



Planning Board

Draft Minutes for October 13, 2010

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- Introduction -

This document will serve as both the draft minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications 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
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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	E	Hopewell	Kirk Locus	E
Manchester	Jaylene Folkins, Chair	P	Naples	Terrance Hopper	P
Phelps	Glen Wilkes	P	Richmond	Bruce Campbell	P
Seneca	Clifford Kunes	E	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:

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

Guests: Mark DiFelice – DiFelice Dev.; Joseph Spezio; Rick Hoiles – Twin Cities Auto; Mary & Herb Hartman; Kevin Pollack for Judy Edde; John Biggs; and Frank Muellin.

Call to Order/Roll Call: Chair Jaylene Folkins called the October 13, 2010 County Planning Board meeting to order at 7:35 p.m.; with Ms. Frasca doing roll call and reporting that 14 members were present meeting the requirement to establish a quorum.

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

Note: 161 & 162 -2010 are related projects. 161-2010, if submitted alone, would be an administrative review. Since it was submitted with a special use permit, it is included here.

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Batavia Sign Company*

Property Owner: *CECA 3000LP (Castrol Premium Lube Express)*

Representative:

Tax Map Parcel #: *104.14-4-51*

Brief Description: *Area Variance to install seven signs instead of the two allowed for a total of 223.55' sq. when no more than 100'sq. is allowed at 288 Hamilton St.(Castrol Lube Express) in the City of Geneva.) This referral is related to 162-2010 for a special use permit for signs at the same location.*

PROJECT DESCRIPTION: Castrol Premium Lube has taken over operations of the former Jiffy Lube located at 288 Hamilton Street (Routes 5 &20). The property owner has applied to the city to place 6 internally illuminated signs on three sides of the structure and replace the pole based sign located in the parking area.

Section B of city code allows for 2 signs with an aggregate face area of no more then 100 sq feet, whereas the application is for 7 signs having an aggregate face of 224 sq feet. Further, Section H of city code states that internally illuminated signs shall be permitted by special use permit along Hamilton Street and no more then one internally illuminated sign shall be permitted when an area variance is required.

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified Routes 5 & 20 as primary travel corridors for tourists visiting Ontario County. The intent is to protect the character of development along this and other corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Findings:

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Motion: No action required for Application 161-2010

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Batavia Sign Company*

Property Owner: *CECA 3000 LP (Castrol Premium Lube Express)*

Representative:

Tax Map Parcel #: *104.14-4-51*

Brief Description: *Special Use Permit to install two internally lit signs at 288 Hamilton St. (Castrol Lube Express in the City of Geneva.)*

Board Action: Citing a lack of potential for countywide or intermunicipal impact Glen Wilkes made a motion that was seconded by Mary Neale to abstain from making a formal recommendation on application # 162-2010 and to return them with comments to the referring agency. Motion unanimously carried.

167- 2010

Town of Farmington

Zoning Board of Appeals

Class: 1

Type: *Use Variance*

Related Referrals: *n/a*

Applicant: *Mary Benson-Hartman*

Property Owner:

Representative:

Tax Map Parcel #: *8.00-1-23.112*

Brief Description: *Use variance to add an accessory dwelling unit to a single family home in the A-80 Zoning District at 82 Hook Rd. in the Town of Farmington.*

Project Comments: The applicant proposes to construct a 600' sq. accessory dwelling unit (ADU) (in-law addition) and add a third garage. The project meets all dimensional requirements but ADU's are not an allowable use.

As the demographic profile changes, there will be increasing demand for a greater variety of housing options.

Accessory dwelling units:

- 1 Provide additional housing opportunities in a regulated manner that maintains neighborhood stability and property values, and is in keeping with the residential character of the neighborhood;
- 2 Encourage family stability by allowing homeowners to provide housing for family members with special needs;
- 3 Provide housing opportunities for people at a variety of life stages;
- 4 Maintain neighborhood stability by allowing homeowners to remain in their home later in life by providing them with an opportunity for security, companionship, and income; and
- 5 Increase living options for persons with disabilities.

Consideration should be given to the following options:

1. The zoning officer can request an interpretation from the ZBA as to whether this project can be defined

as an accessory use under current code.

2. The zoning code should be reviewed and updated to allow, where appropriate, ADUs. The villages of Manchester, Shortsville, and Clifton Springs are currently reviewing a draft ADU regulation.

***Board Action: Citing a lack of potential for countywide or intermunicipal impact John Thompson made a motion that was seconded by John Palomaki to abstain from making a formal recommendation on application # 167-2010 and to return them with comments to the referring agency.
Motion unanimously carried.***

173 - 2010

Town of Geneva Town Board

Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Wm. McAdoo*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *A local law in the T. of Geneva which would enact property maintenance law addressing mowing and lawn maintenance, removal of lawn debris maintenance of hedges, etc., removal of nuisances, hazards, and clean up of lots/building damaged by fire, etc.*

The Town is proposing a local law that that would create uniform town-wide property maintenance standards that regulate abandoned motor vehicles, requires maintenance of landscaping (lawn cannot exceed 6”), cleanup of sites damaged by natural disasters or fire, and growth of noxious plants such as poison ivy. If a violation is not remediated, the Town can have the violation fixed and the cost to the landowner plus a service charge.

***Board Action: Citing a lack of potential for countywide or intermunicipal impact Glen Wilkes made a motion that was seconded by Tom Neary to abstain from making a formal recommendation on application # 173-2010 and to return it with comments to the referring agency.
Motion unanimously carried.***

174 -2010

Town of Geneva Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Joseph D. Hessney*

Property Owner:

Representative:

Tax Map Parcel #: 91.00-1-8.000

Brief Description: *Special use permit for retail sales of firearms at present auction center located at 2741 State Rt. 14 N., in the Town of Geneva.*

PROJECT DESCRIPTION: The Hessney Auction House has submitted an application for a Special Use Permit to allow the sale of firearms within the existing structure. Section 165-7 of town code lists retail services as a use contingent on securing a special use permit. No alterations to the existing site are being proposed.

COMMENTS: All State and Federal firearm regulations should be submitted to the town to ensure compliance.

Board Action: *Citing a lack of potential for countywide or intermunicipal impact Glen Wilkes made a motion that was seconded by Bruce Campbell to abstain from making a formal recommendation on application # 174-2010 and to return it with comments to the referring agency. Motion unanimously carried with Howard Meaker abstaining.*

165 - 2010 Town of Naples Planning Board Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *John Biggs*

Property Owner: *Steve Faulkner*

Representative:

Tax Map Parcel #: 201.00-1-23.200

Brief Description: *Special use permit to operate Naples Powersports Sales and Service at 7894 SR 245 (formerly the Auto Barn) in the Town of Naples.*

PROJECT DESCRIPTION: The applicant proposes to open and operate the Naples Powersports, a retail and service-oriented business focused on the sales, service, retail parts and accessories related to ATVs, snowmobiles, and other off-road motorsports. The location is the former Smith Chevrolet site at 7894 Route 245 in the Town of Naples. There will be no alterations to the existing building (with the exception of new exterior paint). The applicant has entered into a 12-month rental agreement with the owner of the existing building to rent the show room area and two service bays of the building.

