



Planning Board

Draft Minutes for September 8, 2010

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

Ref. #	Municipality	Applicant	Type	Page
146-10	Town of Farmington	Amit Gupta	Site Plan	10
147-10	Town of Naples	Town of Naples	Text Amendment	8/9
148-10	Town of Gorham	Chrisanntha Construction Corp.	Site Plan	6/7
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150-10	Town of Manchester	Prestige Communities LLC	Area Variance	11
151-10	City of Canandaigua	Text Amendment	City of Canandaigua	4
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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 1's are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. The CPB will identify such an impact for Class 2 applications before voting to approve, modify or deny.

- Legal Obligations for Referring Agencies -

Class 1

If an application has been returned to the referring agency as a Class I, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

Class 2

If the CPB has voted to **deny or modify** a referred application then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB **approvals without modification** require no extraordinary local action.

However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

- Incomplete Applications -

Referrals need to meet the definition of "full statement of such proposed action" in NYS General Municipal Law. The CPB's determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete.

[NYS General Municipal Law, Article 12-b Section 239-m \(c\)](#)

- Reporting back to the CPB -

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

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

County Planning Board Members:

Cities:

Canandaigua	John Thompson	P	Geneva	Mary Bogin	A
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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	P
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	P
Victor	John Palomaki	P	West Bloomfield	Richard DelVecchio, Vice Chair	A

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: Kurt Rappazzo – MRB Group; Rich LeFrois – RP LeFrois Bldrs., Inc.; John LeFrois – RP LeFrois Bldr., Inc.; Max Heagney, RP LeFrois Bldr., Inc.

Call to Order/Roll Call: Chair Jaylene Folkins called the September 8, 2010 County Planning Board meeting to order at 7:32 p.m.; with Ms. Frasca doing roll call and reporting that 14 members were present meeting the requirement to establish a quorum.

Let the record show the following additional CPB Member(s) arrived after roll call as indicated below:

7:35 p.m. – Glen Wilkes

Total CPB Members present at the September 8, 2010 CPB meeting: 15

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

Class 1 Review

151 -2010 **City of Canandaigua** **City Council**

Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *City of Canandaigua*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Text amendment to the C-2B Side Streets Central Business District to allow health clubs or facilities, exercise and fitness centers, studios for instruction in martial arts, dance, music, art, and theatre in the City of Canandaigua.*

Summary: The City of Canandaigua is proposing to amend the C-2B Side Streets Central Business District to add as a primary permitted use on ground and upper floors health clubs or facilities exercise and fitness centers, studios for instruction in martial arts, dance, music, art and theatre.

Comment: The proposed uses would have the positive impact of bringing people downtown after 5pm to participate in classes and activities creating more activity and vitality during off peak times.

➡ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact Terrence Hopper made a motion that was seconded by John Thompson to abstain from making a formal recommendation on application # 151-2010 and to return them with comments to the referring agency. Motion unanimously carried.*

152 -2010 **City of Canandaigua** **Planning Commission**

Class: 1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *MRB Group*

Property Owner: *203 North St. Realty, LLC*

Representative:

Tax Map Parcel #: *70.19-1-3.1*

Brief Description: *(#152-2010) See Area variance to reduce required parking from the required 25% of the building floor area to 8% as part of the redevelopment of 203 North St. for warehousing in the City of Canandaigua.*

(See #153-2010 for project description.) The City could consider allowing the applicant to land bank the parking area which would allow them to install parking at a future time when there was a demonstrated need.

➡ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact Mary Neale made a motion that was seconded by Bruce Campbell to abstain from making a formal recommendation on applications #152-2010 and #153-2010 and to return them with comments to the referring agency.*

Motion unanimously carried.

Class 1 Review

153 -2010

City of Canandaigua Planning Commission

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *MRB Group*

Property Owner: *203 North St. Realty, LLC*

Representative:

Tax Map Parcel #: *70.19-1-3.1*

Brief Description: *Site plan approval to redevelop the 194,700' sq. existing manufacturing facility for warehousing at 203 North St. including demolishing 41,312' sq. of the current building and replacing it with a 102,300' sq. addition in the City of Canandaigua.*

NOTE: See 153-2010 for area variance		
Review area	Description	Comment
Existing/ Neighboring Land Uses	This is an existing industrial use and with similar neighboring uses.	Constellation Brands, the adjoining landowner to the south, is going to lease warehouse space.
Zoning	<ul style="list-style-type: none"> ▪ M-Manufacturing Zoning 	
Infrastructure	Public water and sewer are available	
Traffic/Access Mgt.	Trucks will access the warehouse from the existing private road. Constellation currently uses that road for truck traffic to the existing facility. There is a separate employee/car entrance off North St.	The project engineer said that since Constellation is relocating warehousing from its current location to the new site no significant increase in truck traffic is anticipated. Six employees are estimated to be working at the site which will have no traffic impact.
Stormwater Drainage	Watershed: Sucker Brook subwatershed to Canandaigua Lake	A Stormwater Pollution Prevention Plan (SWPPP) has been prepared for the project and reviewed by Kevin Olvany, Canandaigua Lake Watershed Manager and will be designed to meet the enhanced phosphorus standards required under City regulation.
Community Character	This project is subject to review by the City of Canandaigua's Architectural Review Board and has been exempt from CPB review by intermunicipal agreement.	The City is encouraged to require 'Dark Sky' compliant lighting for any building or site illumination.
Additional Comment: The City should revisit the project if the intensity of use changes.		

