

Ontario County Planning Board

Jaylene Folkins, Chair
Mary Neale, Vice Chair

Draft County Planning Board Meeting January 12, 2012

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Abbreviations

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

Referral #	Locality	Referring Board	Applicant	Application Type	Class	
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Abbreviations

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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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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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County Planning Board Members Attendance January 11, 2012

Cities						
Canandaigua	John Thompson	P		Geneva	Mary Bogin	A
Towns:						
	Bristol	Sandra Riker	P	Canadice	Stephen Groet	P
	Canandaigua	Mary Prince	E	East Bloomfield	Arthur Babcock	A
	Farmington	Mary Neale, V. Chair	P	Geneva	Howard E. Meaker	P
	Gorham -	George McCadden	P	Hopewell	VACANT	
	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	P
	Victor	John Palomaki	E	West Bloomfield	Richard DelVecchio,	P

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, Senior Planner, Linda Frasca, Sr. Administrative Assistant

Guests: Laurence Tillack, James Fox, Glenn Thornton, Ray Howard

Call to Order/Roll Call: John Thompson, Chair of the Nominating Committee, called the January 11, 2012 County Planning Board meeting to order at 7:30 p.m.; with Ms. Frasca doing roll call and reporting that 12 members were present meeting the requirement to establish a quorum.

Nominating Committee Report John Thompson opened the meeting and reported that the Nominating Committee recommends that Jaylene Folkins be nominated for Chair, and, Mary Neale be nominated for Vice Chair.

Motion: Jaylene Folkins be elected as Chair of the Ontario County Planning Board

Made by: George McCadden

Seconded: Glen Wilkes

Vote: Unanimously carried

Motion: Mary Neale be elected as Vice Chair of the Ontario County Planning Board

Made by: Sandra Riker

Seconded: Peter Osborne

Motion: Carried unanimously.

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Jaylene Folkins thanked Richard DeVecchio for his many years of service as Vice Chair of the Board and Chair of the Coordinated Review Committee.

After the election, Jaylene Folkins chaired the meeting.

Minutes: Motion to approve the December 12, 2011 County Planning Board minutes as presented made Stephen Groet, seconded by John Thompson . 11 Aye 1 Carol O’Brien abstained. Motion carried.

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

1 - 2012

Town of Victor Town Board

Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Victor Town Board*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Allows the Town Board upon application, to rezone a parcel as S-C Senior Citizen Housing District and allow health care and institutional uses subject to receipt of a special use permit issued by the Planning Board.*

Project Description:

- The current “Purpose” section to §211-26 provides for senior citizen housing for residents that do not require specialized continuing medical care. The revision removes the “do not require specialized continuing medical care” from the purpose statement.
- The following uses are allowed by special use permit: Health-care and institutional uses, human service institutions, community service organizations, nursing homes, hospitals, institutions of a religious nature, and medical offices for the treatment of humans by licensed medical practitioners.

Comments

- The S-C zoning district is a ‘floating’ zoning district which means rezoning is required before any permitted activity can take place. As currently written, it is unclear if these facilities are to be associated with a senior housing facility that is on site or if they can be stand alone uses open to any age or limited to seniors or elderly or retired persons. (There is no age limit (55 or older, etc.) in the current code to define senior, elderly, or retired person.)
- There are no new design standards in the S-C District for these uses. The current standards address residential complexes. Special use permits should have specific standards for each use so the planning board can determine if the proposed use is compatible with the other allowed uses in the neighboring areas.

Board Motion: Referral 1-2012 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Glen Wilkes

Seconded: Carol O’Brien

Motion: Carried unanimously.

Abbreviations

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2.1-2012

Town of Hopewell Zoning Board of Appeals

Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Jim Fox*

Property Owner:

Representative:

Tax Map Parcel #: *85.00--1-94.3*

Brief Description: *Special use permit to construct a 7,000 sq. ft. building with associated parking, signage, and driveways for full service automotive business located on CR 10 in the Town of Hopewell.*

[Site Plan](#)

[Aerial Photo](#)

[Rendering Front](#)

[Rendering Sign](#)

Site Characteristics			
Acres	22	Active	
Land Use	Undeveloped	Public Water	Yes
Land Cover	Shrub/scrub	Public Sewer	Private
Zoning	R-1	Site Access	CR10
Environmental Conditions			
Hydrology		Wetlands	
Watershed	Upper Canandaigua Outlet	NYS DEC	no
Flood Zone	no	NWI	no
Aquifer	no information	Hydric Soils	Potentially hydric soils (Odessa) 40% of site.
Soils & Topography		Agriculture	
Permeability	Slow	Active Ag	No
Erodibility	Medium	Prime Ag Soils	Prime if drained (Odessa) & Schoharie (Prime)
Slope	<15%	Ag District	No

Community Characteristics			
Land Use-Cover		Historical Site	
North	Residential	National	no information
South	Residential	State	no information
East	Ont. Pathways Trail	Local	no information
West	Residential		
Scenic Views		Transportation Corridor	
From Site	No	CPB Gateway	No
To Site	No	Corridor Study	No

Site Plan Review	
Aesthetics	
Lighting	Full cut off fixtures
Signage	(See # 22.1-2012 for area variance for signage.)
Noise	The application did not indicate if there will be outdoor repair work on the vehicles which could produce noise.