A site plan was not provided with the referral. According to the Town Planning Board Chairman, the tenant will occupy the existing structure and there will be no alterations to the site other than the painting of the building exterior. According to Town Code, "Prior to the issuance of a change of occupancy permit, such permit or application must be approved by the Planning Board pursuant to the site plan provisions."

SITE CHARACTERISTICS

Acres	1.842	Active Agriculture	Vineyards to west
Land Use	Commercial; Surrounding land uses are Residential, Commercial and. Agriculture	Public Water	No - Private

Land Cover	Building; Parking Lot; Open Space	Public Sewer	No - Private
Zoning	Commercial (C-1)	Site Access	From SR 245
Site Comments	Served by private sewer, water, and drainage; Within Naples Ambulance and Fire Protection Districts.		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Yes – Canandaigua Lake, adjacent to creeks and streams	NYS DEC	Near large NYSDEC wetlands
Flood Zone	Adjacent to FEMA Q3 floodplain	NWI	Near large NWI wetlands
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability		Active Ag	Vineyards to west
Erodibility		Prime Ag Soils	Predominantly Pa and Ct soils; Surrounded by Lu, Lv, Wb, and Mg soils
Slope	Small portion of site has 15-25% slope; Property to the southeast has large areas of 15-25%, 25-50%, and 50% and greater slopes	Ag District	Yes
Environmental Comments	The project is located in the Canandaigua Lake watershed and in close proximity to regulated wetlands. The special use permit should specifically state what, if any, site disturbance would be allowed as well as delineate any outdoor storage areas.		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Agriculture	National	
South	Woodland and Roadway	State	
East	Agriculture and Buildings	Local	
West	Agriculture		
Scenic Views		Transportation Corridor	
From Site	Parrish Hill Gully; Vineyards; Farmland	CPB Gateway	Yes
To Site	Gateway along SR 245	Corridor Study	
Community Comments	This area is a gateway into Naples; With land use decisions, consider providing creative landscaping, adequate buffering, and appropriate lighting, exterior treatments, and signage within this transitional zone to preserve aesthetics of gateway; Protect important vistas by minimizing the visual impacts associated with site; Locate and screen storage in the rear of the building.		

SITE PLAN REVIEW

Aesthetics	
Lighting	<ul style="list-style-type: none"> Consider safety of the property both night and day; Consider adding lights in strategic places for added safety.
Signage	<ul style="list-style-type: none"> A sign will be located on the existing post structure in front of the building; Any and all other signage will be on the showroom windows; Town Code states, “All buildings altered in exterior appearance, including signage, shall be of such design, height, architecture, appearance, and relation to other buildings and structures that they will either enhance or minimally impact the aesthetics and appearance of the environs of the site; Make sure signage enhances the gateway and adheres to the signage design criteria in Article IX in the Town Code.
Noise	<ul style="list-style-type: none">
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> Consider defining the driveway with the addition of landscaping and buffering adjacent to NYS Route 245 for improved site access and to reduce conflicts with vehicular, bicycle, and pedestrian traffic along NYS Route 245
Site Circulation	<ul style="list-style-type: none"> Site is along busy NYS Route 245; Near bridge along NYS Route 245; Parking lot is gravel and blacktop; Vehicle access to site is wide driveway with no curb cuts or buffering; Consider defining the driveway with the addition of landscaping and buffering adjacent to NYS Route 245 for improved site access and to reduce conflicts with vehicular, bicycle, and pedestrian traffic along NYS Route 245.
Parking	<ul style="list-style-type: none"> On-site parking will be available in front of the building and will be able to accommodate enough vehicles for even the busiest days; No information is provided on required parking spaces. If there is inadequate parking, the town can consider allowing the applicant to delineate land for future parking but not require it be installed until deemed necessary.
Pedestrian Access	<ul style="list-style-type: none"> This site will not be accessed by pedestrians.
Natural Features	
Stormwater Management.	<ul style="list-style-type: none"> Consider drainage of and run-off from paved parking areas on-site and onto NYS Route 245; and Consider the addition of wet swales for additional drainage.
Open Space/Recreation	<ul style="list-style-type: none"> This section of Route 245 is often used by bicyclists and hikers at Parrish Hill Gully; Consider defining access points to reduce conflicts with pedestrians and bicyclists.
Landscaping & Buffering	<ul style="list-style-type: none"> Consider defining the driveway with the addition of landscaping and buffering adjacent to NYS Route 245 for improved site access and to reduce conflicts with vehicular, bicycle, and pedestrian traffic along NYS Route 245
Code Compliance	
Setbacks	<ul style="list-style-type: none">

Lot Size	<ul style="list-style-type: none"> The building is a 101' x 71', 1-story metal building; The exterior of the building may be repainted either blue or tan; Display of vehicles outside will be limited to the hours of operation; No long term outdoor storage of any kind will be necessary; In the shop, waste oils will be used as heat in the winter and all other waste fluids will be disposed of properly; Customers will not be allowed in the shop unless necessary for repair explanations; The showroom will have vehicles, parts, and accessories on display and there will be a bathroom available for customers; Make sure waste oils are burned on-site according to State and Federal regulations: 6 NYCRR Part 374-2 and 225-2, Used Oil Specifications; NYSDEC – Petroleum Bulk Storage, SCDHS Article 12; 40 CFR 279 – Standards for the Management of Used Oil.
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Board Action: Citing a lack of potential for countywide or intermunicipal impact Mary Neale made a motion that was seconded by Glen Wilkes to abstain from making a formal recommendation on application # 165-2010 and to return it with comments to the referring agency. Motion unanimously carried with Stephen Groet abstaining.

166 - 2010 Town of Naples Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *John Biggs*

Property Owner: *Steve Faulkner*

Representative:

Tax Map Parcel #: *201.00-1-23.200*

Brief Description: *Site plan approval to operate Naples Powersports Sales and Service at 7894 SR 245 (formerly the Auto Barn) in the Town of Naples.*

Board Action: Citing a lack of potential for countywide or intermunicipal impact Mary Neale made a motion that was seconded by Glen Wilkes to abstain from making a formal recommendation on application # 166-2010 and to return it with comments to the referring agency. Motion unanimously carried with Stephen Groet abstaining.

