

Ontario County Planning Board

Jaylene Folkins, Chair
Mary Neale, Vice Chair

Draft County Planning Board Meeting Minutes May 9, 2012

Introduction, General Procedures, & Legal Obligations for Referring Agencies:.....

Attendance and Minutes:.....

Referral Reviews and Board Action.....

Other Business:.....

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65	Town of Canandaigua	Zoning Board of Appeals	Cheshire Community Action Team	Area Variance	AR2	9
66	Town of Canandaigua	Zoning Board of Appeals	James and Mary Keenan	Area Variance	AR1	9
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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 W : Withdrawn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.

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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.

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 May 9, 2012

Cities						
Canandaigua	John Thompson	P		Geneva	Mary Bogin	A
Towns:						
Bristol	Sandra Riker	E		Canadice	Stephen Groet	P
Canandaigua	Mary Prince	P		East Bloomfield	Arthur Babcock	P
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	E		South Bristol	Peter Osborne	P
Victor	John Palomaki	P		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 meeting

(E) CPB member has been excused

(A) Absent without notification.

(V) Vacant

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

Guests: Daniel Long, Thomas Mitchell, Scot Tyman

Call to Order/Roll Call: Chairman Jaylene Folkins called the 5/15/2012 County Planning Board meeting to order at 7:37 p.m.; and requested Ms. Frasca present Roll Call. Ms. Frasca reported that 11 members were present and met the quorum requirement.

Glen Wilkes arrived at 7:55 p.m. making a quorum of twelve (12).

Minutes:

April 11, 2012 Minutes:

Chair Folkins requested a motion to approve the April minutes as presented. Stephen Groet requested a correction be made in regards to Referral 46.1 and 46.2-2012 show that Steven Groet and Carol Osborne abstained from the vote. **Ms. Folkins made motion to approve the April 11, 2012 minutes with correction; motion by Steven Groet, seconded Mary Neale.**

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Vote,: Motion carried with three abstentions (John Thompson, Art Babcock, Mary Prince and George McCadden).
February 8, 2012 Minutes:

Stephen Groet made motion to approve the 2/8/12 CPB minutes as presented at the March 14, 2012 meeting; seconded by Mary Neale. Vote: Motion not carried with three abstentions (Mary Prince, John Palomaki, and Peter Osborne). February 8, 2012 tabled till June meeting.

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

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55 - 2012

Town of Phelps Town Board

Class: 2

Aerial Site plan

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Richard Turner*

Property Owner: *Danny Prospero*

Representative:

Tax Map Parcel #: *63.00-1-23.300*

Brief Description: *Proposal to construct a 9,000 sq. ft. showroom, office and warehouse building for Prospero Equipment Co. at 1902 State Route 14 in the Town of Phelps.*

NOTE: This referral was submitted last month and returned by the CPB as incomplete because the parcel information was wrong.

Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	8	North:	Commercial	Public water:	No
Land Use:	Vacant	South:	Flag drive & residence	Public sewer:	No. Soils are have severe limitations for septic systems
Land Cover	W: 60% wooded	East:	Wooded/wetland	Municipal stormwater:	No
	E: Open	West:	Rt. 14	Public road:	SR14
				Existing subsurface existing drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Canandaigua Outlet	NY DEC	No	Prime etc soils	Yes
Sub-watershed	Unnamed tributary to Canandaigua Outlet	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	No	Active Ag.	No
Aquifer	No information			500 ft. of Ag. Dist.	No
Well Head study	No				

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Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	<10%	National	No information	From Site	No
Soil permeability		State	No information	To Site	No
Erodibility	Low	Local	No information		
Transportation Corridor					
CPB Gateway	State Route 14				
Corridor Study	Yes				
SITE PLAN ELEMENTS					
Community Character Elements			Vehicle & Pedestrian Circulation		
Lighting Plan	Two dark sky compliant wall packs listed on building. Wall packs shown on sign are not full cut off.		Access Management	The site plan indicates that the parcel will share the driveway with the parcel to the north.	
Signage Plan	Sign mounted on building		Internal Circulation	Circulation is along the north side of the parcel (no loop). Loading dock is at the rear of the building.	
Noise	No information		Pedestrian Linkages	None indicated	
Landscape Plan	Trees and shrubs indicated		Parking	Eleven spaces are indicated. A “tractor-trailer” is located behind the building to show adequate space for turnaround.	
Streetscape	Three shrub/three evergreen plantings along SR 14				
Building Façade	No image provided				
Stormwater Management			Parks, Recreation, Open Space		
SWWP	No stormwater management information was provided.		Outdoor Recreation	No	
Green Infrastructure	No		Linkages	No	

