

# Ontario County Planning Board

Jaylene Folkins, Chair

Mary Neale, Vice Chair

## Draft County Planning Board Meeting April 11, 2012

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**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

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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.](#)

**Administrative Reviews** The Ontario County Planning Department prepare administrative review of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR-1 is an administrative review that is a Class 1 and AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

## Abbreviations

AR 1: Administrative Review Class 1  
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<b>Administrative Review Policies – CPB By-Laws Appendix D.</b>	
<b>AR-1</b>	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
<b>AR-2</b>	Applications that are withdrawn by the referring agency
<b>AR-3</b>	Permit renewals with no proposed changes
<b>AR-4</b>	Use of existing facilities for a permitted use with no expansion of the building or paved area <i>(Applications that include specially permitted uses or the addition of drive through service will require full Board review)</i>
<b>AR-5 A. Class 2 Denial</b>	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
<b>AR-5 B.</b>	Applications involving one single-family residential site adjoining a lake that requires an area variance
<b>AR-5 C.</b>	All other applications involving a site plan for one single-family residence.
<b>AR-6</b>	Single-family residential subdivisions under five lots.
<b>AR-7 A. Class 2 Denial</b>	Variances for signs along major designated travel corridors.
<b>AR-7 B.</b>	Applications involving conforming signs along major travel corridors.
<b>AR-8</b>	Co-location of telecommunications equipment and accessory structures on existing tower and sites (Applications for new towers or increasing the height of an existing tower will require full Board review)

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**County Planning Board Members Attendance April 11, 2012**

<b>Cities</b>						
Canandaigua	John Thompson	E		Geneva	Mary Bogin	P
<b>Towns:</b>						
Bristol	Sandra Riker	P		Canadice	<b>Stephen Groet</b>	P
Canandaigua	Mary Prince	P		East Bloomfield	<b>Arthur Babcock</b>	A
Farmington	<b>Mary Neale, V. Chair</b>	P		Geneva	Howard E. Meaker	E
Gorham -	<b>George McCadden</b>	E		Hopewell	VACANT	V
Manchester	<b>Jaylene Folkins, Chair</b>	P		Naples	Carol O'Brien	P
Phelps	<b>Glen Wilkes</b>	P		Richmond	Bruce Campbell	P
Seneca	<b>Clifford Kunes</b>	P		South Bristol	Peter Osborne	P
Victor	John Palomaki	P		West Bloomfield	<b>Richard DelVecchio</b>	E

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

(P) Present at meeting

(E) CPB member has been excused

(A) Absent without notification.

(V) Vacant

**County Staff Present:** Maria Rudzinski, Sr. Planner; Linda Frasca, Sr. Administrative Assistant

**Guests:** Kip Finley – Indus; Richard Turner – Phelps; Fred Shelley; Joseph Spezio -Elam Sand & Gravel; Robert Trischler; Judi Salsbury Taylor – Bristol

**Call to Order/Roll Call:** Chairman Jaylene Folkins called the 4/11/2012 County Planning Board meeting to order at 7:31 p.m.; and requested Ms. Frasca present Roll Call. Ms. Frasca reported that ten (10) members were present and met the quorum requirement.

Glen Wilkes and Mary Bogin arrived at 7:38 p.m. making a quorum of twelve (12).

**Minutes:**

**March 14, 2012 Minutes:** Chair Folkins requested a motion to approve the March minutes as presented. Stephen Groet requested a correction be made in regards to Referral 38-2012 – add board action. **Ms. Folkins made motion to approve the March 14, 2012 minutes with correction; motion seconded Cliff Kunes. Vote 9 Ayes, 1 Abstention (M. Neale). Motion not carried. March 14, 2012 minutes tabled till May meeting as quorum not available.**

**February 8, 2012 Minutes:** Stephen Groet made motion to approve the 2/8/12 CPB minutes as presented at the March 14, 2012 meeting; seconded by Glen Wilkes. **Vote: 7 Ayes 3 Abstention (Osborne, Riker, Campbell). Motion not carried. February 8, 2012 tabled till May meeting.**

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

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18.1 - 2012

Town of Geneva

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *CAFUA Management Co.*

Property Owner: *Jet Holdings, LLC*

Representative: *CHA*

Tax Map Parcel #: *104.181-4.2/1*

Brief Description: *Site plan approval for construction of a 2,230 Sq. ft. Dunkin' Donut store with drive-thru at 477 Hamilton St. (Rt. 5 & 20) in the Town of Geneva . (This referral had been submitted in February but was withdrawn.)*

Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	2	North:	Commercial	Public water:	Yes
Land Use:	Restaurant; southern area shrub/scrub	South:	Recreation field	Public sewer:	Yes
		East:	Commercial	Municipal stormwater:	Yes
		West:	Commercial	Public road:	Yes
				Existing subsurface existing drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Seneca Lake	NY DEC	No	Prime etc soils	Yes (Cayuga)
Sub-watershed	Castle Cr.	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	No	Active Ag.	No
Aquifer	No			500 ft. of Ag. Dist.	Yes - Ag Dist. 6
Well Head study	No				
Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	< 10%	National	No information	From Site	No
Soil permeability	Moderate	State	No information	To Site	No

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Erodibility	Medium	Local	No information		
<b>Transportation Corridor</b>					
CPB Gateway	Rt. 5 & 20				
Corridor Study	Yes				

**SITE PLAN ELEMENTS**

Community Character Elements		Vehicle & Pedestrian Circulation	
Lighting Plan	No lighting indicated on plan	Access Management	Two curb cuts on 130 ft. frontage. Curbing is proposed between parcels.
Signage Plan	No	Internal Circulation	Internal loop
Noise	Not applicable	Pedestrian Linkages	None indicated to public sidewalk
Landscape Plan	None indicated.	Parking	21 spaces
Streetscape	No detail shown		
Building Façade	No design provided		

Stormwater Management		Parks, Recreation, Open Space	
SWWP	None required.	Outdoor Recreation	No
Green Infrastructure	None indicated	Linkages	No pedestrian linkage to Rt. 5&20
Other		Dedicated open space	No

**Code Compliance**

Setbacks	Compliant
Lot Size	

**COMMENTS**

**Traffic/Access Management:** No traffic study is provided. There are 5 curb cuts and Reed St. within 200 feet of the parcel. This area is already congested with multiple potential traffic movements on both sides of the road to commercial/retail uses. The applicant should work with the NYSDOT to reduce the curb cut to one and determine the optimal location.

- No buildout plan is indicated for the undeveloped portion of the parcel. As designed, that area is not accessible. Future access to the rest of the parcel should be planned for now to facilitate future buildout of the parcel. The potential for cross access points should also be studied.
- **Pedestrian Access** Internal and external pedestrian access should be included.

**Community Character Elements**

- **Lighting** No information was provided on lighting. All lighting should be indicated and be dark sky compliant with full cutoff fixtures.
- **Streetscape** The Rt. 5 & 20 corridor is a primary tourism and gateway corridor. Some plantings are indicated but

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- additional attention should be given to defining the streetscape.
- **Signage** No signage plan was included with the referral. Is signage part of the site plan or will it be submitted separately?

**Findings:**

1. Rt. 5 and 20 is a major regional tourism and transportation corridor. Improving access to previously developed parcels and upgrading the streetscape along the corridor is important for both safety reasons and revitalization of the corridor.
2. Redevelopment of existing parcels provides an important opportunity to not only plan for the immediate project needs but also to facilitate and expedite future safe development of the subject parcel and adjoining areas by addressing access issues related to undeveloped portions of the parcel.