164 - 2010 Village of Victor Zoning Board of Appeals Class: 1

Type: *Use Variance*

Related Referrals: *n/a*

Applicant: *William Roberts*

Property Owner: *Malcolm E. Traub*

Representative: *Kate Gruenfelder*

Tax Map Parcel #: 16.7-2-58.110

Brief Description: *Use variance to store cars and other vehicles within an existing building in the Industrial Zoning district which excludes vehicle storage at 62 School St. within 500' of Rt. 96 in the Village of Victor.*

SITE CHARACTERISTICS			
Acres	3	Active Agriculture	No
Land Use	Manufacturing &	Public Water	Yes
Land Cover	Woodlands.	Public Sewer	Yes
Zoning	I- Industrial	Site Access	Adjacent to shared ROW driveway to
Site Comments	<ul style="list-style-type: none"> The subject property contains two buildings, which are used as office space and two large warehouses. Building 1: ~9,700 sq ft, built 1984, 1 story, 12' tall Building 2: ~17,600 sq ft, built 1984, 1 story, 50' tall, contains 20 ton crane. There are other warehouses and automobile uses across and down the street. It is unknown which, if any, of these uses were grandfathered in or have received use variances. However, the applicant indicates one business in the area has received a variance for storage. The V. Victor Main Street Master Plan (2002) recognizes School Street as a Southern gateway to the village. The intent of the zoning district is to allow uses that are compatible with physical and natural environments, including surrounding residential uses. Because the storage is strictly inside an existing structure and seasonal storage generally does not generate a lot of traffic, it is unlikely to have a noticeable impact on the character of the neighborhood. However, industrial land adjacent to a railroad has potentially higher value uses than storage. Currently, the district allows research and development facilities, service businesses, professional office buildings, retail businesses, banks, and recreational facilities. The Village may wish to revisit their permitted uses and determine if they still encompass the intent of the district. 		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Canandaigua Outlet	NYS DEC	No
Flood Zone	No	NWI	Yes
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability	Slow to moderate	Active Ag	No
Erodibility	Low to medium	Prime Ag Soils	Yes
Slope	< 15%	Ag District	No
Environmental Comments	<ul style="list-style-type: none"> Size (1,100 sq ft triangle) and location (northwest corner) of NWI wetland do not have a significant impact on the project 		
COMMUNITY CHARACTERISTICS			

Land Use-Cover		Historical Site	
North	Railroad, commercial, vac. commercial	National	No
South	Vacant industrial land, SF res, apartment buildings	State	No
East	Industrial	Local	No
West	Vacant		
Scenic Views		Transportation Corridor	
From Site	Maybe	CPB Gateway	No
To Site	No	Corridor Study	No
Community Comments	Scenic Views from Site: forested area to northwest of site, but all zoned for industrial		

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> • N/A
Signage	<ul style="list-style-type: none"> • Temporary sign currently posted advertise indoor storage. Exact location unknown, but presumed to be on School St.
Noise	<ul style="list-style-type: none"> • N/A
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> • Seasonal storage tends to generate less traffic than other warehouse uses given the nature of operations.
Site Circulation	<ul style="list-style-type: none"> • N/A
Parking	<ul style="list-style-type: none"> • Vehicles will be stored inside the building only, not outside. It is unknown if the vehicle owner transports the boat/car/etc there him/herself and therefore needs a temporary parking spot or if the vehicle being seasonally stored is towed to the site by the company.
Pedestrian Access	<ul style="list-style-type: none"> • N/A
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • N/A
Open Space/Recreation	<ul style="list-style-type: none"> • N/A
Landscaping & Buffering	<ul style="list-style-type: none"> • N/A
Code Compliance	
Setbacks	<ul style="list-style-type: none"> • N/A
Lot Size	<ul style="list-style-type: none"> • N/A
Use Variance Test	<p>For a Use Variance, the burden is on the applicant to meet all four criteria.</p> <ol style="list-style-type: none"> 1. The owner cannot realize a reasonable return on the property as zoned. 2. The hardship must be unique to the owner's property and not applicable to a substantial portion of the zoning district.

	<p>3. Granting the variance will not alter the essential character of the neighborhood.</p> <p>4. The hardship is not self-created.</p> <p>The application does not appear to meet all four criteria.</p>
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Board Action: *Citing a lack of potential for countywide or intermunicipal impact Tom Neary made a motion that was seconded by Richard DelVecchio to abstain from making a formal recommendation on application # 164-2010 and to return it with comments to the referring agency. Motion unanimously carried.*

168 - 2010 Town of Geneva Planning Board Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Joseph D. Hessney*

Property Owner:

Representative:

Tax Map Parcel #: *91.00-1-8.000*

Brief Description: *Special use permit to construct five 30'x60' self-storage units on parcel containing an existing residence, and auction house at 2747 State Route 14 in the Town of Geneva.*

PROJECT DESCRIPTION: The property owner proposes to construct 24,000 square feet of mini storage on an existing site which currently has a single family residence and Hessney Auction House & Offices.			
SITE CHARACTERISTICS			
Acres	9 Acres	Active Agriculture	No
Land Use	Mixed Use	Public Water	No
Land Cover	Mowed Lawn	Public Sewer	No
Zoning	Industrial (I-1)	Site Access	From St Rt. 14
Site Comments	<ul style="list-style-type: none"> The site currently contains a single family residence and auction house. Each use is accessed by separate curb cuts along State Route 14. It should be noted that an application for a mini-storage facility was submitted by the town in June 2010 for a parcel located 1,500 feet to the south at 2787 State Rt. 14. 		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Seneca Lake	NYS DEC	None
Flood Zone	N/A	NWI	None
Aquifer	Unknown	Hydric Soils	Potentially Hydric
Soils & Topography		Agriculture	

Permeability	Slow	Active Ag	N/A
Erodibility	Medium	Prime Ag Soils	Prime if Drained
Slope	Simple	Ag District	N/A
Environmental Comments			

COMMUNITY CHARACTERISTICS			
<i>Land Use-Cover</i>		<i>Historical Site</i>	
North	Vacant Land	National	None
South	Residential	State	None
East	Railroad & Active Agriculture	Local	Unknown
West	Residential		
<i>Scenic Views</i>		<i>Transportation Corridor</i>	
From Site	None	CPB Gateway	State Rt. 14
To Site	None	Corridor Study	
Community Comments	State Route 14 corridor is the gateway corridor leading from the NYS Thruway to the City of Geneva, Seneca Lake, and the Seneca Lake Wine Trail. The mixed use nature of this corridor needs to be balanced to ensure cohesion between land uses.		