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Other		Dedicated open space	No
Code Compliance			
Setbacks	Compliant		
Lot Size			

COMMENTS

- **Rt. 14 Gateway Corridor** The project is located on the Rt.14 which has been identified by the CPB as a gateway corridor to the Finger Lakes. The Towns of Phelps and Geneva and the City of Geneva jointly prepared a Rt. 14 corridor study that made recommendations regarding safety and aesthetic improvements that would be implemented as development and/or redevelopment projects occurred.
 - **Streetscape** Some plantings are indicated along Rt. 14. Given the significance of this corridor as a regional gateway to the Finger Lakes, additional attention should be given to landscaping along the road. Enhanced landscaping will also serve as a barrier to vehicles that want to pull off the road and not use the driveway. No general site lighting is noted.

- **Access Management** A shared driveway will be used which will reduce curb cuts on along the SR 14 corridor.
 - To avoid any future legal issues, the Town should document that a cross access easement indicating shared use of the driveway is in place prior to considering final approval
 - The driveway to the south is not delineated by a curb cut allowing open access. It should be separated through some means to prohibit cars from just pulling off anywhere along the frontage.

- **Stormwater Management**
 - Given the history of drainage problems in this area, if no SWPPP the Town should require that the applicant work with the OCSWCD to develop appropriate measures that will address drainage issues prior to final approval
 - The Town should also consult with NYSDOT regarding any impact on road drainage that could be associated with this project.

- **Onsite Wastewater Treatment/Potable Water** The soil type on this site (Morocco Mn and Berrien Bc) classified in the Interpretive Soil Report for Ontario County as having severe limitations for septic tanks and absorption fields. Before any approval is considered, the applicant should consult with the OC SWCD to determine the requirements for an onsite system and provide engineered plans.
 - The well is located roughly 150 feet (to the east) from the septic system. The location of the well should be verified by the NYS Board of Health given their sandy composition.

- **On Site Storage** The planning board should confirm if the applicant expects to have any outside storage. If yes, the planning board should determine the amount and location of any storage and required buffering..

The following information is necessary for the application to be considered complete for review by the CPB:

1. A soils Investigation Report prepared by the Ontario County Soil and Water Conservation District a copy of which will be

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provided by the District upon completion to the applicant and the Town.

2. Determine the onsite wastewater treatment design requirements and prepare an engineered plan according to NYS Department of Health requirements. Locate the water well in accordance with NYS standards. (Impacts of stormwater must be considered in the design of both the wastewater treatment system and the well.
3. A determination made that is verified by the OC SWCD whether the total cumulative earth disturbance is 1 acre or greater in size. If yes, then SPDES Stormwater Pollution Prevention Permit is required.
 - a. If the total earth disturbance is less than 1 acre in size, the applicant is to consult with the OC SWCD to identify minimum measures that should be taken to prevent erosion, reduce flooding, and maintain water quality, .to the extent practical.
 - b. NYSDOT should be consulted regarding impacts to Rt. 14 drainage.
4. Confirmation from NYSDOT regarding the the location of the driveway and measures to be taken to limit access to the site.

Board Motion: Because information critical to the review of this project (as is listed above) that would allow the CPB to determine if the proposed development would not result in adverse impacts on the Rt. 14 corridor and water quality, this referral is returned to the referring board as **Incomplete**.

Moved: George McCadden

Seconded: Mary Neale

Vote: Measure carried with Glen Wilkes abstaining.