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Traffic & Circulation	
Access Management	One curb cut is located on the northern end of the property.
Site Circulation	
Parking	Parking is indicated but no information indicates if there will be outdoor parking for vehicles under repair.
Pedestrian Access	No sidewalks are located on CR10.
Natural Features	
Stormwater Mngt.	A SWPPP was provided. See comments below.
Open Space/Recreation	The parcel's eastern boundary is along the Ontario Pathways trail. No mention of required open space.
Landscaping & Buffering	Landscaping is proposed in front of the building.
Code Compliance	
Setbacks	Compliant
Lot Size	Compliant
Variance needed for signage. See below.	
Comment	
<p>This project is being sited on a five acre parcel that has been subdivided from an approximately 22 acre parcel. A 2.2 acre portion adjoining this parcel to the north is being acquired by the northern neighbor. Approximately 15 acres will be left to the south. No build out plan is indicated for the 15 acres which potentially could be subdivided into 3 five acre lots. Town subdivision law does not require subdivision approval until the fourth subdivision. Consideration should be given to the following:</p> <ol style="list-style-type: none"> 1. Neighborhood character While there are a mix of residential and non—residential uses north on CR10, the land use in the immediate vicinity of the parcel is residential. Locating an auto repair/service business in a residential area can have adverse impacts and be incompatible with the neighborhood. If the special use permit is granted, it becomes less likely that the remaining 15 acres will be desirable for residential use and additional requests for non-residential land uses can be expected. This will change the character of the area from rural residential to commercial while remaining in a residential zoning district. <ol style="list-style-type: none"> a. If the permit is granted, the Town should set conditions that limit outdoor storage of vehicles or equipment, vehicle sales, parking or storing unlicensed vehicles, hours of operation, and limits on outdoor work to minimize noise. b. Additional landscaping and buffering should be placed along CR 10 and any allowed storage areas should be buffered to minimize visual impacts. Existing vegetation should be retained to provide buffering along the trail and the adjoining residential parcels. 2. Traffic/Access Management – CR 10 and its nearby intersection to the south with CR 46 is a very heavily traveled and hazardous area. The addition of non-residential land uses on four parcels within 800 feet of the intersection could worsen an already dangerous intersection. The Ontario County High Dept. has a plan for intersection improvement that could be impacted by buildout of this parcel. <ol style="list-style-type: none"> a. Before considering approval, the planning board should consult with the County Highway Department to discuss the potential impacts of such development on traffic safety and the intersection improvements that the County has been planning. NOTE: Whether residential or non-residential development is allowed, at a minimum, curb cuts should be minimized through use of shared driveways or other measures, and cross access easements required. b. Even though local subdivision approval is not required, because of the potential for adverse impacts on traffic and safety, the planning board should require the applicant to submit a whole parcel build out plan so the cumulative impact of the project can be considered. 3. Onsite wastewater treatment The soils on the parcel are not well suited to onsite systems. As noted by the Code Enforcement Officer, complete engineered drawings of the system need to be provided. 	

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4. **Signage** – See Referral # 2.1-2012.

Stormwater Management

5. Is the developed drainage area calculation correct? It appears it may be somewhat undersized from what is shown on the design.
6. The sequence of construction is listed in the SWPPP but is not shown on the actual design. This should be clearly shown in both the SWPPP and the design.
7. It appears that the site drains from east to west across the potential disturbed area. How will stormwater (clean water) be diverted around the disturbed area during construction?

Findings

1. County Road 10 is a major intermunicipal corridor linking travel from the north (via CR 22/State Rt. 21/NY Thruway) to the Ontario County Complex on Rt. 46, the major retail center at Rt. 5 and 20, the CMAC (performing arts center) and the Finger Lakes region.
2. The intersection of CR 10 and CR 46 has been a congested and hazardous intersection for many years. Ontario County is in the final stages of engineer for a major intersection improvement project that should begin within 12 months that includes a roundabout.
3. The project parcel is located within 500 feet of the intersection and has the potential build out of four commercial or residential sites depending on the decision of the Hopewell local boards on this project. The additional curb cuts onto CR 10 in close proximity to the intersection could have a significant adverse impact on the proper functioning of the intersection without detail advance access management for build out of the 22 acre parcel.
4. The Town's subdivision regulations do not require review until the fourth parcel is subdivided giving the town no opportunity to address access management issues except through the site plan and special permit process.
5. The 22 acre parcel has substantial areas (+/- 40%) of soils that can potentially be classified as hydric which can pose stormwater management challenges for the parcel as well as CR 10. The review of the SWPPP of OC Soil and Water Conservation District identified potential design issues in the SWPPP.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. The ZBA shall require the applicant to submit a site plan that shows build out of the 22 acre parcel based on the density and dimensional requirements current zoning and subdivision regulations.
2. The appropriate town officials shall meet with the Ontario County Highway Department staff to review the potential build out site plan to determine a short and long term access management plan for build out of the parcel.
3. Any approval considered by the ZBA and/or the Planning Board shall include all conditions and any required legal provisions such as cross access easements, etc. necessary to implement the access management plan.
4. The town shall require that the applicant consult with the Ontario County Soil and Water District to address the comments included

Motion Made By: John Thompson

Seconded: Sandra Riker

Motion: Unanimously carried.

Abbreviations

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2.2 - 2012 Town of Hopewell Zoning Board of Appeals Class: 2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Jim Fox*

Property Owner:

Representative:

Tax Map Parcel #: *85.00--1-94.3*

Brief Description: *Area variance to exceed allowed signage associated with free standing sign associated with a new 7,000 sq. ft. building for an auto services building located on CR 10 in the Town of Hopewell.*

Description: Forty square feet of signage is allowed in the R-1 District. The applicant seeks 308 sq. ft. of signage requiring a variance for 268 square feet of signage.

Comments: The applicant wants the same amount of signage that would be allowed in the Commercial Zoning District. The applicant was aware that the parcel was in a residential zoning district when seeking to develop this project. Commercial scale signage in a rural residential area could significantly change the character of the neighborhood.

Findings

1. Signage, in excess of what is allowed by local, can have a cumulative negative impact on the appearance of this major travel corridor.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and recommends disapproval.

Motion Made By: George McCadden

Seconded: Mary Neale

Motion: Carried unanimously

2.3 - 2012 Town of Hopewell Planning Board Class: 2

Related Referrals: *n/a*

Applicant: *Jim Fox*

Property Owner:

Representative:

Tax Map Parcel #: *85.1-1-94.3*

Brief Description: *Site plan approval to construct a 7,000 sq. ft. building with associated parking, signage, and driveways for full service automotive business on CR 10 in the Town of Hopewell.*

(See #2.1-2012 for full review and comments.)

Findings

1. County Road 10 is a major intermunicipal corridor linking travel from the north (via CR 22/State Rt. 21/NY Thruway) to the Ontario County Complex on Rt. 46, the major retail center at Rt. 5 and 20, the CMAC (performing arts center) and the Finger

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Lakes region.

2. The intersection of CR 10 and CR 46 has been a congested and hazardous intersection for many years. Ontario County is in the final stages of engineer for a major intersection improvement project that should begin within 12 months that includes a roundabout.
3. The project parcel is located within 500 feet of the intersection and has the potential build out of four commercial or residential sites depending on the decision of the Hopewell local boards on this project. The additional curb cuts onto CR 10 in close proximity to the intersection could have a significant adverse impact on the proper functioning of the intersection without detail advance access management for build out of the 22 acre parcel.
4. The Town’s subdivision regulations do not require review until the fourth parcel is subdivided giving the town no opportunity to address access management issues except through the site plan and special permit process.
5. The 22 acre parcel has substantial areas (+/- 40%) of soils that can potentially be classified as hydric which can pose stormwater management challenges for the parcel as well as CR 10. The review of the SWPPP of OC Soil and Water Conservation District identified potential design issues in the SWPPP.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. The ZBA shall require the applicant to submit a site plan that shows build out of the 22 acre parcel based on the density and dimensional requirements current zoning and subdivision regulations.
2. The appropriate town officials shall meet with the Ontario County Highway Department staff to review the potential build out site plan to determine a short and long term access management plan for build out of the parcel.
3. Any approval considered by the ZBA and/or the Planning Board shall include all conditions and any required legal provisions such as cross access easements, etc necessary to implement the access management plan.
4. The town shall require that the applicant consult with the Ontario County Soil and Water District to address the comments included

Motion Made By: George McCadden

Seconded: Clifford Kunes

Motion: Carried Unanimously

3 - 2012

Town of Victor Town Board

Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town Board*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Zoning text amendment requiring non-residential landscaping to use 70% native plant species and prohibit use of invasive plan species in landscaping required by zoning code in the Town of Victor.*

Comments

The Town is commended for taking this action not only for its sustainability benefits but as a measure that educates the public on the importance of native species and dangers of invasive species.