SITE PLAN REVIEW	
Aesthetics	
Streetscape	<ul style="list-style-type: none"> Rt. 14 is a main travel corridor and a gateway to the Finger Lakes. The disjointed visual appearance of the corridor and the streetscape has been identified in the Rt. 14 corridor study as an area of concern since it is the first impression many visitors have of the Finger Lakes Region. Since corridor improvements occur slowly as individual parcels come up for review, this projects presents an opportunity to include enhancements to the road frontage such as landscaping, fencing, etc.
Lighting	<ul style="list-style-type: none"> The site plan does not indicate if the facility will be lit If lighting is planed it should be dark sky compliant
Signage	<ul style="list-style-type: none"> No signage plans where submitted
Noise	<ul style="list-style-type: none"> The nature of ministorage should not create noise impacts.
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> The existing auction house curb cut will be used to access the mini-storage units
Site Circulation	<ul style="list-style-type: none"> The existing gravel parking lot will be used for site circulation
Parking	<ul style="list-style-type: none"> The existing gravel parking area will be used for parking

Pedestrian Access	<ul style="list-style-type: none"> • N/A
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • Per the site plan the existing gravel parking lot is sloped towards an existing retention pond and flows to points south off the site. However the existing retention pond is not seen in 2009 aerial photography and the site appears to drain to the west, across St Rt. 14.
Open Space/Recreation	<ul style="list-style-type: none"> • None indicated on site plan
Landscaping & Buffering	<ul style="list-style-type: none"> • No additional landscaping is identified on the site plan. These individual ministorage units will be buffered by an auto repair shop directly to the west. Further, an 8 foot berm is identified on the site plan which upon review of aerial photography and elevation data is not seen.
Natural Features Comment	The applicant should verify the size of the project site to determine if a stormwater management permit is required.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> • The front set back is 45 ft and per code should be 75 ft, all other setback requirements have been met.
Lot Size	<ul style="list-style-type: none"> • Minimum lot size of 3 acres has been met.
Additional Comments:	The Town should require that the applicant verify if a Stormwater Pollution Prevention Permit. The plan shows an existing retention pond but provides no other information.

BOARD ACTION: *Glen Wilkes made a motion of approval, seconded by Mary Neale, of application # 168-2010 as a Class 2 and return it to the referring municipality with modification(s) and comment(s) stated above. Motion unanimously carried with Howard Meaker abstaining.*

169 - 2010 Town of Geneva Planning Board Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Joseph D. Hessney*

Property Owner:

Representative:

Tax Map Parcel #: *91.00-1-8.000*

Brief Description: *Site plan approval to construct five 30'x60' self-storage units on parcel Containing an existing auction house at 2747 State Route 14 in the Town of Geneva.*

BOARD ACTION: *Glen Wilkes made a motion of approval, seconded by Mary Neale, of application # 169-2010 as a Class 2 and return it to the referring municipality.*

172 - 2010

Town of Geneva

Town Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Wm. McAdoo*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Proposed Local Right to Farm Law for the Town of Geneva*

The proposed local law is an action item in the Town's farmland protection plan. Its purpose is to recognize the importance of agriculture and all its benefits to the local economy, quality of life, and open space benefits. It establishes definitions for agriculture/farming terms, allows farmers the ability to undertake agricultural practices and activities according to accepted state and federal standards, prohibits private or public nuisance actions from being taken against a farmer for accepted practices, creates an Agricultural Advisory Committee, establishes a dispute resolution process, and requires inclusion on any deed conveyed in a residential subdivision, building permit, and on plats submitted for approval under town law that is within 500' of an agricultural operation, include notice that active farming with associated farm practices are permitted in the Town and by accepting conveyance the grantee waives objection to such activities.

The law is applied town-wide and not limited to lands in an Agricultural Zoning District or in a NYS Agricultural District.

Comment:

Additional information is being sought regarding the ability of a local law to require a landowner to 1) give up their right to object to agricultural activities, or, 2) prohibit private and public nuisance lawsuits. The NYS Agriculture and Markets law allows some protection from private nuisance lawsuits. It is not clear if local law can do the same.

Findings:

1. The Board commends the Town of Geneva for considering a Right to Farm Local Law which is an important part of a local farmland protection program and is an important step in implementing its local farmland protection plan.
2. **Nuisance Provision** The Board is concerned that the Town may not have the necessary authority under NYS Town and/or General Municipal Law to declare that farming practices following 'recommended' federal or state practices shall not be a private and public nuisance. The local law does not cite the State law that empowers it to define, in advance of civil litigation, an action as not constituting a nuisance. NYS Agriculture and Markets law does not, in advance of a civil action, declare that a particular agricultural practice cannot be either a public or private nuisance. It also does not address what is a public nuisance which is a separate legal issue – can a local law limit the right of another governmental entity from pursuing a public nuisance action?

Note: NYS Agriculture and Markets Law 308-a. grants specific relief from certain private nuisance claims for land in a NYS Agricultural District:

308-a. Fees and expenses in certain private nuisance actions

1. Definitions. For purposes of this section:

a. "Action" means any civil action brought by a person in which a private nuisance is alleged to be due to an

agricultural practice on any land in an agricultural district or subject to agricultural assessments pursuant to section

three hundred three or three hundred six of this article, respectively.

b. "Fees and other expenses" means the reasonable expenses of expert witnesses, the reasonable cost of any

study, analysis, consultation with experts, and like expenses, and reasonable attorney fees, including fees for

work performed by law students or paralegals under the supervision of an attorney, incurred in connection with

the defense of any cause of action for private nuisance which is alleged as part of a civil action brought by a

person.

c. "Final judgment" means a judgment that is final and not appealable, and settlement.

d. "Prevailing party" means a defendant in a civil action brought by a person, in which a private nuisance is alleged

to be due to an agricultural practice, where the defendant prevails in whole or in substantial part on the

private nuisance cause of action.

2. Fees and other expenses in certain private nuisance actions.

a. When awarded. In addition to costs, disbursements and additional allowances awarded pursuant to sections eight thousand two hundred one through eight

thousand two hundred four and eight thousand three hundred one through eight thousand three hundred three-a of the civil practice law and rules, and except as otherwise specifically provided

by statute, a court shall award to a prevailing party, other than the plaintiff, fees and other expenses incurred by such party in connection with the defense of any cause of action for private

nuisance alleged to be due to an agricultural practice, provided such agricultural practice constitutes a sound agricultural practice pursuant to an opinion issued by the commissioner

under section three hundred eight of this article, prior to the start of any trial of the action or settlement of such action, unless the court finds that the position of the plaintiff was substantially

justified or that special circumstances make an award unjust. Fees shall be determined pursuant to prevailing market rates for the kind and quality of the services furnished, except that fees and

expenses may not be awarded to a party for any portion of the litigation in which the party has unreasonably protracted the proceedings.

b. Application for fees. A party seeking an award of fees and other expenses shall, within thirty days of final judgment in the action, submit to the court an application which sets forth (i) the

facts supporting the claim that the party is a prevailing party and is eligible to receive an award under this section, (ii) the amount sought, and (iii) an itemized statement from every attorney or

expert witness for which fees or expenses are sought stating the actual time expended and the rate at which such fees and other expenses are claimed.

3. Interest. If the plaintiff appeals an award made pursuant to this section and the award is affirmed in whole or

in part, interest shall be paid on the amount of the award. Such interest shall run from the date of the award through the day before the date of the affirmance.

4. Applicability.

- a. Nothing contained in this section shall be construed to alter or modify the provisions of the civil practice law and rules where applicable to actions other than actions as defined by this section.
- b. Nothing contained in this section shall affect or preclude the right of any party to recover fees or other expenses authorized by common law or by any other statute, law or rule.

3. **Agricultural Disclosure:** This provision is substantially different from the notice provision provided in NYSDAM law. The state law advises prospective buyers that a property is in or adjacent to a farm operation in a NYS Agricultural District and certain odors, noises, etc. can be expected. This section requires a purchaser to waive the right to object if they want to purchase a piece of property.