**Board Motion:** Based on the findings and comments, the Board moves to retain referral #18.1 &18.2 as a Class 2's and approves it with the following modifications:

1. The Town and the applicant shall consult with NYS Department of Transportation to determine the optimal driveway/curb cut location for this project giving particular attention to the potential for consolidating curb cuts.
2. The applicant is required to show how the southern half of the parcel could be built out focusing on the interior circulation between the current project and cross access easements that could be placed on the current parcel. Such planning will greatly facilitate the safe, future development of the parcel.
3. If it has not already been provided to the Town, dark sky compliant lighting and signage details must be provided to the Town.

**Motion Made By: Mary Bogin**

**Seconded: Sandra Riker**

**Vote: Motion carried unanimously**

**18.2 - 2012**

**Town of Geneva Planning Board**

**Class: 2**

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *CAFU Management Co.*

Property Owner:

Representative: *CHA*

Tax Map Parcel #: *104.18-1-4.2*

Brief Description: *Subdivision associated with construction of a 2,230 Sq. ft. Dunkin' Donut store with drive-thru at 477 Hamilton St. (Rt. 5 & 20) in the Town of Geneva.*

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<p><b>Project Description:</b> Taco Bell requires 6 variances.</p> <ol style="list-style-type: none"> <li>1) Parking spaces within the front setback.</li> <li>2) Parking and paved areas at zero feet setback from the rear lot line.</li> <li>3) Reduction in the number of required parking spaces.</li> <li>4) No landscaping buffer around the entire perimeter.</li> <li>5) Less than the required 35% green space.</li> <li>6) Menu boards and other related “drive through” signs are not addressed in our code thus a variance is required.</li> </ol>
<p><b>Comments</b> See #23.2-2012 for referral review.</p>

**Board Motion:** Referral 23.1-2012 and 23.2-2012 are retained a Class 1 and returned to the local board with comments.

**Motion Made By:** Stephen Groet  
**Seconded:** Mary Bogin

**Vote:** Motion carried unanimously

23.2 - 2012

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Indus Companies*

Property Owner:

Representative:

Tax Map Parcel #: *6.00-1-30.130*

Brief Description: *Site plan approval to tear down an existing restaurant (Charlie Riedel's) and build a new Taco Bell restaurant at 7547 State Route 96 in the Town of Victor.*

<b>Project Description:</b>					
Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	.8	North:	Restaurant	Public water:	Yes
Land Use:	Restaurant	South:	Commercial	Public sewer:	Yes
Land Cover	Developed	East:	Rt. 96/Undeveloped	Municipal	No
		West:	Hotel	Public road:	Yes
				Existing subsurface existing drainage	No
Water Resources		Wetlands		Agriculture	

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Major watershed	Lake Ontario	NY DEC	No	Prime etc soils	No
Sub-watershed	Irondequoit Cr.	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	Yes. Caneadea	Active Ag.	No
Aquifer	No information			500 ft. of Ag. Dist.	No
Well Head study	No				
<b>Drainage</b>		<b>Cultural/Historic Resources</b>		<b>Scenic Views/Viewshed</b>	
Slope	<10%	National	No	From Site	No
Soil permeability	Slow	State	No	To Site	No
Erodibility	Medium	Local	No		
<b>Transportation Corridor</b>					
CPB Gateway	Yes				
Corridor Study	NYS DOT				
<b>SITE PLAN ELEMENTS</b>					
<b>Community Character Elements</b>			<b>Vehicle &amp; Pedestrian Circulation</b>		
Lighting Plan	Yes – Dark sky compliant		Access Management	The site has access on Rt. 96. There is a shared driveway with the motel and Wendy’s with no formal easement. Letter from Wendy’s attorney indicates to access will be allowed.	
Signage Plan	Yes		Internal Circulation	Portions are 2-way with 1-way loop to drive-thru.	
Noise	Not applicable		Pedestrian Link	Pedestrian linkage from Rt. 96 to restaurant	
Landscape Plan	Yes.		Parking	Meets standard.	
Streetscape	Planting beds and lawn along Rt. 96 and southern.				
Building Façade	Design provided.				
<b>Stormwater Management</b>			<b>Parks, Recreation, Open Space</b>		
SWWP	Not required		Outdoor	Not applicable	

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		Recreation	
Green Infrastructure	See comments	Linkages	Pedestrian link to Rt. 96
Other	See comments	Dedicated open space	Not applicable
<b>Code Compliance</b>			
Setbacks	Variance required.		
Lot Size			
<b>COMMENTS</b>			
<b>Stormwater Management:</b>			
<ul style="list-style-type: none"> <li>On page C-2 design shows filter fabric around 3 sides of the property. Should this be re-labeled to indicate silt fence?</li> <li>The filter fabric (silt fence) adjacent to the stabilized construction entrance may need to be adjusted on the design and in the field to prevent sediment from entering onto Rt. 96.</li> <li>The stabilized construction entrance may need to be monitored daily to prevent offsite tracking of material onto Rt. 96.</li> <li>Dust could also be a concern where construction vehicles are entering and exiting the site. How will dust be controlled during the demolition phase of the construction project?</li> <li>Will the proposed infiltration basin be similar to a rain garden? What are the operation and maintenance requirements for the proposed infiltration basin? (The soil type indicates slow permeability.)</li> </ul>			
<b>Traffic/Access Management</b>			
<p>The 'informal' existing shared access to the north is very important for both pedestrian safety and improves the overall redevelopment of this portion of the corridor. Every effort should be made to work with the adjoining landowners to formalize the cross parcel access.</p> <ul style="list-style-type: none"> <li>The application states that trips to the Taco Bell will be less than to the existing restaurant based on the reduction in square footage. This does not account for the drive thru users. The current restaurant does not have a drive thru.</li> <li>NYS DOT should be consulted on the location of the Rt. 96 driveway.</li> <li><b>Emergency Access</b> At a minimum, the Town should work to secure access for emergency vehicles.</li> </ul>			

**Board Motion:** Referral 23.1-2012 and 23.2-2012 are retained a Class 1 and returned to the local board with comments.

**Motion Made By:** Stephen Groet

**Seconded:** Mary Bogin

**Vote:** Motion carried unanimously

**45.1 - 2012**

**City of Canandaigua Planning Commission**

**Class: 1**

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Cafua Management Co.*

Property Owner: *1258 Group LLC*

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Representative: *Brian Bouchard*

Tax Map Parcel #: *84.18-1-36.1*

Brief Description: *Site plan approval to construct a 1,800 sq. ft. drive-thru Dunkin' Donuts with associated site improvements at 170 Eastern Blvd. (Rt. 5 & 20) next to the Rite Aid Drugstore in the City of Canandaigua.*

<b>Project Description:</b> A .58 acre parcel is proposed for subdivision from the existing 2.8 acre "Rite-Aid" parcel to construct the Dunkin' Donut development.					
Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	.58	North:	Muar Lake	Public water:	Yes
Land Use:	Vacant	South:	Rt. 5 and 20	Public sewer:	Yes
Land Cover	Pavement/scrub	East:	Advance Auto Parts	Municipal stormwater:	No
		West:	Rite-Aid	Public road:	Private Access Road from Rt. 5&20
				Existing subsurface drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Canandaigua Outlet	NY DEC	No	Prime etc soils	No
Sub-watershed	Canandaigua Outlet	NWI	No	In NY Ag. Dist.	No
Stream/Lake	Muar Lake	Hydric soils	This parcel was created by filling a freshwater marsh	Active Ag.	No
Aquifer	No information			500 ft. of Ag. Dist.	No
Well Head study	No				
Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	<10%	National	No	From Site	No
Soil permeability	Slow	State	No	To Site	No
Erodibility	Low	Local	No		
Transportation Corridor					
CPB Gateway	Yes				