The Town could consider adding and ‘any replacement plantings’ to assure the practice is continued.

Abbreviations

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Brief Description: *Site plan approval to install antennas and interior service room and natural gas generator for Verizon Wireless on an the Pier One Imports building at 200 Cobblestone Court Drive in the Town of Victor.*

(See Referral # 4.1-2012 Review comments.)

Board Motion: Referral 4.2-2012 is retained a Class 1 and returned to the local board with comments.

Motion Made By: George McCadden

Seconded: Glen Wilkes

Motion: Carried unanimously.

5.1 - 2012 Town of Naples Planning Board Class: AR1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *K.C. Rossi, Sher Kemp, and Donna N. Scott*

Property Owner: *K.C. Rossi*

Representative:

Tax Map Parcel #: *203.12-1-13.200*

Brief Description: *Conversion of an existing, unused 16'x18' space in the front of the Angelic Gourmet manufacturing building to seasonal retail sales area for products at 8629 State Route 21 S in the Town of Naples.*

5.2 - 2012 Town of Naples Planning Board Class: AR1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *K.C. Rossi, Sher Kemp, and Donna N. Scott*

Property Owner: *K.C. Rossi*

Representative:

Tax Map Parcel #: *203.12-1-13.200*

Brief Description: *Conversion of an existing, unused 16'x18' space in the front of the Angelic Gourmet manufacturing building to seasonal retail sales area for products at 8629 State Route 21 S in the Town of Naples.*

6 - 2012 Town of East Bloomfield Town Board Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town Board*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Zoning code text amendments for definitions, variance procedure, allowable uses, signs, etc. in the Town of East Bloomfield.*

Abbreviations

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NOTE: A number of very significant text amendments are included in this referral. Given the limited time for review and the complexity of some of the issues the technical comments are limited in scope and explanation. CPB staff will be happy to meet with the Planning Board and/or Town officials to review the comments. The CPB recommends that they be reviewed by the town attorney.

Technical comments:

Definitions:

Rooming House: There is no requirement for onsite supervision of the rooming house which makes distinguishing it from renting or leasing a single family residence which may cause confusion. If a single family home is rented and there are multiple persons living there, will that be considered a rooming house? Or there is one renter on the lease but they have roommates? If a landlord rents a single family residence to multiple persons each with a separate lease agreement, is that a rooming house?

Office Building As written, allowing 50% offices implies that there can be other non-office uses making it a mixed use building. Is 50% meant to be of square footage of the building? The definition should state that residences with home occupations are not included.

- Home offices and home occupations should be defined in the context of residential land uses and regulated minimally with performance/operational standards.

Truck & Freight Terminals §135-80 does not provide a definition. It is *very important* that there be a definition otherwise it will be subject to confusion, interpretation, etc. There are a number of definitions that can be considered and refined to fit the Town's needs.

Sign (speech) The word "(speech)" is added after the definition of sign. It is unclear why this word is added. How does this definition relate to the §135-98 Sign regulations?

Agriculture Related Definitions Local zoning regulates 'agriculture' under two different regulatory standards.

1. The first is local regulation of agricultural operations and uses which are *not* included in a NYS agricultural district.
2. The second is local regulation for land that *is included* in a NYS agricultural district. Those lands are protected from what state law considers unreasonable local regulation of agriculture.

For clarity, the Town should review the proposed changes and the current regulation of agriculture as they apply to whether the land is in or out of a NYS Agricultural District. For example, woodcutting and firewood sales can be looked at differently in both cases. As the new agricultural operation definition is written, wood cutting and firewood sales could be considered a stand alone use not linked to harvesting and processing wood from on farm woodlots.

The Town should request the NYS Department of Agriculture and Markets (NYSDAM) review the proposed changes to determine if they are consistent with state regulations pertaining to land in agricultural districts.

Buildable Acre Does this definition only apply to land one acre in size or greater? Is this meant to be what land can have structures and related yards. If this term is used to calculate site density, (number of residential units or commercial square footage is allowed per acre) then it should be linked to defined standards such as % of open space requirements, delineated wetlands according to state/federal or locally regulated standards, areas of steep slope, local designated significant natural features/areas. Without defined standards it becomes very difficult to objectively determine what should or shouldn't be included.

§135-14 Variance and appeals procedures Requiring any recommendation that the Planning Board makes to be based on the Comprehensive Plan is a very restrictive standard and would limit the planning board from providing valuable input, especially on projects involving site plan review, subdivision approval, and special use permits where they have specific requirements and standards which they must follow that are in the zoning code. This is very valuable input that the zoning board should be seeking which is not found in the Comprehensive Plan.

§135-42 AR-2 District.

Abbreviations

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Number of Horses/Keeping of Animals/Stables & Riding Academies The Town should consult with the NYSDAM. (Manure facilities that are regulated by NYS DEC are generally considered by NYSDAM to be not subject to local regulation.) The Town of Phelps is enacting a local law related to manure storage facilities and potable water sources that has been favorably reviewed by NYSDAM.

Mobile Homes The term 'mobile home' should be defined. Consider using definitions consistent with the building code. (See below.) If the mobile home is habitable by public health standards, on what standard, other than vacancy, is the town using to require it to be removed?

MOBILE HOME. A factory-manufactured dwelling unit built prior to June 15, 1976, with or without a label certifying compliance with NFPA, ANSI or a specific state standard, transportable in one or more sections, which in the traveling mode, is 8 feet (2438 mm) or more in width or 40 feet (12192 mm) or more in length, or, when erected on site, is 320 square feet (29.7 m²) minimum, constructed on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall not include travel trailers or any self-propelled recreational vehicle.

Mobile homes used as farm worker housing on land in a NYS agricultural district are given certain protections under NYSDAM law. (NOTE: Go to <http://www.agriculture.ny.gov/AP/agservices/agdistricts.html> for a list of Guidance Documents related to land use regulation and agriculture.)