➔ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact Mary Neale made a motion that was seconded by Bruce Campbell to abstain from making a formal recommendation on applications*

Class 1 Review

**#152-2010 and #153-2010 and to return them with comments to the referring agency.
Motion unanimously carried.**

155 -2010

Town of Geneva Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant:

Property Owner: *Neal A. Headley*

Representative: *Heaton & Venuti*

Tax Map Parcel #: *103.04-1-30.00*

Brief Description: *Area variance to construct additions to the first and second floor of a liquor store located at 820 Rt. 5 and 20 in the Town of Geneva.*

Summary: A 1,920'sq. foot addition to second floor and 960'sq. to the first floor of Headley's Liquor Store so they can provide more products. The addition requires a rear setback variance from the 35' required to the proposed 15' located at the corner of Rt. 5 and 20 and Tremont St. /SR 14A. The site is bordered by commercial land uses. It is located in the Seneca Lake watershed. No significant impact on traffic is anticipated. The applicant is trying to remain competitive in the type of product offered.

Comment: The site is currently paved so the addition would not increase impermeable surface or stormwater runoff. The Town could consider requiring the installation of simple drywell to handle the runoff from the building gutters.

Board Action: *Citing a lack of potential for countywide or intermunicipal impact Mary Prince made a motion that was seconded by Cliff Kunes to abstain from making a formal recommendation on application # 155-2010 and to return them with comments to the referring agency.*

Motion carried with a vote of 14 with 1 abstention (Howard Meaker).

148 -2010

Town of Gorham Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Chrisanntha Construction Corp.*

Property Owner: *Crystal Beach Fire Dept.*

Representative:

Tax Map Parcel #:

Brief Description: *Site plan approval for a 480' sq. addition to and renovation of the existing truck room at the Crystal Beach Fire station located at 4468 East Lake Rd. in the Town of Gorham.*

Class 1 Review

Summary: The Crystal Beach Fire Department is proposing a +/-540' sq. addition to the existing fire hall over existing pavement. Since this will impact the local open space requirements, a +/-580' sq. paved area will be converted to green space.

Comment: As a result of this project, there will actually be a benefit to stormwater management by creating a net increase of permeable surface and have a positive impact on Canandaigua Lake water quality.

➔ **Board Action:** *Citing a lack of potential for countywide or intermunicipal impact Glenn Wilkes made a motion that was seconded by John Thompson to abstain from making a formal recommendation on application # 148-2010 and to return them with comments to the referring agency.*

Motion unanimously carried.

Class 2 Review

147 -2010

Town of Naples Town Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Naples*

Property Owner:

Representative: *Edward J. Brockman, Esq.*

Tax Map Parcel #:

Brief Description: *Text amendment to add as a permitted special use a combined use of the permitted uses of agricultural activity, residential, municipal uses, educational, philanthropic, medical care, and cemetery in the Agricultural-Conservation District in the T. of Naples*

Summary: The text amendment to the Ag District reads as follows for a new specially permitted use:

“A combined use of the permitted uses of agricultural activity, single-family dwelling, two family dwelling bed and breakfast up to two rooms, municipal structures or municipal park, together with a semi-public special use of a church or other religious facility, cemetery, private school, college or other educational activity, medical care facility, charitable use facility or philanthropic use facility.”

Comment: As written it could be read that there are two groups of uses:

<p>Group One</p> <p>Agricultural activity, single-family dwelling, two family dwelling bed and breakfast up to two rooms, municipal structures or municipal park,</p>	<p>Together with...</p>	<p>Group Two</p> <p>semi-public special use of a church or other religious facility, cemetery, private school, college or other educational activity, medical care facility, charitable use facility or philanthropic use facility.</p>
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It is not clear if the ‘combined use’ is the same as a multiple use or now a primary or principal use. Is there a limit on how many uses can be combined? There are no additional special use permit criteria that would address the particular issues related to the various combinations of uses or what will be considered allowable accessory uses. Not all of these terms have definitions.

According to the code enforcement officer, this text amendment is intended to accommodate the property recently donated to the FLCC Foundation for use as an educational facility for conservation students. It has been informally used in that manner though currently a private residence.