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Corridor Study	No	

**SITE PLAN ELEMENTS**

Community Character Elements		Vehicle & Pedestrian Circulation	
Lighting Plan	Lighting fixtures indicated on exterior elevations. Pole lights are indicated outside the parcel boundary.	Access Management	The parcel shares the driveway with the Rite-Aid that is off the Rt. 5&20 access road. The parcel boundary includes the portion of the private access road adjoining Rt. 5 and 20.
Signage Plan	Yes	Internal Circulation	One way loop.
Noise	Not applicable	Pedestrian Link	No
Landscape Plan	Yes.	Parking	Meets standard.
Streetscape	Lawn with 3 one inch trees.		
Building Façade	Design provided.		
Stormwater Management		Parks, Recreation, Open Space	
SWWP		Outdoor Recreation	No
Green Infrastructure	See comments	Linkages	No linkage to Rt. 5 and 20 sidewalk
Other	See comments	Dedicated open space	No
Code Compliance			
Setbacks			
Lot Size			

**COMMENTS**

**Stormwater Management**

- There is no documentation for the existing stormwater management area to determine if it is sized properly to accommodate the proposed increase in impervious area. The City should make sure the Engineering calculations are provided as part of the application.
- On page C02 note #24 should be amended to include all erosion and sediment control practices must be installed and functioning prior to earth work.
- How will the dust be controlled throughout the construction project?
- On page C06 under construction sequence it says to install check dams as indicated. These check dams are not shown on the plans or on the details page.
- The stabilized construction entrance shown on page C06 doesn't match the width shown on detail #10 on page C07 the details

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page.

- Also, on page C06 the plan shows silt fence going directly across the existing stormwater management area. If this area contains or has the ability to contain water, silt fence should not be used. Another BMP should be considered.

**Community Character Elements**

**Lighting** Building fixtures should be dark sky compliant. Ambient lighting for the parking lot is not indicated. Is it being provided by the light poles indicated off site of the parcel?

**Streetscape Minimal** landscaping is provided along the access road. As part of a key visitor corridor, the landscaping and buffering should be significantly increased.

**Pedestrian Access** Safe pedestrian access should be provided to the public sidewalk. Improvements such as delineated crosswalks should be required on the access road. The

**Shared Infrastructure** With the proposed subdivision, critical site infrastructure including the stormwater management facilities, driveway off the access road and lighting will be located on adjoining parcels. Prior to approval, the City should insure that all appropriate easements are in place as well as maintenance agreements for shared facilities to avoid future problems as facilities age, require repair/replacement, etc.

**Board Motion: Motion made to change Referral 45.1-2012, 45.2-2012, and 45.3-2012 from a Class 1 to a Class 2.**

**Motion Made By: John Palomaki**

**Seconded: Stephen Groet**

**Vote: Unanimously carried**

**Board Motion: Base on the findings and comments, motion was made to retain Referral 45.1-2012, 45.2-2012 and 45.3-2012 as Class 2 and approves it with comments.**

**Motion Made By: Stephen Groet**

**Seconded: John Palomaki**

**Vote: Motion carried unanimously**

**45.2 - 2012 City of Canandaigua Planning Commission Class: 1**

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Cafua Management Co.*

Property Owner: *1258 Group LLC*

Representative: *Brian Bouchard*

Tax Map Parcel #: *84.18-1-36.1*

Brief Description: *Special use permit to construct a 1,800 sq. ft. drive-thru Dunkin' Donuts with associated site improvements at 170 Eastern Blvd. (Rt. 5 & 20) next to the Rite Aid Drugstore in the City of Canandaigua.*

**See referral 45.1-2012 for review.**

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Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *John Biggs*

Property Owner: *Stephen Faulkner*

Representative:

Tax Map Parcel #: *201.00-1-123.200*

Brief Description: *Special use permit to construct a 5,000 square foot remote control small vehicle race track for public use on the parcel that contains the Naples Powersports Shop at 7894 State Route 245 in the Town of Naples.*

**Project Description:** This is an amendment to the special use permit/site plan approval granted in 2010 for Naples Powersports to add a small vehicle race track adjoining the existing building.

**Comments**

**Code Compliance** The current C-1 District does not appear provide for private recreational facilities, per se.

- Is this being considered as an accessory use to the principle business for the purposes of trying out a remote vehicle prior to purchase?
- Will this be used by the general public as a private recreational facility for use not related to the sale of a product?

In considering this application, the planning board should clarify and specify the nature of the use of the track. It is not unreasonable to assume that the applicant could want to hold special events there which could require parking, restrooms, etc. The existing septic system would need evaluation to see if it could accommodate the demands of a large group of people. The potential for other uses that would require more support facilities should be considered up front and determined if they will be allowed.

**Stormwater Management**

The parcel is located in the Naples Creek watershed. The applicant or Town should consult with the OC SWCD or the Canandaigua Lake Watershed Manager regarding basic erosion and sediment control measures should be taken during and after construction.

**Board Motion: Referral 46.1-2012 and 46.2-2012 are retained as Class 1 and returned to the local board with comments.**

**Motion Made By: Peter Osborne**

**Seconded: Sandra Riker**

**Vote: Motion carried with Stephen Groet and Carol O'Brien abstaining.**

**46.2 - 2012**

**Town of Naples Planning Board**

**Class: 1**

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *John Biggs*

Property Owner: *Stephen Faulkner*

Representative:

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- EX: Exempt
- W: Withdrawn

Tax Map Parcel #: 201.00-1-123.200

Brief Description: *Site plan approval to construct a 5,000 square foot remote control small vehicle race track for public use on the parcel that contains the Naples Powersports Shop at 7894 State Route 245 in the Town of Naples.*

See #46.1 for referral review.

**Board Motion: Referral 46.1-2012 and 46.2-2012 are retained as Class 1 and returned to the local board with comments.**

**Motion Made By: Peter Osborne**

**Seconded: Sandra Riker**

**Vote: Motion carried with Stephen Groet and Carol O'Brien abstaining.**

**47 - 2012**

**Town of Canandaigua Zoning Board of Appeals**

**Class: 2**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Shelley Associates*

Property Owner: *2418 State Route 332 LLC*

Representative:

Tax Map Parcel #: *70.00-1-66.120*

Brief Description: *Area variance to reduce required stream setback to 26 ft. when 100 ft. are required to construct a Hyundai auto dealership at 22418 State Route 332 in the Town of Canandaigua.*

**Project Description:** The dealership construction project was reviewed as #203-2011 in November, 2011. The CPB recommended approval with modification: "The applicant is required to submit to the Town Planning Board a determination and delineation, if necessary, regarding the presence wetlands areas subject to regulation by the US Army Corps of Engineers by a qualified professional, prior to any Board action."

The site plan submitted with this referral includes a delineated wetland. The stream setback variance will allow the building to extend into the boundaries of the delineated wetland. The location of the building is limited by the presence of a pipeline easement that runs through the property.

**Comments** The applicant's site plan indicates mitigation measures for filling in the wetland. This mitigation has not been approved by the U.S. Army Corp of Engineers (USACOE) as of this writing. The applicant has submitted the delineation to the COE and is awaiting their site visit to confirm the boundaries.

**NOTE: Area Variance Test:** The CPB is not commenting on whether this variance meets the required area variance test. That is to be determined by the local board.

**Findings**

1. Wetlands play an important function in maintaining water quality and providing natural stormwater storage areas. The cumulative loss of wetlands has potential for adverse impacts on flooding and water quality. The federal wetland regulatory program considers these impacts when issuing a permit and approving mitigation measures.