65 - 2012 Town of Canandaigua Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Cheshire Community Action Team*

Property Owner:

Representative:

Tax Map Parcel #: *125.12-1-40.000*

Brief Description: *Area variance for sign at the Cheshire Grange located at 4270 SR 21 in the Town of Canandaigua.*

66 - 2012 Town of Canandaigua Zoning Board of Appeals Class: AR1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *James and Mary Keenan*

Property Owner:

Representative:

Tax Map Parcel #: *70.16-4-36.000*

Brief Description: *Rear and side setback area variances to construct a detached garage at 5095 North Rd. in the Town of Canandaigua.*

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67 - 2012 Town of Canandaigua Zoning Board of Appeals Class: AR2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Design Works Architecture*

Property Owner: *Edward and Suzanne O'Connor*

Representative:

Tax Map Parcel #: *98.13-1-30.000*

Brief Description: *Variances to exceed setbacks on all sides and lot coverage in order to tear down a cottage and build a single family residence on at 3497 Lakeview Lane on Canandaigua Lake in the T. of Canandaigua*

68 - 2012 Village of Phelps Village Board Class: 1

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Village of Phelps*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Amendment to Section 175-4 of the Village zoning code to ad "laundromat" as an allowed use in the C-2 Zoning District in the Village of Phelps.*

Project Description:

The text amendment adds **Laundromat** and **Dry Cleaning Pick-Up Station** as Permitted Principal Uses in the C-1 and C-2 Zoning districts.

The following Permitted Principal Use, “ Other places of business similar in nature to the above uses, provided that any processing or manufacturing of goods is incidental to the business conducted on the premises” is deleted and replaced with,

“ Other places of business similar in nature to other places of business permitted by this Schedule in the C-2 District provided that any processing or manufacturing of goods is incidental to the business conducted on the premises”

Comments

At the April, 2012 CPB meeting, an application for a micro-brewery located in the C-2 District was reviewed by the Board. Since ‘processing’ (brewing) was the primary permitted principal use would it be allowed under the proposed revisions to C-2 since processing (brewing) is not incidental to another permitted principal use in the Schedule such as a restaurant that has a microbrewery on site that makes beers for consumption or sale at the restaurant?

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: John Thompson

Seconded: Mary Prince

Vote: Motion carried unanimously.

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Town of Hopewell Town Board

Class: 2

Type: *Moratorium*

Related Referrals: *n/a*

Applicant: *Town of Hopewell*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Establish a one year moratorium on horizontal and directional gas drilling and hydraulic fracturing in the Town of Hopewell.*

Project Description:

Proposed moratorium that prohibits the review, approval or creation of any new wells, project or businesses involving the practices of horizontal or direction drilling or hydraulic fracturing anywhere within the Town of Hopewell by any action of the Planning Board, Zoning Board, or Building Inspector.

Comments

§800.1 Statement of Intent (for the Industrial District) states that the districts are for light and heavy industrial uses only without detriment to public health, safety, etc. §801.4 does allow the ZBA to allow “any other uses which it determines to be of the same general character as the permitted uses.

The Town’s current Industrial Zoning District prohibits (§803.3) “Production from raw materials of chemicals, cement, explosives, fertilizer, paint products, rubber, soaps and the by-products of coal, coke, petroleum and natural gas.”

While it may seem to prohibit activities related to “hydro-fracking”, there is substantial ambiguity in the current law which the Town can address during the moratorium.

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: George McCadden

Seconded: GlenWilkes

Vote: Motion carried unanimously.

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Town of West Bloomfield Town Board

Class: 2

Type: *Moratorium*

Related Referrals: *n/a*

Applicant: *Town of W. Bloomfield*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Establish an eighteen month year moratorium on natural and petroleum exploration and extraction activities, underground storage of natural gas, and disposal of natural gas or petroleum extraction, exploration and production wastes in the T. of W. Bloomfield.*

Project Description:

Proposed 18 month moratorium that prohibits gas and petroleum exploration and extraction activities, underground storage of natural gas and disposal of natural gas or petroleum extraction exploration and production wastes. This moratorium is not limited to horizontal drilling and hydraulic fracturing as other moratoriums have been.

Any existing operations permitted by the NYS DEC may continue.

Comments The current code does not specifically allow any of these activities or uses. However, the definition of "Light Industrial" does mention could be interpreted to allow activities that would support the petroleum and natural gas production.