The majority of the T. of Naples is zoned Agriculture-Conservation District so this change could have a major impact on the town. Without additional standards, requirements, etc. this change will be difficult to enforce and could have undesirable unintended consequences. Instead, the Town should consider defining a special use tailored to an ‘outdoor educational facility’ that would define uses, structures, etc. and set specific standards.

The Town is encouraged to request technical assistance from the Ontario County Planning Dept. as further consideration is given to this text amendment.

➔ BOARD ACTION: Glen Wilkes made a motion of denial, seconded by John Palomaki, of application # 147-2010 as a Class 2 and return it to the referring municipality with comments stated above and the reasons listed below. Motion unanimously carried.

1. There are 9,849 acres of land that are located in the Agricultural District 9 that are located in the Town of Naples. Most of which is located in the AG Zoning District. The proposed amendment does expands the number and scale of uses without having standards to mitigated potential impacts on nearby farm operations from the introduction of potentially incompatible land uses. (Note comment above regarding lack of standards, requirements, etc.)
2. The Town of Naples is a major tourism destination in Ontario County. Without standards for scale and intensity of use and site design, the uses could have an adverse impact on the unique community character and landscape that is of importance to tourism.

Administrative Review

156 -2010 **Town of Canandaigua Zoning Board of Appeals** **Class: ARI**
Type: *Area Variance*

Related Referrals: *n/a*

Applicant:

Property Owner: *Rubin Walton*

Representative:

Tax Map Parcel #: *55.02-1-6.000*

Brief Description: *Area setback variances to site a single-wide manufactured home outside of a manufactured home park at 5330 Mobile Rd. in the Town of*

157 -2010 **Town of Canandaigua Zoning Board of Appeals** **Class: ARI**
Type: *Use Variance*

Related Referrals: *n/a*

Applicant:

Property Owner: *Rubin Walton*

Representative:

Tax Map Parcel #: *55.02-1-6.000*

Brief Description: *Use variance to site a single-wide manufactured home outside of a manufactured home park at 5330 Mobile Rd. in the Town of Canandaigua.*

158 -2010 **Town of Canandaigua Planning Board** **Class: ARI**
Type: *Site Plan*

Related Referrals: *n/a*

Applicant:

Property Owner: *Rubin Walton*

Representative:

Tax Map Parcel #: *55.02-1-6.000*

Brief Description: *Site plan approval to construct a single-wide manufactured home outside of a manufactured home park at 5330 Mobile Rd. in the Town of*

146 -2010 **Town of Farmington Planning Board** **Class: ARI**
Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Amit Gupta*

Property Owner: *Dan Hogan*

Representative: *Fisher Associates*

Tax Map Parcel #: *17.00-1-25.120*

Brief Description: *Site plan approval for change of use to warehouse and distribution center for MONAG International Inc. to be located at 5911 Loomis Rd. in the Town of Farmington.*

OTHER:

Tutorial Pre-Meeting Training (6:30 – 7:30 p.m.) Ms. Rudzinski gave a pre-meeting tutorial session on the Government Environmental Impact Statement (GEIS) – Shovel Ready Program for interested Board members. The next tutorial session topic/date will be provided in the near future.

Approval of August 11, 2010 Minutes: Motion to approve the August 11, 2010 minutes as presented made by Mary Neale and seconded by Steve Groet. Motion carried with the following abstentions: John Thompson, Tom Neary, and Arthur Babcock.

CPB Annual Picnic – Ms. Folkins reminded CPB members that come rain or shine the CPB Annual Picnic was this Sunday, 9/12/10 from 1-4 p.m. at Onanda Park, West Lake Road, Canandaigua. Ms. Folkins and Ms. Rudzinski will provide the meat. CPB members and their family will bring a dish to pass.

WRC Update – John Palomaki shared that the next Water Resource Council meeting was scheduled for Friday, 9/10/2010 at 9:30 a.m. and will be held in the Planning Department Conference Room.

Historical Preservation Committee - Ms. Folkins reported that she had reviewed the CPB by-laws and shared that they do not indicate a “historical perspective/significance” is required when reviewing CPB referrals. Ms. Folkins further shared that other entities (i.e. watershed management) perspective/significance are required and after meeting with the Historical Preservation Sub-Committee and discussing the matter it was agreed by the sub-committee that the CPB By-laws should be reviewed and amended to include “historical” issues as well. Ms. Folkins informed CPB members that in order to do an amendment to include the historical perspectives/significances the sub-committee will need to present a referral to the CPB for review. CPB members agreed with Ms. Folkins and other historical sub-committee members. Further information on the matter will be provided in the near future.

Adjournment: Being no further business for discussion **motion to adjourn the September 8, 2010 was made by Cliff Kunes, seconded by John Thompson. Motion unanimously carried.** The 9/8/2010 CPB meeting adjourned 8:46 p.m.

Respectfully submitted,

Linda R. Frasca

Administrative Assistant