetative buffer should be maintained between the adjacent residential properties to the east and providing access to the proposed lots from Purcell Hill Road and not from State Rt 15A will have a positive impact on access management by protecting the performance of a state highway and reducing potential accidents.

Let the record show that due to being a member on the Canadice Planning Board, CPB member, Stephen Groet recused himself and left the room during discussion and vote on this matter.

Motion carried.

119 -2010 Town of Geneva Town Board Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Geneva*

Property Owner:

Representative: *Bill McAdoo*

Tax Map Parcel #:

Brief Description: *Text amend to Chapter 165- Zoning Code to create two alternate members of the Zoning Board of Appeals and Planning Board, establish training and attendance requirements for Board members.*

CLASS 1 REFERRALS

Description: The town board is creating two alternate members each for the Planning Board and Zoning Board of Appeals who would be appointed by the Town Board to serve in the case of a conflict of interest or absence or illness of a board member.

Creating alternate members is a very important tool for maintaining efficient operation of local boards and the Town is commended for taking this step. Based on the provisions of Town Law, alternate members may only serve in cases of conflict of interest. (See NYS Section 271-15. for Planning Board and 267-11. for ZBA.)

This local law allows for appointment in the case of absence or illness. According to NYS Department of State Office of General Counsel Legal Memorandum LU06 ALTERNATE MEMBERS OF COUNTY AND LOCAL PLANNING BOARDS AND ZONING BOARDS OF APPEALS (<http://www.dos.state.ny.us/cnsl/lu06.htm>), "The Attorney General has opined that towns and villages may in fact use their authority under the Municipal Home Rule Law to amend or supersede the Town Law or the Village Law, respectively, to expand the circumstances under which an alternate member may be appointed to serve on a board, provided they properly follow the applicable procedures of the Municipal Home Rule Law for amending or superseding the Town Law or the Village Law. Under Municipal Home Rule Law §22, the local law must specify the provision of state law that is being amended or superseded. The failure to adhere substantially to this requirement may affect the validity of the local law." The town is advised to consult this document so that provision for absence or illness is properly adopted under the applicable state law. This must be carefully drafted since the courts do look at the consistency and continuity of decision-making when alternates are used for purposes other than conflict of interest.

A caution—the town should consider limiting the use of an alternate for non-conflict of interest purposes under carefully prescribed circumstances like extended absence due to illness or health condition or unique special circumstance such as extended absence due to a family emergency, sabbatical, etc. Membership on a planning board should be considered a year round commitment and extended regular absence (whether as a sunbird or snowbird) should not be encouraged since it disrupts the continuity of Board operation and consistency of decision making. Alternates should also not be used as a 'fill in' if someone can't make a meeting or has a cold.

Regarding attendance requirements - The town is encouraged to adopt by-laws for each board that specifies what constitutes an excused v. unexcused absence. Removal from the board due to missing three consecutive meetings should be related to unexcused absences. Section 5 for ZBA and Section 165-81 for the planning board should also clarify excused v. unexcused absences.

CRC Comments: The Town Board should consider specifying rules for which member votes in the event that actions are taken on an application at a subsequent board meeting. Specifically, if an alternate member participated in the first meeting considering an application, does the voting responsibility fall back on the regular member when action is taken when they are in attendance at a subsequent meeting?

➔ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact George McCadden made a motion that was seconded by Mary Neale to abstain from making a formal recommendation on application 119-2010 and forward all staff and CRC comments as Board comments to the referring agency for their consideration.*

Motion carried with one (1) abstention (Howard Meaker)

112 -2010 Town of Naples Town Board Class: I

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant:

Property Owner:

Representative: *Edward J. Brockman, Esq.*

Tax Map Parcel #:

Brief Description: *Local law to regulate outdoor electronically amplified sound in the Town of Naples.*

CLASS 1 REFERRALS

The proposed law states that ‘no person shall at any time permit or allow any electrically or electronically amplified sound through speakers located outside an enclosed building between the hours of 11pm and 7am without an exemption permit.

The town board is given jurisdiction of issuing an exemption permit upon application and subsequent to public hearing held upon ten day notice. The application must be received 60 days prior to the date(s) date for which the exemption is sought. The application contains basic information regarding property owner, location, date and time of use, event description and number of persons attending.

Comments:

1. The proposed law regulates sound through speakers – to avoid parsing words over what is a ‘speaker’, a definition of amplified sound equipment should be considered-- such as “SOUND AMPLIFYING EQUIPMENT Any machine or device for the sound amplification of the human voice, music, or any other sound” (from City of Albuquerque).
2. The law does not establish any criteria or ‘reason’ for the town board to allow amplified sound during the late night hours when disturbance of the peaceful use of property is generally prohibited. There should be a compelling public interest that allows an exemption for ‘disturbing the peace’. Exemption permits should establish enforceable limits such as decibel levels within so many feet of the property line, or other standard. Sound in rural areas particularly can carry well beyond property lines.
3. Section 2 Legislative Intent should provide additional rational and public purpose for the exercise of this law such as, “It is the intent of the Town to minimize the exposure of the public to excessive noise, and protect, promote and preserve the public health, safety and welfare in a manner that promotes the use, value and enjoyment of property, conduct of business, sleep and repose and an environment free from unnecessary and excessive sound.”