Day Care Centers NYS regulations §413.2 Definitions defines child care center as:

“Child day care center means a program or facility which is not a residence in which child day care is provided on a regular basis to more than six children for more than three hours per day per child for compensation.
<http://www.ocfs.state.ny.us/main/childcare/regs/413Definitions.asp#s2>

State law provides specific protections for licensed family day care homes and group family day care homes. If the Town wants to be able to regulate non-licensed family it should consider adding the below definitions and including them as allowable uses in the residential zoning districts. This would allow local regulation of non-licensed facilities.

Family Day Care Home A program licensed or registered pursuant to §390 of New York State Social Service Law caring for children for more than three hours per day per child in which child day care is provided in a family home for three to six children. A family day-care provider may, however, care for seven or eight children at any one time if no more than six of the children are less than school age and the school-aged children receive care primarily before or after the period such children are ordinarily in school, during school lunch periods, on school holidays, or during those periods of the year in which school is not in session, in accordance with the regulations of the Department of Social Services, and the Department of Social Services inspects such home to determine whether the provider can care adequately for seven or eight children. This does not include child day care provided by the parent, step-parent, guardian, or relative within the third degree of consanguinity of the parents or step parents of a child. The family day care home must comply with all provisions of the State Uniform Fire Prevention and Building Code.

Group Family Day Care Home A program licensed pursuant to § 390 of New York State Social Services Law for caring children for more than three hours per day per child in which child day care is provided in a family home for seven to 10 children of all ages, or up to 12 children where all of such children are over two years of age, except for those programs operating as a family day-care home which care for seven or eight children. A group family day-care provider may provide child day-care services to two additional children if such additional children are of school age and such children receive services only before or after the period such children are ordinarily in school or during school lunch periods, or school holidays, or during those periods of the year in which school is not in session. The group family day care home must comply with all provisions of the State Uniform Fire Prevention and Building Code.

Home Occupations/Offices Home occupations/offices play an important role in job creation and economic development. Successful home occupations can grow into larger businesses and be important to the Town and County's economy. The Town may want to consider provisions (as noted above in comments on Offices) allowing these accessory uses without requiring any permit as long as they meet certain standards. The Villages of Manchester/Shortsville/Clifton Springs are looking at such provisions. The OC Planning Dept. can provide a copy of their draft laws.

Lighting—In the Community Commercial district, it may be clear to require a lighting plan and require full cut off fixtures. The following is from <http://www.lrc.rpi.edu/programs/nlpip/lightinganswers/lightpollution/cutoffShielded.asp>

Abbreviations

AR 1: Administrative Review Class 1
AR 2: Administrative Review Class 2
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The term **full cutoff** has and is being used to describe luminaires that have no **direct upright** (no light emitted above horizontal). However, in addition to that limitation, the Illuminating Engineering Society of North America (IESNA) definition also requires luminaires to comply with the **glare** requirement limiting intensity of light from the luminaire in the region between 80° and 90°.

The term full cutoff is often substituted for the term **fully shielded**. The terms are not equivalent. Fully shielded luminaires emit no direct upright, but have no limitation on the intensity in the region between 80° and 90°. Luminaires that fall under the IESNA full cutoff, **cutoff**, **semicutoff**, and **noncutoff** definitions, may also qualify as fully shielded. It may be obvious that a luminaire that is characterized as an IESNA full cutoff luminaire is fully shielded, but not as obvious when luminaires with other IESNA classifications may also qualify. Consider a semicutoff luminaire containing a 1000 lumen lamp that has no direct upright but a **candela** value of 150 between 80° and 90°. This luminaire is considered to be fully shielded. However, if it were mistakenly labeled a full cutoff luminaire, this can become quite confusing. In 2002, the IESNA chartered a new committee to address the inconsistencies and confusion.

There is also a confusing assumption that a luminaire with a flat lens qualifies as a full cutoff luminaire. While this may be true sometimes, it is not always the case. Depending on the structure of the luminaire, reflections off the housing may result in some amount of direct upright from the luminaire. Consider the hypothetical luminaire in Figure 14. Reflections from below the lens may result in some direct upright from the luminaire. The IESNA full cutoff classification also has a limitation on light in the glare zone between 80° and 90°. A flat lens on a luminaire does not guarantee that this requirement is met.

Article XIII §135-98 Sign Regulations

This article is drafted as a stand alone local law. Is **§135-111 Enforcement** intended to have its own process for violation that is different from how violations are handled for all the other sections of the zoning code? This could be confusing.

§135-100. Compliance.

A. Categories

- The terms *noncommercial speech signage and commercial speech signage* should be defined terms so they are consistent with federal and state court decisions.
- *Residential and non-residential districts* should also be defined. Either the actual name of the district should be listed (R-1, etc.) or an overlay should be created that identifies residential and non-residential areas. If not clearly defined, these terms are vague, confusing, and subject to wide variation in interpretation.

Lighting for Signage This section does not address specific forms of lighting –internally lit, indirect, under awning/canopy, etc. Specific lighting standards and appropriate prohibitions should be established.

Sign Permits – If signage is part of a project that is subject to any planning board approval (site plan, special use, subdivision, etc.) Signage is an important element in the overall visual impact of a project. The review and approval should be part of that project’s process and not handled separately as an administrative action. Site plan and special use permit standards should include a signage plan requirement

Findings

1. Maintaining Ontario County’s agricultural land base is a goal NYS Agricultural District law provides certain protections from what is determined to be unreasonable regulation of farmland associated with local zoning that is in a certified agricultural district.
2. Changes proposed herein will affect land enrolled in Agricultural District 1. To avoid unnecessary conflicts over the appropriate regulation of these lands, the NYS Department of Agriculture and Markets reviews local land use regulations and advises localities of regulations that may be considered an unreasonable regulation of enrolled lands.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. Prior to the Town Board taking final action on provisions related to agricultural uses, land or activities, the proposed revisions will be submitted to the NYSDAM for a Sec. 305 a. review and any comments will be considered by the local board.

Abbreviations

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

Motion Made By: John Thompson
Seconded: George McCadden
Motion: Carried Unanimously

7 - 2012 Town of Gorham Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Armond D'Alfonso*

Property Owner:

Representative: *Ketmar Development Corporation and Rocco Venezia*

Tax Map Parcel #: *154.12-1-53.000*

Brief Description: *Variations for side setbacks, lot coverage and building height to tear down and rebuild a residence on Canandaigua Lake at 5214 County Road 11 in the Town of Gorham.*

8 - 2012 Town of Gorham Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Marc and Stacey Saiontz*

Property Owner:

Representative: *James Jahy Design*

Tax Map Parcel #: *113.07-1-21.100*

Brief Description: *Variations for side yard setbacks and front setbacks to tear down a conforming building to construct a residence on Canandaigua Lake at 3732 Thorndale Beach in the Town of Gorham.*

9.1 - 2012 Town of Seneca Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Sensenig's Landscape Supply*

Property Owner: *Sensenig's Landscape Supply. Eastern Gate Realty*

Representative:

Tax Map Parcel #: *103.00-1-38.110*

Brief Description: *Site plan approval for a 2,800 sq. ft. addition to existing retail/shop building at Sensenig's Landscape Supply at 1516 Rt. 5 and 20 in the Town of Seneca.*

[Site Plan](#)

[Aerial Photo](#)

Project Description: The applicant is proposing to construct a 2,800 sq. ft. addition to an existing building. Another additional 8,000 sq. ft. truck shop is indicated on the site plan but is not part of this application. The parcel is 58 acres in size.

