

Ontario County Planning Board

Jaylene Folkins, Chair
Mary Neale, Vice Chair

Draft County Planning Board Meeting February 8, 2012

Introduction, General Procedures, & Legal Obligations for Referring Agencies:.....	2
Attendance and Minutes:.....	4
Referral Reviews and Board Action.....	5-17
Other Business:.....	17

Referral #	Locality	Referring Board	Applicant	Application Type	Class	Page
15	Town of Victor	Town Board	S & J Morrell Builders	Map Amendment	1	5
16	City of Canandaigua	Planning Commission	Lakeside Medical 1, LLC	Site Plan	2	7
17	Town of Manchester	Town Board	Town of Manchester	Moratorium	2	8
18	Town of Geneva	Planning Board	CAFUA Management Co.	Site Plan	W	8
19	Town of Gorham	Zoning Board of Appeals	William & Maria Huberlie	Area Variance	AR2	8
20	Town of Gorham	Zoning Board of Appeals	Michael Spaan	Area Variance	AR2	8
21	Town of Victor	Zoning Board of Appeals	Metro Mattress	Area Variance	AR2	9
22	Town of Victor	Zoning Board of Appeals	McDonald's Restaurant	Area Variance	AR2	9
23.1	Town of Victor	Planning Board	Indus Companies	Area Variance	W	9
23.2	Town of Victor	Planning Board	Indus Companies	Site Plan	W	10
24.1	Town of Victor	Zoning Board of Appeals	Lill Power Development, LLC	Area Variance	EX	10
24.2	Town of Victor	Zoning Board of Appeals	Lill Power Development, LLC	Site Plan	EX	10
25	Town of West Bloomfield	Town Board	Town of West Bloomfield	Moratorium	1	11
26	Village of Bloomfield	Planning Board	Village of Bloomfield	Use Variance	1	11
27	City of Geneva	Planning Board	FSI General Contractor	Subdivision	1	12
28	Town of Seneca	Zoning Board of Appeals	Shuttleworth Asphalt	Area Variance	1	12
29.1	Town of Richmond	Town Board	Jason Schaab	Site Plan	2	14
29.2	Town of Richmond	Zoning Board of Appeals	Jason Schaab	Special Use Permit	2	15
30.1	Town of Naples	Planning Board	Suzanne & Rudi Vullers	Special Use Permit	1	16
30.2	Town of Naples	Planning Board	Suzanne & Rudi Vullers	Site Plan	1	17
30.3	Town of Naples	Planning Board	Suzanne & Rudi Vullers	Subdivision	1	17

Abbreviations

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 W: Withdrawn

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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Administrative Review Policies – CPB By-Laws Appendix D	
AR-1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR-2	Applications that are withdrawn by the referring agency
AR-3	Permit renewals with no proposed changes
AR-4	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>
AR-5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR-5 B.	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR-5 C.	All other applications involving a site plan for one single-family residence.
AR-6	Single-family residential subdivisions under five lots.
AR-7 A. Class 2 Denial	Variances for signs along major designated travel corridors.
AR-7 B.	Applications involving conforming signs along major travel corridors.
AR-8	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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Ontario County Planning Board

Jaylene Folkins, Chair
Mary Neale, Vice Chair

County Planning Board Members Attendance February 8, 2012

Cities

Canandaigua	John Thompson	P	Geneva	Mary Bogin	P
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Towns:

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

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

(P) Present at the meeting,

(E) CPB member has been excused

(A) Absent without notification.

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

Guests: Vullers – Naples Residents

Call to Order/Roll Call: Chair Jaylene Folkins called the February 8, 2012 County Planning Board meeting to order at 7:35 p.m.; with Ms. Frasca doing roll call and reporting that ten (10) members were present meeting the requirement to establish a quorum.

Minutes: Motion to accept the draft January 11, 2012 CPB minutes as presented made by Stephen Groet, seconded by Cliff Kunes. Approval of the 1/11/12 minutes not carried as Mary Bogin abstained, therefore, a quorum was not met.