**Abbreviations**

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W: Withdrawn

**Board Motion:** Based on the findings and comments above, the Board moves to retain referral #47-2012 as a Class 2 and approves it with the following modifications:

1. Approval of the zoning board of appeals should not be given until the applicant is in receipt of a USACOE wetland permit or has written approval from the USACOE that the mitigation plan proposed by the applicant is accepted for the loss of regulated wetland as proposed in the referral.

**Motion Made By:** Glen Wilkes

**Seconded:** Bruce Campbell

**Vote: Ayes – 11**

**Nay - 1**

**Motion Carried.**

**48 - 2012                                      Town of Canandaigua      Zoning Board of Appeals                                      Class: AR1**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Richard Szkopi*

Property Owner:

Representative:

Tax Map Parcel #: *125.12-1-57.200*

Brief Description: *Three area variance to resubdivide three parcels into two parcels at 5650 Bunnell Rd. in the Town of Canandaigua,*

**49 - 2012                                      Town of Gorham      Zoning Board of Appeals                                      Class: AR2**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Chuck Smith*

Property Owner: *John & Jodi Falk*

Representative:

Tax Map Parcel #: *154.12-1-47.000*

Brief Description: *Area variance for setback from Canandaigua Lake and side setback to construct a residence at 5202 Long Point Rd. in the Town of Gorham.*

**50 - 2012                                      Town of Naples      Town Board                                      Class: 2**

Type: *Moratorium*

Related Referrals: *n/a*

Applicant:

**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Property Owner:

Representative: *Edward J. Brockman, Esq.*

Tax Map Parcel #:

Brief Description: *Six month moratorium on natural gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction, exploration and production wastes in the Town of Naples.*

**Project Description:** The proposed moratorium contains definitions specific definitions related to natural gas and petroleum exploration and extraction activities. It provides for a “hardship use variance” which may be granted by the Zoning Board of Appeals. It contains an appendix that includes authority and intent, findings of fact, and purposes.

**Comments:**

- It is understood that a moratorium provides a locality time to evaluate the suitability of their current local laws to adequately deal with certain land uses or practices. The Town of Naples zoning code currently makes no provision for the uses described in this moratorium. It currently allows small scale mining (§132-39) and provides for a NP Natural Products Zoning District (§132-25) which allows an landowner to apply to the Town Board to rezone a parcel to NP to allow mining that is regulated by the NYS DEC. §132-22 provides for an I-1 Industrial Zoning District but no areas are delineated in the zoning code or are on the zoning map.

The Town is concerned that it may be presented with an application for natural gas or petroleum activity which may not currently be allowed but could an applicant would try to use some interpretation of a provision of the zoning code to justify such a request. This moratorium has a provision that could have unintended consequences. It empowers the ZBA to issue a ‘hardship’ use variance which takes the Town Board out of the decision-making process for authorizing a use that is the subject of the moratorium.

- The provisions in Appendix A are very important and are generally included in the body of the local law. It seems that they should be incorporated into the local law itself to minimize any opportunity for confusion.

**Board Motion:** Based on the findings and comments above, the Board moves to retain referral #50-2012 as a Class 2 and approves it with comments.

**Motion Made By: Mary Neale**

**Seconded: Mary Prince**

**Vote: Unanimously carried**

**51 - 2012**

**Town of Geneva Town Board**

**Class: 2**

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant:

Property Owner:

Representative:

Tax Map Parcel #:

**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Brief Description: *Text amendment to require site plan approval and a special use permit to construct or add to a manure storage facility in the B-1 General Business, the B-2 Special Business, the I-1 Industrial or the R-2 Residence Districts in the Town of Geneva.*

**Project Description**

The proposed text amendment:

- Adds to the Art. IV. Supplemental Regulations a provision requiring a building permit subject to site plan approval and written recommendations from the OC SWCD and/or stamped engineering plans for manure storage facilities.
- Changes the definition of Agriculture in Schedule I to “Agriculture (not including the keeping of fowl or farm animals nor manure storage facilities) including in the A-1-Agricultural Zoning District

**Comments**

- While a locality can regulate agricultural uses and associated operations and structures on land that is not included in a NYS Agricultural District, it has limitations on such regulations on land included in a NYS Agricultural District. The NYS Department of Agriculture and Markets (NYSDAM) have submitted comments on this draft local law to the Town expressing its concerns that its provisions may unreasonably restrict agricultural operations in an Ag. District which are attached here.
- The Town could consider limiting the provisions of this law to land that is not in an Agricultural District or enact a provision similar to manure storage regulation recently enacted by the Town of Phelps.

**Findings**

1. Ontario County, through its adoption of the Agricultural Enhancement Plan has established its county-wide interest in maintaining viable agricultural operations and enhancement of environmental stewardship of agricultural businesses.
2. The Agricultural Enhancement plan states that the §239 referral review process conducted by the County Planning Board be utilized as an implementation strategy to evaluate potential present and future impacts on agriculture of a project or action under review.
3. There are over 6,900 acres of land in Agricultural District 6 that are subject to the provisions and protections of NYS Agricultural and Markets law regarding local regulations and laws that may have an adverse impact on agriculture. Elements of this proposed law, as stated in the above comments, have the potential to unreasonably restrictive of agricultural operations on land within the District.
4. The NYS Agricultural and Markets Law §305-a. provides a process that allows review of draft local laws for their compliance with state law.
5. The NYSDAM has advised the Town of Geneva that this local law has elements that are contrary to the provisions of NYS Agriculture and Markets Law as applicable to lands in a NYS Agricultural District. As presently drafted, it could have adverse impacts on maintaining viable agriculture in Ontario County,

**Board Motion:** Based on the findings and comments above, the Board moves to retain referral # 51-2012 as Class 2 and recommends disapproval by the Geneva Town Board.

**Motion Made By: Mary Bogin**

**Seconded: Glen Wilkes**

**Vote: Motion carried unanimously**

**Abbreviations**

- AR 1: Administrative Review Class 1
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- W: Withdrawn

52 - 2012

Village of Phelps Planning Board

Class: 1

Type: Site Plan

Related Referrals: n/a

Applicant: Michael J. Darling

Property Owner: Tina B. Weston

Representative: Clark Surveyors

Tax Map Parcel #: 48.05-2-41.000

Brief Description: Site plan approval including signage to redevelop an existing building as a micro-brewery at 2 Exchange St. in the Village of Phelps.

**Project Description:** An existing building will be renovated for use as a micro-brewery.

- No site improvements (Parking, lighting, etc.) are proposed.
- Parking is provided onsite on the existing gravel parking lot and at the municipal lot across the street.
- Except for the conforming sign, no external building improvements are indicated.

**Comments**

**Historic Preservation:** The building is located in the Village’s “Business Historic District”. The planning board should confirm that there are no external improvements/changes proposed for the building. Should improvements/changes be proposed, they will require a Certificate of Appropriateness from the Historic Districts and Structures Commission as provided for in Chapter 100 of Village Law.

**Existing Improvements** The site plan should clearly indicate all existing items including lighting to have a baseline for what currently exists onsite. This will reduce any future uncertainty if a question is arises if something was there prior to this application.

**Site Improvements**

- No area is identified for a dumpster. This should be indicated on the site plan.

**Other:** A single family residence adjoins the parcel on the north. Since this land use could generate more traffic in the parking lot and longer hours of operation than has been with associated with a previous use, consideration should be given to providing buffering to minimize impacts on the neighbors.