CRC Comments: *This application should be returned to the Town with Comments, but no formal recommendation as it is not a zoning text, site plan law, subdivision regulation, or comprehensive plan or amendment thereto and thus is not subject to review under New York State General Municipal Law Section 239.*

Board Action: *Citing the fact that this application does not appear to be subject to review by the County Planning Board pursuant to General Municipal Law Section 239, George McCadden made a motion that was seconded by Mary Neale to abstain from making a formal recommendation on application 112-2010 and forward all staff and CRC comments as Board comments to the referring agency for their consideration. Motion carried.*

115 -2010 Town of Naples Zoning Board of Appeals Class: I

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Maxfield Hose Co., Inc.*

Property Owner:

Representative:

Tax Map Parcel #: *204.5-3-24.000*

Brief Description: *Special use permit for construction of a six-building mini-storage facility on SR 21 by the Maxfield Hose Company, Inc. in the Town of Naples.*

| Review Area | Description | Review Comment |
|---------------------------------------|--|--|
| Existing/ Neighboring Land | <ul style="list-style-type: none"> • Parcel: Vacant • North: Residential | Property is located just south of the Village of Naples and is surrounded by single family residential, a mobile home park |

CLASS 1 REFERRALS

| | | |
|------------------------------------|---|--|
| Uses | <ul style="list-style-type: none"> • East: Residential • South: Recreation (Golf) • West: Residential | and a golf course to the south |
| Zoning | <ul style="list-style-type: none"> • R1- Residential • C1-Commercial • Cohocton overlay district | Parcel frontage is zoned R1 while the back portion of the property (outside of the proposed development) is zoned C1. All of the property is in the Cohocton Overlay District. |
| Water Quality | Reservoir Creek is in close proximity to the project site and located within the Canandaigua Lake watershed. | The Canandaigua Lake Watershed manager has provided technical assistance to the applicant regarding stormwater management. They believe the plan provides the maximum protection to Reservoir Creek and will continue to work with the applicant once construction begins. Their stormwater management plan exceeds NYS DEC regulatory standards. |
| Infrastructure | Property is served by Public Water No security fencing or lighting is indicated. | Village DPW has no issues with the proposed development. Measures have been taken to provide access to a water main as it runs through the property |
| Traffic/Access Mgt./Parking | Property will be accessed through an existing gravel driveway along St Rt. 21 | |
| Aesthetics | 6 metal buildings will be constructed on the property approximately 300ft from the State Rt. 21. No signage is indicated on the site plan. | Other building materials should be considered to soften the aesthetic appearance along St Rt. 21 the Southern gateway into the Village of Naples. Colors should be chosen carefully to lessen the impact at the road, and the applicant has proposed to use earth tone colors to achieve this.. Proper elevation drawings and designs should be provided to the Town before final action is taken. Any lighting should be dark skies compliant. |

CRC Comments: The Town ZBA and Planning Board should consider signage, site lighting, and the particulars of the business operation such as where rental transactions are to take place, regular hours of operation, and after hours access to the site by customers.

At the County Planning Board Meeting the applicant stated that rental arrangements will be handled at an existing neighboring business, and not on site, and that there were no plans for signage on site at this time.

Board Action: *Citing a lack of potential for countywide or intermunicipal impact George McCadden made a motion that was seconded by Terrence Hopper to abstain from making a formal recommendation on application 115-2010 and forward the following comment to the referring agency for their consideration:*

Comment s: Since the applicant stated at the County Planning Board meeting that there are no plans to restrict the hours of access for customers to their storage units, the town should monitor after hour activities and review any issues that arise in regard to noise disturbing neighbors on a periodic basis, initially after 2 years of operations. The applicant should be commended for the progressive stormwater management design incorporated into the project and for involving the Canandaigua Watershed Manager and Ontario County Soil and Water Conservation District in the design.

Motion carried.

CLASS 1 REFERRALS

116 -2010 Town of Naples Planning Board Class: I

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Maxfield Hose Co., Inc.*

Property Owner:

Representative:

Tax Map Parcel #: *204.5-3-24.000*

Brief Description: *Site plan approval for construction of a six-building mini-storage facility on SR 21 by the Maxfield Hose Company, Inc. in the Town of Naples.*

(See Referral 115- 2010 for description)



Board Action: *Citing a lack of potential for countywide or intermunicipal impact George McCadden made a motion that was seconded by Terrence Hopper to abstain from making a formal recommendation on application 116-2010 and forward the following comment to the referring agency for their consideration:*

Comment s: *Since the applicant stated at the County Planning Board meeting that there are no plans to restrict the hours of access for customers to their storage units, the town should monitor after hour activities and review any issues that arise in regard to noise disturbing neighbors on a periodic basis, initially after 2 years of operations. The applicant should be commended for the progressive stormwater management design incorporated into the project and for involving the Canandaigua Watershed Manager and Ontario County Soil and Water Conservation District in the design.*

Motion carried.