The Town's draft comprehensive plan does call for the prohibition of such uses subject to the moratorium. This moratorium will give the town time to make sure the zoning code accurately reflects that goal.

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: George McCadden

Seconded: Carol O'Brien

Vote: Motion carried unanimously.

71.1 - 2012

Town of Geneva Zoning Board of Appeals

Class: 2

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Dan and Rachael Long*

Property Owner: *IMB Properties, LLC*

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Representative: *Dan Long, RA N & ARD*

Tax Map Parcel #: *90.16-1-19.000*

Brief Description: *Renovation of an existing building and site improvements to operate the Kidventure Dome Kidventure Dome which is an existing nonconforming use at 214 State Route 14 N. in the Town of Geneva*

[Site Plan](#)

[71-12 Aerial.pdf](#)

Project Description: The project is located on two separate tax parcels. The building is located on the north parcel on a .3 acre lot in the Town of Geneva. The southern parcel is a .7 acre parcel which is used for parking and is in the City of Geneva. No referral was submitted by the City of Geneva for this portion of the site plan this month.

Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	1 ac. (both parcels)	North:	Auto service business	Public water:	Yes
Land Use:	Roller rink w/ Parking	South:	Vacant commercial. Incidental vegetation.	Public sewer:	Yes
Land Cover	Developed	East:	Vacant commercial. Incidental vegetation Parked vehicles	Municipal stormwater:	None in the town. Unknown for the city.
		West:	Warehouse, single family residence	Public road:	Rt. 14
				Existing subsurface existing drainage	No information
Water Resources		Wetlands		Agriculture	
Major watershed	Upper Seneca River	NY DEC	No	Prime etc soils	No
Sub-watershed	Castle Creek	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	Odessa and Eel-Potentially Hydric	Active Ag.	No
Aquifer	No information			500 ft. of Ag. Dist.	No
Well Head study	No				
Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	<5%	National	Eligible for designation	From Site	No

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Soil permeability	Low	State		To Site	No
Erodibility	Moderate	Local	No		
Transportation Corridor					
CPB Gateway	Yes				
Corridor Study	Yes				
SITE PLAN ELEMENTS					
Community Character Elements			Vehicle & Pedestrian Circulation		
Lighting Plan			Access Management	Unlimited access to the T. of Geneva parcel. City parcel has two curb cuts.	
Signage Plan	Sign indicated on front of building. No directional signage indicated		Internal Circulation	Internal circulation plan indicated by arrows.	
Noise	Not applicable		Pedestrian Linkages	The public sidewalk ends at the City/Town line. No pedestrian access plan.	
Landscape Plan	Two trees at the ends of the parking lane divider. Applicant states there is no room for landscaping.		Parking	Located on south parcel. .No handicapped spaces are indicated.	
Streetscape	No streetscape enhancements.				
Building Façade	Street view elevation provided				
Stormwater Management			Parks, Recreation, Open Space		
SWWP	No information		Outdoor Recreation	No	
Green Infrastructure	None indicated		Linkages	Public sidewalk on city parcel.	
Other			Dedicated open space	None	
Code Compliance					
Setbacks	<ul style="list-style-type: none"> The parcel is located in an industrial zoning district. The current recreational use is non-conforming. The applicant is seeking a special use permit to change non-conforming uses. The Town of Geneva Comprehensive Plan recommends a change of use from Industrial to 				
Lot Size					

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commercial. The proposed use is compatible with the current comprehensive.

COMMENTS

Gateway Parcel This is a high visibility project located at the gateway to the City/Town of Geneva. The City of Geneva has made sidewalk and curb improvements on the end at these parcels. The renovation of this building and change of use provides a significant opportunity to significantly improve vehicular and pedestrian access and safety, and improve the streetscape.

Vehicular/Pedestrian Access Management The current situation which allows vehicles to pull off anywhere and drop off persons and then exit at will from the Rollerdrome is very dangerous. The proposed use will have more attract more children whose smaller stature makes them harder to see.