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Watershed	Canandaigua Lake	NYS DEC	No
Flood Zone	No	NWI	No
Aquifer	No information	Hydric Soils	Ovid: Potentially hydric: 3.4 ac 68% of site
Soils & Topography		Agriculture	Not applicable
Permeability	Predominantly slow	Active Ag	No
Erodibility	Medium	Prime Ag Soils	Yes
Slope	<10%	Ag District	No
Community Characteristics			
Land Use-Cover		Historical Site	
North	Office buildings	National	No information
South	Rt. 5 and 20	State	No information
East	Shrub scrub	Local	No information
West	Office Buildings		
Scenic Views	None designated.	Transportation Corridor	
From Site	None designated.	CPB Gateway	No
To Site	None designated.	Corridor Study	No
Community Comments			
Site Plan Review			
Aesthetics			
Lighting	<i>Lighting plan indicates no light spillage. Full cutoff fixtures are recommended</i>		
Signage	No signage plan is included		
Noise			
Traffic & Circulation			
Access Management	Site is accessed directly from Parrish St. and through cross access to adjoining parcel to the west (Lakeside Professional Properties. No stub road indicated to adjoining undeveloped parcel to the east.		
Site Circulation			
Parking	237 spaces		
Pedestrian Access	Walkway is indicated along the front and rear of buildings. No pedestrian circulation plan. No walkway link Parrish St. Public sidewalks are available on the north side of Parrish St.		
Natural Features			
Stormwater Mngt.	Stormwater plan submitted. Substantial portion of site is impermeable surface		
Open Space/Recreation	No.		
Landscaping & Buffering	Trees located in parking area and access drive. Balance indicates grass.		
Code Compliance			
Setbacks	The site data table on Drawing C-1 Site plan appears to indicate side and rear setbacks not in compliance with local zoning code.		
Lot Size			

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Comments:

Traffic/Access Management:

- The existing medical offices and services that have developed incrementally over the years around expanding Thompson Hospital campus has resulted in the proliferation of curb cuts, no coordinated signage resulting in confusion and distraction for drivers trying to find their destination. For example, between the proposed entrance and Pearl St. there are approximately 10 curb cuts (most serving offices or apartments). This does not include future access to the 4.6 acre undeveloped flag lot adjacent to this parcel. A similar number of access points are located 500 ft to the west including those to Thompson Hospital.
- In addition to institutional/office traffic, Parish St. is a link for both commuters and tourists to Middle Cheshire Re., Rt. 5 and 20, and CR 16 (West Lake Rd.)
- The CPB recommends that the City consider preparing an overall access management plan for Thompson Hospital area (generally from Bristol St. to Rt. 5 & 20 and Pearl St./CR 16) that would address short and long term measures to consolidate access points, improve circulation within and between parcels, improve directional signage and provide safe pedestrian access within and between facilities. Such a plan will facilitate the development potential of this area.
- At a minimum, 1) a traffic study should be prepared for this project; 2) cross access easements required to **ALL** adjoining parcels to consolidate or eliminate curb cuts/access points to existing offices on Parrish St.; and 4) a stub road indicated to connect this parcel to the vacant adjoining parcel to facilitate future development.

Pedestrian Access: No sidewalk or walkway to Parrish St. is provided. A pedestrian circulation plan showing both internal and external walkways should be developed.

Support Facilities: No location for dumpsters, etc. is indicated but should be shown.

Lighting: Lighting should be dark sky compliant and fixtures should be full cutoff.

Signage: A signage plan will be submitted separately.

Stormwater Management:

- **Comments from Canandaigua Lake Watershed Manager** The report narrative does state that the project will meet the enhanced phosphorus standards of the City of Canandaigua. However, there is no mention of meeting the Green Infrastructure requirements of the NYS DEC and the associated chapter 5 of the Stormwater Manual. There are ample opportunities on the site to meet these requirements. A couple examples include the landscape areas near the building along with raised landscape islands within the parking lot. These areas could provide the dual benefit of providing water quality treatment. The raised landscape islands in the parking lot could be sunken to accept runoff and act as a rain garden/bio-retention area. Incorporating these areas into the overall stormwater treatment system can help to reduce the size of the stormwater pond along with enhancing the overall treatment of runoff.
- **Comments submitted by the OCSWCD to the City in January are incorporated here by reference. .**

Board Action: Motion made by Glen Wilkes to change application # 16 from a Class 1 to a Class 2, seconded by Carol O'Brien. Motion unanimously carried.

Board Action: Motion made by George McCadden to retain and approve application # 16 as a Class 2 and return it to the local municipality with comments, seconded by Mary Bogin. Motion unanimously carried.