**Board Motion: Referral 52.2-2012 retained as Class 1 and returned to the local board with comments.**

**Motion Made By: Mary Neale**

**Seconded: Carol O’Brien**

**Vote: Motion carried unanimously**

53 - 2012

Town of Victor Zoning Board of Appeals

Class: AR2

Type: Area Variance

Related Referrals: n/a

Applicant: Service Select, Inc

**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Property Owner: *Main Street Stop, LLC*

Representative:

Tax Map Parcel #: *6.04-1-78*

Brief Description: *Variance to exceed dimensional requirements for a sign for the AT&T store at Victor Crossing 425 Commerce Dr. in the Town of Victor.*

**54 - 2012                                      Town of Hopewell    Town Board                                      Class: AR2**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Sign-A-Rama*

Property Owner: *Widewaters Hopewell, LLC*

Representative:

Tax Map Parcel #: *85.03-1-25*

Brief Description: *Variance to allow three wall signs where only one is allowed for Cellular Sales at 4221 Recreation Dr. in the Town of Hopewell.*

**55 - 2012                                      Town of Phelps    Town Board                                      Class: 2**

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Richard Turner*

Property Owner: *Danny Prospero*

Representative:

Tax Map Parcel #: *63.00-1-23.200*

Brief Description: *Proposal to construct a 9,000 sq. ft. showroom, office and warehouse building on a 29 acre parcel for Prospero Equipment Co. immediately north of the parcel located at 2200 State Route 14 in the Town of Phelps.*

Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acre:	29ac flag lot	North:	Residence	Public water:	No
Land Use:	Vacant	South:	Commercial	Public sewer:	No
Land Cover	Wooded with shrub/scrub	East:	Wooded/wetland	Municipal stormwater:	No
		West:	Residence	Public road:	SR14
				Existing subsurface existing drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Canandaigua Outlet	NY DEC	No	Prime etc soils	No
Sub-watershed	Unnamed tributary to	NWI	No	In NY Ag. Dist.	No

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	Canandaigua Outlet				
Stream/Lake	Pond located on western edge	Hydric soils	Not on the site proposed for development	Active Ag.	No
Aquifer	No			500 ft. of Ag. Dist.	
Well Head study	No				
<b>Drainage</b>		<b>Cultural/Historic Resources</b>		<b>Scenic Views/Viewshed</b>	
Slope	<10%	National	No information	From Site	No
Soil permeability	Slow	State	No information	To Site	No
Erodibility	Low	Local	No information		
<b>Transportation Corridor</b>					
CPB Gateway	State Route 14				
Corridor Study	Yes				
<b>SITE PLAN ELEMENTS</b>					
<b>Community Character Elements</b>			<b>Vehicle &amp; Pedestrian Circulation</b>		
Lighting Plan	Two dark sky compliant wall packs listed on building.		Access Management	The site plan indicates that the parcel will share the driveway with the parcel to the north.	
Signage Plan	Sign mounted on building		Internal Circulation	Circulation is along the north side of the parcel (no loop). Loading dock is at the rear of the building.	
Noise	No information		Pedestrian Linkages	None indicated	
Landscape Plan	Trees and shrubs indicated		Parking	Eleven spaces are indicated. A "tractor-trailer" is located behind the building. Not clear if it is a parking spot.	
Streetscape	Three shrub/three evergreen plantings along SR 14				
Building Façade	No image provided				
<b>Stormwater Management</b>			<b>Parks, Recreation, Open Space</b>		
SWWP	No stormwater management information		Outdoor Recreation	No	

**Abbreviations**

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	was provided.		
Green Infrastructure	No	Linkages	No
Other		Dedicated open space	No

**Code Compliance**

Setbacks	No notation was made by the town that variances are required.
Lot Size	The parcel survey lists a 105’ road frontage. The Site plan indicates a 265’ frontage.

**COMMENTS**

- **Access Management** A shared driveway will be used which will reduce curb cuts on along the SR 14 corridor. There is no existing driveway shown on the parcel to the north. Application states there is a NYSDOT approved driveway.
  - To avoid any future legal issues, the Town should require that a cross access easement indicating shared use of the driveway be put in place.
  - The driveway to the south is not delineated by a curb cut allowing open access. It should be separated through some means to prohibit cars from just pulling off anywhere along the frontage.
- **Stormwater Management.** A stream begins across the road and flows through the center of the parcel to the west and forms a tributary to Canandaigua Outlet. This is not identified on the site plan. With the level site, drainage is generally slow and the soils have low permeability (water will just sit there).
  - It appears that there could be an acre of disturbance which would require the preparation of a SWPPP. The Town should consult with the OC Soil and Water Conservation District to determine if one is required.
  - Given the history of drainage problems in this area, if no SWPPP is required, the Town should require that the applicant work with the OCSWCD to develop appropriate measures that will address drainage issues.
  - The Town should also consult with NYSDOT regarding any impact on road drainage that could be associated with this project.
- **Onsite Wastewater Treatment/Potable Water** The soil type on this site (Morocco Mn) are poorly drained and classified in the Interpretive Soil Report for Ontario County as having severe limitations for septic tanks and absorption fields. Before any approval is considered, the applicant should consult with the NYS Board of Health to determine the requirements for an onsite system and provide engineered (stamped) plans.
  - The well is located roughly 150 feet (to the east) from the septic system. The parcel generally slopes to the east. The location of the well should be verified by the NYS Board of Health.

**Streetscape** Some plantings are indicated along Rt. 14. Given the significance of this corridor as a regional gateway to the Finger Lakes, additional attention should be given to landscaping along the road. No general site lighting is noted.

**CRC Recommendation** There are significant discrepancies in lot frontage and access location, and no information on drainage and stormwater management the CRC recommends this application be returned as Incomplete.

**CPB Board:** The applicant was present at the CPB meeting and during the staff presentation stated that the project was not located on the parcel being discussed but one located down the road to the south. M. Rudzinski stated that the tax parcel number used for the review the one listed on the Town’s application and no specific parcel information was listed on the site plan.

**Board Motion:** Because the referral review was not based on the correct parcel and therefore is not accurate, the CPB finds that this application is Incomplete and returns it to the referring Board for submission with complete information for consideration at a future

**Abbreviations**

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CPB meeting.

**Motion Made By: Stephen Groet**  
**Seconded: Mary Neale**  
**Vote: Motion carried with 1 abstention (G. Wilkes)**

**56 - 2012**

**Town of Phelps Planning Board**

**Class: 2**

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Hammerhead Lima Properties*

Property Owner: *Hammerhead Lima Properties*

Representative: *Robert Meekan - Meekan Architecture*

Tax Map Parcel #: *77.00-2-10.100*

Brief Description: *Renovation of an existing building for Lakeland Concrete Products located on an 11 acre parcel at the corner of Tincan Rd. and 2351 State Route 14 in the Town of Phelps.*

**Project Description:** Two existing buildings, the 1,232 sq. ft. office and the 5,200 sq. ft. barn are being renovated for three businesses: Champion Asphalt Maintenance, All County Construction and Lakelands Concrete Products. The

An environmental cleanup has been completed on the site included removal of drums containing paints, oils, etc. from the barn and exterior cleanup of a 38ft by 26ft area containing used oil, asphalt emulsion and tar. As part of the cleanup the site was graded and compacted stone installed. No exterior site improvements are being proposed.

**Comments** This project is providing a very positive upgrade to Rt. 14 gateway corridor and the applicant is commended for their efforts.

**Corridor Access Management** Currently there is unlimited access to the parcel from Tincan Rd. and SR 14 which creates a hazardous situation with multiple turning movements at this intersection.

- The Town and the applicant are encouraged to work with NYSDOT to delineate a driveway for accessing this site..
- A combination of landscape or/and decorative fencing could be used to delineate the streetscape and define the driveway/curb cut.
- Whether or not non-emergency access is allowed off Tincan Rd. should also be reviewed by the Town and NYSDOT

**Containment** A condition should be added by the planning board that any materials stored on site should be properly secured and meet any NYS DEC requirements for containment in case of a spill.