- This section requires, as a condition of subdivision, that a deed conveying land to subdivided be recorded with a notice that states that the land may be in proximity to agricultural operations which may create noise, odors, etc. and that by “accepting this conveyance, the grantee does hereby waive objection to such activities.” Similar to the Nuisance provision, there is no citation that indicates under what State statutory authority this limitation is authorized. Further, this could be construed by an individual as imposing a limitation on speech since you are being asked to give up your right to “object” in order to acquire property.
- Administration of this provision will be difficult --- it will require monitoring all deed transfers and taking action when someone ‘objects’ to a practice. There is no definition of what constitutes an ‘objection’ or what enforcement action is to be taken if someone objects. The Resolution of Disputes section does not address ‘objections’ raised under the Agricultural Disclosure section.

4. **Resolution of Disputes** What is the consequence/enforcement action of a decision made by the local town board in a dispute? Has the town board been granted, by state law, the power to adjudicate such disputes which have remedies in civil or other judicial action?

5. **Notice of Farm Use: Agricultural Data Statements** The NYSDAM Ag. Data Statement only applies to land within 500’ of a NYS Agricultural District. The proposed local law applies to farm operations anywhere in the town. Therefore, a local ag. data statement form should be developed for non-NYS Ag. District properties.

Based on the above findings, it is the position of this Board that:

- the proposed law may contain serious legal flaws; and
- provisions of the proposed local law have the same ‘name’ but are operationally different than NYS Ag. and Market law making compliance and enforcement difficult for the landowners, the State and Town.

BOARD ACTION: Arthur Babcock made a motion of denial, seconded by Mary Neale, of application # 172-2010 as a Class 2 and return it to the referring municipality with comment(s) stated above. Motion unanimously carried with Howard Meaker abstaining.

183 - 2010

Town of Manchester

Zoning Board of Appeals

Class: 2

Type: Variance

Related Referrals: *n/a*

Applicant: *Richard Hoiles*

Property Owner:

Representative:

Tax Map Parcel #: *32-1-16.000*

Brief Description: *Front and rear setback variances to construct a 28'x30' addition to an existing auto repair facility located Agricultural District 8 at 4286 State Road 96 in the Town of Manchester.*

The proposed addition will require an area variance for a 59.8' front setback where the code requires 75', and for a 10' rear setback where the code requires 50'. (See 184-2010 review below.)

BOARD ACTION: John Thompson made a motion of approval, seconded by Glen Wilkes, of application # 183-2010 as a Class 2 and return it to the referring municipality with comment(s) stated above. Motion unanimously carried.

184 - 2010

Town of Manchester

Planning Board

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Richard Hoiles*

Property Owner:

Representative:

Tax Map Parcel #: *32-1-16.000*

Brief Description: *Site plan approval to construct a 28'x30' addition to an existing auto repair facility located Agricultural District 8 at 4286 State Road 96 in the Town of Manchester.*

PROJECT DESCRIPTION: The applicant would like to erect a 28' x 30' (840 sq. ft.) addition on the existing Twin Cities auto repair facility located on the 0.367-acre parcel at 4286 State Route 96. The addition will include two 10' x 10' overhead doors and two work bays that are deep enough to allow for modern full-size extended cab pick-ups. This will allow work to be performed with the overhead doors closed, lowering the business energy use and carbon footprint.

SITE CHARACTERISTICS			
Acres	0.367	Active Agriculture	
Land Use	Commercial; Surrounding land use is mixed agriculture	Public Water	Yes
Land Cover	Buildings; Parking Lot; Open Space	Public Sewer	Yes
Zoning	Agriculture (A-1) with a variance	Site Access	From SR 96
Site Comments	<ul style="list-style-type: none"> Served by public water and sewer; Within Manchester Fire Protection District; Strict application of the zoning ordinance does not allow operation of the business in the A-1 District; The original classification of the property was Agricultural and not Commercial; Commercial is permitted here; Refer to Routes 96-318 Corridor Study for land use and transportation recommendations for this transitional zone. 		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Yes – Canandaigua Outlet; Creeks and streams are to the north and south	NYS DEC	
Flood Zone	FEMA Q3 floodplains are to the south	NWI	To the north and south of parcel
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability		Active Ag	
Erodibility		Prime Ag Soils	Predominant soil type is PB
Slope	0-15% slope on and adjacent to property	Ag District	Yes
Environmental Comments	NA		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Agriculture; Open Space	National	
South	Agriculture; Residential; Roadway	State	
East	Agriculture; Buildings	Local	
West	Agriculture; Buildings		
Scenic Views		Transportation Corridor	
From Site		CPB Gateway	Yes Rt. 96
To Site		Corridor Study	Yes – State Routes 96 and 318 Corridor Study
Community Comments	This area is close to the NYS Thruway and is a gateway into the Finger Lakes Region and the Town of Manchester and the Village of Shortsville; Routes 96-318 Corridor Study rates		

this intersection as having traffic safety issues; Study suggests realigning Kyte & Pratt Road’s sharp angle approaches to reduce crossing distance and improve line of sight; With land use decisions, consider providing creative landscaping, adequate buffering, and appropriate lighting, exterior treatments, and signage within this transitional zone to preserve aesthetics of gateway; Protect important vistas by minimizing the visual impacts associated with site; Locate and screen any storage toward the rear of the building.

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> • Consider safety of the property both night and day; and • Consider adding lights in strategic places for added safety.
Signage	<ul style="list-style-type: none"> •
Noise	<ul style="list-style-type: none"> •
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> • Consider the addition of landscaping, buffering, or fencing between parking lot and NYS Route 96 for improved safety.
Site Circulation	<ul style="list-style-type: none"> • Site is along busy NYS Route 96; Near corner of busy intersection; Majority of the parcel with the exception of buildings is paved.
Parking	<ul style="list-style-type: none"> • On-site parking is available along edges of parcel; Aerial photos show multiple cars parked and stored where new addition is proposed; Access to site is two driveways with no curb cuts or buffering (other than the parked cars in the front); Will this business increase traffic entering and exiting the site? If so, are more parking spaces, loading and unloading sites, and a defined driveway needed? Since the addition will take away parking and storage area, where will displaced automobiles be located?; Should additional parking areas be considered?
Pedestrian Access	<ul style="list-style-type: none"> •
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • Consider drainage of and run-off from large amount of impermeable, paved parking areas on-site and onto NYS Route 96; Consider the addition of wet swales for additional drainage.
Open Space/Recreation	<ul style="list-style-type: none"> • Minimum greenspace is 35%; Pole barn is 1,456 sq. ft., building is 784 sq. ft., and paving is 6,000 sq. ft.; Total square footage of lot is 15,987 sq. ft.; 52% of lot is built and paved, 48% is greenspace; “The variance would observe the spirit of the ordinance and would not change the character of the district because the expansion would only replace asphalt with a building, not to disturb the greenspace”.
Landscaping & Buffering	<ul style="list-style-type: none"> • Consider the addition of landscaping and buffering adjacent to NYS Route 96 and around edge of property to reduce conflicts with vehicular, bicycle, and pedestrian traffic along NYS Route 96 and to decrease the effect of business on neighboring properties.
Code Compliance	