17 - 2012

Town of Manchester Town Board

Class: 2

Type: *Moratorium*

Abbreviations

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Related Referrals: *n/a*

Applicant: *Town of Manchester*

Property Owner:

Representative: *Jeffrey Graff, Esq.*

Tax Map Parcel #:

Brief Description: *One year moratorium on any review or approvals horizontal and directional gas drilling and hydraulic fracturing activities or related businesses in the Town of Manchester.*

Comments: None

Board Action: Motion made by Mary Bogin to retain and approve application # 17 as a Class 2 and return it to the local municipality with comments, seconded by John Thompson. Motion unanimously carried.

18 - 2012 Town of Geneva Planning Board Class: Withdrawn

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.*

19 - 2012 Town of Gorham Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *William & Maria Huberlie*

Property Owner:

Representative: *Peter Osbourne*

Tax Map Parcel #: *113.07-1-45.000*

Brief Description: *Rear and side setbacks to construct a deck on the Canandaigua Lake side of a residence at 3692 Nibawauka Beach in the Town of Gorham.*

20 - 2012 Town of Gorham Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Michael Spaan*

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23.2 - 2012 Town of Victor Planning Board Class: Withdrawn

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.*

24.1 - 2012 Town of Victor Zoning Board of Appeals Class: EX

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Lill Power Development, LLC*

Property Owner:

Representative: *MRB Group*

Tax Map Parcel #: *14.02-1-6.200*

Brief Description: *Variances for front parking setback, building height, and paving material requirement for construction of a 28,000 sq. ft. office building on Old Dutch Rd. in the Town of Victor.*

24.2 - 2012 Town of Victor Zoning Board of Appeals Class: EX

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Lill Power Development, LLC*

Property Owner:

Representative: *MRB Group*

Tax Map Parcel #: *14.02-1-6.200*

Brief Description: *Site plan approval to construct a new 28,000 sq. ft. office building and 9,000 sq. ft. accessory building and associated parking on Old Dutch Rd. in the Town of Victor.*

25 - 2012 Town of West Bloomfield Town Board Class: 1

Type: *Moratorium*

Related Referrals: *n/a*

Applicant: *Town of West Bloomfield*

Property Owner:

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Representative: *Daniel Bryson, Esq.*

Tax Map Parcel #:

Brief Description: *Six month extension of moratorium on issuance of all special permit uses within the T. of W. Bloomfield's AG. zoning district to all completion of zoning changes recommended in comprehensive plan.*

Comment: The Town is in the final stages of completing an update of its comprehensive plan. The town’s consultants have been working concurrently on zoning code changes necessary to implement the provisions of the plan. Since there are outstanding permit applications that are subject to the moratorium, the additional time is needed to complete the code changes.

Board Action: Motion made by George McCadden to retain application # 25 as a Class 1 and return it to the local municipality with comments, seconded by Cliff Kunes. Motion unanimously carried.

26 - 2012 Village of Bloomfield Planning Board Class: 1

Type: *Use Variance*

Related Referrals: *n/a*

Applicant: *Village of Bloomfield*

Property Owner: *Jacqueline Spindler*

Representative:

Tax Map Parcel #: *67.19-2-25.000*

Brief Description: *Use variance to operated a restaurant and bar in the 1812 Tavern located at 111 Main St. next to the new fire station in the Village of Bloomfield.*

Project Description: The current Restricted Business Zoning District (RB-1) does not allow for the operation of a restaurant and bar. The existing building was constructed in 1812 as a tavern and has been used over the years as a restaurant, hotel, inn, and offices. There are currently four apartments in the building and a commercial kitchen. The project adjoins the new fire hall and is across the street from the former “business district” of the Village of Bloomfield (before consolidation with the Village of Holcomb.

Comments

Tourism: (from OC Visitor Connection) The 1812 Tavern in Bloomfield is a perfect place for a restaurant or a tourism related facility. Tourism and history go together as visitors look for more unique, authentic experiences.

Board Action: Motion made by George McCadden to retain application # 26 as a Class 1 and return it to the local municipality with comments, seconded by John Thompson. Motion unanimously carried.