**Internal Circulation/Parking** The site plan should delineate the internal circulation pattern for vehicles making either deliveries or pick of materials at the rear of the parcel and those parking at the front of the office.

The number of parking spaces should be determined to be adequate for three businesses.

**Community Character**

**Abbreviations**

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- Streetscape – The applicant has already made major visual improvements to the site as a result of the cleanup. Landscaping and maintain buffers from neighbors should be considered.
- Lighting – The applicant’s representative at the meeting mentioned that the wall pack light fixtures would be dark sky compliant. These and any other exterior fixtures that may be used should have full light cutoff.
- Hours of Operation – To minimize impact on nearby residences, the planning board should consider establishing hours of operation that are appropriate for these businesses.
- 

**Board Motion:** Based on the findings and comments above, the Board moves to retain referral #56-2012 as a Class 2 and approves it with comments.

**Motion Made By: Mary Bogin**

**Seconded: Peter Osborne**

**Vote: Carried with 1 abstention (G. Wilkes)**

**57 - 2012                                      Town of Canandaigua      Zoning Board of Appeals                                      Class: AR2**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Martin Fredrickson*

Property Owner: *Mark & Marcia Siewert*

Representative:

Tax Map Parcel #: *98.17-1-15.000*

Brief Description: *Four area variances to construct an addition to an existing residence adjoining Canandaigua Lake at 3555 CR16 in the Town of Canandaigua.*

**58 - 2012                                      Town of Canandaigua      Planning Board                                      Class: EX**

Type: *Minor Subdivision*

Related Referrals: *n/a*

Applicant:

Property Owner: *Joseph & Kim Maslyn*

Representative:

Tax Map Parcel #: *57.00-1-20.200*

Brief Description: *Subdivision of an existing 55 acre parcel into two parcels at 4405 North Rd. in the Town of Canandaigua.*

**59 - 2012                                      Town of Bristol      Town Board                                      Class: 2**

Type: *Moratorium*

Related Referrals: *n/a*

**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

Applicant:

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Revised proposed one year moratorium on Gas and Petroleum Exploration and Extraction Activities, Underground Storage of Natural Gas, and Disposal of Natural Gas or Petroleum Extraction, Exploration, and Production Wastes in the Town of Bristol.*

**Project** The Town of Bristol enacted a one year moratorium that begins the date of filing of the Generic Environmental Impact Statement by the NYS DEC. This proposed revised one year moratorium adds definitions, begins on the date of enactment of the local law, allows the town board to consider use variances from the provisions of the moratorium and provides exemption for any facilities that are currently under permit and in compliance with NYS DEC regulations.

**Comments**

**Use Variance** Unlike the enacted moratorium, this proposed local law provides standards and criteria for the town board to use when considering a hardship use variance from the moratorium which is a needed improvement.

- According to this provision, if a variance is granted, the applicant must comply with all local zoning and other laws and regulations. The Town Board should clarify whether it will require the planning board to conduct a site plan review or any other type of review upon issuance of the use variance.
  - The current zoning code should be reviewed to determine if adequate standards are in place to conduct a site plan review particularly when the proposed use may not currently be an allowed use.
  - If adequate standards are not present then the Town Board should establish such standards for use by the planning board. (Typically in the zoning situation, once granted a use variance is granted by the ZBA, it then goes to the planning board for site plan review unless the ZBA determines it is an ‘as of right’ use requiring no further review.)
  - Can the Town Board issue a use variance in the absence of a NYS permit?

**Board Motion:** Based on the comments above, the Board moves to retain referral #59-2012 as a Class 2 and approves it with comments.

**Motion Made By: Stephen Groet**

**Seconded: John Palomaki**

**Vote: Unanimously carried**

**60.1 - 2012**

**Town of Victor Town Board**

**Class: 2**

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Affronti Development*

Property Owner:

Representative: *D.S.B. Engineers*

Tax Map Parcel #: *28.00-1-39.100*

Brief Description: *Text amendment to rezone property a 59 acre parcel on McMahan Rd. from R-2 Residential to*

**Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

*Affronti at McMahon Rd. Planned Development District to allow construction of 80 single family dwelling units in the Town of Victor. (Previously submitted #47-2011.)*

**See Referral 60.2-2012 for review**

**Board Motion:** Based on the findings and comments, the Board moves to retain referrals 60.1-2012 and 60.2-2012 as Class 2 and recommends disapproval by the Victor Town Board.

**Motion Made By: Glen Wilkes**

**Seconded: Mary Neale**

**Vote: Motion carried unanimously**

**60.2 - 2012**

**Town of Victor Town Board**

**Class: 2**

Type: *Map Amendment*

Related Referrals: *n/a*

Applicant: *Affronti Development*

Property Owner:

Representative: *D.S.B. Engineers*

Tax Map Parcel #: *28.00-1-39.100*

Brief Description: *Map amendment to rezone property a 59 acre parcel on McMahon Rd. from R-2 Residential to Affronti at McMahon Rd. Planned Development District to allow construction of 80 single family dwelling units in the Town of Victor. (Previously submitted #47-2011.)*

**Project Description:** The CPB reviewed a map and text amendment in April, 2011 for a proposed 100 unit single family residential subdivision on McMahon Rd. The new application for an 80 unit subdivision has been submitted (20 units less) and provides 50% open space. The lot size was reduced from 10,500 sq. ft. to 9,000 sq. ft.

**Referral Review from April 2011**

**SITE CHARACTERISTICS**

Acres	59.6 Acres	Active Agriculture	N/A
Land Use	Vacant	Public Water	Yes
Land Cover	Scrubland	Public Sewer	Yes
Zoning	R-2 – B	Site Access	McMahon Rd

**ENVIRONMENTAL CONDITIONS**

<b>Hydrology</b>		<b>Wetlands</b>	
Watershed	Sucker Br to Hathaway Br	NYS DEC	None
Flood Zone	West Side of McMahon Rd	NWI	None
Aquifer		Hydric Soils	Yes
<b>Soils &amp; Topography</b>		<b>Agriculture</b>	
Permeability	Slow – Medium	Active Ag	No

**Abbreviations**

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Erodibility	Low – Medium	Prime Ag Soils	Yes
Slope	Areas of 15%+ slope are located in the eastern portion of the parcel	Ag District	No
<b>Environmental Comments</b>	<p>Hydric soils are located throughout the site. An approximate calculation indicates that there are about 25 acres that are characterized as hydric soil and about 20 acres characterized as potentially hydric soil according to the USDA NRCS soils survey (<a href="http://soils.usda.gov/use/hydric/intro.html">http://soils.usda.gov/use/hydric/intro.html</a>) (Potentially hydric soils mean that there may be locations within that soil type that will meet the hydric standard based on further delineation.</p> <p>This could indicate the presence of wetlands regulated by the Army Corp of Engineers. It should also be noted that the water table could be within 1.5 feet or less from the surface. These hydric soil types run primarily through the middle of the site</p>		

**COMMUNITY CHARACTERISTICS**

<b>Land Use-Cover</b>		<b>Historical Site</b>	
North	Rail Right-of-Way & Vacant	National	N/A
South	Apartment Complex	State	N/A
East	Vacant	Local	N/A
West	Sewage Treatment	<b>Archaeological Resources</b>	No documentation is provided on these resources.
<b>Scenic Views</b>		<b>Transportation Corridor</b>	
From Site	None	CPB Gateway	State Rt. 96
To Site	None	Corridor Study	N/A
<b>Community Comments</b>	<p>There are a number of multiple residential developments within a quarter mile of this development. However, the area directly to the north is zoned commercial/light industrial and is also located along an active rail corridor. The parcel does/would serve as a buffer from this rail corridor &amp; industrial type developments.</p>		

