



Ontario County Planning Board

Jaylene Folkins, Chair
Richard DelVecchio, Vice Chair

Draft County Planning Board Meeting July 13, 2011

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Pg. No.	Referral No.	Year	Applicant	Municipality_2	Referring Agency	Application Type	Class
6	85	2011	Village of Rushville	Village of Rushville	Village Board	Text Amendment	2
9	103	2011	Jan Goldberg	Village of Phelps	Planning Board	Special Use Permit	1
37	127	2011	Jan Golberg	Village of Phelps	Planning Board	Site Plan	1
38	128	2011	Jan Golberg	Village of Phelps	Planning Board	Sign plan	1
10	104	2011	Joanne Henry	Town of Bristol	Zoning Board of Appeals	Area Variance	1
11	105	2011	Joanne Henry	Town of Bristol	Zoning Board of Appeals	Special Use Permit	1
11	106	2011	Clinton Signs	Town of Victor	Zoning Board of Appeals	Area Variance	EX
12	107	2011	New Hope Fellowship	Town of East Bloomfield	Planning Board	Special Use Permit	1
14	108	2011	Clearwire	Town of Farmington	Planning Board	Special Use Permit	AR1
14	109	2011	Clearwire	Town of Farmington	Planning Board	Site Plan	AR1
14	110	2011	Juan Avila	Town of Farmington	Planning Board	Site Plan	1
17	111	2011	The DiMarco Group	Town of Victor	Planning Board	Subdivision	1
18	112	2011	Benderson Development Co.	Town of Victor	Planning Board	Site Plan	1
18	113	2011	Woodstone Custom Homes	Town of Victor	Planning Board	Subdivision	2
22	114	2011	Auburn Creek Apartments LLC	Town of Victor	Zoning Board of Appeals	Area Variance	2
23	115	2011	Networx Corporation	Town of Victor	Planning Board	Special Use Permit	1
24	116	2011	Networx Corp.	Town of Victor	Planning Board	Site Plan	1
25	117	2011	Pooler Park, LLC	Town of Victor	Planning Board	Site Plan	1
27	118	2011	Naples Bible Church	Town of Naples	Planning Board	Special Use Permit	1
28	119	2011	Naples Bible Church	Town of Naples	Planning Board	Site Plan	1
29	120	2011	Mead Square Commons, LLC	Village of Victor	Planning Board	Site Plan	2
30	121	2011	James Brush	Town of Victor	Planning Board	Subdivision	EX
31	122	2011	Merrill and Dianne Herrick	Town of Richmond	Zoning Board of Appeals	Area Variance	AR1
31	123	2011	Canandaigua Town Board	Town of Canandaigua	Town Board	Comprehensive Plan	2

Abbreviations

AR 1: Administrative Review Class 1
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33	124	2011	Town of Canandaigua	Town of Canandaigua	Town Board	Local Law	2
34	125	2011	TY Lin International	Town of Canandaigua	Zoning Board of Appeals	Area Variance	EX
34	126	2011	McFarland Johnson	Town of Canandaigua	Planning Board	Site Plan	1
38	129	2011	Lawrence Homes Corp	Village of Phelps	Planning Board	Site Plan	2
41	130	2011	Lawrence Homes Corp	Village of Phelps	Planning Board	Sign Plan	2
42	131	2011	Town of Farmington	Town of Farmington	Town Board	Other	2
45	132	2011	Canandaigua Lodging LLC	T. Canandaigua	Planning Board	Site plan	2

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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 July 13, 2011

Cities

Canandaigua	John Thompson	E
Bristol	Vacant	V
Canandaigua	Mary Prince	P
Farmington	Mary Neale	P
Gorham -	George McCadden	P
Manchester	Jaylene Folkins, Chair	P
Phelps	Glen Wilkes	P
Seneca	Clifford Kunes	P
Victor	John Palomaki	P

Towns:

Geneva	Mary Bogin	P
Canadice	Stephen Groet	P
East Bloomfield	Arthur Babcock	A
Geneva	Howard E. Meaker	P
Hopewell	Vacant	V
Naples	Terrance Hopper	P
Richmond	Bruce Campbell	P
South Bristol	Peter Osborne	P
West Bloomfield	Richard DelVecchio, V.Chair	A

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

(P) Present at the meeting,

(E) CPB member has been excused

(A) Absent without notification.