27 - 2012 City of Geneva Planning Board Class: 1

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *FSI General Contractor*

Property Owner: *Ferrari Investments, LLC*

Representative: *Costich Engineering*

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Tax Map Parcel #: 104.18-03.47.12

Brief Description: *Subdivide a one acre parcel from existing four acre parcel to build the Tops Gas Station at the Town and Country Plaza on Rt. 5 and 20 in the City of Geneva.*

Project Description: The proposed subdivision that will contain the Tops Gas Station is being requested because as part of the financing of the project.

Comments: The required cross access easements to the adjoining parcel to the east should be required. Though configured as a flag lot from Rt. 5 and 20, the topography limits the potential for future use as an access point. However, the City should consider conditioning the subdivision on precluding any future use of Rt. 5 and 20 for vehicular access to this parcel to reduce curb cuts and improve access management.

Board Action: Motion made by Glen Wilkes to retain application # 27 as a Class 1 and return it to the local municipality with comments, seconded by George McCadden. Motion unanimously carried.

28 - 2012

Town of Seneca Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Shuttleworth Asphalt*

Property Owner: *Curt Shuttleworth*

Representative:

Tax Map Parcel #: 103.00-1-54.200

Brief Description: *Variance to construct a 320 sq. ft. addition to an existing 6,400 sq. ft. building when 5,000 sq. ft. is allowed at 1431 Rt. 5 and 20 in the Town of Seneca.*

Project Description: The project is located on a one acre site on the south side of Rt. 5 and 20 two-tenths of a mile to the east of the Sensenig landscaping business.

- Comments:** The current structure is a non-conforming structure that exceeds the C-1 dimensional standards. This is a relatively small parcel that could be considered of the type and scale intended for the C-1 zoning district. The current C-1 District has limitations that are in place to encourage small scale, small lot commercial development in more hamlet style and scale.

The Planning Board/Zoning Board of Appeals should consider reviewing the C-1 District to determine if the zoning meets the town's development objectives for this portion of the Rt. 5 and 20 corridor. It appears that a number of parcels could be 'non-conforming'. If it was the intention of the Town comprehensive plan to limit development to 5,000 sq. ft. then area variances for non-conforming buildings should be minimized. If the existing zoning is found to be inconsistent with the development pattern that is appropriate for the area, the Boards can then make recommendations for changes to the Town Board that are in furtherance of the Comprehensive Plan.

Board Action: Motion made by Jaylene Folkins to retain application # 28 as a Class 1 and return it to the local municipality with comments, seconded by Mary Neale. Vote: 9 Ayes and 1 Abstention by Cliff Kunes. Majority vote not available therefore motion not carried.

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29.1 - 2012

Town of Richmond Planning Board

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Jason Schaab*

Property Owner: *Keith Dewey*

Representative:

Tax Map Parcel #: *134.00-1-27.200*

Brief Description: *Site plan approval to redevelop the former Becker and Sons Auto Dealership into an auto repair shop located at 9597 State Rt. 20A in the Town of Richmond.*

Project Description: An existing vacant auto dealership is proposed for use as an auto service center. The application states building and lot improvements. A spray booth is indicated on the plot plan.					
Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	3	North:	Rt. 20A/Farmland	Public water:	No
Land Use:	Vacant auto dealership	South:	Vacant/Wooded/Shrub-scrub	Public sewer:	No
Land Cover	Structure, shrub-scrub	East:	Wooded/Shrub-scrub	Municipal stormwater:	No
+		West:	Residence	Public road:	Rt. 20A
				Existing subsurface existing drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Genesee R.	NY DEC	No	Prime etc soils	Prime if drained
Sub-watershed	Headwaters Honeoye Cr.	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	Potentially hydric soils on entire site.	Active Ag.	No
Aquifer	No information			500 ft. of Ag. Dist.	Yes. Ag. Dist. 1
Well Head study					
Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	<10%	National	No information	From Site	None designated
Soil permeability	Slow	State	No information	To Site	None designated
Erodibility	Medium	Local	No information		
Transportation Corridor					
CPB Gateway	Rt. 20A				
Corridor Study	No				
SITE PLAN ELEMENTS					
Community Character Elements			Vehicle & Pedestrian Circulation		
Lighting Plan	Three exterior wall lights shown.		Access Management	Two curb cuts.	
Signage Plan	<ul style="list-style-type: none"> Five existing signs indicated. Six new signs indicated. 		Internal Circulation	None delineated on plot plan	
Noise	No information		Pedestrian Linkages	None	