**SITE PLAN REVIEW**

<b>Comments</b>	<ul style="list-style-type: none"> <li>The Town of Victor should submit this application for site plan review once all documents identified in the PD section of town code have been prepared by the applicant.</li> <li><b>Traffic</b> A complete traffic study should be conducted along McMahan Rd. given the nature of the developments surrounding this parcel an additional 100 units will impact traffic movements along Start Rt. 96 to the south and Plastermill Road to the north.</li> <li><b>Site Design</b> The site design provides no amenities such as a neighborhood scale park/common area that could be a community gathering space, or pedestrian linkages. This site is isolated from public parks and play areas. Since this development will be attractive to families, requiring such an area is reasonable as part of the PDD.</li> <li><b>High Water Table/Potential Wetland</b> <i>Though this is a PDD request, careful consideration should be given to the site's development suitability/capability. Almost half of the site has hydric or potentially hydric soils with a depth to the seasonal high water table of 1-1.5 feet indicating potential for serious groundwater and surface water problems.</i></li> </ul>
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**Abbreviations**

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*This parcel is likely functioning as a 'natural' stormwater management facility. Most of the development is in these soil areas.*

- The presence of vegetative hydric soil indicates the potential for a wetland that would be under the jurisdiction of the US Army Corp of Engineers. They should be contacted to determine if such a wetland is on this site.
- **Zoning in the Area** The parcel to the north is zoned light industrial which is not consistent with the surrounding residential development. The Town should take a look at the zoning in this area and determine what the appropriate mix of uses.

**Findings**

1. Of this 60 acre site, approximately 25 acres are characterized as hydric soils and 20 acres as potentially hydric soils. These soils have seasonally high water tables potentially within 1.5 ft. of the surface.
  - The applicant is requesting a density that is about three times what would be allowed under current zoning. The concept plan indicates that much of the proposed development is in areas encumbered with these soil types.
  - Development of this intensity on a parcel with this type of hydrology could have adverse impacts on stormwater management in the entire area.
2. There is potential, given the soil profile, for the presence of wetlands regulated by the US Army Corp of Engineers.
3. The application states that this development will “be a positive change to the neighborhood, and have a positive effect on property values, drainage and character of the neighborhood.” Given the potential site limitations, no information is provided to substantiate that claim.
4. Increasing the density has the potential to create traffic problems particularly at the intersection of Rt. 96.
5. NYS Town Law §261-c Planned unit development zoning districts.
  - “...are intended to provide for residential, commercial, industrial or other land uses, or a mix thereof, in which economies of scale, creative architectural or planning concepts and open space preservation may be achieved by a developer in furtherance of the town comprehensive plan and zoning ordinance.”
 The application states that this project will provide affordable housing which is in furtherance of the comprehensive plan. No information is provided regarding the pricing and the target income range of households to which this project will be marketed.
6. The applicant indicates that the development is compatible with adjoining land uses. The adjoining parcel to the northeast is currently zoned Light Industrial which is not generally considered a compatible land use with residential development.

**Conclusion** As currently proposed, this request to triple the residential density, without substantial additional investigation of the drainage and traffic impacts, has potential significant adverse impacts on traffic, stormwater management in the region. While this Board recognizes the need for affordable housing, it cannot approve this action based on the findings and concerns expressed herein.

**BOARD ACTION:** *Terrence Hopper made a motion to retain referral # 47-2011 as a Class 2 and to disapprove it based on the above information, findings and conclusion, seconded by Stephen Groet. Motion unanimously carried*

**2012 ADDITIONAL COMMENTS:**

**Traffic Study** A traffic study was prepared using data (counts) from 2007 for Rt. 96 and 2006 for McMann Rd. The conclusions are as follows:

1. There are no significant adverse traffic impacts to the surrounding roadway network based upon full development conditions. Southbound traffic exiting McMahan Road at Route 96 will experience moderate delays during the PM peak hour only, however, no improvements are recommended or warranted as a result of the proposed development.

**Abbreviations**

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2. The proposed site driveway should be relocated approximately 20 feet to the south of the proposed location to maximize available sight distances while maintaining a buffer to the southern property line. Moving the driveway 20 ft south provides an adequate stopping sight distance of 435' which exceeds the required 425'.

3. Given that the desirable intersection sight distance is not met, the Side Road Intersection Warning Sign (MUTCD Sign W2-2) should be installed along the west side of McMahan Road facing southbound traffic to notify drivers of the upcoming driveway. As per Table 2C-4 in the MUTCD, Guidelines on Advance Placement of Warning Signs on an Intersection Approach, the minimum distance that the intersection warning sign may be placed is 125 ft away from the intersection. The sign should be located such that it does not conflict with other existing signage and/or the railroad tracks.

Capacity analysis for South bound on Mc Mann Rd at Rt. 96.

**Hydric Soil Conditions** Since the last submission four soil tests were taken. Only one sample location was in an area of “potentially Hydric soils”. The rest were in non-hydric soils.

- Most of the development still remains in areas with hydric soils.

**Wetland Delineation:** With the presence of hydric soils and high water table, there is serious potential for the site to contain a wetland regulated by the US Army Corps of Engineers. Though recommended last year, no wetland delineation was done. This information is important so the Town Board can make an informed decision on the actual development potential and density that should be allowed for this PDD.

**Findings**

1. Though the number of units has been reduced from 100 to 80, the site design has not substantially changed. Much of the proposed development is still in areas with hydric soil and the potential for regulated wetlands.
2. The same findings for the April, 2010 project are valid for this referral.

**Board Motion:** Based on the findings and comments above, the Board moves to retain referrals 60.1-2012 and 60.2-2012 as Class 2 and recommends disapproval by the Victor Town Board.

**Motion Made By:** Glen Wilkes

**Seconded:** Mary Neale

**Vote:** Motion carried unanimously

61 - 2012

Town of Victor Planning Board

Class: AR1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Allison R. Sherman*

Property Owner: *Hendler & Associates*

Representative:

Tax Map Parcel #: *28.12-19.111*

Brief Description: *Special use permit to add a child care center as an additional use to the Sports Academy of Victor in Phoenix Mills located at 6385 State Route 96 in the Town of Victor*

**Abbreviations**

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W: Withdrawn

**62 - 2012**

**Town of Gorham Town Board**

**Class: EX**

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Reggie O'Hearn*

Property Owner: *Country Road Realty, Inc.*

Representative:

Tax Map Parcel #: *114.00-1-43.000*

Brief Description: *Lot size variance to allow keeping of additional horse on lot on CR 18 near the intersection with Middle Rd. in the Town of Gorham.*

**63 - 2012**

**Town of West Bloomfield Town Board**

**Class: 2**

Type: *Comprehensive Plan*

Related Referrals: *n/a*

Applicant:

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Town of West Bloomfield Comprehensive Plan Update - 2012.*

**Abbreviations**

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**DESCRIPTION** This plan is an update of the Town’s 2001 Comprehensive Plan. The Executive Summary states that the town is place with a high quality of life where people choose to live in a slower paced rural atmosphere which values its peaceful surroundings. The town, recognizing its desirable location and anticipating the expectation for change, prepared this plan as a proactive stance toward balancing appropriate growth while maintaining its attractive rural character.