Abbreviations

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

Comments:

Wetlands A 10 acre wetland is identified in the National Wetland Inventory on the northwest quadrant of the site which is likely to be under the US Army Corp of Engineers jurisdiction. No wetland boundaries have been delineated on the site plan. The area is indicated as 'forested'. The applicant should be required to have the wetland boundaries delineated by a qualified professional and included on the site plan.

Rt. 5 and 20 Corridor This corridor has been identified by the County Planning Board as a primary travel corridor that affects the county-wide tourism industry. The type, scale, appearance and safe access to development along the corridor is important to the visitor experience (in addition to the quality of life for town residents.) and its economic viability. The Town of Seneca has been proactive in planning for the corridor and considering the short and long term cumulative impacts of individual land use decisions.

Compliance/compatibility with existing zoning: This 58 acre parcel is zoned C-1. The §36.0 Purpose states:

“...The intent of the C-1 Districts along the Routes 5 and 20 corridor is to allow appropriately scaled development that enhances community character and highlights important resources, especially agricultural resources and vistas, considered important to the community. Development should be transitional in scale and character between the more rural character of agricultural areas in the Town and the denser larger-scale development located in the C-2 Districts and adjacent Town of Geneva. Consequently, large-scale commercial development is not considered an appropriate use in the C-1 District along this corridor. This is reflected by the reduced square footage allowable for commercial uses in this District and requirement that there shall be no more than one principal building on a lot in the C-1 District, except for home businesses.”

The C-1 District limits building size to 5,000 sq. ft. There is currently 20,160 sq. ft. of buildings on the site which were there prior to the 2008 zoning code update and are allowed to continue as a nonconforming structure. There are multiple uses on this 58 acre parcel from retail sales and wholesale, bulk storage, etc. Taken together they are inconsistent with the §36.0 Purpose.

This is not to say that the commercial activities taking place are not desirable or should not be encouraged. However, the incremental, segmented expansion and diversification of uses that has taken place on this parcel over the years has resulted a larger scale development on a 58 acre parcel that has plenty of room for further expansion with the planning board having no knowledge of the applicants long term build out of the parcel. This submission is an example of 'segmentation'. Even though the site plan indicates future development on the site, the site plan application is *only* for a small addition to an existing building.

Recommendations:

1. 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 review the C-1 District to determine its appropriateness to the areas of the corridor where agricultural parcels of similar size are located to determine if the zoning meets the town's development objectives. The Board can then make recommendations for changes to the Town Board, as deemed necessary that are in furtherance of the Comprehensive Plan.
2. If the Planning Board/Zoning Board of Appeals intends to take action on this application under current zoning, the Planning Board should require the applicant to submit a site plan documents (to scale) prepared to the standards listed in the zoning code that show existing conditions (including wetland delineations), and the applicant's current and build out development areas. The submission should include
 - A table keyed to a map documenting **existing** non-conformities, variances, site plan approvals etc. It should also list what is allowed under current zoning.
 - A table keyed to a map identifying requested variance types and amounts and current requirements for all currently proposed development
 - The build out should also be analyzed against current zoning standards to know what will be required.

This will allow the Boards to make decisions in the context of a proposed total plan based on current as well as cumulative impacts and streamline future development of the parcel.

Findings

1. The Rt. 5&20 corridor is a major intermunicipal transportation corridor identified by the CPB bylaws as of particular importance to visitors to the Finger Lakes region.

Abbreviations

AR 1: Administrative Review Class 1
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 EX: Exempt

2. Orderly development is important for proper access management and the visual quality and natural resources of the corridor. These principals are included in the Rt. 5 and 20 Corridor Management Plan and the Town of Seneca's Comprehensive Plan. Incremental, uncoordinated development of large parcels along the corridor can have a long term adverse impacts.

Board Motion: Due to the potential for intermunicipal impacts, the Board moves that the referral 9.1-2012 be change from a Class 1 to a Class 2.

Motion Made By: Glen Wilkes

Seconded: Stephen Groet

Vote: 11 Aye. Clifford Kunes abstained.

Motion carried.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. A wetland determination is required to be made by a qualified person or firm to determine the presence and, if applicable, the boundaries of any wetland(s) that are under the jurisdiction of the US Army Corps of Engineers or the NYS Department of Conservation.
2. The applicant will be required to submit a site plan showing all existing development and site infrastructure, and any other items required by local zoning requirements.
3. To assure a non-segmented approach to present and future development, the planning board will require a site plan be prepared that meets local zoning requirements that includes any delineated wetlands and full parcel build out and any phasing. The submission will be reviewed by the code enforcement officer to determine compliance with the existing zoning code and a listing of any and all needed use or area variances or other regulatory approvals.

Motion Made By: George McCadden

Seconded: John Thompson

Vote: 11 Aye. Clifford Kunes abstained.

Motion carried.

9.2 - 2012

Town of Seneca Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Sensenig's Landscape Supply*

Property Owner: *Sensenig's Landscape Supply. Eastern Gate Realty*

Representative:

Tax Map Parcel #: *103.00-1-38..110*

Brief Description: *Area variance to exceed maximum building size to allow a 2,800 sq. ft. addition to existing retail/shop building at Sensenig's Landscape Supply at 1516 Rt. 5 and 20 in the Town of Seneca.*

(See Referral #9.1-2012 for review and comments.)

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

special use permit, site plan and signage.)

NOTE: This project had previously been submitted in 2011 and returned to the Village by the CPB as incomplete. The Village has worked with the applicant and now has a complete application.