Setbacks	<ul style="list-style-type: none"> Seeking approval to allow an area variance for a 59.8' front setback where the code requires 75', and for a 10' rear setback where the code requires 50'; Side setback minimum is 25 ft.; Side setback with addition is 32 ft; Greenspace would not be compromised by the addition since it will be built on an area that is already paved; The addition lines up with the existing structures which already have variances; Impacts to surrounding parcels seem minimal; Expansion would allow for increased business opportunities.
Lot Size	<ul style="list-style-type: none"> The current building is composed of two sections – a 1-story 28.0' x 28.1' building and a 26' x 56' pole barn; and The proposed addition is a 28' x 30', 1-story (16' high) metal building with two 10' high doors; Maximum height allowable is 35 ft'; All siding and roofing will match existing.

BOARD ACTION: *John Thompson made a motion of approval, seconded by Glen Wilkes, of application # 184-2010 as a Class 2 and return it to the referring municipality with comment(s) stated above. Motion unanimously carried.*

163 - 2010

Town of Victor

Zoning Board of Appeals

Class: 2 **Withdrawn**

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. ft. addition to an existing 4,500 sq. ft. residence that is located entirely within the buffer area of NYS DEC Wetland No. PR-17 at 8050 Barony Woods in the Town of Victor.*

Project Comment 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.

176 - 2010

Town of Victor

Zoning Board of Appeals

Class: 2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *McFarland Johnson*

Property Owner: *VM enterprises LLC*

Representative:

Tax Map Parcel #: *15.00-2-15.210*

Brief Description: *Front setback area variance from the required 80' to 30' to access a storage building that is part of Regional Computer Recycling and Recovery development at 7320 Victor Mendon Rd. in the town of Victor.*

Three variances were submitted that are associated with a subdivision application that has not been submitted:

- (1) A reduction in front setback from 80' to 30';
- (2) A reduction in the open space requirement; and
- (3) Relief from requirement to pave roads.

According to the information provided, RCRR is interested in acquiring a portion of 7320 Victor Mendon Rd., if the subdivision is approved.

From a process/procedural standpoint, this approach is cumbersome and confusing and potentially missing key pieces of information. What appears to be happening here is that an existing business/use wants to expand by

acquiring additional land for parking. The acquisition will also allow an additional access point on Rt. 251— (though not clear but it indicates a 40’ driveway easement.)

Currently there is no context to review these area variance. An updated site plan that addresses all the usual components is needed for the RCRR site **that includes** the land to be acquired. The site plan would show open space wetlands, internal and external traffic patterns, stormwater management, etc.

Without an updated site plan, it is almost impossible to complete a review.

Perhaps the applicant and the property seller would consider submitting a combined application for subdivision and site plan review. RCRR could be the applicant, if the current landowner authorizes it as required by law. It would stream line the process since the local boards (and the County Board) would be able to review the project in its entirety. All the information would be in one place/one process. (Theoretically, the applicant could apply under the Sec. 278 cluster provision to give them more design flexibility regarding setbacks, open space, etc. The project would be submitted only **once** to the county planning board for referral for subdivision/site plan/variances at one meeting.

BOARD ACTION: *Terrence Hopper made a motion of approval, seconded by John Palomaki, of application # 176-2010 as a Class 2 and return it to the referring municipality with comment(s) stated above. Motion unanimously carried.*

177 - 2010 Town of Victor Planning Board Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Lu Engineers*

Property Owner: *DeFelice Development*

Representative:

Tax Map Parcel #: *15.00-2-14.210*

Brief Description: *Special use to construct a 9,000' sq. day care center on the FLCC Victor Campus located at 200 Victor Heights Parkway in the Town of Victor. (See*

#178-2010)

PROJECT DESCRIPTION: Applicant is requesting to build a one story 9,000 sq ft wood frame building located on 1.5 acres of a 24.67 acre site on which the FLCC Victor Campus is located. The building is to be used as a Day Care Center. The facility is projected to accommodate up to 109 children with 24 people on staff.

SITE CHARACTERISTICS

Acres	1.5 acres of a	Active Agriculture	No
Land Use	FLCC Victor	Public Water	Yes
Land Cover	Wetland,	Public Sewer	Yes

Zoning	LI-Light Industrial, Rt 96/251 Overlay	Site Access	St Rt 251
Site Comments	<ul style="list-style-type: none"> The Victor Hwy Department commented that the proposed entrance intersects State Route 251, which is controlled by NYSDOT. Their design standards apply. 		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	Wetlands indicated on site plan
Watershed	Genesee R. to Four mile Creek	NYS DEC	
Flood Zone	No	NWI	
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability	Moderate	Active Ag	No
Erodibility	Low	Prime Ag Soils	Yes
Slope	< 15%	Ag District	No
Environmental Comments	<ul style="list-style-type: none"> The site plans indicate Federal wetlands, but these do not exist in the County's GIS database. Conservation Board is concerned about impacts to wetland, including where plowed snow, which contains salt and other pollutants, goes. A natural resources inventory should be conducted ---a rare alkaline wetland is immediately south of this wetland of which, this wetland may be part of that system. 		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	No
North	Parkland	National	
South	Residential	State	
East	Residential, Sm Commercial	Local	
West	Indust, Offices, FLCC		
Scenic Views		Transportation Corridor	
From Site	To park north	CPB Gateway	
To Site		Corridor Study	
Community Comments	<ul style="list-style-type: none"> Functionally, it makes sense to have a day care center near the FLCC campus and offices. 		

SITE PLAN REVIEW			
Aesthetics			
Lighting	<ul style="list-style-type: none"> Will the light poles located on the western side of the parking lot be sufficient to safely illuminate the entire area? 		
Signage	<ul style="list-style-type: none"> More information about signage is necessary. 		