- Except for the curb cuts on the City parcel, there is no information regarding how access to the town parcel will be controlled or limited. It is unlimited presently. Will the road frontage side of the building still be accessible to vehicles?
 - Currently, there is no barrier to accessing the parcels to the north and south of the project parcels. A short and long term access management plan should be prepared for the adjoining parcels. (See comments below on access parcels to the east.
- No basic traffic analysis is provided.
- The internal circulation ‘sketch plan” does not indicated pedestrian crosswalks.
- How will the dumpsters be accessed by the trucks?
- Handicapped parking spaces are not delineated.
- The Town and City should work with NYSDOT to determine the optimal access point(s) from Rt. 14.

Access to Adjoining Parcels to the East

- The adjoining parcels to the east do not have direct access to Rt. 14 and are landlocked. What provision is being made to provide access should the owner want to develop the parcels. This needs to be resolved prior to any approvals being granted.
- The eastern parcel boundary is not delineated with landscaping, fencing, curbing or other measure. As designed, cars could enter (or exit) the auto service business on the parcel to the north and drive around the back to enter/leave the parking lot. It will also encourage illegal parking on the adjoining parcels.

Stormwater Management

- It appears that this project is a re-development type of project, and the total earth disturbance will be less than 1 acre. However, basic erosion and sediment controls should be considered and implemented on this project.
- Based on the information provided, it appears that there are several small parking lot islands being proposed. Has consideration been given to using these islands for bio-retention areas? Bio retention areas reduce the amount of stormwater leaving the site and also improve the quality of the stormwater by filtering pollutants from the parking lot. In addition, they also provide some habitat for beneficial insects. Additional information on bio retention areas can be obtained from the OCSWCD and the NYS DEC.

Community Character/Gateway

- **Lighting** The street elevation drawing indicates lighting over the sign. No other lighting is indicated. If lighting for the parking lot or wall mounted fixtures are to provided on the sides of the buildings, they should be fixtures that provide complete cutoff to minimize light spillage.
- **Signage** No other building or directional/entrance/exit signs are indicated. A signage plan should be included in the site

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Village of Phelps Planning Board

Class: 2

[Aerial](#) [Site Plan](#)Type: *Site Plan*Related Referrals: *n/a*Applicant: *Al DePorter*Property Owner: *Dean Williamson*

Representative:

Tax Map Parcel #: *47.08-2-42.000*

Brief Description: *Site plan approval to expand the Wine Bar to provide meeting room facility within the existing building along with additional parking at 125 Main St. (State Route 96) in the Village of Phelps.*

Project Description:					
Site Characteristics		Adjoining Land Use/Land Cover		Infrastructure	
Acres:	.47	North:	Rt. 96	Public water:	
Land Use:	Commercial	South:	Wooded/shrub/scrub	Public sewer:	
Land Cover	Buildings, parking. Vegetation along the creek.	East:	Flint Creek floodplain	Municipal stormwater:	No
		West:	Vacant. Shrub/scrub	Public road:	Rt. 96
				Existing subsurface existing drainage	
Water Resources		Wetlands		Agriculture	
Major watershed	Flint Creek	NY DEC	No	Prime etc soils	Yes
Sub-watershed	Lower Flint Cr.	NWI	No	In NY Ag. Dist.	No
Stream/Lake	No	Hydric soils	No	Active Ag.	No
Aquifer	No			500 ft. of Ag. Dist.	No
Well Head study					

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Drainage		Cultural/Historic Resources		Scenic Views/Viewshed	
Slope	< 5%	National	No information	From Site	There is a view of Flint Creek and waterfalls from the site.
Soil permeability	Rapid	State	“	To Site	
Erodibility	Low	Local	“		
Transportation Corridor					
CPB Gateway	Yes – Rt. 96				
Corridor Study	Yes				
SITE PLAN ELEMENTS					
Community Character Elements			Vehicle & Pedestrian Circulation		
Lighting Plan	None indicated		Access Management	The parcel is accessed from the adjoining parcel to the west. Access agreement is noted on site plan. There is no physical boundary with the next parcel so cars could enter off site and cut across to the parking area.	
Signage Plan	None indicated		Internal Circulation	Confusing. See below	
Noise	Existing outdoor patio area.		Pedestrian Linkages	Public sidewalks are provided but no delineation of pedestrian walkways or cross walks.	
Landscape Plan	Some trees indicated but not sure if they are new or existing.		Parking	9 new parking spaces are provided on the adjoining parcel. Two spaces are ‘floating’ on the west side along the adjoining parcel. Vehicles can cross over from the next lot that is not part of the parking agreement. lots	
Streetscape	No improvements identified.				
Building Façade	No change				
Stormwater Management			Parks, Recreation, Open Space		
SWWP			Outdoor Recreation	No public recreation. A gazebo that is on the parcel that adjoins the creek and has been used by the public informally as a	