118 -2010 Village of Victor Zoning Board of Appeals Class: I

Type: *Use Variance*

Related Referrals: *n/a*

Applicant: *Evan Smith*

Property Owner:

Representative: *Kate Gruenfelder, Clerk*

Tax Map Parcel #: *28.06-1-32.100*

Brief Description: *Use variance to allow the raising of chickens for personal use in the R-1 Residential District in the Village of Victor.*

Project Description: A homeowner is requesting a use variance to raise six chickens (hens only) for eggs on a residential parcel which will be kept outside in a chicken coup to be located in the yard behind a single family residence.

| Review Area | Description | Review Comment |
|---------------------------------------|--|----------------|
| Existing/ Neighboring Land Uses | <ul style="list-style-type: none"> • The property is in a residential neighborhood. | |

CLASS 1 REFERRALS

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|---------------|--|---|
| Zoning | <ul style="list-style-type: none"> • Village code (170-21 Livestock, states “No lot may be used or occupied and no structure erected maintained or used for harboring or raising for sale...poultry...so as to constitute a public nuisance.” • The keeping of chickens for private use does not meet the commercial use standard necessary for consideration as a farm under village law. | <ul style="list-style-type: none"> • The requested use does not appear to meet all the tests required for a use variance. • Possible option for consideration: • The prohibition of livestock provision is limited to “...as to cause a public nuisance”. The interpretation of the zoning officer could be appealed to the ZBA to determine if the keeping of six hens constitutes a public nuisance. If the ZBA determines the proposed use does not constitute a public nuisance, then the use, as limited in number and type, could be an accessory use. Should the use become a public nuisance, it could then be terminated. (Appropriate standards for animal welfare and public health would be necessary.) • The Village may want to review their local laws to determine if there are circumstances that make the keeping of certain farm animals an allowed use subject to restrictions. |
|---------------|--|---|

CRC Comment: The town should consider reviewing this as an interpretation as to whether the keeping of a small number of hens constitutes a public nuisance.

➔ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact George McCadden made a motion that was seconded by Mary Neale to abstain from making a formal recommendation on application 118-2010 and forward the CRC comment to the referring agency for their consideration.*

Motion carried.

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|------------------|---|-----------------|
| 110 -2010 | Town of Victor Zoning Board of Appeals | Class: I |
|------------------|---|-----------------|

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Wilmorite Inc.*

Property Owner:

Representative: *BME*

Tax Map Parcel #: *6.00-1-12.100*

Brief Description: *Area variance to exceed height standard to install a light pole at Eastview Mall in the Sears Parking Lot in the Town of Victor.*

See Referral 111-2010.

CRC Comment: The height of the proposed light pole is the same as exist on the property and that were approved during the last major expansion of the mall. The committee recognizes the importance of maintaining adequate security lighting, as well as the need to advance dark sky principals.

➔ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact George McCadden made a motion that was seconded by Mary Neale to abstain from making a formal recommendation on application 110-2010 and to forward the CRC Comments as Board Comments to the referring agency for their consideration.*

CLASS 2 REFERRALS

CLASS 2

122 -2010

Town of Canandaigua Planning Board

Class: 2

Type: *Major Subdivision*

Related Referrals: *n/a*

Applicant: *Bero Contracting & Dev.*

Property Owner:

Representative:

Tax Map Parcel #: *126.00-1-9.111*

Brief Description: *Preliminary approval for the 47 acre Phase III Lakeside Estates subdivision consisting of 24 lots off Lake Hill Rd. at CR 16 in the Town of Canandaigua.*

Project Description: The proposed project is the third phase of a four sections Lakeside Estates subdivision. Sections I and II are complete.

- Phase II is located on 47 acres with 24 building lots. 10.66 acres are proposed for protection by a conservation easement.
- The applicant had received preliminary approval for Section III but the approval expired.
- The previous preliminary approval had required provision of a secondary access road. The applicant acquired a 60' wide strip of land through the adjoining Wyffels farm in order to meet that requirement in the early 90's from the now deceased father of the current owner.
- Since then, the Town received an NYS Ag and Markets grant to purchase the development rights to the Wyffels Farm. Since development of the farm was no longer an option, locating a road through the middle of the farm adversely affected the long term viability of the farm operation. The Town worked with the Wyffels family, the developer and NYS Ag and Markets in identifying other access options.

The buildout plan for the subdivision reduces density and provides access via a stub road connection in Section IV to the parcel to the north.

The applicant will then sell the 60' access strip back to the Wyffels for inclusion in the conservation easement.

| Review Area | Description | Review Comment |
|--------------------------------|---|--|
| Zoning | The project is proposed under the provision of Conservation Subdivision Design. | |
| Land Use and Land Cover | <p>Adjoining Land Use:</p> <p>North: Undeveloped land formerly farm fields characterized as secondary growth and scrub.</p> <p>South: Single family residences</p> <p>East: CR 16 and Canandaigua Lake</p> <p>West: Wyffels farm.</p> <p>Project Parcel – (See Environment Review Area)</p> | |
| Infrastructure | <ul style="list-style-type: none"> • Public water. • The site is situated outside the boundaries of the Canandaigua Lake County Sewer District. | Comment provided by OC DPW: A map, plan and report for a proposed sewer district extension must be prepared by the Engineer in accordance with the Legal Requirements and Administrative Procedures for Approval of County Districts. Additional comments included in separate correspondence to the Town. |

CLASS 2 REFERRALS

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| <p>Highways/Access Management and Pedestrian/Trail Linkages</p> | <p>Access is provided off CR 16 at the existing intersection with Lake Hill Rd. A traffic study had been completed as part of the previous approvals.</p> <p>A stub road that can connect to Middle Cheshire Rd. through the parcel to the north is provided in Section IV to provide secondary access if determined to be necessary.</p> | <p>The site plan should be reviewed to determine where trails or trail linkages should be provided for both internally and for connection to future neighboring developments.</p> |
| <p>Water Quality and Stormwater Management</p> | <p>The stormwater management plan has been submitted to the Canandaigua Lake Watershed manager and the watershed inspector for review.</p> | <ul style="list-style-type: none"> • No development or vegetative removal is proposed for Tichenor Creek gully which will be placed in a conservation easement. • A portion of an existing stormwater management facility is located on Lots 28 and 35. No information is provided on its status or if easements are necessary for maintenance. • OC DPW notes that the stormwater outfall is not identified. • Town should review the fine grading plan so that all land slopes away from building foundations. |
| <p>Environment</p> | <p>Steep slopes (>20%): Eight acres located primarily along Tichenor Creek on the southern parcel boundary.</p> <p>Land Cover: Approximately 5 acres of Successional Hardwood Forest are located along Tichenor Creek. The balance of the site is Successional Old Field.</p> <p>Watershed: Tichenor Creek sub-watershed of Canandaigua Lake</p> <p>Wetlands: None</p> <p>Floodplain: None</p> <p>Water Bodies: Tichenor Creek and tributary to the creek located on Section IV.</p> <p>Erodible Soils: Highly erodible- – Honeoye Soil (HmD3) type appear present on portions of Lots 21-23 and 28-20 located at the easternmost portion of Lake Hill Rd.</p> <p>Agriculture: Parcel is within 500' of Ag. Dist. 1.</p> | <p>No development is proposed for areas of steep slopes. Tichenor Creek and the small tributary located on Section IV will not be crossed due to relocation of the access road. Virtually all of the secondary hardwood forest will be protected.</p> |
| <p>Open Space</p> | <p>Buildout of Sections III and IV (a total of approximately 90 acres according to the conservation subdivision principles will result in the preservation of 55 acres of open space protected by conservation easement.</p> | <p>The willingness of the applicant to work with the Wyffels family and the town has resulted by removing the access road and foregoing development on virtually all the wooded portion of the Tichenor Creek watershed provides an excellent example of the use of conservation subdivision design.</p> |

CRC Comments: The reduction in the total number of lots, the increase in area protected by a conservation easement, and the elimination of the second access through the Wyffels farm are significant and important improvements over previous plans for this property.

➡ BOARD ACTION: *Terrence Hopper made a motion seconded by John Palomaki to make a recommendation of approval of application 122-2010 for the following reasons with the following comments:*

REASON: *The reduction in the total number of lots, the increase in area protected by a conservation*

CLASS 2 REFERRALS

easement, and the elimination of the second access through the Wyffels farm are significant improvements over previous plans.

COMMENTS: *The applicant and the town are to be commended for working through the elimination of the access route through the Wyffels farm.*

Motion Carried.

125 -2010 Town of Canandaigua Town Board Class: 2

Canandaigua Draft Trails Plan

Type: *Other- Adoption of Trails Plan*

Related Referrals: *n/a*

Applicant: *Tim Jensen, Development Director*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Draft "Town of Canandaigua Trails Master Plan - A Vision for Canandaigua's Future".*

A very comprehensive trail plan has been drafted by the Town of Canandaigua Trails Committee. It identifies and prioritizes key land parcels/trail corridors, recommends improvements and expansion of existing trails to fill gaps and connect neighborhoods. It is a dynamic document designed to evolve over time. This effort is to be commended.

CRC Comment: The plan is a good addition to the town's planning efforts and will help the town link its various trails and recreational infrastructure over time.

At the County Planning Board meeting Mr. Dennis Brewer, Director of Parks and Recreation for the Town of Canandaigua, summarized the main points of the proposed trails plan.

➡ **BOARD ACTION:** *Clifford Kunes made a motion seconded by Mary Neale to make a recommendation of approval of application 125-2010 for the following reasons with the following comments:*

REASON: *The Plan will help the town link its various trails and recreational infrastructure and possibly link with those in adjacent municipalities over time.*

COMMENTS: *The town is to be commended for developing a comprehensive policy for developing a trail system to serve the entire town and interface with the region.*

Motion Carried.

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126 -2010 Town of Naples Town Board Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Naples*

Property Owner:

Representative: *Edward J. Brockman, Attorney*

Tax Map Parcel #: *NA*

Brief Description: *Amendment to zoning code regarding regulation of signs in the Town of Naples.*

| Review Area | Description | Review Comment |
|---|--|---|
| Definitions (132-8) | <ul style="list-style-type: none"> • The reference to and definition of “Billboard” is being deleted. • The previous definition of “Sign” included “Billboard” as a subset, so the new language has been changed to remove the reference. | <ul style="list-style-type: none"> • Why the deletion of “Billboard”? Have these been banned in the Town? |
| C-1 Commercial Districts (132-21) | <ul style="list-style-type: none"> • New language now refers to signage as being part of Special Uses such as retail and wholesale trade and service businesses. Signs are also listed under Accessory Uses. • Current language notes that Commercial Districts are in gateways, and so all buildings, including signage, will either enhance or minimally impact the aesthetics. • Current design guidelines require appropriate lighting, including design, location and intensity, for the protection of aesthetics. | <ul style="list-style-type: none"> • Should signage be removed from either the Special Uses or Accessory Uses sections? Or, is it wise to have it in both? • Will this double reference confuse the permitting process? • Consider more detail in the design guidelines section for signage and its associated lighting. |
| Article IX | <ul style="list-style-type: none"> • This Article is currently titled “Signs and Billboards” | <ul style="list-style-type: none"> • Consider changing the title of this article to “Signs” rather than “Signs and Billboards” |
| R-1 and R-2 Residential Districts (132-48) | <ul style="list-style-type: none"> • New language references 132-47 Subsection A (Ag Districts) for permitted residential signage. • New language specifies <i>non-illuminated on-site</i> signage. | <ul style="list-style-type: none"> • Remove Part (C) because this refers to agricultural use. |
| Industrial Districts (132-50) | <ul style="list-style-type: none"> • Language regarding billboards has been removed. | <ul style="list-style-type: none"> • Consider more details on on-site freestanding versus attached versus painted signs; • Consider more details on types of illumination that will not cause a nuisance to neighbors and passers-by. |

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| <p>Agricultural-Conservation (Ag) Districts (132-47)</p> | <ul style="list-style-type: none"> • New language refers to personal identification of the <i>occupant of the premises</i>. • New language refers to a maximum of two off-site <i>directional</i> signs • New language refers to off-site signs, each of not more than <i>six square feet each are permitted for each premises</i>. • New language distinguishes between on-site and off-site signage for both <i>business/home use</i> and <i>agricultural use</i>. | <ul style="list-style-type: none"> • Consider more details on directional signs. • Consider more details on the difference between business/home use and agricultural use. • Consider more details on off-site signage – freestanding versus attached versus painted, illuminated versus non-illuminated; • Consider which off-site locations and which districts would allow signage and how to get permission to use – will this lead to an overabundance of signs in one area? • Consider more details on types of illumination that will not cause a nuisance to neighbors and passers-by. |
| <p>Commercial Districts (132-49)</p> | <ul style="list-style-type: none"> • New language refers to <i>on-site</i> signage (maximum 96 sq. ft.) and a maximum of two <i>off-site</i> signs (maximum 16 sq. ft.). • New language does not allow for signs painted on to a building. | <ul style="list-style-type: none"> • Consider more details on off-site signage – freestanding versus attached versus painted, illuminated versus non-illuminated; • Consider which off-site locations would allow signage in the commercial district and how to get permission to use – will this lead to an overabundance of signs in one area? • Consider more details on types of illumination that will not cause a nuisance to neighbors and passers-by. |
| <p>Signs for Nonconforming Uses (132-52)</p> | <ul style="list-style-type: none"> • New language references 132-48 for replacement of signs for a nonconforming use in a residential district. | |
| <p>General Provisions for Signs (132-51)</p> | <ul style="list-style-type: none"> • New language refers to <i>safety</i> hazards instead of traffic hazards. • New language refers to the approval by the Code Enforcement Officer subsequent to installation to make sure the sign support mechanism is sufficient. • New language allows for real estate “fore sale” signs, political signs, and temporary signs for sale of seasonal crops to be erected without a zoning permit. • New language refers to more details on calculating sign size. | <ul style="list-style-type: none"> • Consider more details on non-motorized traffic in terms of sign hazards (pedestrians and bicyclists, etc.) • Consider more details and restrictions on political signage. Could this cause sign pollution within a community or in certain districts? Can political event or campaign signage stay up for an unlimited amount of time? Can the political signs be placed on-site or off-site? |
| <p>Height Restricts Number of off site sites</p> | <ul style="list-style-type: none"> • Only signs in the industrial zoning district are subject to height restrictions (15’). • There is no limit on the number of off site signs that can be located on a given parcel –in addition to the signage allowed for the parcel’s use. | |
| <p>General Comment: The town should consider undertaking a comprehensive review of all signage requirements in the zoning ordinance.</p> | | |

CRC Comment: The town should ensure that their modifications to the signage requirements in their zoning are

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consistent with the vast amount of federal law and case law that has evolved since the 1960's concerning billboards. The staff comments should be referred back to the town for consideration.

➔ **BOARD ACTION:** *George McCadden made a motion seconded by Glen Wilkes to make a recommendation of approval of application 126-2010 for the following reasons with the following comments:*

REASON: *The comprehensive revision of sign regulations contained in the Town's zoning is an important undertaking for the town and important in protecting the character of the various neighborhoods in the town.*

COMMENTS: *The town should ensure that their modifications to the signage requirements in their zoning are consistent with the vast amount of federal law and case law that has evolved since the 1960's concerning billboards. The staff comments should be referred back to the town for consideration to ensure consistency throughout the zoning code. The Town is encouraged to consider obtaining consultant services to assist them or to request free technical assistance through the county planning department.*

Motion carried.

120 -2010 **Village of Manchester Planning Board** **Class: 2**

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *McMillan Holdings, LLC*

Property Owner: *Same*

Representative: *Steve Holger, Project Manager*

Tax Map Parcel #: *32.13-1-8.110 and 32.13-1-8.120*

Brief Description: *Site plan approval for the 25,000' sq Old School Vendor's Market to be developed in the former Manchester High School building located at 49 N. Main St. in the Village of Manchester.*

Project Description:

A retail/entertainment development, Old School Vendor's Market, is proposed for development on two adjoining parcels that front on State Rt. 96 and 21 within and on the site of the former Manchester High School. The market will be open only on weekends.

The following uses are proposed:

- 25,000' sq interior commercial/vendor space and auction area located in the structures adjoining the main brick school building,
- 120 outdoor vendor spaces,
- 14 art walk vendor spaces,
- an outdoor performance area, and
- food vendor area.

(Please note: The information about outdoor vendors was not included in the referral but provided in conversation between staff and the applicant. This information was confirmed by the applicant at the CRC meeting.)

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| Review Area | Description | Review Comment |
|--|--|---|
| Zoning | C-1 Commercial The code has a lot coverage standard. | Adjoining property to the west, south, and southeast is zoned R-1 Residential. The Village should calculate the actual square footage of retail (including food service area) and performance area, both inside and outside, to determine compliance with the C-1 square footage standards. |
| Land Use and Land Cover | Adjoining Land Use: North: SR 96 South: Single family residence and vacant residential East: Restaurant and car wash West: Wooded land The northern parcel contains no structures but has driveways, graveled spaces and grass area. The southern parcel contains the former high school and parking lot. | |
| Infrastructure | - Public water sewer. - The applicant also proposes an outdoor pavilion for portable toilets. There is no public stormwater management infrastructure along SR 21. | |
| Traffic/Access Management Pedestrian Access Emergency access. | Access is provided off SR 21 at the existing curb cuts for the high school. Traffic counts were conducted between April 24 and 26, 2010 by Fisher Associates that the 'rule of thumb' would not indicated the necessity of a traffic study. No internal traffic circulation plan is provided. The entrance/exit passes through a parking lot and then though the "gateway". There is no pedestrian access/circulation plan including linkages to the village sidewalk. Emergency access is indicated off Rt. 96. | Comments provided by NYS DOT: <ul style="list-style-type: none"> • Based on NYS DOT review, a traffic assessment is required for this project. It should include peak hour full development trips generated from the site, with traffic volumes and traffic conditions (level-of-service during the peak hour) at the site driveway on Route 21. A review of sight distance for entering (left turns) and exiting vehicles should also be included. (The applicant should contact NYSDOT regarding the content of the assessment.) • The Village should check with the fire and ambulance officials to make sure equipment can access and make turning movements within the site. • A crash gate should be provided at the Rt. 96 emergency access point. • An internal traffic circulation plan should be required. Entry/exit traffic should be separated from any parking provide in that location for smoother and safer traffic flow. Location of the entry/exit should be established after the traffic study is complete. • The specific provisions for pedestrian walkways, paths within the development and connecting to the public sidewalk system are necessary since parking and internal traffic is not separated from the retail/vendor/entertainment uses. This can pose serious safety hazards. |

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| Parking | <p>190 standard and 19 handicapped parking spaces are provided.</p> <p>Village code requires 1 space per 200' ft. of commercial space. 125 spaces are calculated for the interior space. It is assumed that the additional 84 spaces are to serve the 134 outdoor/artwalk vendor spaces, the outdoor performance and food service area.</p> | <ul style="list-style-type: none"> • Unless demonstrated otherwise, the parking provided is no adequate to meet the needs of patrons as well as vendors. • The applicant should be required to provide justification for the provision of only 84 additional spaces when retail spaced is covering a majority of the square footage of the northern parcel. • A complete analysis of the parking requirements for different the different uses proposed (retail, entertainment, auction, etc.) should be undertaken prior to any approval. • Opportunities for shared parking agreements could be investigated. |
| Water Quality and Stormwater Management | No additional impermeable surface is proposed for this project. | Comments provided by OC SWCD: The site is level and no major additional development is proposed. However, the applicant was advised to consult with DEC regarding SWPP requirements for redevelopment projects. |
| Environment | <p>Steep slopes (>15%): None</p> <p>Land Cover:</p> <p>Watershed: Canandaigua Outlet</p> <p>Wetlands: None</p> <p>Floodplain: None</p> <p>Water Bodies: None</p> <p>Erodible Soils: Not applicable</p> | |
| Aesthetics/ Gateway | <ul style="list-style-type: none"> • The high school and grounds defines the entrance to the Village of Manchester along Rt. 21. It transitions visitors from 'highway/commercial' land use to the traditional historic village center. • The former high school is eligible for listing on the National Register of Historic Places. • An archway sign provided along Rt. 21. • No signage on Rt. 96 is mentioned. • Split rail fencing defines the property along Rt. 96 and the interior boundaries of the parcel. | <ul style="list-style-type: none"> • No alterations are proposed for the former school that will compromise its architectural features. • Any lighting should be dark sky compliant. • Additional buffering should be provided along the southern boundary with the residence. • A signage plan is recommended that indicates location of internal directional signs and informational signs. |

CRC Comments: The proposed use is more in harmony with the gateway entrance to the village than an industrial use. At the CRC meeting the applicant indicated that he had completed a traffic study and that the New York State Department of Transportation (NYSDOT) accepted and used it in approving the location and design of the entry drive off of State Rt 21. The village should obtain a copy of the study and the recommendation by NYSDOT. The village should approve the site plan only with the condition that the adequacy of parking be monitored, additional parking be added as needed, and that an area be reserved for additional parking in the event that a use is proposed for the original brick school building that requires additional parking. Pedestrian movement from the village sidewalk into the property should be extended, crosswalks marked on the access drives, and connections made to on site sidewalks.

At the Board Meeting: The applicant stated that outdoor vendors would be in operation from 8 a.m. until 8 p.m. on Saturdays, and from 8 a.m. until 5 p.m. on Sundays. At least one interior building business tenant is expected to be in operation year round 7 days a week. The applicant also indicated where outdoor security lighting would be located surrounding the building and shining down and back toward the building, and that the lighting would be dark sky compliant.

BOARD ACTION: *Stephen Groet made a motion seconded by Kirk Locus to make a recommendation of*

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approval of application 120-2010 for the following reasons with the following comments:

REASON: *The proposed use is more in harmony with the gateway entrance to the village than an industrial use. .*

COMMENTS: *At the CRC meeting and at the County Planning Board meeting the applicant indicated that he had completed a traffic study and that the New York State Department of Transportation (NYSDOT) accepted and used it in approving the location and design of the entry drive off of State Rt 21. The village should obtain a copy of the study and the recommendation by NYSDOT. The village should approve the site plan only with the condition that the adequacy of parking be monitored, additional parking be added as needed, and that an area be reserved for additional parking in the event that a use is proposed for the original brick school building that requires additional parking. Pedestrian movement from the village sidewalk into the property should be extended, crosswalks marked on the access drives, and connections made to on site sidewalks. Site lighting should be dark sky compliant.*

Motion carried with one (1) abstention (Tom Neary).

ADMINISTRATIVE REVIEWS*

ADMINISTRATIVE REVIEWS

124 -2010 City of Geneva Planning Board Class: AR1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Hobart & William Smith Colleges*

Property Owner: *Hobart & William Smith Colleges*

Representative:

Tax Map Parcel #: *104.15-3-23*

Brief Description: *Special use permit for temporary student housing Hobart and William Smith College at 623 S. Main St. in the City of Geneva.*

123 -2010 Town of Canandaigua Planning Board Class: AR1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Scott Philley*

Property Owner: *R. Randall Farnsworth*

Representative:

Tax Map Parcel #: *70.06-1-62.110*

Brief Description: *Site plan review for Farnsworth Auto sign at 2310 Rt. 332 in the Town of Canandaigua.*

113 -2010 Town of Canandaigua Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Richard & Kathryn Greene*

Property Owner:

Representative:

Tax Map Parcel #: *140.11-1-8.100*

Brief Description: *Rear setback and mean high water mark setback variances to construct an incline elevator to access Canandaigua Lake at 4571 Steep Dr. in the Town of Canandaigua.*

114 -2010 Town of Canandaigua Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Thomas Joynt*

Property Owner:

Tax Map Parcel #: *140.07-1-23.000*

Brief Description: *Rear setback and mean high water mark setback variances to construct an incline elevator to access Canandaigua Lake at 4627 CR 16 in the Town of Canandaigua.*

ADMINISTRATIVE REVIEWS*

117 -2010 **Village of Victor Zoning Board of Appeals** **Class: EX**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Jacque Cox*

Property Owner:

Representative: *Kate Gruenfelder, Clerk*

Tax Map Parcel #: *28.09-1-11.000*

Brief Description: *Side setback variance to construct a deck at 60 E. Main St. in the Village of Victor.*

OTHER BUSINESS:

County Road 10 Intersection & Improvements: Tim McElligott gave a PowerPoint presentation, a copy of which is on file with the original minutes in the office of the Ontario County Planning Department of an engineering study funded through the Genesee Transportation Council's Traffic Improvement Program (TIP). TIP funds are a combination of federal (80%) and state and local funds made available on a competitive basis for studying and implementing transportation projects.

Beginning at the Route 5 and 20 intersection, Mr. McElligott described short range and long range measures for improving traffic flow and safety, as this portion of the road has 4 times the number of accidents as the state average. Northbound, a short range measure will be to remove the half turning lane on the east side at the entrance to the gas station. Almost one half of the accidents on this section of the road occur at this intersection. Studying those accidents, they have found that many of them are caused because drivers exiting the parking lot have their view of oncoming traffic blocked by larger vehicles using that small turning lane. This intersection is seeing a lot of inbound traffic as people coming from Route 5 and 20 use it as a short cut to get to the Lowe's and Wal-Mart area further to the east.

Long range plans call for removing the direct curb cuts onto County Road 10 from the bank, accessing the bank from a connection with the entry road serving Charlie Riedels and Aldi's, and moving that common curb cut north so that it is opposite the northernmost curb cut serving the former Wal-Mart plaza. They also propose moving the access drive serving the Aldi's and the Raymour and Flannigan plaza north so it lines up opposite Recreation Drive at the stop light. On the east side of the road he reviewed options for making the curb cut nearest to the mobile station a right in/right out only intersection or removing it entirely and making only one curb cut to the entire plaza parking lot (being the existing northernmost intersection. Ideally, the former Wal-Mart plaza should not have any curb cuts on County Road 10, but the properties immediately north of the old Wal-Mart plaza on County Road 10 are not set back far enough to practically allow an access road parallel to County Road 10 to be constructed to carry all parking lot traffic from the old Wal-Mart plaza.

Next Mr. McElligott reviewed the design and layout of the round-about proposed for the County Road 10 and County Road 46 intersection, where accident rates are 26% above the state average. He explained that at peak times in the afternoon, this intersection now fails, meaning average delay times are more than 60 seconds. In studying intersection improvements, New York State Department of Transportation (DOT) requires that a round about be one of the solutions investigated. In fact, DOT prefers the use of a round about because they have been shown to perform very well in regards to traffic flow and result in a reduction in both the number and severity of accidents. For the study, a round about was compared to a fully signalized intersection with turning lanes both with existing traffic loads and ones projected for 2025. The round about would cost approximately

ADMINISTRATIVE REVIEWS*

\$30,000 more to construct, but would perform much better. It's design is such that it would fit within the current road right-of-way.

Mr. McElligott then reviewed the study for the County Road 10 and County Road 4 intersection where accident rates are 6 times the state average. Again a fully signalized intersection was compared to a round about. In this case, the round about costs \$170,000 more to construct, but the fuel saved because of its improved traffic movement more than offsets this difference. The design requires the acquisition of about 15 or 20 feet of property on the east side.

The board discussed the differences between a round about and traffic circles. The round abouts proposed in this study are small diameter, with a single traffic lane. This makes vehicles slow down considerably when going through them, reducing the severity of accidents. Accidents in round abouts also tend to be less severe because vehicles are traveling in generally the same direction and nearly in parallel. Truck traffic is accommodated through the use of a mountable curb and a concrete apron on the center island. The center of the island can be grass or other attractive plantings.

Mr. McElligott asked the board to keep this study in mind as it reviewed development applications along this road, and emphasized the need to manage access. He plans on giving this presentation to the planning boards in the towns of Canandaigua and Hopewell next. Vice Chairman DeVecchio thanked Mr. McElligott for his presentation.

Approval of June 9, 2010 Minutes: Motion to approve the June 9, 2010 minutes as presented made by Stephen Groet and seconded by John Palomaki. Motion carried with Peter Osborne Abstaining.

Water Resource Council Update: John Palomaki that the Water Resource Council had met on Friday, July 8th and briefly reviewed the topics of discussion at the meeting.

RSM Application Withdrawal Discussion: CPB members briefly questioned why the RSM application had been withdrawn since the June meeting and requested that a brief report be provided at the next meeting.

Adjournment: Being no further business for discussion **motion to adjourn the July 14, 2010 was made by Glen Wilkes, seconded by Arthur Babcock. Motion unanimously carried.** The 7/14/2010 CPB meeting adjourned 9:45 p.m.

Respectfully submitted,

Linda R. Frasca

Administrative Assistant