SITE CHARACTERISTICS			
Acres	4.6	Active Agriculture	No.
Land Use	Developed Vacant, residential, commercial	Public Water	Yes
Land Cover	Pavement, buildings, grass, woods	Public Sewer	Yes
Zoning	C-1	Site Access	Routes 96 & 88
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Flint Creek subwatershed to the Canandaigua Outlet	NYS DEC	No
Flood Zone	No	NWI	No. Confirmed by environmental consultant.
Aquifer		Hydric Soils	Yes
Soils & Topography		Agriculture	
Permeability	Moderate	Active Ag	No
Erodibility	Med/Low	Prime Ag Soils	Yes
Slope	<15%	Ag District	No

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Agricultural and residential	National	No information
South	Rt. 96/ Flint Cr.	State	No information
East	Commercial	Local	No
West	Public utility and Finger Lakes RR		
Scenic Views		Transportation Corridor	
From Site	None designated	CPB Gateway	Rt. 96
To Site	None designated	Corridor Study	Yes

SITE PLAN REVIEW	
Aesthetics	
Lighting	A lighting plan is provided.
Signage	Compliant
Noise	Not applicable.
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> The main access point is on Rt. 96. A cross access easement is indicated with the adjoining parcel to the east. There is no indication that through access to Rt. 88 will be

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	blocked or if the parcel can still be accessed from Rt. 88.
Site Circulation	<ul style="list-style-type: none"> All circulation is shown from Rt. 96. The previous submission indicated that trucks would access the site from Rt. 88.
Parking	<ul style="list-style-type: none"> Compliant
Pedestrian Access	<ul style="list-style-type: none"> There is pedestrian access from the public sidewalk to the parcel via a sidewalk and a delineated crosswalk in the parking lot.
Natural Features	
Stormwater Mngt.	A SWPPP has been provided. See comments below.
Open Space/Recreation	Not applicable.
Landscaping & Buffering	Additional landscaping has been provided around the parking area. Nothing is noted for the area from the parking lot to the sidewalk or along the public sidewalk.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> Compliant
Lot Size	<ul style="list-style-type: none"> Compliant
Other	NOTE: The CPB has not received a referral for site plan review from the Town of Phelps.

Comments:

Gateway Corridor Parcel/Community Character The Village of Phelps is an excellent example of a traditional 19th century village that has had redevelopment that paid special attention to the quality and the compatibility of architectural design. Village residents and officials were actively involved in the regional Rt. 96/318 Corridor Study which, based on their recommendation, identified the Rt. 96/88 as a key gateway parcel into the Village. The redevelopment of the parcels on the northwest corner of this intersection is critical to maintaining the visual and historic quality of the Village. The design of the buildings, signage, and streetscape must be done in a manner that is compatible with the architecture and streetscape of the Village.

Landscaping and Buffering

- The applicant is commended for providing additional landscaping in the parking area.
- The storage building adjoins a residential parcel. Additional landscaping/screening/privacy fencing should be provided to minimize impact on the adjoining residence. Otherwise, their backyard will face a lit wall.
- There are no streetscape improvements indicated along Rt. 96 that will better define this gateway area to the Village. Additional landscaping or potentially a decorative low traditional wrought iron style fencing along the public side walk would serve to define the gateway transition area as well as providing a visually pleasing context for the Family Dollar store.
- The plant material should be specified and be of substantial size so that there is immediate visual impact. Plant material that is too small will not provide the desired impact. The applicant should be required to maintain the landscaping and have at least a two year warranty on the plant material. To the extent practical native materials should be encouraged.
- Natural vegetation should be retained to the maximum extent possible to provide visual buffer.
- All mechanicals should be appropriately screened. The dumpster area should also be completely screened. (These do not appear to be delineated on the site plan.

Lighting All lighting fixtures including those on walls, polls, signs and security should be full cutoff. The sample building's lighting had wall lighting that had no cutoff.

Stormwater Management (SWPPP)

- The temp swale described in part IV on page 4 is not shown on the plans. This should be clearly shown on the plans.
- Concrete washout should never be done in a stormwater management area. The concrete washout area should be in an approved area following the designs in the NYS DEC standards and specifications.
- There was no sequence of construction notes shown on the actual plans. The plans show a permanent pool, however, there are no elevations marking permanent water level on the plans.
- A full detail of the outlet control structure showing elevations was not provided. The outlet pipe discharges to a low flat area. During heavy rain events, this area could become flooded.
- The plans also call for a forebay. However the finish contours do not show the forebay clearly.
- The paved entrance off RT 96 and the paved drive on the east side of the building appear to bypass the stormwater management

Abbreviations

- AR 1: Administrative Review Class 1
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area. Is there a way this water can be directed to the stormwater management area?

- Has NYSDOT reviewed the stormwater management plans for impact on Rt. 96's drainage system?

The Village/applicant should contact the Ontario County Soil and Water Conservation District for assistance or if they have questions on these comments.

Subdivision The subdivision approval should include all cross access easements (for vehicular as well as pedestrian use) be in place at the time of final approval.

Access Management and Traffic

- The use of Rt. 88 as access for deliveries or for patrons should be specifically addressed. If access is to be allowed, it should be delineated on the site plan and the curb cuts approved by the NYSDOT. If access is not to be allowed then appropriate barriers should be required.
- No approvals should be granted until the Village receives notice from the NYSDOT that all issues have been addressed to their satisfaction.
- Internal vehicular circulation is not clear on the site plan. For example the drive to the rear storage building appears to end at the sidewalk/parking lot next to the retail building so its not clear how vehicles get there. A specific circulation layout out should be shown.
- The corner parcel is owned by the applicant. Current and future access to that parcel from SR 88/96 and cross access to adjoining parcel should be address and included in this plan to avoid future problems and conflicts.

Emergency vehicle access: The project should be reviewed by the fire district to determine if emergency access is adequate.

Storage Building

- The style and design of the storage building should be compatible with the retail building.
- The planning board should clearly state as a condition of approval that the storage building is to be accessory to the Family Dollar retail operation to avoid any future confusion if a landowner decides to rent it out for general storage or other activity not associated with the retail operation. (See Additional Comments below, Regulatory Considerations.)
- No provision is made for parking for the building.

Outdoor Display/Storage It should be clearly stated what outdoor product displays are allowable and if outdoor storage of product is to be allowed --- and its location. Permissibility of outdoor 'sidewalk sales' should be addressed in the approval.

Additional Comments:

Internal Circulation and Access--

- **To Storage Building** As shown, the building can be accessed by crossing over delineated parking spaces and sidewalk. If cars are parked there, the storage building is physically inaccessible by fire equipment or the building users. (The Fire Code of NYS §503 requires that approved fire apparatus access roads be provided for every facility, building or portion of building. The road must be designed to support the weight of fire equipment.)
- **To Corner Parcel (266/270 Main St.)** The corner parcel will no longer have direct access to Rt. 96 or 88 as per NYSDOT requirements. Access will be provided from the adjoining parcel to the north (3 N. Newark St./SR88). This is not shown.
- **To the Family Dollar Parcel** The site plan indicates that access is being provided from Rt. 96. According to the applicant's representative at the CPB said access will also be available off Rt. 88 through the 3 N. Newark St. parcel. The site plan does not delineate the access road or provide information regarding the need for directional signage at the Rt. 88 drive.
- **To the T. Phelps Portion of the Parcel** There are approximately three acres of the parcel that is in the Town of Phelps that could have development potential. No stub road is indicated that could serve the rest of the parcel.