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AR 2: Administrative Review Class 2

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W : Withdrawn

			park will be removed for the parking lot.
Green Infrastructure		Linkages	None
Other		Dedicated open space	None

Code Compliance

Setbacks

Lot Size

COMMENTS

Site Access and Parking Due to the configuration of the lot lines, the current site plan would encourage people to use any of the adjoining driveways 'cut over/or exit from to the parking lot. The configuration of the parking lot should be reconsidered in order to eliminate the two floating create controlled access, and a better defined internal circulation pattern.

Stormwater Management

It appears that there are existing trees on site that could be impacted during construction. Protection of the existing vegetation was not shown on the plans. Any vegetation that is to remain during construction should be protected using the information in the NYS Standards & Specifications for Erosion and Sediment Control (blue book).

Dust control will be crucial during the construction of this project. How will dust control be accomplished throughout construction?

Site Plan Application

The referral was submitted by the owner of the wine bar and the property owner. The site plan includes parking on the parcel adjoining parcel #47.08-2-42.000 but did not indicate if that landowner was also a signator to the site plan application.

It is generally required that all landowners whose property is included in a site plan application provide an “**AUTHORIZATION TO MAKE APPLICATION**” that authorizes the applicant to make application for the associated purpose. The Village should consult with their attorney to determine if this application can proceed if the adjoining landowner has not given authorization.

Code Compliance – What is the principle use of the adjoining parcel? Is parking an allowed principle use? How does this project relate to current and future uses of that parcel?

Additional Comments at the CPB Meeting

Proposed Use The use of this parcel has incrementally changed from a liquor store, to wine tasting, to wine bar, to a wine bar with meeting/banquet rooms. Each use has a different pattern of use, length of customer visit, and parking needs. The duration of parking for users of a liquor store is significantly less than for patrons attending a wedding or meeting.

- o **Impact on Parking** The existing parcel does not have sufficient parking to meet current code standards necessitating the use of the adjoining parcel for additional parking.
 - o There is currently minimal if any physical delineation of parking lots for the project parcel and the two adjoining parcels to the east. Patrons can use nearby business’s parking lots with no limitations.

Abbreviations

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Emergency Access As currently delineated, the two parking spaces on the east side of the adjoining parcel could limit emergency vehicle access.

User Conflicts The neighboring 'hot dog stand' serves a clientele with a substantial percentage of children. The community center is located across the street. The combination of high volume and pedestrian/bicycle use has potential for traffic and safety conflicts with patrons at an establishment that serves alcohol.

Findings

The Rt. 96 is a gateway corridor that has been the subject of a multi-community corridor study. Assuring that development and redevelopment along the corridor takes place in a manner that coordinates access and minimizes conflicts between vehicles, pedestrians and bicyclists.

The Flint Creek waterfront is a very desirable attraction for visitors to as well as residents of Village of Phelps. Redevelopment of the waterfront is important for economic and community vitality. However, as presented, this project has the potential to have adverse impacts on traffic and users of the corridor due to poorly delineated access, parking and vehicular/pedestrian/patron conflicts.

Board Motion: Because the project's location on the Rt. 96 corridor and the potential for significant impacts, the referral is changed from a Class 1 to a Class 2.

Motion Made By: Steven Groet

Seconded: John Palomaki

Vote: Motion carried unanimously.

Board Motion: Based on the findings and comments, the Board makes a recommendation of disapproval.

Motion Made By: George McCadden

Seconded: John Thompson

Vote: Motion carried unanimously.