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

Guests: Jan Goldberg, Darryl LeMay, Deb Smith, Doug Eldred, Glenn Thornton, Andy Britton

Call to Order/Roll Call: Chair Jaylene Folkins called the July 13, 2011 County Planning Board meeting to order at 7:34 p.m.; with Ms. Frasca doing roll call and reporting that 13 members were present meeting the requirement to establish a quorum.

Minutes: Motion to approve the June 8, 2011 County Planning Board minutes as presented made by Stephen Groet. Motion seconded by John Palomaki. Motion unanimously carried.

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85 - 2011

Village of Rushville Village Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Village of Rushville*

Property Owner:

Representative: *Reggie O'Hearn*

Tax Map Parcel #:

Brief Description: *Adoption of a complete zoning code update for the Village of Rushville. This project is being reviewed by the Yates County Planning Board.*

PROJECT DESCRIPTION:

The Village of Rushville has prepared a draft zoning code update that is required to be reviewed by both the Yates and Ontario County Planning Boards. Staff from both counties has been coordinating their reviews to avoid duplication. The comments below are to be considered as supported by both counties.

Comments The following are consolidated comments made by Yates and Ontario County’s planning staff:

Comprehensive Plan The first concern and the most fundamental issue in starting to review the zoning re-write is the lack of a Village Comprehensive plan to base these zoning changes on. The Village is considering a complete overhaul to their existing zoning; changes to the map, new zones, new uses/prohibition of uses and so on. Village Law §7-722 identifies the elements of a Village Comprehensive Plan and also specifies, in Section §7-722 11 (a.), that all “village land use regulations must be in accordance with a comprehensive Plan adopted pursuant to...” If there is no Comprehensive Plan, case law has determined the need for evidence and documentation that the proposed changes meet the community land use needs. In reviewing the proposed ordinance, nothing is clear about what the current and future community land use needs are. For example, why is there a multiple-dwelling zone? Has the Village determined a need for this type of housing and if so, how has that need been established? Also, it seems some of the changes to the zones have been tailored to reflect current uses. Although this is common, the Village needs to be mindful of spot zoning.

The lack of a Comprehensive Plan to support the proposed zoning changes could truly put the Village in a vulnerable position if challenged on a land use decision due to lack of documented rationale for the proposed changes.

General Note There are significant issues with both lack of content and general flow of this draft local law. These comments are not all inclusive.

Page 19 (5.4) Tattoo/Body Piercing Parlors- this should not be in the General Regulation Section. Since it is permitted in the C-2 District, take it out of Section 5.4 and put it in the C-2 as a Special Use Permit (will discuss SUPs below).

Page 23- R-1 (B-4) Home Occupations- due to more people working from home and telecommuting, this should be updated to reflect such. I suggest considering “Home Offices” and their criteria before listing “millinery” and “dress-making,” which are both out-dated. The Villages of Manchester and Shortsville have been working on home occupation and home office regulations that are performance based and allow certain activities as of right as long as they meet certain criteria.

There is no **Schedule of Uses** both permitted and not-permitted and those allowed by Special Use Permit- this should be included as a user-friendly chart.

Special Use Permits (SUPs):

SUPs are first mentioned on page 24 in the R-1 District. With their reference, I looked for the section in the ordinance governing SUPs; the only provisions are on page 63 (Section 17.3) and this should be much more detailed. I suggest putting in a chapter for

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SUPs that lists all of the SUPs and the specific conditions associated with each use, i.e. “*Supplemental Regulations Governing Special Use Permits.*”

For example, one would have to look on page 30 (F) General Provisions, to find the specific criteria associated with drive-in restaurants and auto-service stations in the C-2 district. It would be much easier for the applicant and the ZBA to have this listed in a clearer, concise chapter.