Goals address

1. Regional Context -The regional context of West Bloomfield and need for ongoing communication.
2. Community Character - Maintaining its rural character and promoting a sense of place. Protection of significant viewsheds.
3. Population - Encourage slow, steady and controlled population growth.
4. Housing - Promote housing for a variety of age groups and protect quality of the housing stock.
5. Economy - Encourage appropriate business and commercial development. Support the agricultural industry. Participation with the tourism industry. Land uses that don’t impose excessive burden on the town.
6. Land Use – Adopt land use controls to protect farmland. Provide land use regulation that ensures appropriately location and design. Preservation of Open Space. Prevent strip development. Preserve natural landscapes: remove extraction operations as a specially permitted use in the Agriculture and Industrial Districts. Establish a Surface Mining District.
7. Environment – Protect significant environmental resources, compatible development,
8. Infrastructure – Extend water and sewer service in areas of need. Permit essential infrastructure that minimizes landscape impacts (cell tower regulation/prohibit commercial wind farms)

**General Comments** The draft plan provides a concise statistical profile and statement of goals and implementation measures

**Recommendations Regarding:**

**Cluster Provision**

The Town updated its subdivision regulations in 2008 and added the following provision to Section 121-1 Authority C.

“The Town Planning Board is also granted the authority to allow an applicant to either propose a clustered subdivision layout or require an applicant to provide a clustered subdivision layout as provided in § 278 of the Town Law of the State of New York.”

The updated subdivision code also added a requirement for a Site Context Map and an Existing Resources and Site Analysis with an application for subdivision.

- NYS Town Lawn Sec. 278 2. (a) requires that the zoning districts where clustering is applicable be specified. The comp plan should make recommendations regarding which zoning districts should be subject to clustering.

**Future Land Use**

**Agriculture**

- The proposed Future Land Use Plan recommendation for Low Density Residential land use includes a significant amount of land that is currently in NYS Agricultural District 1.
  - Some of the town’s largest and most productive farms are recommended for Low Density residential development. While the plan has the goal of protecting agriculture, the Future Land Use Plan provides no rationale for changing agricultural land in Agricultural Dist 1 to low density residential.
  - Agricultural District 1 is up for renewal in 2012. Does this recommendation imply that the Town would not want these parcels to continue in agriculture? One of the requirements in NYSD Agriculture and Markets is consistency with local comprehensive plan. Does this recommendation mean the town would not want land currently in Ag District 1 be recommended for inclusion even if the landowner wants to stay in?
  - Low density residential zoning encourage land use patterns that leave productive farmland fragmented and not economically viable to farm.

**Industrial Land Use**

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- Action 1.2.1 (pg. 29) as currently written, states “The town will not allow.....or other industrial activities...” This can be read to exclude all industrial activities as a means to protect water, land and air resources. It should be clarified if it means “other industrial activities related to hydraulic fracturing.....”
- Goal 5 (Pg. 28) To preserve and protect the natural landscape....” Action 5.1.1 recommends removing extraction operations as a specially permitted use in the Agriculture and Industrial Districts. Reasons or findings should be provided for this recommendation --- especially in an industrial zone.
- Action 5.1.2 recommends establishment of a Surface Mining District. The future land use plan makes no recommendation regarding where this Surface Mining District would establish criteria for establishment of such a district or where it should be created. This is very confusing and potentially contradictory making implementation of this recommendation almost impossible. What is the sequencing between eliminating extraction operations as a specially permitted use and establishment of the Surface Mining District?

**Economy – Goal 5: To ensure that land uses do not impose excessive financial burden upon the town.**

- Other land uses also have fiscal impacts. For example, the cost of local services from converting farmland to single family residential use has been documented in many studies to show that farmland places less burden on public services than residences.
- This section focuses on mining related impacts. There should be greater elaboration or documentation regarding the excessive burden.

**Goal 5: Preservation and Protection of Natural Landscapes**

Given the abundance of features of and high quality of the town’s environmental resources including Irondequoit Creek, Honeoye Creek, remnant glacial features, prime agricultural land, etc., the only Policy recommendation involves limiting mining. Is the Town stating that mining is the only activity that should be addressed to protect natural resources and compatible development?

- The Town recognizes the importance of a diversity of natural resources by having the Land-Conservation Overlay District.
- There is no mention of the adequacy of current measures to protect stream corridors, riparian habitat, destabilization of steep slopes, etc. Irondequoit and Honeoye Creeks are of regional importance but only mining is mentioned.

**Agriculture and Land Use**

- The current subdivision regulations added “ag-friendly” provisions including the cluster requirement which gives landowners much greater flexibility to have limited residential development in locations and on lot sizes that do not interfere with the economic viability of remaining farmland. The regulations also require mapping of agricultural infrastructure as part of the subdivision process to avoid damaging drainage systems or limiting equipment access.
  - The town’s current site plan review criteria for projects not involving subdivision does not have provisions that agricultural infrastructure be considered in the process.
- The Town should consider adding statements that specifically acknowledge the importance of zoning in maintaining the economic viability of agriculture in the Town. This planning process only had time to fully address certain areas. The action items could be strengthened to acknowledge this limitation by recommending creation of a committee to specifically address issues related to agriculture including zoning so that sufficient study of this often complex issue can be completed. These issues could include:
  - Local Right to Farm Laws
  - Whole Parcel Plans
  - Purchase of Agricultural Conservation Easements
  - Site Plan Review: Agriculture Infrastructure Impact Analysis

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- Sec. 278 Cluster Provision as a farmland conservation tool
- Realistic Density/Lot size
- Incentive Zoning

**Historic Preservation – Action 31/32.** The plan should clarify that the Town does not have a local historic preservation ordinance and therefore has no mechanism to evaluate, designate and protect historic resources from degradation by an action not involving state or federal funding.

**Board Motion:** Based on the findings and comments above, the Board moves to retain referral # 63-2012 as a Class 2 and approves it with comments.

**Motion Made By: Mary Bogin**

**Seconded: Clifford Kunes**

**Vote: Motion unanimously carried**

**64.1 - 2012**

**Town of Victor Planning Board**

**Class: 1**

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *The Apple Farm*

Property Owner: *Pick Your Own, Inc.*

Representative:

Tax Map Parcel #: *39.00-1-23*

Brief Description: *Special use permit to construct a 140 foot, 10 kw . wind turbine at the Apple Farm located at 1640 State Route 444 in the Town of Victor.*

**Project Description:** A 140 ft. wind turbine is proposed to be constructed on a concrete foundation approximately 200 ft. north of an existing building The wire connection will be made underground to the meter located on the building.

**Comments** No SEQR Visual Assessment Form was provided. The parcel is located about .5 miles south of Ganondagan State Historic Site and may be visible from there.

The impact of turbulence and flicker on pollinators and pollination should be looked into since it is located in an apple orchard.

**Board Motion: Referral 64.1-2012 & 64.2 -2012 are retained a Class 1 and returned to the local board with comments.**

**Motion Made By: Glen Wilkes**

**Seconded: Bruce Campbell**

**Vote: Motion carried unanimously**

**Abbreviations**

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W : Withdrawn

64.2 - 2012

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *The Apple Farm*

Property Owner: *Pick Your Own, Inc.*

Representative:

Tax Map Parcel #: *39.00-1-23*

Brief Description: *Site plan approval to construct a 140 foot, 10 kw . wind turbine at the Apple Farm located at 1640 State Route 444 in the Town of Victor.*

**See #64.1 for referral comments.**

**Board Motion: Referral 64.1-2012 & 64.2 -2012 are retained a Class 1 and returned to the local board with comments.**

**Motion Made By: Glen Wilkes**

**Seconded: Bruce Campbell**

**Vote: Motion carried unanimously**

**OTHER:**

**Review of Upcoming Training:** Due to the lateness of the hour this agenda item was tabled until the May meeting.

**ADJOURNMENT:** Being no further business for discussion, Chair Folkins **made motion to adjourn the April 11, 2012 CPB meeting, motion seconded by Mary Neale. Motion carried unanimously. The 4/11/12 CPB meeting adjourned at 10:00 p.m.**

**Respectfully submitted,**

*Linda R. Frasca*

Senior Administrative Assistant

**Abbreviations**

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