Noise	<ul style="list-style-type: none"> The wooded area and wetlands should provide a sufficient noise buffer.
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> The ingress/egress will be managed by a stop sign. Could the day care share a driveway with the college to reduce curb cuts? The driveway would be long, but during peak drop off and pick up times, it could prevent queuing on the street.
Site Circulation	<ul style="list-style-type: none"> Several notes have been made about the configuration of the drop-off loop being inadequate. See recommendations above and below.
Parking	<ul style="list-style-type: none"> Parking requirements are 1 per four clients plus one per employee. This equates to 51 spaces for this project. The site plan meets this requirement by proposing 38 parking spaces and 14 landbanked spaces (52 in total). Given the nature of the use, however, the per client parking space minimum may be high. Instead, it may make sense to 1) to eliminate the eight spaces in the front of the building (automatically alleviating concerns about the lack of turn around) 2) combine this area with the existing drop off loop 3) and build out the landbanked spaces now for a total of 44 spaces. This leaves 20 spaces for non-employees.
Pedestrian Access	<ul style="list-style-type: none"> People working or taking classes at FLCC may use the facility. It would be beneficial to provide pedestrian connectivity between the two sites away from Route 251. Do the wetlands prevent this?
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> The shallow marsh system basis design detail is not provided.
Open Space/Recreation	<ul style="list-style-type: none"> Lots of preserved wooded area. Fenced (6') playground included in site plan
Landscaping & Buffering	<ul style="list-style-type: none"> Dumpsters are obvious on entrance drive. Should be screened.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> Compliant
Lot Size	<ul style="list-style-type: none">
Special Use Permits	<ul style="list-style-type: none"> 211-9-C(2)(a) This proposed use may better meet the Special Use Permit requirements relating to non-disruptive ingress/egress, parking if it reconfigures the parking lot and entrance as described above. However, generally it appears an appropriate place for the use.
Lot coverage	<ul style="list-style-type: none"> Compliant
<p>Additional Comments: The original subdivision approval for this area should be checked to determine if and where any required open space was delineated. The applicant should be required to look at 'soft' solutions (permeable paving, rain gardens, etc.) to reduce the need for engineered facilities. The Town should consider reducing parking requirements by allowing the applicant to 'land bank' parking should the need be demonstrated. The town is encouraged to require a whole parcel buildout plan for this parcel that clearly identifies future building areas, location of open space, etc.</p>	

Related Referrals: *n/a*

Applicant: *Elam Sand & Gravel Corp.*

Property Owner: *Gary Evans*

Representative: *Susan J. Keister, LLC*

Tax Map Parcel #: *52.00-1-19.000*

Brief Description: *Special use permit for Elam Sand & Gravel Corp for a new aggregate mining operation accessed of Strong Rd. in the northeast corner of the Town of W. Bloomfield.*

Further Description A sand and gravel operation is proposed on the 78 ac. parcel. 17 acres are included in the first phase and 42 in the second. An estimated 3.2 million cubic yards of material will be removed from the site. In addition to the mining activity there will be the 20' wide internal circulation road, stone crusher (site location not shown) the truck scale, scale house, port-o-potty and employee parking are located near the entrance on Strong Rd. A 100' buffer at the entrance is provided from the existing residence. The applicant has submitted a NYS DEC Mined Land Reclamation Permit which is currently under review. The site borders Monroe County/T. of Mendon and T.'s of East Bloomfield and Victor.

SITE CHARACTERISTICS

Acres	45	Active Agriculture	No
Land Use	Hunting area for owner	Public Water	No
Land Cover	Forest 36ac/Meadow 9ac	Public Sewer	No
Zoning	AG Agricultural District	Site Access	Strong Rd. (Town road)

Site Comments:

1. Post completion land use will 5 ac. or roads/paved surfaces/buildings.
2. 40 ac will be reclaimed or are included in the setback.
3. Current Highest elevation level= 950'. Floor of mine = 840'
4. 42 acres of vegetation (woodland/scrub, etc.) will be removed.

ENVIRONMENTAL CONDITIONS

<i>Hydrology</i>		<i>Wetlands</i>	
Watershed	Sucker Br/Hathaway Cr./Canandaigua Outlet (the adjoining parcel is in the Irondequoit Cr. Watershed.	NYS DEC	None
Flood Zone	None	NWI	None
Aquifer	Located over a sole source aquifer.	Hydric Soils	None
<i>Soils & Topography</i>		<i>Agriculture</i>	
Permeability	The soils are highly permeable and generally highly erodible.	Active Ag	None (09' aerial showed some active a

Erodibility		Prime Ag Soils	Appr. 30% soils of statewide importance
Slope	40% <10% slope 20% Between 10-15% slope 40 > 15% slope	Ag District	Within 500' Ag Dist 1
Environmental Comments	<ul style="list-style-type: none"> No information is provided in the referral on the impact on the operation of residential wells in the area. The Long EAF states that there are no streams; site is at the head of watersheds listed above. Proposed reclamation land use is vegetated open space. See “Code Compliance” for comments on the Land Conservation Overlay District 		

COMMUNITY CHARACTERISTICS			
<i>Land Use-Cover</i>		<i>Historical Site</i>	
North	Single family Residence	National	
South	Strong Rd./farmland/SF residence.	State	
East	Forest land; single family residence	Local	
West	NW: Mine SW: Wooded/scrub	No actual archaeological survey work has been done	
<i>Scenic Views</i>		<i>Transportation Corridor</i>	
From public land	Does not appear to be visible	CPB Gateway	Proposed access is +/- 780' from SR 64.
To Site		Corridor Study No	
Community Comments See Additional Review Comments below.			

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> Referral does not include information on lighting.
Signage	<ul style="list-style-type: none"> Landscaped entrance is proposed but no information on signage.
Noise	<ul style="list-style-type: none"> No noise studies are provided addressing impacts from mining activity, crusher operation, etc. (This is supposed to be addressed in the DEC permit,.
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> Max. vehicular trips per hour est. at 20. Vehicles exiting the site are only allowed to turn right—leading to SR 64. No limitations are mentioned for limiting right turns.
Site Circulation	<ul style="list-style-type: none"> Internal movement for trucks and mining equipment is provided.
Parking	<ul style="list-style-type: none"> Six employee parking spaces are provided.

Pedestrian Access	<ul style="list-style-type: none"> • Pedestrian use would pose safety hazard.
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • Mining operation is subject to DEC regulation.
Open Space/Recreation	<ul style="list-style-type: none"> •
Landscaping & Buffering	<ul style="list-style-type: none"> • 25' Buffer area is required by state law 100' from a residence. Entrance landscaping is proposed.
Code Compliance	
<p>The site is located in the W. Bloomfield Land Conservation Overlay District (Article VIII Zoning Code). According to Sec. 140-50 the local planning board is to determine the specific boundary of the area included in the overlay district. The applicant is to provide: Maps requested of applicants shall include those areas where any one or more of the following conditions exist:</p> <ul style="list-style-type: none"> A. Slopes with an average gradient of 15% or more, or slopes subject to erosion. B. Areas subject to flooding and designated by the Federal Insurance Administration as within the one-hundred-year floodplain. C. Areas prone to inundation by waters on a recurring basis. D. Areas exhibiting high water tables with commensurate marsh-like or wetland conditions. E. Areas where development poses a threat to the public health, safety and welfare of residents. F. Areas of prime agricultural soils. G. Areas with woodlots of five acres or more. <p>The site contains areas of steep slopes, 5+ acre woodlots, and agricultural soils of statewide importance. No map was included with the referral.</p> <p>The Town should delineate these areas in order to determine the magnitude of the loss and any potential mitigation.</p>	
Additional Review Comments	
<p>Strong Road Access: The truck traffic generated place extraordinary demands on roads and the general traveling public using town roads.</p> <ol style="list-style-type: none"> 1. No information was provided regarding the design capability of Strong Rd. to handle the heavy loads. Premature wear and tear can be hazardous and costly to the Towns. The adjoining mining operation accesses Rt. 64 which has full shoulders and slow lanes on inclines both south to Rt. 5&20 into the Town of Pittsford. 2. All traffic is to turn right out of the site but no limitation is given for turning right into the site. Without such limitation trucks will be encouraged to use approach the entrance from the north through neighboring towns on rural residential town roads with limited shoulders. Strong Rd. can be hilly requiring trucks to slow down on inclines. No 'slow lane' is available to allow normal traffic to pass. (Even with a right turn limitation or local road weight limitation enforcement will be difficult.) <p>Community Impacts</p> <ol style="list-style-type: none"> 1. The area to be mined is confined to the 'cross arm' area of the site continuing from the mine area on the adjoining parcel. Except for the northwest corner which adjoins the wooded area of a residential parcel, mining activity is in an area that is currently wooded or in vegetative cover. 	