Regulatory Considerations

1. At the CPB meeting, the applicant stated that the storage building was not related, or accessory, to the Family Dollar. The landowner intends to use it for storage of items related to his own business. According to the **Schedule of Uses – C-1** in the V. Phelps zoning code, general storage is not listed as an allowed principal or special use. §175-12 B. states: "General use restriction. Any use not designated as a permitted principal use, a permitted accessory use or a permitted special use is specifically prohibited in any zoning district in the Village of Phelps." A determination should be made by the Village whether or not this is an allowable use.

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2. Infrastructure critical to parcel development (access drive from Rt. 88 and new internal access to the corner parcel) is not formally included as part of this site plan submission. A site plan needs to include all lands and elements related to the project otherwise the planning board is not considering the entire development.

Findings

1. The north east corner of the State Route 96/88 intersection is a key gateway parcel to the Village and presents a very significant opportunity for redevelopment. The Rt. 96-318 Rural Corridor Study for Ontario and Seneca Counties identified this parcel as the first parcel on the west side that is part of the Village Core. As the first proposed redevelopment project for this corner, carefully integrated site planning is needed in order to fulfill the short and long term development potential of this corner in a manner consistent with traditional historic character of the Village.
2. The proposed site plan addresses development on the newly created parcel. However, there are elements that are part of this project that are located on adjoining parcels which are not included in the overall site plan. For example, the Rt. 88 access to the site is located on the adjoining parcel but is not included in the site plan.

The delineation of a portion of this parcel as an access drive can adversely impact the current use of the existing building on 3 N. Newark St. and future development of the corner parcel. (For example --- how many parking spaces are required for the current use? Will use of the southern end of this parcel as a driveway reduce the number of spaces and create a non-conformity for the existing business? How will internal access and parking be reconfigured for the existing business? How will access to the corner parcel be integrated into the circulation plan for all three parcels? What directional signage is needed?)

Lack of integrated planning for all three parcels will result in haphazard, disjointed development of this corner that will not be in the long term development interest of the owner or the Village.

3. As currently proposed, the building does not reflect the architectural character of the Village. (See Report #2 Pg. SRP 210 for recommendations regarding Non-Residential Architectural Standards in the Village Core.)
4. The proposed storage building may not be an allowable use in the C-1 District.

Board Motion: Based on the findings and comments, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. The Village will require the applicant to submit a revised site plan that includes all three parcels (the 'new' parcel, 3 N. Newark St. and 266/270 Main St.) which shows proposed current development and future development/redevelopment of the corner – a full build out site plan. The revised plan will indicate current and proposed buildings and all required infrastructure (parking, access drives, signage, stormwater management, etc). Any needed area variances will be listed. To facilitate future development of the corner, this site plan can indicate development phases so the planning board can take final approval action on all elements of the first phase now and preliminary approval to other phase(s).

This phased 'shovel-ready' approach to development will assure that 1) all necessary infrastructure is in place in the first phase, 2) the density of development that is *realistic* and appropriate for the site, 3) a build out that is sensitive to the historic context of the village will occur, and 4) final local approvals of subsequent phases will be streamlined.

(NOTE: A "Planned Development Group" - A structure or a group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas -- is allowed in the C-1 District by special use permit.)

2. The Village will work with the Ontario County Soil and Water Conservation District to address questions related to stormwater management.

Abbreviations

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

- The responsible local official will determine if the proposed storage building that is not accessory to the Family Dollar, is an allowed use/structure in the C-1 District.

Motion Made By: Peter Osborne

Seconded: Sandra Riker

Vote: 11 ayes. Glen Wilkes abstained.

Motion Carried

11.2 - 2012

Village of Phelps Planning Board

Class: 2

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *Charnell Properties, Inc.*

Property Owner:

Representative: *Clark Surveyors*

Tax Map Parcel #: *35.19-1-18.100 & .200; 35.00-1-35.00 & .21*

Brief Description: *Subdivision to consolidate two parcels that straddle the Village/Town boundary where a Family Dollar is proposed at 274 Main St. (State Route 96) in the Village of Phelps.*

Board Motion: Based on the findings and comments stated in referral #11.1-2012, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

- The Village will require the applicant to submit a revised site plan that includes all three parcels (the ‘new’ parcel, 3 N. Newark St. and 266/270 Main St.) which shows proposed current development and future development/redevelopment of the corner – a full build out site plan. The revised plan will indicate current and proposed buildings and all required infrastructure (parking, access drives, signage, stormwater management, etc). Any needed area variances will be listed. To facilitate future development of the corner, this site plan can indicate development phases so the planning board can take final approval action on all elements of the first phase now and preliminary approval to other phase(s).

This phased ‘shovel-ready’ approach to development will assure that 1) all necessary infrastructure is in place in the first phase, 2) the density of development that is *realistic* and appropriate for the site, 3) a build out that is sensitive to the historic context of the village will occur, and 4) final local approvals of subsequent phases will be streamlined.

- The Village will work with the Ontario County Soil and Water Conservation District to address questions related to stormwater management.
- The responsible local official will determine if the proposed storage building that is not accessory to the Family Dollar, is an allowed use/structure in the C-1 District.

Motion Made By: George McCadden

Seconded: John Thompson

Vote: 11 Ayes. Glen Wilkes abstained

Motion Carried.

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

11.3 - 2012 Village of Phelps Planning Board Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Lawrence Homes Corp*

Property Owner: *Charnell Properties, Inc.*

Representative: *Glen Thornton*

Tax Map Parcel #: *35.19-1-18.100 & .200; 35.00-1-35.00 & .21*

Brief Description: *Special use permit to construct a free standing sign for the Family Dollar at 274 Main St. (State Route 96) in the Village of Phelps.*

Board Motion: Based on the findings and comments stated in referral #11.1-2012, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

1. The Village will require the applicant to submit a revised site plan that includes all three parcels (the ‘new’ parcel, 3 N. Newark St. and 266/270 Main St.) which shows proposed current development and future development/redevelopment of the corner – a full build out site plan. The revised plan will indicate current and proposed buildings and all required infrastructure (parking, access drives, signage, stormwater management, etc). Any needed area variances will be listed. To facilitate future development of the corner, this site plan can indicate development phases and so the planning board can take final approval action on all elements of the first phase now and the applicant can then request preliminary approval to other phase(s). The Board would establish a time frame for completion of all phases and set terms for any time extensions

This phased approach to development will assure that 1) all necessary infrastructure is in place in the first phase, 2) the density of development that is *realistic* and appropriate for the site, 3) a build out that is sensitive to the historic context of the village will occur, and 4) final local approvals of subsequent phases will be streamlined. (NOTE: A “Planned Development Group” - A structure or a group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas -- is allowed in the C-1 District by special use permit.)