73 - 2012 **Village of Naples** **Village Board** **Class: 1**

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Village of Naples*

Property Owner:

Representative: *David P. Miller, Esq.,*

Tax Map Parcel #:

Brief Description: *Local law entitled, "Prohibition of Gas and Petroleum Exploration and Extraction Activities, and Disposal of Natural Gas or Petroleum Extraction,*

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Exploration and Production Wastes".

Project Description: This is submitted as a stand-alone local law and not an amendment to the zoning code.

Comments

Appendix A. Section 1. Authority and Intent and Section 3. Purpose should not be an appendix but incorporated directly in the body of the local law. These are integral parts of local laws and **NOT** accessory data or information which is what an appendix is suitable for. **Section 3. Findings of Fact** should be incorporated into the SEQR document prior to issuing a negative declaration. They can also be included in the formal adoption resolution/action taken by the village board. As appropriate elements can be incorporated into the purpose statement in the body of the local law.

Relationship of Proposed Local Law to the Zoning Code

- Is this local law outside of the zoning code (stand alone law)? If yes, what is the rationale for creating a stand-alone law that has a separate 'hardship' provision?
- Created a land use regulation outside the zoning code can be very confusing to local boards as well as residents. NYS Village Law Sec. 7-700 creates the mechanism to regulate land uses. It establishes procedures for communities to prohibit uses in all zoning districts and has a clearly established five step test for granting of a use variance. In that test, hardship is only one of five criteria that must be met to grant a use variance.
- **Standards for review-Section 8** (last paragraph) then says that if the hardship variance is granted, the applicant shall comply with all applicable zoning laws, etc. How does this work? If you are going to do it this way, there need to be specific cross reference to the zoning code for precisely how this is to be reviewed – what standards apply to a use that is a use that is not allowed in the zoning code? --setbacks, lot coverage, structural dimensions, lighting, wastewater treatment, parking, etc.

When a use variance is requested, it is generally for a use that is allowed in another zoning district but the applicant wants permission to do it in a district where it is not allowed. Standards for that use are found in the zoning code.

If the ZBA grants a use variance, at a minimum, a special use permit and site plan approval should be required which will have a full set of detailed standards and requirements tailored to the respective use the hardship was granted. Since so many uses or activities are prohibited that can take place as a stand alone independent use, standards will be need that are tailored to the discreet uses.

SECTION 10 SUPERCEDING INTENT AND EFFECT What does this mean and why is it in here? *The mechanism for a village to “supersede any inconsistent provision of local laws resolution, ordinances, local laws, or policies to amend repeal that particular provision.*

1. Before the Village Board takes any action, all local laws resolutions and ordinances, policies should be reviewed to find provisions that are inconsistent with this local law and change everything at once.

Findings: As presented, the text amendment has technical issues that could lead to confusion and problems with enforcement.

Board Motion: Based on the potential of significant impacts, this referral is changed from a Class 1 to a Class 2.

Motion Made By: Art Babcock

Seconded: Steven Groet

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Vote: Motion carried unanimously.

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

1. The village attorney in consultation with outside consultants identified by the Village Board shall address the comments provided above.

Motion Made By: George McCadden

Seconded: John Palomaki

Vote: Motion carried unanimously.

Other Business:

- Linda Frasca reminded the Board that they could still register for the May 17, 2012 Genesee Finger Lakes Regional Planning Council Local Government Workshop in Pittsford.
- Linda Frasca noted that Mary Neale (Nov.), Peter Osborne (May), and Cliff Kunes (August) term expires this year. She asked that they contact their Town Boards and let them know that their term expires.
- Maria Rudzinski mentioned that the Yates and Ontario County Local Training workshop is on June 26, 2012 in Penn Yan.
- CPB Planning Board Training on bylaws and the referral process will take place at 6:30p before the June meeting.
- John Palomaki reported that Adam Maurer, Hobart and William Smith College, talked about their Sustainable Community Development Program. He also noted that a new law that limits phosphorus in lawn fertilizer is in effect.

Motion to adjourn made by Mary Neale, seconded by John Palomaki. Vote: Unanimously carried. The meeting adjourned at 9:10p.

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