2. Locating the entrance on Strong Rd. requires the road and the weighing facilities to be close to existing residences with the associated noise, dust, truck exhaust etc. (Safety impacts are mentioned above.)
3. No archaeological survey work has been undertaken. Given the site's proximity to Victor and the presence of many early human settlements there, there is potential for findings on this site. Appropriate site surveys should be undertaken.

Environmental Impacts

1. Ground water – The potential for groundwater contamination and the draw down of the water table from residential wells in the area should be addressed.
2. Current surface water streams (Sucker Brook/Hathaway Cr.) should be documented particularly since source water could be from both ground and surface flow.
3. Wildlife and Botanic Resources. Forty acres of woodland and vegetative habit will be lost as a result of the project with the attendant impact of wildlife habitat.
4. Stormwater. All effort should be made to control dust and soil erosion during the mining process. Dust and offsite tracking of material should also be controlled daily as vehicles enter and exit the site.

Recommendation

Location of the access on a local rural residential road creates potential for significant adverse impacts on traffic, public safety, and quality of life, for the adjoining localities. Construction of an approximate ½ mile access road requires additional loss of natural habitat, crosses a steep slope and increases operational costs—truck fuel use/time, etc.

In order to mitigate these adverse impacts, the Town, applicant, and DEC should investigate working with the adjoining mine owner to determine what it would take to modify the terms of the current mine's DEC permit to the new mine to be accessed through the existing site via Rt. 64. That option offers the following advantages, in addition to entrance relocation:

1. DEC requires a 25' buffer the purpose of which is to mitigate adverse impacts on incompatible land uses. There is no incompatible land use so no buffer is needed.
2. Leaving the aggregate in place in the 50' buffer area not only is unnecessary but is wasteful of the aggregate. Use of the aggregate is a 'wise use' of the natural resource and provides economic value to both landowners.
3. Relocation would mitigate the loss of natural habitat due to the mining activity since the owner could leave almost half of the parcel undisturbed. In the future, that parcel could be subdivided and used for a single family residence.
4. Reduced operational costs and adverse impacts and better utilization of the aggregate resource from road relocation would be a "sustainable" alternative to the project as presented.

BOARD ACTION: *Terrence Hopper made a motion of approval, seconded by Glen Wilkes, of application # 159-2010 as a Class 2 and return it to the referring municipality with comment(s) stated above. Motion unanimously carried with Richard DelVecchio abstaining..*

Let the record show that Richard DelVecchio excused himself from the room during review and board action of application # 159-2010.

ADMINISTRATIVE REVIEWS

182 -2010 Town of Canandaigua Planning Board Class: *AR1*
Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *Henry and Carol Eiffert*

Property Owner:

Representative:

Tax Map Parcel #: *98.19-1-20.000*

Brief Description: *Three lot residential subdivision of parcel located at 3558 East Lake Rd. in the Town of Canandaigua.*

181 -2010 Town of Canandaigua Class: *AR1*

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Allan Cooper*

Property Owner: *Judy Fedde*

Representative:

Tax Map Parcel #: *125.12-1-34.000*

Brief Description: *Two area variances to construct an addition to a single family residence at 4296 SR 21S. in the Town of Canandaigua.*

179 -2010 Town of Canandaigua Zoning Board of Appeals Class: *AR2*

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Architectural Innovations*

Property Owner: *Daniel and Konstanze Wegman*

Representative:

Tax Map Parcel #: 140.18-1-10.000

Brief Description: *Area variances (building height, building size, property line and mean high water mark of Canandaigua Lake) to construct a 20'x24' addition to a waterfront accessory structure at 4895 CR 16 in the Town of Canandaigua.*

180 -2010 Town of Canandaigua Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Marathon Engineering*

Property Owner: *Joel Hochman*

Representative:

Tax Map Parcel #: 126.16-2-5.310

Brief Description: *Four area variances to construct a tram to access Canandaigua Lake at 4411 Chosen Spot Dr. in the Town of Canandaigua.*

175 -2010 Town of Gorham Zoning Board of Appeals Class: AR1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Patrick & Donna LaVeck*

Property Owner:

Representative:

Tax Map Parcel #: 141.17-2-26.000

Brief Description: *Four area variances for construction of a single family residence at 5008 CR 11 in the Town of Gorham.*

160 -2010 Town of Victor Zoning Board of Appeals Class: EX

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *BMS Associates*

Property Owner: *Wilmorite, Inc.*

Representative:

Tax Map Parcel #: 6.00-1-12.1

Brief Description: *Area variance to construct a third sign on the south side of the LL Bean building -Eastview Mall in the Town of Victor.*

OLD BUSINESS:

CPB Member – Required Training Update – Ms. Frasca provided an update on CPB members training attendance to date. Mr. Hopper requested that Ms. Frasca include the rolled-forward hours (over the 8 hours required on a yearly basis) from previous years.

OTHER BUSINESS:

Minutes: Motion to approve the September 8, 2010 County Planning Board minutes as presented made by Mary Neale. Motion seconded by Mary Prince. Motion unanimously carried with Richard DelVecchio abstaining.

GFL Workshop: Ms. Rudzinski reminded the board that the Fall 2010 Regional Local Government Workshop will be held on November 19th in Mount Morris; and shared the Planning Department Director has authorized the cost of the workshop to be paid for out of the Planning Department budget. To date, the following CPB members have stated they would the workshop: M. Neale, M. Prince, J. Palomaki, and R. DelVecchio.

WRC Update: John Palomaki reported that the WRC had met on Friday, 10/8/10, to review and finalize the 2011 Special Project requests. Mr. Palomaki reported that the WRC had approved \$13,900.00 in special project funding for 2011. Further updates will be provided as needed.

Adjournment: Being no further business for discussion **motion to adjourn the October 13, 2010 was made by Glen Wilkes, seconded by John Thompson. Motion unanimously carried.** The 10/13/2010 CPB meeting adjourned 10:05 p.m.

Respectfully submitted,

Linda R. Frasca
Administrative Assistant