2. The Village will work with the Ontario County Soil and Water Conservation District to address questions related to stormwater management.
3. The responsible local official will determine if the proposed storage building that is not accessory to the Family Dollar, is an allowed use/structure in the C-1 District.

Motion Made By: Peter Osborne

Seconded: Sandra Riker

Vote: 11 Ayes. Glen Wilkes abstained

Motion Carried

11.4 - 2012 Village of Phelps Planning Board Class: 2

Type: *Sign Permit*

Related Referrals: *n/a*

Applicant: *Lawrence Homes Corp*

Abbreviations

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

Property Owner: *Charnell Properties, Inc.*

Representative: *Glen Thornton*

Tax Map Parcel #: *35.19-1-18.100 & .200; 35.00-1-35.00 & .21*

Brief Description: *Sign permit for signage associated with the Family Dollar at 274 Main St. (State Route 96) in the Village of Phelps.*

Board Motion: Based on the findings and comments stated in referral #11.1-2012, the Board moves to retain this referral as a Class 2 and approves it with the following modifications:

- 4. The Village will require the applicant to submit a revised site plan that includes all three parcels (the ‘new’ parcel, 3 N. Newark St. and 266/270 Main St.) which shows proposed current development and future development/redevelopment of the corner – a full build out site plan. The revised plan will indicate current and proposed buildings and all required infrastructure (parking, access drives, signage, stormwater management, etc). Any needed area variances will be listed. To facilitate future development of the corner, this site plan can indicate development phases so the planning board can take final approval action on all elements of the first phase now and preliminary approval to other phase(s).

This phased ‘shovel-ready’ approach to development will assure that 1) all necessary infrastructure is in place in the first phase, 2) the density of development that is *realistic* and appropriate for the site, 3) a build out that is sensitive to the historic context of the village will occur, and 4) final local approvals of subsequent phases will be streamlined.

(NOTE: A “Planned Development Group” - A structure or a group of structures designed to be maintained and operated as a unit in single ownership or control by an individual, partnership, corporation or cooperative group and which has certain facilities in common, such as yards and open spaces, recreation areas, garages and parking areas -- is allowed in the C-1 District by special use permit.)

- 5. The Village will work with the Ontario County Soil and Water Conservation District to address questions related to stormwater management.
- 6. The responsible local official will determine if the proposed storage building that is not accessory to the Family Dollar, is an allowed use/structure in the C-1 District.

Motion Made By: George McCadden

Seconded: John Thompson

Vote: 11 Ayes. Glen Wilkes abstained

Motion Carried.

12 - 2012

Town of Geneva Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Geneva Partnership, LP*

Property Owner:

Representative: *Konopica architecture, PD*

Tax Map Parcel #: *104.13-1-4.000*

Brief Description: *Site plan approval to construct a new community building for the Sheridan Park Apartments located at 300 Sheridan Rd. in the Town of Geneva.*

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

[Site Plan](#)

[Aerial Photo](#)

<p>Project Description: The applicant proposes to remove the existing building, pool and pool deck at the Sheridan Park Apartments and replace it with a 2,180 sq. ft. community center and patio. The pool is not being replaced and the play area is being retained.</p>
<p>Comments <p>Stormwater Management: The applicant is encouraged to use green infrastructure practices to retain roof runoff on site.</p> <p>Lighting: Full cutoff light fixtures should be used for exterior lighting to minimize impact on the surrounding residents in the apartment complex.</p> <p>Recreation/Play Area: An additional patio area should be considered at the play area to make it convenient for caregivers to supervise children in the play area and better integrate/transition the area into the community center building.</p> </p>

Board Motion: Referral 10.1-2012 is retained a Class 1 and returned to the local board with comments.

Motion Made By: John Thompson
Seconded: Glen Wilkes
Motion: Carried Unanimously

13 - 2012 Town of Canandaigua Zoning Board of Appeals Class: AR2
Type: *Area Variance*

Related Referrals: *n/a*
Applicant: *Fix, Spindelman, Brovitz & Goldman*
Property Owner: *John & Elaine Frank*
Representative:
Tax Map Parcel #: *98.19-1-2.000 (3560 Otetiana Pt.)*
Brief Description: *Variances for front setback, right side setback for a residence and garage at 3560 Otetiana Point Rd. on Canandaigua Lake in the Town of Canandaigua.*

14-2012 Town of Bristol Town Board Class: 2
Type: *Moratorium*

Related Referrals: *n/a*
Applicant: *Town of Bristol*
Property Owner:
Representative:
Tax Map Parcel #:
Brief Description: *A twelve month moratorium on the review, approval or issuance of special use permits, licenses or other forms of permission related to high volume hydraulic fracturing for natural gas.*

Abbreviations

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

Project Description:

The moratorium allows existing non-horizontal fracturing wells to continue in operation. It also provides an appeal/variance in the instance of extraordinary hardship.

Comments

- Any appeal or variance application is subject to the SEQR process.
- **Section IV. Appeal Provision/Variance**
 - Any application is referred to the planning board for Hearing and recommendation. Is this meant to be a formal public hearing? If the Town Board is authorizing the variance, it seems that they should hold the public hearing.
 - This section may also want to clarify, whether a variance constitutes relief from the limitations on the planning and zoning board and enforcement officer from accepting an application or if it is implying that the town board will actually permit the appealed activity.

Since this is a moratorium on the review and approval process, it seems that the Town Board will only be allowing the planning board to accept an application. It would then be up to the planning board to approve, disapprove or approve with conditions any application as it would if the moratorium were not in place. Or does the town board intend to take jurisdiction and authorize the activity?

Board Motion:

Board Motion: Based on the findings and comments above, the Board moves to retain this referral as a Class 2 and approves it with comments.

Motion Made By: Glen Wilkes

Seconded: John Thompson

Motion: Carried Unanimously

Other:

- On behalf of Mary Prince, Maria Rudzinski mentioned that the Granger Homestead Society will be sponsoring their annual Loaf and Ladle lunch and dinner fundraiser on February 8, 2012 at the Mansion. She said she would forward the members additional information on the event.
- Steve Groet noted that there is still a vacancy for the Town of Hopewell. It was the consensus of the Board that Kris Hughes be asked to contact the Town of Hopewell to see if they have been able to find a new appointee.

Motion to adjourn

Made by John Thompson

Seconded by Glen Wilkes

Motion carried unanimously. Meeting adjourned at 9:57 pm.

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt