



Planning Board

Draft Minutes for November 10, 2010

Page #

Introduction, General Procedures, & Legal Obligations for Referring Agencies.....	2
Attendance	3
Other Business	33

Reviewed Applications Note: The page numbers refer to the applicable Board action.

Referral No.	Year	Municipality	Class	Application Type	Referring Agency	Page No.
163	2010	T. Victor	2	Variance	Zoning board of Appeals	5
185	2010	T. Bristol	2	Text Amendment	Planning Board	6
186	2010	T. Naples	2	Text Amendment	Town Board	10
187	2010	T. Victor	2	Text Amendment	Town Board	12
188	2010	T. Canandaigua	AR1	Area Variance	Zoning Board of Appeals	12
189	2010	T. Gorham	AR1	Area Variance	Zoning Board of Appeals	12
190	2010	T. Farmington	AR2	Area Variance	Zoning Board of Appeals	12
191	2010	T. S. Bristol	1	Text Amendment	Town Board	14
192	2010	T. Geneva	EX	Text Amendment	Town Board	14
193	2010	T. Victor	2	Subdivision	Planning Board	22
194	2010	T. Naples	2	Area Variance	Planning Board	24
195	2010	T. Naples	2	Special Use Permit	Planning Board	25
196	2010	T. Naples	2	Site Plan	Planning Board	25
197	2010	T. Seneca	2	Area Variance	Planning Board	27
198	2010	T. Seneca	2	Special Use Permit	Planning Board	28
199	2010	T. Seneca	2	Site Plan	Planning Board	28
200	2010	T. Canandaigua	AR1	Site Plan	Planning Board	28
201	2010	T. Canandaigua	AR1	Area Variance	Zoning Board of Appeals	29
202	2010	T. Canandaigua	AR1	Area Variance	Zoning Board of Appeals	29
203	2010	T. Canandaigua	1	Site Plan	Planning Board	31

- 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 1s 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	P	Geneva	Mary Bogin	E
-------------	---------------	---	--------	------------	---

Towns:

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

Maria Rudzinski, Sr. Planner, Ontario County Department of Planning
Linda Frasca, Administrative Assistant, Ontario County Department of Planning

Guests: Stanley Clarkson, Bob Cantewell-BME, Stonehaven Development, Rick Vars, James Johnson, Sarah Johnson, Norma A. Polizzi – Esq.

Call to Order/Roll Call: Chair Jaylene Folkins called the November 10, 2010 County Planning Board meeting to order at 7:30 p.m.; with Ms. Frasca doing roll call and reporting that 12 members were present meeting the requirement to establish a quorum.

Minutes: Motion to approve the October 13, 2010 County Planning Board minutes as presented made by Mary Neale. Motion seconded by Glen Wilkes. Motion unanimously carried.

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

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Vincent and Susan Chang*

Property Owner:

Representative: *James Johnson, AIA,*

Tax Map Parcel #: *5.01-1-4*

Brief Description: *Area variance to construct a 1,100'sq addition to an existing 4,500'sq. residence that is located entirely within the buffer area of NYS DEC Wetland No. PR-17 at 8050Barony Woods in the Town of Victor.*

NOTE: This project had been submitted for consideration at the October 14, 2010

Updated information: The NYS DEC has issued a wetland permit for this project.

Comment: The ZBA should use their SEQR process to carefully document any decision they make since it will set a precedent for similar situations. There should be clarification whether application is considered as 1) an expansion of a nonconformity since the house is within the buffer; or, 2) an area variance since either decision will be used by other landowners in situations where boundaries are subject to updated delineations (wetlands, floodplain, etc.)

Previous Referral Comments: This project raises questions regarding whether this referral should be treated as an area variance or an expansion of a nonconforming use. As part of the site plan preparation, the applicant had the DEC wetland delineated which revealed that the boundary now included the residence, yard, etc.

According to town zoning code [§ 211-30. Environmentally sensitive land.](#):

A. No construction or impervious surface shall be permitted within 100 feet of the boundary of a wetland or within 75 feet of the center line of any stream having year-round flow as delineated on a United States Geological Survey Map.

B. Environmental reviews pursuant to NYCRR 617 (SEQR) or other applicable laws shall be completed prior to any project approvals.

Section 211-30, therefore, appears to alter the allowable uses of land by prohibiting construction or impervious surface within the buffer zone. As noted, based on the wetland delineation, the entire residence and accessory uses are now located on environmentally sensitive land. (If construction of the residence were proposed today it would not be approved in its current configuration.)

An area variance is generally related to a dimensional requirement such as a setback and is considered when an allowed use or structure is proposed that will encroach on a setback. In this case, the current residence has become a nonconforming use by virtue of it being located within a designated environmentally sensitive area. Should the expansion actually be reviewed as a request to expand a non-conformity rather than an area variance? (As a non-conforming use the current buildings and uses can continue as long it meets the criteria set out in T. Victor Zoning [Sec. 211-3 Nonconforming Use.](#))

If the ZBA should approve this project as an area variance it could set a dangerous precedent that would undermine the intention of regulations related to environmentally sensitive areas, floodplains, or any similar

regulation where a site-specific delineation is made.

BOARD ACTION: *Mary Neale made motion to change Application 163-2010 from a Class 2 to a Class 1 seconded by Glen Wilkes. Motion carried.*

BOARD ACTION: *Glen Willkes made a motion of approval, seconded by Bruce Campbell, of application # 163-2010 as a Class 1 and return it to the referring municipality with comments*

185 -2010 Town of Bristol Planning Board Class: 2
Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Bristol Planning Bd.*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *A local law to update the Town of Bristol's zoning code.*

Referral comments: The Town has put a lot of work into updating their ordinance and has made many improvements. All there work is to be commended since this is a very difficult task.

The following comments are intended to make the local law as user-friendly to both the local boards and landowners. (Text specific comments are located in a copy of the draft zoning law to be provided to the Town.)

Purpose and Intent Statement: A clearly worded statement at the beginning of each zoning district is a very important tool for stating the kind of ‘community’ that is being created in that zoning district. Boards will inevitably deal with issues and situations that are either ambiguous or not entirely consistent with the zoning district. The Purpose and Intent statement will provide the policy guidance and benchmarks for making decisions on area and variance requests, site plan reviews, and subdivisions.

Agriculture and related activities: Land that is within a NYS Agricultural District are subject to certain definitions/provisions, protection from unreasonable local zoning and land use regulations. There are a number of Guidance Documents prepared by NYS Department of Agriculture and Markets (NYSDAM) [NYS Agricultural District Information](#). See, in particular, [Local Laws and Agricultural Districts: How do they Relate](#), and [Guidelines for Review of Local Zoning and Planning Laws](#)

If any definitions or regulations in this code are not consistent with NYSDAM provisions regarding unreasonable restriction of agriculture by local law, the Town will have to show connection to specific public health and safety issues otherwise, it could find itself in a regular ‘tangle’ with landowners and NYSDAM.

If the Town wants to retain the provisions in this code that may be inconsistent with NYSDAM. it could consider creating an overlay district that includes all land in a NYS DAM agricultural district and state that these properties are subject to the definitions and provisions of NYS.... The Town of S. Bristol has such a provision.

Public, semi-public, and quasi-public: These terms are used in a number of sections but they are not defined. Not having a definition can be a serious stumbling block since there are so many potential interpretations of each term—as in public meaning ‘people’ or ‘owned by a unit of government’.

Special Use Permits: This local law require many uses to get special use permits. There should be specific criteria for each special use otherwise the ZBA cannot determine if the use will not adversely impact the character of the zoning district.

Site Plan Review: Site plan review in included in a separate local law. Site plan review should be included in the zoning law as it is in the current law Article 19—Site Plan Approval. NOTE: Site plan approval required under subdivision is not the same as that required under zoning unless the applicant requests that zoning site plan review be completed concurrently with the subdivision review.

Regulatory Simplification: This local law requires virtually all building permits be subject to site plan review. It also has a large number of uses that require a special use permit that generally would only require site plan review. While it is always a challenge to determine what level of regulation is appropriate, too much regulation can be costly and time consuming and not necessarily result in the outcome a locality wants. The Town should considering reviewing all uses subject to review and determine which could be a:

- 1) Permitted uses, as of right. (activity/building can occur without site plan review as long as it meets all dimensional or other requirements in the law. (Only building permit required. The decisions are ministerial and no administrative discretion is required.
- 2) Permitted uses subject to site plan review. (Uses/buildings that require discretion—answer is not cut and dry.
- 3) Specially Permitted Uses: Receives the highest level of scrutiny since the use, inherently, has qualities that could be incompatible with the other uses allowed in a particular zoning district.

This could provide a better outcome for both the general community and individual landowners.

Accessory Dwelling Units: To increase housing options, the town may consider allowing accessory dwelling units. (A draft ADU local law is currently under review by the V’s of Manchester/Shortsville/Clifton Springs.)

Home Based Businesses and Home Offices The Town may want to consider a performance based regulation rather than trying to list which occupations are allowed. A performance based regulation would not require a permit or site plan review and would encourage new business development. Sample laws can be provided.

BOARD ACTION: Richard DelVecchio made a motion of approval, seconded by Tom Neary, of application # 185-2010 as a Class 2 and return it to the referring municipality with comments.

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant:

Property Owner:

Representative: *Edward J. Brockman, Esq.*

Tax Map Parcel #:

Brief Description: *Proposed local law to amendment to Section 132-8 and Article IX -T. of Naples code. (This referral is related to #126-2010 - "Amendment regulation of signs in the C-1 Commercial Zoning District", reviewed by the CPB at the July, 2010 meeting.)*

186-2010 Text Amendment The Town of Naples would like to amend the Zoning Chapter of the Code of the Town of Naples by amending the regulations pertaining to signs. This is the second time this text amendment has been submitted to the OCPB for review. This revised text amendment addresses several of the OCPB comments but not all.

The following review is identical to the original review (126-2010 from July), with the exception of the following: The red lettering in the “Review Comment” column refers the original OCPB comments that have been addressed within this revised text amendment. The **bold, black, italicized** lettering in the “Description” and “Review Comment” columns refers to the additional revisions and the additional OCPB comments, respectively.

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 was titled “Signs and Billboards” and is now titled “Signs”. 	<ul style="list-style-type: none"> • Consider changing the title of this article to “Signs” rather than “Signs and Billboards”

<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, limited to the name or names of adult occupants thereof. Any such illumination shall be directional and not be intrusive upon any neighboring premises.</i> • New language refers to a maximum of two off-site <i>free standing non-illuminated</i> directional signs for both business or home occupation use and agricultural use. • New language refers to off-site signs, each of not more than <i>six square feet each are permitted for each premises, whether such use is within such zoning district or elsewhere.</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"> • <i>What is the definition of “directional”?</i> • <i>Instead of adult, consider rewording to “primary”.</i> • Consider more details on directional signs. • Consider more details on the difference between business/home use and agricultural use. • <i>Consider more details on off-site signage – freestanding versus attached versus painted, illuminated versus non-illuminated;</i> • <i>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?</i> • <i>Consider more details on types of illumination that will not cause a nuisance to neighbors and passers-by.</i>
<p>R-1 and R-2 Residential Districts (132-48)</p>	<ul style="list-style-type: none"> • Title changed from “Regulations in residential districts” to <i>“Regulations in residential districts (R-1 and R-2), Multiple-Dwelling (M-D), Planned Unit Development (PUD) and NYS Route 21-Cohocton Street Overlay District.”</i> • New language references 132-47 Subsection A (Ag Districts) for permitted residential signage in R-1, R-2, <i>M-D, PUD and NYS Route 21-Cohocton Street Overlay District.</i> • Language regarding billboards has been removed. • New language specifies <i>non-illuminated on-site</i> signage for any home occupation or <i>commercial use.</i> • Part (C) refers to <i>free standing non-illuminated</i> directional signs for agricultural use. 	<ul style="list-style-type: none"> • Remove Part (C) because this refers to agricultural use. • <i>Consider additional regulations for M-D and PUD districts in terms of personal identification at the roadside, within a dwelling (due to the nature of these developments that house multiple people and residences).</i> <p><i>Examples would be building signs that list the multiple residents of one dwelling or roadside signs that list the multiple residents within a planned unit development, or on a multiple-unit dwelling.</i></p> <p>Note: Regulating commercial speech is whether for ‘advertising’ or providing directions has been considered acceptable...this includes home occupations. Regulation individual non-commercial speech by regulating the listing of resident’s name may be overly restrictive—this</p>

		should be further investigated.
Commercial Districts (132-49)	<ul style="list-style-type: none"> • New language refers to <i>on-site</i> outdoor signage (maximum 96 sq. ft.) which may be illuminated but non-flashing. <i>Any such illumination shall be directional and not be intrusive upon any neighboring premises.</i> • A maximum of two <i>off-site free standing non-illuminated</i> signs (maximum 16 sq. ft.) are permitted. • 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.
Industrial Districts (132-50)	<ul style="list-style-type: none"> • Language regarding billboards has been removed. • New language refers to each industrial use permitted a maximum of 96 square feet of outdoor advertising not exceeding 15 feet in total height. • Signs may be illuminated but nonflashing. <i>Any such illumination shall be directional and not be intrusive upon any neighboring premises.</i> 	<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.
General Provisions for Signs (132-51)	<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 “for 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. • No offsite sign shall exceed (16) square feet in area. • No freestanding sign shall exceed fifteen (15’) feet in height. • No sign attached to a building or other structures shall be higher in elevation than the point of maximum height to the building or 	<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? • <i>Are there other seasonal signs that should be addressed here beyond the signs for sale of seasonal crops?</i>

	<i>other structure, but in no event exceeding thirty-five feet (35') in height. Manufacturer's names or logos on farm silos or similar structures are exempted from this restriction.</i>	
Signs for Nonconforming Uses (132-52)	<ul style="list-style-type: none"> • New language references 132-48 for replacement of signs for a nonconforming use in a residential district. 	

BOARD ACTION: *Glen Wilkes made a motion of approval, seconded by Arthur Babcock, of application # 186-2010 as a Class 2 and return it to the referring municipality with comments.*

187 -2010

Town of Victor Town Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Stonehaven Development*

Property Owner: *Realty Management Co.*

Representative: *BME Associates*

Tax Map Parcel #: *15.00-1-16.110*

Brief Description: *Proposed text amendment to rezone a parcel (currently a driving range) from Light Industrial (L-I) located 7331 Rt. 251 adjoining the Auburn Trail to Multiple Dwelling (M-D) to allow construction of 184 Unit Auburn Cr. Apt. Community in the T. of Victor*

REFERRAL NUMBER: 187-2010 LINKS

REFERRING AGENCY: Town of Victor
APPLICATION TYPE: Text Amendment
CLASSIFICATION:
SITE ADDRESS: 7331 Route 251, Victor, NY, 14564
TAX MAP NO.: 15.00-1-16.210

PROJECT DESCRIPTION: The applicant requests to rezone the parcel from Light Industrial to Multiple Dwelling Districts to allow for 184 apartment units and a clubhouse within 23 two story, 8 unit buildings. The applicant has submitted extensive information that describes the character and considerations of the proposed development. However, given the CPB referral application type, “Text Amendment,” the referral triggers a policy discussion and not a site plan review. The Town may wish to consider the following:

- This site is located on the Ontario Central Rail Line. Central Line is used for to transport freight, not

passengers; in this context, it makes sense for this parcel to be developed as industrial rather than residential. Only six parcels zoned Light Industrial are adjacent to rail in Victor: this site, three undeveloped sites composed almost entirely of wetlands, and two parcels which contain warehouses. If this parcel is rezoned that would leave no viable, undeveloped industrial sites located on rail in the Town. There are some undeveloped Commercial-Industrial Zoned Parcels adjacent to the rail line permitted to have warehousing and production facilities, but few of these sites are large enough for larger scale operations.

- **Victor T. Code § 211-25 A.** The purpose of the Multiple-Dwelling District is to permit, where appropriate, the construction and development of multiple-family residences in the Town of Victor; however, the Town does not encourage widespread development of such areas at the cost of residential districts. Therefore, **additional areas may be zoned as multiple-dwelling districts upon application for a specific proposal** in accordance with the normal rezoning procedures. Areas proposed to be zoned multiple dwelling shall be served by sanitary sewers, storm sewers and public water.
- The Strategic and Comprehensive Plans do support a diversity of housing types.
 - Strategic Plan Task Force 9: “endorse the concept of diverse housing types...in particular housing for young adults, singles, and seniors.”
 - Comprehensive Plan: Housing Resources Goals: encourage the provision of a diversity of housing types for a variety of age groups, family sizes, and income levels. Encourage housing types and densities compatible with the existing character of the community.
- The Town’s plans clearly support multi-family development as a concept, but there are not many undeveloped parcels zoned under Multiple Dwelling and it is likely that current and future demand outweighs supply. The question then becomes is this an appropriate location for rezoning? Can Route 251 handle the volume and pattern of residential traffic loads? Are there other locations where this type of development is more suitable and accessible to amenities? The parcel includes access to the Auburn Trail and is adjacent to a Town Park. Generally a multi-family development is more likely to take advantage of this access to open space than an industrial one. How does this fit into the Town’s overall vision for “quality of life?”
- The draft Comprehensive Plan Section 5.1 “Strategy 6 states “Increase available space for industrial and office (industrial/commercial) uses, especially for high tech businesses.” That section also encourages infill and acknowledges that undeveloped land is a finite resource in Victor.
- Over 80 percent of the site is covered by either New York State or National Wetland Inventory wetlands, leaving approximately thirteen, irregularly shaped, developable acres. Despite the site’s proximity to rail and other industrial uses, these and other characteristics may ultimately render it undesirable for industrial development on the private market.
- Lastly, from an administrative standpoint, should this application text amendment also include a map amendment?

Comment from OC Economic Development

We would defer to the Town and County Planning on the best use of this site. We remain committed to developing railroad enabled sites throughout the county particularly given the environmental and cost benefits rail traffic can provide.

We hope that as the advantages of rail become more apparent and with the excellent service provided by Finger Lakes Railroad the demand for these sites will increase.

Related Referrals: *n/a*

Applicant: *Beals Auto Service, Inc.*

Property Owner:

Representative:

Tax Map Parcel #: *29.00-1-74.000*

Brief Description: *Area variance to allow installation of an additional sign where only one sign is allowed.*

191 -2010 Town of South Bristol Town Board

Class: *1*

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of South Bristol*

Property Owner:

Representative: *Jeff Graff, Esq.*

Tax Map Parcel #:

Brief Description: *Proposed Driveway Entrance Construction Local law that will require landowners to obtain a permit from the Superintendent of Highways prior to modification or construction of a driveway onto a town road in the Town of South Bristol.*

Referral Comment:

Permit Standards §75-4 contains a mix of general and specific standards. The town does not have a design manual for driveway construction. Administration of this local law may be easier if standards were developed. Some of the existing standards that OC Public Works Department, or NYS DOT use may be applicable.

While each location has its own set of conditions and some discretion is required, it is important to have some consistency in application. This law gives the Highway Superintendent sole judgment of site distances and driving hazards. These decisions, should be guided by accepted traffic engineering standards. This avoids inconsistency of administration when personnel change and provides better justification should liability issues arise.

Stormwater Management Additional performance or design standards should be included to assure that the post construction stormwater flow and velocity is comparable to pre-construction.

The Ontario County Soil and Water Conservation District is going to send a report on driveway standards to the Town for reference.

Access Management The law allows two driveways to commercial establishments. Proliferation of driveways can increase traffic hazards. This is relevant in rural areas since speeds are higher drivers are not expecting turning movements. The number of driveways is better, and more customarily regulated, as part of site plan review or in access management regulation.

Comments/Suggestions Provided by Ontario County DPW:

1. Only one (1) driveway shall be permitted for each residential property, minor commercial, and subdivision. *A stipulation could be added that reads “ An additional driveway may be permitted by Town if both sufficient frontage exists and extenuating circumstances justify a second driveway.”*
2. Intersection sight distance should meet or exceed the values in Chapter 9 of AASHTO’s latest *A Policy on Geometric Design of Highways and Streets*.
3. Stopping sight distance should meet or exceed the values in Chapter 9 of AASHTO’s latest *A Policy on Geometric Design of Highways and Streets*.
4. All driveways shall be constructed to slope away from the edge of the travel lane at the same slope as the highway travel lane or shoulder which normally varies in slope from 2% to 6%, to highway boundary.
5. Culvert pipe shall:
 - a. Be adequate to carry anticipated flow in ditch per NYSDOT *Highway Design Manual* Chapter 8.
 - b. Not be smaller than 12-inches inside diameter.
 - c. Have structural material and gauge adequate to withstand load from anticipated vehicular traffic across driveway. (corrugated metal may need to be utilized based on limited cover over pipe or heavy agricultural use)
 - d. Have tapered or flared pipe end sections; Pipes larger than 15-inches inside diameter shall has safety slope end sections provided, at a minimum, on approach end.
 - e. Have suitable length to accommodate side slope from driveway surface to top of pipe; desired side slope is 1:6, with 1:4 maximum.
6. 90° corner angle measured from highway turning into driveway is preferred. Angle must be between 60° and 120°. (45° may be too acute and cause sight distance issues).

Board Action: Citing a lack of potential for countywide or intermunicipal impact Mary Neale made a motion that was seconded by Richard DelVecchio to abstain from making a formal recommendation on application # 191-2010 and to return them with comments to the referring agency. Motion unanimously carried.

192 -2010

Town of Geneva Town Board

Class: EX

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Geneva*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Proposed local law regarding the regulations and licensing of dogs in the Town of Geneva.*

Type: *Subdivision*

Related Referrals: *128-2010*

Applicant: *Bluestone Creek*

Property Owner:

Representative: *BME Associates*

Tax Map Parcel #: *14.02-1-6.100*

Brief Description: *Major two phase cluster subdivision approval for Lehigh Crossing Light Industrial Park to subdivide 56.3 acres into 12 light industrial lots with a maximum buildout of about 535,000' ft on County Road 42 in the Town of Victor.*

General Description - Development of a major clustered subdivision on an approximate 56.3 acre parcel on County Road 42; Subdivision will be a light industrial business park per the existing Light Industrial (LI) zoning of the property. The property is proposed to be subdivided into 12 light industrial lots and the maximum total building square footage (net leasable area) proposed is approximately 535,000 square feet. The project will be developed in two phases: Phase I consisting of 6 lots on approximately 27.9 acres and Phase II consisting of 6 lots on approximately 28.4 acres.

Project Background – This project had been submitted to the County Planning Board for consideration at its August 2010 meeting. Upon initial review, Ontario County Planning Department requested a meeting with the Town and applicant and other state and county agencies to discuss the suitability and potential for this project to be considered for certification under the Empire State Development Corporation's Shovel Ready Program.

This program encourages upfront planning and environmental review for industrial development projects. An alternate review process utilizing a Generic Environmental Impact Statement allows projects to go forward without having all final details as would customarily be required prior to final subdivision approval. Subsequent applications for use of particular parcels within the development would be subject only to site plan review and no additional SEQRA investigation would be required as long as the proposal fell within the standards set in the GEIS.

With the concurrence of the applicant, the Town withdrew the application and has resubmitted it for consideration this month.

Review Process Proposed by Applicant

The applicant has requested that the town planning board review this as a preliminary subdivision application and issue preliminary subdivision and issue SEQRA "findings" for a 535,000 square foot industrial Park.

As a particular development is proposed for a location on the parcel, the applicant is asking that the town issue final subdivision approval and site plan approval according to the "findings" included in the preliminary approval. Though not said in the correspondence, the applicant is proposing that the Town complete the coordinated review, make a determination of significance and issue findings, completing the SEQRA process at that point.

As each parcel is proposed for final subdivision, site plan approval would be undertaken and if all project

elements are addressed in the completed SEQR, no further action would be taken.

Review Area	Description	Review Comment
Zoning	<ul style="list-style-type: none"> ▪ Present land use is Light Industrial (LI). ▪ Surrounding land use is LI, R-2 Residential, Fishers Park directly north, Lehigh Trail directly south, and County Road 42 to the east. ▪ Within the Route 96/251 Corridor Overlay District; Design guidelines are outlined in 1995 Town Comp Plan. 	<ul style="list-style-type: none"> ▪ Consider designs that follow the Route 96/251 Corridor Overlay design guidelines.
Land Cover (in acres)	<ul style="list-style-type: none"> ▪ Meadow – Before: 52.73 After: 5.1 ▪ Forest – Before: 2.1 After: 1.0 ▪ Wetland – Before: 1.47 After: 1.47 ▪ Roads, Buildings – Before: 0.00 After: 34.4 ▪ Green Space – 19.7acres ▪ Acreage to remain undeveloped – 4.9 acres ▪ No agricultural or unvegetated land ▪ Not used by community as open space or recreational area though it adjoins a town park ▪ 1.1 acres of woods (not mature forest) will be removed ▪ Maximum building coverage – 22.52aces 	<ul style="list-style-type: none"> ▪
Soil	<ul style="list-style-type: none"> ▪ Predominant soil type is Schoharie silty clay loam. ▪ 84% of site is well-drained ▪ 6% of site is moderately drained ▪ 10% of site is poorly drained ▪ No bedrock outcroppings ▪ 10,000 tons/cubic yard of excess topsoil will be removed from the site. ▪ Disturbed areas will be reclaimed (topsoil – yes, subsoil – no) 	<ul style="list-style-type: none"> ▪ Consider where topsoil will be stored during Phase 2; Phase 1 uses Phase 2 area for topsoil storage.
Steep Slopes	<ul style="list-style-type: none"> ▪ 90% of site has 0-10% slope ▪ 10% of site has 10-15% slope ▪ No slopes greater than 15% 	<ul style="list-style-type: none"> ▪ Minimize clearing and grading and use of fill on the site.
Agricultural, Critical Environmental, Historical and Natural Significance	<ul style="list-style-type: none"> ▪ Not contiguous to or containing a building, site, or district listed on the State or National Registers of Historic Places ▪ Not contiguous to a site listed on the Register of National Natural Landmarks ▪ Not located in Agricultural District ▪ Not located in Critical Environmental 	<ul style="list-style-type: none"> ▪ Victor is a historic center of Native American culture and archaeological resources, greatly increasing the probability that archaeological resources could be found on this site. ▪ Since both the Town and the applicant desire to complete as

	<p>Area</p> <ul style="list-style-type: none"> No archaeological investigation has been undertaken besides checking proximity to known sites. 	<p>much upfront planning and assessment of impacts during preliminary subdivision review, additional archaeological investigations should be undertaken. Otherwise, this will have to be done parcel by parcel and considerable time and expense.</p>
Gateway	<ul style="list-style-type: none"> This area is a gateway into Fishers Previous development plans were squashed because of the negative effect on the gateway. 	<ul style="list-style-type: none"> Minimize negative impact on gateway by providing creative landscaping and buffering close to the road within this transitional zone.
Water Resources and Aquifers	<ul style="list-style-type: none"> 2 non-jurisdictional wetlands (1.47 acres) on site Not in a 100-year floodplain Tributary to Irondequoit Creek is within or contiguous to project area Not located over a primary, principal, or sole source aquifer 	<ul style="list-style-type: none">
Open Space and Green Space	<ul style="list-style-type: none"> Adjacent to Fishers Park and Lehigh Trail The project site is not being used by community as open space or recreation area The majority of the area will be occupied with a structure or parking surface; overall character is urban. Light Industrial Code requires a 35% green space component; calculated as overall green space for the entire area, not for each individual property; able to keep continuous green space around perimeter of property. Able to achieve 35% by reducing front setbacks on buildings from 80ft. to 65 ft. along Lehigh Crossing and concentrating development toward middle and south of property. These setbacks provide buffers and will be placed in a conservation easement. Additional green space will be achieved on individual lots. Conservation easements create 25% of green space already. 	<ul style="list-style-type: none"> Consolidate the green space into fewer but larger areas to break up the consistency and frequency of the built environment; keeps it in line with a more rural character. Make sure that the development (adjacent to parkland, regional trail, and open space) does not impact the user experience of such facilities. How will the overall percentage of green space be monitored if Lots are being developed on an individual basis?
Internal Trail	<ul style="list-style-type: none"> Trail will be a 60 ft. wide corridor It will have landscaping and earth 	<ul style="list-style-type: none"> Make sure internal trail is designed using AASHTO standards; the

	<p>forms.</p> <ul style="list-style-type: none"> ▪ There will be a 5 to 6 ft. pathway through the 60 ft. corridor. ▪ It will connect Fishers Park and the Lehigh Trail. 	<p>width may need to be expanded.</p> <ul style="list-style-type: none"> ▪ Enhancement of regional trail system is positive; thoughtful considerations and connections to the system in development decisions are present.
Conservation Easements	<ul style="list-style-type: none"> ▪ New conservation easements will protect the non-jurisdictional wetlands. ▪ Specific construction protection plans for wetlands will be developed at the time of individual site plan review. 	<ul style="list-style-type: none"> ▪ Consider construction protection plans regarding wetlands sooner than later.
Scenic Vistas	<ul style="list-style-type: none"> ▪ The project site does not include scenic views known to be important to the community. 	
Infrastructure and Community Provided Services	<ul style="list-style-type: none"> ▪ Site is served by public utilities ▪ Fishers Fire District ▪ Water Benefitted Area ▪ Utility Easements and Access Easements to the Town of Victor ▪ Sufficient capacity exists to allow connection ▪ Improvements will not be necessary to allow connection ▪ Development will require authorization for the formation of Sanitary Sewer District. ▪ RG&E utility pole will need to be relocated ▪ Project will result in increase in energy use for office and flex space. ▪ Total anticipated water usage per day is 53,500 gallons per day. ▪ 	
Highways, Driveways, Parking, Traffic, Access	<ul style="list-style-type: none"> ▪ Subdivision is along busy County Road 42. ▪ Straight driveway into subdivision. ▪ May include up to 12 individual access drives to individual parcels. ▪ No curbing proposed for any of the parking lots. ▪ A round-about is proposed. ▪ 1,338 off-street parking spaces proposed ▪ To be per code on a site by site basis ▪ Code is 2.5 spaces per 1,000 square feet ▪ Maximum of 470 trips generated per hour ▪ 1,227 ft. of frontage along public 	<ul style="list-style-type: none"> ▪ Possibly align entrance to Lehigh Crossing with industrial site entrance across the road to minimize traffic conflicts and maintain a consistent gateway. ▪ Consider the use of shared access to serve more than one parcel, in order to decrease the amount of impervious pavement and to allow for more green space and reduction in pedestrian and vehicular conflicts. ▪ Consider providing curbing for ease of maintenance and for vehicular safety. ▪ Consider knock-outs or flush curbs

	<p>thoroughfare</p> <ul style="list-style-type: none"> ▪ Will generate traffic significantly above present levels. ▪ Traffic Impact Study was completed. 	<p>in strategic areas to allow for sheet flow of surface water from the parking lots to the adjacent lawn areas.</p> <ul style="list-style-type: none"> ▪ Possibly relocate trail connection (so it is not through the middle of the roundabout) for safe pedestrian and bicyclist crossing among heavy trucks. ▪ Will the gazebo block sight lines for heavy trucks, workers, pedestrians, and bicyclists? ▪ A curvilinear driveway alternative should be considered, in order to maintain visual interest and be sympathetic to rural forms. ▪ Depending on the types of industry that enter this subdivision, will heavy trucks, construction, and emergency vehicle accessibility be an issue? (maneuvering within the subdivision, turning radii, proper access to unloading areas, etc.) ▪ Is the round-about the ideal traffic calming device for heavy trucks? Or is this catering more to bicyclists and pedestrians more? ▪ Would businesses shy away from leasing a lot in an area with a round-about because of perceived difficulties with maneuvering? ▪ Consider more access roads to this subdivision, cross-access through other industrial area? ▪ Second cul-de-sac will pose many of the same accessibility issues as the first roundabout. ▪ The roundabout seems to benefit pedestrians and bicyclists more than heavy trucks; this makes it more difficult for maneuvering; what kind of park are businesses looking for? ▪ Should there be restrictions for pedestrians and bicyclists within this industrial park? ▪ Many bicyclists and pedestrians may park here to access the park or trail; it may become a destination; how to handle the parking and extra traffic generation.
--	--	--

		<ul style="list-style-type: none"> ▪ If it does become a destination, may need to update TIS to reflect added traffic.
Sidewalks	<ul style="list-style-type: none"> ▪ There are no sidewalks proposed for this development; ▪ Rather, pedestrians and bicyclists are encouraged to use a 4' wide lane on the road which is marked with a white stripe. ▪ The lane will require less plowing maintenance than sidewalks in the wintertime. 	<ul style="list-style-type: none"> ▪ Consider sidewalks for increased safety of industrial park workers and recreational trail and park users. ▪ Consider safety first and foremost; conflicts with heavy trucks and pedestrians and bicyclists should be analyzed. ▪ Lane striping may deteriorate over time because of snowplows, making it less clear where pedestrians and bicyclists are allowed.
Buildings and Lots Sizes	<ul style="list-style-type: none"> ▪ Buildings are being individually sold (not leased). ▪ Dimension of largest proposed structure is 35'h x 150'w x 250' l. ▪ Maximum potential development permitted is 610,000 square feet of LI buildings. ▪ Minimum lot size proposed is 125,722 square feet. ▪ Subdivide into lots ranging from 2.5 acres to 7 acres in size, with building sizes ranging from 20,000 to 40,000 square feet. ▪ Actual size of buildings and lots will be determined at the time of final site plan approval. 	<ul style="list-style-type: none"> ▪ Is there a maximum lot size proposed? ▪ With no set lot lines, how will later tenants fair in terms of lot sizes? ▪ There is no Phase 2 design sketched out. ▪ How will buildings be oriented toward the road?; What sizes are allowable, etc. ▪ Is there a possibility that each lot can further be subdivided within the building? How does this effect development plans?
Stormwater Drainage	<ul style="list-style-type: none"> ▪ Stormwater Management area proposed within buffer between LI and Residential District. ▪ It appears that a Stormwater Management Plan is only completed for Phase 1. 	<ul style="list-style-type: none"> ▪ The stormwater system had been designed to maximum flow. However, implementation of green infrastructure design measures may have the net result of reducing the size of the 'hard' stormwater structures.
Landscaping and Buffering	<ul style="list-style-type: none"> ▪ Earth forms and plantings will help to screen the parking lots. ▪ Considered destination driven, not tourism driven. ▪ Parking and paved areas shall be buffered in the LI zone from any adjoining residential district by a 100 ft. buffer consisting of planting and vegetative cover. ▪ Lots 1-6 are required to have a 100 ft. buffer with plantings and vegetative cover because they border a residential district. 	<ul style="list-style-type: none"> ▪ Individual plant material should be identified; majority of plant selections should be native species. ▪ Review individual planting plans when individual lots are submitted for final site plan approval. ▪ Consider the maximum amount of buffering between different traffic types (pedestrians, bicyclists, heavy trucks, workers, etc.) ▪ Consider the size and location of berms and landscaping along Wangum as to avoid blocking sight

	<ul style="list-style-type: none"> Other buffers are necessary (30 ft.) if adjacent to other districts. This area shall be planted with live trees and shrubs at least 6 ft. and shall have other grading and landscaping as necessary to visually and audibly screen the industrial activity from the adjacent district. 	<p>lines for traffic turning in and out.</p> <ul style="list-style-type: none"> Provide a more densely planted screen or provide berm, to assist in screening the parking. With decorative trees along road, etc. make sure canopies do not interfere with tall, heavy trucks on site.
Signage	<ul style="list-style-type: none"> Two entrance signs are proposed at intersection of Lehigh Crossing and Wangum Road Minimal signage enhancements for pedestrians and bicyclists. 	<ul style="list-style-type: none"> Will entrance signs be incorporated into designs of front Lots? Make sure proposed landscaping and berms do not obstruct sight distance or “hide” the proposed intersection. Consider the addition of interchangeable signage at road to indicate the businesses present within the development. Consider more wayfinding signage for truckers, workers, bikers and pedestrians; for vehicles entering, it should be clear to them that pedestrians and bicycles may be present, especially near the round-about.
Lighting	<ul style="list-style-type: none"> This park is designed to accommodate people around the clock – workers during the day and the potential for pedestrians and bicyclists during the evening; there may also be a potential for overnight deliveries using heavy trucks. 	<ul style="list-style-type: none"> Consider safety of the property both night and day; consider adding lights in strategic places along the pedestrian and bicycles paths for added safety; Consider lighting for overnight truckers as well.
Setbacks	<ul style="list-style-type: none"> Clustered subdivision allow for setbacks, variances to be waived. Requesting a waiver to the 80-foot front setback requirement by LI zoning; Proposed setback is 65 ft. along the proposed new roadway. Seeking approval to allow parking within 80 ft. of the road ROW; 80 ft. parking setback is generally required by the Parking Requirements found in Section 211-32 of Zoning Law. 	<ul style="list-style-type: none"> Some parking area of Lots 1, 10, 11, 12 are in the front setback. Even though site plan features are conceptual, extent of waiver being requested is unclear. Some parking lot spaces may be within 15 ft. of the round-about ROW.
Maintenance	<ul style="list-style-type: none"> Roundabout, gazebo, trail, and striped lane will need maintenance above and beyond normal maintenance. Some land and amenities will be dedicated to the Town (presumably for the purposes of maintenance). 	<ul style="list-style-type: none"> Who will maintain the property and its amenities? The Town? The developer?
Other Comments:		

- The Engineer's Report Addendum for Lehigh Cross proposes design parameters and development thresholds. It sets lot standards including building setbacks, parking, height, and distance between structures and parking ratio (2.5sp/1,000square feet). Design parameters are set for water supply, sanitary sewer, and stormwater management and green infrastructure design.
- The only use mentioned is high end flex and office space. The traffic study uses the tenant mix at Elmgrove Cross to benchmark trip generation rates which includes a diversity of uses.
- A study to determine the need for a signal on Wangum Rd. and SR251 is proposed when 50 percent of the development is occupied or land developed. Depending on the types of uses, trip generation may be 'front end loaded' and this study would be needed prior to the 50% threshold.
- The standards/parameters as proposed do not allow a future developer to take advantage of the design flexibility encouraged by conservation subdivision. The potential for measures such as shared drives, zero lot lines, shared parking, etc. should be available.
- There are no architectural design standard, lighting standards, etc. included.
- Any impact from a proposed development that is not addressed in the SEQR process and findings could result in having to potentially to reopen the SEQR process. For example if, each site is subject to an archaeological investigation, the entire subdivision's preliminary approval could require major reassessment/revision.
- The more information that is known now, will save time at the other end.
- The Generic EIS process provides a greater degree of flexibility to the Town.

Additional Board Comments The Board commends the Town and the applicant for investing the 'upfront' time and resources into this project's cooperative planning so that significant cost advantages can be obtained expediting future development while meeting or even exceeding environmental and community character standards.

BOARD ACTION: *Mary Neale made a motion of approval, seconded by John Palomaki, of application # 193-2010 as a Class 2 and return it to the referring municipality.*

194 -2010

Town of Naples Planning Board

Class: 2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Joseph Callaghan*

Property Owner:

Representative: *Grove Engineering*

Tax Map Parcel #: *194.00-3-29.000*

Brief Description: *Front and side setback variances for construction of a 10'x60' addition to existing building to expand Allen Landscaping Inc. located at 7547 State Rt. 21 N in the Town of Naples. A NYSDEC permit is required.*

REFERRAL NUMBER:	LINKS
-------------------------	--------------

REFERRING AGENCY: Naples ZBA
APPLICATION TYPE: Area Variance, Site Plan, and Special Use Permits

CLASSIFICATION: 2 Site Plan 2

PROJECT DESCRIPTION: APPROVAL TO OPERATE A LANDSCAPING BUSINESS WITH AN OUTDOOR STAGING AREA FOR LANDSCAPING AND MULCH, AND A 10'X60' ADDITION TO AN EXISTING BUILDING WHICH WILL REQUIRE A DEC PERMIT TO FILL IN A WETLAND.

SITE CHARACTERISTICS			
-----------------------------	--	--	--

Acres		Active Agriculture	No
Land Use	Existing residence	Public Water	no
Land Cover		Public Sewer	no
Zoning	C-1	Site Access	Rt. 21

Site Comments A SUBSTANTIAL PORTION OF THE SITE HAS BEEN FILLED. THE EASTERN PART IS WETLAND.

ENVIRONMENTAL CONDITIONS

Hydrology		Wetlands	
Watershed	Canandaigua Lake	NYS DEC	yes
Flood Zone	yes	NWI	
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability		Active Ag	no
Erodibility		Prime Ag Soils	
Slope		Ag District	

Environmental Comments The project will involve filling in a wetland. It is unclear if any pesticides will be stored on site.

COMMUNITY CHARACTERISTICS

Land Use-Cover		Historical Site	
North		National	
South		State	
East		Local	
West			
Scenic Views		Transportation Corridor	
From Site		CPB Gateway	Rt. 21
To Site		Corridor Study	

Community Comments

SITE PLAN REVIEW

Aesthetics	
Lighting	• Not discussed

Signage	<ul style="list-style-type: none"> No detail given
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> One curb cut is defined
Site Circulation	<ul style="list-style-type: none"> Not applicable
Parking	<ul style="list-style-type: none"> None delineated
Pedestrian Access	<ul style="list-style-type: none"> Not applicable
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> Drainage is proposed to flow to the wetland.
Open Space/Recreation	<ul style="list-style-type: none"> The site is amongst DEC lands.
Landscaping & Buffering	<ul style="list-style-type: none"> No detail provided
Code Compliance	
Setbacks	<ul style="list-style-type: none"> Variances Required
<p>General Comments: The NYDEC is currently reviewing a wetland modification permit application. As of Nov. 10, the application has been returned to the applicant as incomplete.</p> <p>The local boards should consult with DEC and the Canandaigua Lake Watershed Manager regarding wetland and stormwater management issues prior to taking action on the site plan, area variance, and special use permit.</p> <p>As a major visitor corridor, this project will be a major visual and aesthetic improvement to the area. It is important therefore, that signage, screening parked business vehicles, and enhancing landscaping along Rt. 21 be included in the project. Any lighting should be dark sky compliant.</p> <p>Findings The avoiding potential adverse impacts on a DEC wetlands and the water quality of Canandaigua Lake is of county-wide and intermunicipal interest to the CPB.</p> <p>This project potentially involves actions that are subject to NYSDEC wetland modification regulations. Depending on the outcome of the wetland modification permit application, changes to the proposed site plan may be required to minimize such impacts.</p> <p>Modification The Town (local planning board/zoning board of appeals/staff) shall review the proposed site plan with NYS DEC to determine what elements can be approved prior to action taken by the NYS DEC on the wetland application so that unnecessary delays in the local approval process can be avoided.</p>	

BOARD ACTION: *John Thompson made a motion of approval, seconded by Tom Neary, of application # 194-2010 as a Class 2 with modification and return it to the referring municipality with comments.*

195 -2010

Town of Naples Planning Board

Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Joseph Callaghan*

Property Owner:

Representative: *Grove Engineering*

Tax Map Parcel #: *194.00-3-29.000*

Brief Description: *Special use permit for use of parcel as a landscaping business (Allen Landscaping Inc.) located at 7547 State Rt. 21 N in the Town of Naples adjoining NYSDEC wetland MS-2.*

See 194-2010 for comments.

BOARD ACTION: *John Thompson made a motion of approval, seconded by Tom Neary, of application # 195-2010 as a Class 2 with modification and return it to the referring municipality with comments.*

196 -2010 Town of Naples Planning Board Class: 2
Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Joseph Callaghan*

Property Owner:

Representative: *Grove Engineering*

Tax Map Parcel #: *194.00-3-29.000*

Brief Description: *Site plan approval for construction of a 10'x60' addition to existing building, installation of gravel parking lot and driveway for Allen Landscaping located at 7547 State Rt. 21 N in the Town of Naples adjoining NYSDEC wetland MS-2.*

See 194 for comments.

BOARD ACTION: *John Thompson made a motion of approval, seconded by Tom Neary, of application # 196-2010 as a Class 2 with modification and return it to the referring municipality with comments.*

197 -2010 Town of Seneca Planning Board Class: 2
[Site Plan](#) [Aerial Photo](#) [Images](#)

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Stanley Clarkson*

Property Owner:

Representative:

Tax Map Parcel #: *101.00-3-28.000*

Brief Description: *Area variance for reduction in required mixed use lot size from 10 acre to 8.4 acres for multiple businesses to be located in the former Bob's Equipment at 2524 State Rts. 5&20 in the Town of Seneca.*

REFERRAL NUMBER:		LINKS
REFERRING AGENCY:	Town of Seneca	Aerial Photo

APPLICATION TYPE: Area Var, Special Use Per, Site Plan
CLASSIFICATION:
SITE ADDRESS: Routes 5 and 20
TAX MAP NO.: 101.00-3-28.000

[Site Plan](#)
[Steerview](#)

PROJECT DESCRIPTION: SEE ABOVE

SITE CHARACTERISTICS			
Acres	8 Acres	Active Agriculture	Partial
Land Use	Mixed Use	Public Water	Yes
Land Cover	Various	Public Sewer	None
Zoning	C-1 Mixed Use	Site Access	Rt 5 & 20
Site Comments			
•			
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Flint Creek	NYS DEC	None
Flood Zone	None	NWI	None
Aquifer	Unknown	Hydric Soils	None
Soils & Topography		Agriculture	
Permeability	Moderate	Active Ag	Partial
Erodibility	High	Prime Ag Soils	Statewide Importance
Slope	Simple	Ag District	Ag Dist 6
Environmental Comments			

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Agriculture	National	None
South	Agriculture	State	None
East	Agriculture/Residential	Local	None
West	Agriculture		
Scenic Views		Transportation Corridor	
From Site	None	CPB Gateway	Rt 5 & 20
To Site	None	Corridor Study	Rt 5 & 20 Corridor Study
Community Comments			

SITE PLAN REVIEW	
Aesthetics	
Lighting	• No lighting plan submitted - Section 107.0 should be adhered too
Signage	• None Submitted – Section 112.0 should be adhered too
Noise	• None Identified
Traffic & Circulation	

Access Management	<ul style="list-style-type: none"> Six (6) access points exist within a 400 ft of this site. There is an opportunity to consolidate the number of access points which would improve access
Site Circulation	<ul style="list-style-type: none"> There is a well established dirt/gravel road on site. However, given the mix of uses being proposed it is unclear if site circulation is address adequately. Emergency access is a primary concern.
Parking	<ul style="list-style-type: none"> No Information Provided – Section 108.0 should be adhered too
Pedestrian Access	<ul style="list-style-type: none"> No Information Provided
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> No information provided, however this is an existing structure(s) and will not add to the stormwater runoff in the area. If runoff issues exist they should be addressed as part of this reuse plan. Section 113.0 should be adhered too
Open Space/Recreation	<ul style="list-style-type: none"> No information provided
Landscaping & Buffering	<ul style="list-style-type: none"> No information provided – Section 105.0 should be adhered too
Code Compliance	
Setbacks	<ul style="list-style-type: none"> Minimum Setback & Frontage requirements have been meet
Lot Size	<ul style="list-style-type: none"> Minimum lot size is 10 acres in a Mix-use Development. This site is 8 acres.
Special Use Permit	<ul style="list-style-type: none"> Storage less than 4,000 sq feet is allowed with a special use permit. Based on the site plan more then 4,000 sq ft will be used for storage.
Comments	

The intent of the C-1 – Mixed Use district and the Article X Additional Uses for Specified Uses Section 82.0 seem to be in conflict. The intent of the C-1 is to provide locations to accommodate general retail, service, finance, insurance, real estate, and related uses. The uses proposed in this application vary significantly and are not complimentary to each other or the C-1 District.

The parcel currently has three main buildings: residence, animal/horse facility and a connected complex of multiple buildings. The zoning code provides for mixed uses in one building or in multiple buildings.

Additional Board Comments

As currently submitted, there is limited information of the kinds of uses and their individual and cumulative impacts on traffic, parking, access management, drainage, etc..

The Town zoning code has requirements and standards for site plan review, special uses, etc. but almost no information was provided.

BOARD ACTION: Motion made by Glen Wilkes to return Applications 197-2010 as incomplete to the municipality with comments. Motion seconded by Terrence Hopper.

Motion carried with Tom Neary and Cliff Kunes abstaining.

198 -2010

Town of Seneca Planning Board

Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Stanley Clarkson*

Property Owner:
Representative:
Tax Map Parcel #: 101.00-3-28.000
Brief Description: *Special use permit for additional businesses (family day care, general storage and retail, and automotive sales/repair/storage) to existing horse boarding/livestock and auto repair/ body shop uses at 2524 State Rts. 5&20 in the Town of Seneca.*

See 197-2010 for review.

BOARD ACTION: Motion made by Glen Wilkes to return Applications 198-2010 as incomplete to the municipality with comments. Motion seconded by Terrence Hopper.

Motion carried with Tom Neary and Cliff Kunes abstaining.

199 -2010 Town of Seneca Planning Board Class: 2
Type: *Site Plan*

Related Referrals: *n/a*
Applicant: *Stanley Clarkson*
Property Owner:
Representative:

Tax Map Parcel #: 101.00-3-28.000
Brief Description: *Site plan for additional businesses (see #198-2010) in existing buildings with new conforming sign using existing parking and curb cut at 2524 State Rts. 5&20 (formerly Bob's Equipment in the Town of Seneca.*

See 197-2010 for review.

BOARD ACTION: Motion made by Glen Wilkes to return Application 199-2010 as incomplete to the municipality with comments. Motion seconded by Terrence Hopper.

Motion carried with Tom Neary and Cliff Kunes abstaining.

200 -2010 Town of Canandaigua Planning Board Class: *ARI*
Type: *Site Plan*

Related Referrals: *n/a*
Applicant: *Amelia Morrissey*
Property Owner:
Representative:

Tax Map Parcel #: 82.00-1-42.000

Brief Description: *Three lot subdivision of 149 acre parcel located in NYS Ag. Dist 1 located at 3261 Hopkins Rd. in the town of Canandaigua.*

201 -2010 Town of Canandaigua Zoning Board of Appeals Class: *ARI*
Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Andrews Means*

Property Owner:

Representative:

Tax Map Parcel #: 98.09-1-43.110

Brief Description: *Area variance to allow three points of access to CR 16 when one is allowed as part of construction of a 2,000' sq residence at 3329 CR 16 in the Town of Canandaigua.*

202 -2010 Town of Canandaigua Zoning Board of Appeals Class: *ARI*
Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Scott Falvey*

Property Owner: *Greg & Ashley Westbrook*

Representative:

Tax Map Parcel #: 113.09-3-9.000

Brief Description: *Area variances for a second residential driveway and front setback to construct a garage at 3850 CR 16 in the Town of Canandaigua.*

203 -2010 Town of Canandaigua Planning Board Class: *1*
Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Venezia Associates*

Property Owner: *Charles Potter*

Representative:

Tax Map Parcel #: 70.00-1-58.110

Brief Description: *Site plan approval for construction of 792' sq. machine shop, 792 vehicles repair shop, storm water basin, and parking at 5300 North St. in the Town of Canandaigua.*

REFERRAL NUMBER:

LINKS

PROJECT DESCRIPTION: SEE ABOVE

SITE CHARACTERISTICS			
Acres		Active Agriculture	no
Land Use		Public Water	yes
Land Cover		Public Sewer	yes
Zoning	I Industrial	Site Access	North St.
Site Comments	SITE IS		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Sucker Brook/Canandaigua Lake	NYS DEC	
Flood Zone		NWI	no
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability	No issue	Active Ag	No
Erodibility	no issue	Prime Ag Soils	
Slope	level	Ag District	
Environmental Comments	The applicant has been working with the Canandaigua Lake Watershed manger on the stormwater management design.		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
The site is in an area of light industry.		National	none
		State	none
		Local	none
Scenic Views		Transportation Corridor	
From Site	no	CPB Gateway	no
To Site	no	Corridor Study	no
Community Comments	Though this parcel is in a light industrial area, it occupies a prominent corner. Additional landscaping or other treatment should be considered to better define the corner and buffer the view of the parking area.		

SITE PLAN REVIEW	
Aesthetics	
Lighting	• No detail is noted
Signage	• None mention as part of project.
Noise	• Not applicable.
Traffic & Circulation	
Access Management	• Use existing cut
Site Circulation	• The Framed and Metal building is accessed from the west side. Other areas of parcel

	are from a right turn to the west after the entrance
Parking	<ul style="list-style-type: none"> • Provided around the perimeter of the site and along the buildings
Pedestrian Access	<ul style="list-style-type: none"> • Not provided.
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • Provide
Open Space/Recreation	<ul style="list-style-type: none"> • Not applicable
Landscaping & Buffering	<ul style="list-style-type: none"> • Not applicable
Code Compliance	
Setbacks	<ul style="list-style-type: none"> • Yes
Lot Size	<ul style="list-style-type: none"> • yes

Board Action: Citing a lack of potential for countywide or intermunicipal impact Cliff Kunes made a motion that was seconded by Glen Wilkes to abstain from making a formal recommendation on application # 203-2010 and to return them with comments to the referring agency. Motion unanimously carried.

OTHER BUSINESS:

2011 CPB Nominating Committee: Chairman Folkins appointed John Thompson, Tom Neary, and Steve Groet as the 2011 CPB Nominating Committee of the 2011 CPB Slate of Officers. The committee will report at the December 8, 2010 meeting.

GFL Workshop: Ms. Rudzinski reminded the board that the Fall 2010 Regional Local Government Workshop will be held on November 19th in Mount Morris. To date, the following CPB members have stated they would attend the workshop: M. Neale, M. Prince, J. Palomaki, and R. DelVecchio, Cliff Kune, and Tom Neary. Staff attending the workshop: M. Rudzinski and L. Frasca.

WRC Update: John Palomaki reported that the WRC had met on Friday, 11/12/10 and shared that a tentative training session on Macrophytes – Hemlock Lake presentation would be given by Bruce Gilman at the next WRC meeting. CPB training credit would be given for all CPB members who attend. Further updates will be provided as needed.

Town of Geneva – Application 172-10: CPB member Howard Meaker reported that the Town of Geneva had provided a reply by the Town's attorney of the CPB review of Application 172-10 – Text Amendment. Copy on file with the Planning Department.

Adjournment: Being no further business for discussion **motion to adjourn the November 10, 2010 was made by John Thompson, seconded by Glen Wilkes. Motion unanimously carried.** The 11/10/2010 CPB meeting adjourned 10:06 p.m.

Respectfully submitted,

Linda R. Frasca
Administrative Assistant