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Landscape Plan	No information. No landscaping indicated	Parking	No formal parking shown. No area identified for vehicle storage.
Streetscape	No information		
Building Façade	Renovate existing building		
Stormwater Management		Parks, Recreation, Open Space	
SWWP	No information	Outdoor Recreation	Not applicable
Green Infrastructure	No information	Linkages	Not applicable
Other		Dedicated open space	Not applicable
Code Compliance			
Setbacks, Lot Size, Other	No information is provided regarding compliance with sign regulations.		
COMMENTS			
<p>Site Plan The site plan (plot plan) is not drawn to a useable scale and provides limited information.</p> <ul style="list-style-type: none"> There is no information on hours of operation. <p>Signage: No information is provided regarding which existing signs are either remaining or being replaced. Compliance with signage requirements should be verified.</p> <p>Lighting: All lighting should be full cutoff (dark sky compliant) including wall mounted fixtures.</p> <p>Stormwater The project may fall under the jurisdiction of SPEDES General Permit 010-001. It is recommended that the applicant or town contact the NYD DEC or the OC SWCD regarding this permit.</p> <p>Associated Facilities/Uses To avoid future confusion over use of the site, the applicant should be required to detail whether (and where) there will be outdoor storage of vehicles, if unlicensed vehicles will be kept on the site, if auto sales will be allowed, etc.</p> <p>Access Management There are currently two curb cuts to this site. The local board should consider contacting NYSDOT to determine if consolidation of curb cuts is appropriate to improve safety in this area of the Rt. 20A corridor.</p> <p>Environmental Site Assessment Considering the nature of the previous uses and potential for site contamination, underground storage tanks, etc., the Town should consider requiring a Phase I Environmental Site Assessment prior to granting any approvals. (A Phase 1 study is often required as part of obtaining financing.)</p> <p>CRC RECOMMENDATION: Given the limited information available to review this project, the CRC recommends that it be returned to the referring board as incomplete.</p>			

Board Action: Motion made by Stephen Groet to return application # 29.1 to the local municipality as incomplete, seconded by Cliff Kunes. Motion unanimously carried.

29.2 - 2012 Town of Richmond Zoning Board of Appeals Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Jason Schaab*

Property Owner: *Keith Dewey*

Representative:

Tax Map Parcel #: *134.00-1-27.200*

Brief Description: *Site plan approval to redevelop the former Becker and Sons Auto Dealership into an auto repair shop located at 9597 State Road 20A in the hamlet of Honeoye in the Town of Richmond.*

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Representative: *Grove Engineering*

Tax Map Parcel #: *193.00-3-22.11*

Brief Description: *Site plan approval for bed and breakfast mountain horse farm with 3-5 rooms and spa services at 7520 County Road 33 in the Town of Naples.*

See #30.1 for referral review and comments.

Board Action: Motion made by George McCadden to retain application # 30.2 as a Class 1 and return it to the local municipality with comments, seconded by Glen Wilkes.

Vote: 9 Ayes and 1 Abstention by Carol O’Brien. Majority vote not available therefore motion not carried.

30.3 - 2012

Town of Naples Planning Board

Class: 1

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *Suzanne & Rudi Vullers*

Property Owner:

Representative: *Grove Engineering*

Tax Map Parcel #: *193.00-3-22.11*

Brief Description: *One lot subdivision approval for bed and breakfast mountain horse farm with 3-5 rooms and spa services at 7520 County Road 33 in the Town of Naples.*

See Referral Review for #30.1-2012.

Board Action: Motion made by George McCadden to retain application # 30.3 as a Class 1 and return it to the local municipality with comments, seconded by Glen Wilkes.

Vote: 9 Ayes and 1 Abstention by Carol O’Brien. Majority vote not available therefore motion not carried.

OTHER:

Chairperson Folkins informed the board that Kris Hughes had sent a letter to the Town of Hopewell supervisor requesting that the vacant Hopewell seat on the CPB be filled. Ms. Folkins will update the board as soon as she hears more on the matter.

ADJOURNMENT: Being no further business for discussion Chairperson Folkins requested a motion to adjourn. **Motion made by George McCadden to adjourn the 2/8/12 CPB meeting, seconded by Mary Neale. Motion unanimously carried. The 2/8/12 CPB meeting adjourned at 8:35 p.m.**

Respectfully submitted,

Linda R. Frasca

Sr. Administrative Assistant

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