Page 24- D. Permitted Special Uses- #2 (Windmills/wind generators)- there is no definition of windmills/wind generators anywhere in the ordinance. If these are permitted by SUP, they should be listed as such with specific criteria; what type of windmills- residential only? If so, how tall- setbacks, etc.

Page 24- D. Permitted Special Uses- #4 (Cluster residential developments)- again, as with above, there is no mention of cluster developments in the ordinance. These generally have their own regulations; setbacks, # of units, increased density allowances for open space provisions, and so on.

Page 31- Multiple Dwelling/PUDS- Why is this listed? What is the rationale and where did the detailed regulations come from?

Page 49- Article XIII- Bed and Breakfast- this does not need to be its own Article. It can be moved, since they are only permitted by SUP, to the SUP chapter to be created.

Page 51- 14.3 Exempt Activities (B)- there is mention of a “*Limited Development Overlay District*” and a “*Floodplain Overlay District*” but neither are defined in the document or further referenced.

If there is reference to State law of any kind, including Village Law, it should be referenced. For example, page 68 references the requirement to refer to the County Planning Board but does not reference that it is from *General Municipal Law 239 m and n.*

Page 56/59 Planning Board and Zoning Board of Appeals Duties- The Planning Board Article is much more defined than the ZBA and reads more like a set of by-laws. Was that the intent? The ZBA Article does not mention the four (4) hour training requirement.

Article III. Definitions

- This Article III Definitions is one of the most important sections in a zoning code since words that may be used in common language often have very different meanings in a zoning code. This Article mixes definitions with standards and uses words that are not further used in the local law.
- **Day Care** – State law provides certain protections for types of day care from local zoning. (SEE NYS Dept. of State Legal Memorandum LU-16 The Regulation of Day Care Facilities. <http://www.dos.state.ny.us/cnsl/lu16.htm>) Definitions for the various types of child day care should be consistent with NYS §413.2 Definitions (<http://www.ocfs.state.ny.us/main/childcare/regs/413Definitions.asp#s2>)
- **Definition of Family** – There has been considerable litigation on the definition of family—please consult NYS DOS LU 05 Definition of Family in Zoning Law and Zoning Codes. <http://www.dos.state.ny.us/cnsl/lu05.htm>
- **Regulation of Places of Worship/Religious Institutions** The Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc et seq., is a civil rights law that protects individuals and religious institutions from discriminatory and unduly burdensome land use regulations. Definitions related to religious practice and places of worship must be neutral. For example, using a term such as ‘Church’ confers a Christian meaning of a place of worship. A church is a type of place of worship but it is not the definition of a place of worship. This local law needs to be reviewed for consistency with RLUIPA.
- **Mobile, Modular, Manufactured... Homes** – These should be defined in accordance with state building code or applicable federal regulation since each is provided with certain protections from local zoning regulation under state and federal law. Consistency with State Building Code Definitions To the extent practicable, definitions should be consistent with state building code definitions.
- There are a number of definitions that contain requirements/regulation language which should be in other sections of the law

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to avoid confusion – see accessory structure, certificate of occupancy.

Technical Clarity Because of the mixing of definitions, regulations, uses, requirements throughout all the article local law, it is very difficult to determine how a particular use or structure is to be regulated. This also applies to organizing the information related to the roles and responsibilities of the boards, enforcement officer, the application process, etc.

Special Use Permits – 17.3 F. Expiration Once a special use permit is issued it conveys all the same rights as any other allowable use and cannot be subject to any expiration provision as could a non-conforming use. Once issued, the use is not subject to any higher inspection standards or compliance requirements than any other use.

Agricultural Land Use There are approximately 25 acres of land in the northeast corner of the Village that are in Ontario County NYS Agricultural District No. 1. NYS Department of Agriculture and Markets law protects land contained in a NYS Agricultural District from laws unreasonably restricting agricultural structures and operations. See: NYS Agriculture and Markets Law Art. 25-AA . <http://www.agmkt.state.ny.us/AP/agservices/guidancedocuments/305-aZoningGuidelines.pdf>

- The draft code prohibits the keeping of farm animals (§5.0 C.) anywhere in the village and does not list farming as an allowable use in any land use category. To be consistent with NYS Ag and Market law, agricultural uses, operations, and structures need to defined consistent with state law and allowed without unreasonable restriction (as determined by NYS) on parcels included in Agricultural District.1.

Appropriate use of land use regulatory tools A general principal of land use regulation is to allow landowners to use their land with the application of only the appropriate oversight and regulation. While this is a delicate balance, this draft code may require a higher standard of regulation than is necessary to protect public health, safety, welfare, community character, etc. For example:

In the R-1 Residential District, “**SITE PLAN APPROVAL** Site plan approval shall be required when building any new building or structure, addition, installing a swimming pool, installing a fence, building any accessory structure, garage, barn, the placing or building of storage sheds of any size, car ports, porches and deck.”

In **Article 17.2 PROCEDURES AND STANDARDS FOR SITE PLAN REVIEW** “site plans must be prepared by a NYS licensed engineer, architect, landscape architect or surveyor...”

While there are certain activities that warrant the higher level of scrutiny (generally uses/actions that involve discretion) construction of a deck or fence may not require such review and could be handled through a building permit. The level of regulation required in this code should be reassessed to make sure the appropriate regulation is applied.

Yates County Staff Recommendation

Issues raised in these comments should be addressed – many provisions of this local law may change after the Village’s comprehensive plan has been updated. (Note that although the Yates and Ontario County Planning Departments do not write plans for municipalities, we can assist the Village in getting the process off the ground.

Staff recommends that the Yates County Planning Board disapprove this referral and recommends the Village begin a comprehensive plan process prior to tackling a zoning ordinance revision.

Board Motion: Based on consideration of the referral review comments for referral # 85-2011, and findings included herein, the Board finds that there is potential for significant adverse county-wide and inter-municipal impacts and moves to disapprove/deny the proposed action and return it to the municipality with comments.

Motion Made By: George McCadden

Seconded: John Palomaki

Vote: Unanimously carried.

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103 - 2011

Village of Phelps Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Jan Goldberg*

Property Owner: *Wellspring Church*

Representative:

Tax Map Parcel #: *48.09-3-52.100*

Brief Description: *Special use permit to change property use from a church (Wellspring Church) to an automotive parts distributor at 7 Pearl St. in the Village of Phelps*

See related referrals # 127 & #128 - 2011

Project Description: A special use permit is required for operation of an automotive parts distributor as a retail business in the M-1 Manufacturing Zoning District in the Village of Phelps. No new construction is proposed. (An application for a recycling center was proposed for this site and submitted to the CPB in March, 2011. It was an administrative review because it did not involve a special use permit.)

SITE CHARACTERISTICS			
Acres	1.1 acres	Active Agriculture	No
Land Use	Currently vacant church.	Public Water	Yes
Land Cover	Developed	Public Sewer	Yes
Zoning	M-1	Site Access	Pearl St./Rt. 96
Site Comments	Parcel is split by Pearl St.		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Canandaigua Outlet	NYS DEC	NO
Flood Zone	NO	NWI	NO
Aquifer	NO	Hydric Soils	NO
Soils & Topography		Agriculture	
Permeability	Rapid	Active Ag	NO
Erodibility	Low	Prime Ag Soils	NO
Slope	0-5%	Ag District	NO
Environmental Comments			

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Residential	National	NO
South	Railroad	State	NO
East	Residential	Local	NO
West	Residential		

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Scenic Views		Transportation Corridor	
From Site	NO	CPB Gateway	NO
To Site	NO	Corridor Study	Yes Rt. 96-318
Community Comments			

SITE PLAN REVIEW	
Aesthetics	
Lighting	• No information
Signage	• No information
Noise	• No.
Traffic & Circulation	
Access Management	Pearl St. is accessed off of Rt. 96
• Site Circulation /Parking:	Parking is available on both sides of the parcel but no parking is delineated.
Pedestrian Access	•
Natural Features	
Stormwater Mngt.	• No change to side
Open Space/Recreation	• Not applicable
Landscaping & Buffering	• None is shown.
Code Compliance	
Setbacks	• Yes
Lot Size	• Yes
Additional Comments:	
<ol style="list-style-type: none"> 1. If lighting is provided it should be 'dark sky' compliant to minimize impact on residential neighbors. 2. No information on landscaping is provided. Buffering the residences should be considered. 3. Parking: Parking should not be allowed in the setback areas adjoining the residences. For safety reasons, (to keep children out of parking lot) fencing or other means of separating the residences from the parking areas should be considered. 	

Board Motion: Referral 103-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

104 - 2011

Town of Bristol Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Joanne Henry*

Property Owner:

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

Representative:

Tax Map Parcel #: 138.00-1-12.000

Brief Description: *Variances for setback from Mud Creek and road frontage to replace manufactured home at 4579 State Route 64 in the Town of Bristol.*

Note: The ZBA has already taken action on this application.

Board Motion: Referral 104-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

105 - 2011 Town of Bristol Zoning Board of Appeals Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Joanne Henry*

Property Owner:

Representative:

Tax Map Parcel #: 138.00-1-12.000

Brief Description: *Special use permit to remove existing manufactured home and replace with a new manufactured home at 4579 State Route 64 in the Town of Bristol.*

Note: The ZBA has already taken action on this application.

Board Motion: Referral 105-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

106 - 2011 Town of Victor Zoning Board of Appeals Class: EX

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Clinton Signs*

Property Owner: *Benderson Development Co.*

Representative:

Tax Map Parcel #: 6.04-1-78.000

Brief Description: *Area variance for dimension of letters on sign at Dollar Tree located at Victor Crossings, 409 Commerce Dr. in the Town of Victor*

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107 - 2011 Town of East Bloomfield Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *New Hope Fellowship*

Property Owner:

Representative: *Art Babcock*

Tax Map Parcel #:

Brief Description: *Special use permit for a three phase public-semi-public project for play fields, pavilion, site improvements, multi-purpose building and chapel for New Hope Fellowship at 6988 Boughton Rd. in the T. of East Bloomfield.*

PROJECT DESCRIPTION: The applicant would like to construct a church and several recreational fields to be completed in four phases with a 2017 completion date:

Phase 1 - Prayer garden and park, walking path, parking lot for a small garage (ALREADY COMPLETED).

Phase 2 - Pavilion, softball field, drainage pond, small parking lot, well, septic system, sign.

Phase 3 - Multipurpose building, large parking lot.

Phase 4 - Chapel building, parking lot expansion.

Note: This referral was submitted as a special use permit review only. It is difficult to review a special use permit without also reviewing the site plan. A question to the Town of East Bloomfield is whether or not the site plan will soon be submitted to the CPB for review. If at all possible, it seems that special use permits and site plans should be reviewed together to provide a complete picture of the development.

SITE CHARACTERISTICS			
Acres	25.3 acres	Active Agriculture	No
Land Use	Agriculture	Public Water	No
Land Cover	Meadow, park, athletic field, lawn	Public Sewer	No
Zoning	AR-2 (Semi-Public Use)	Site Access	Yes
Site Comments	Large property with one access point near busy intersection; Make sure that phases adequately build on each other and consider future phasing.		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Mud Creek	NYS DEC	No
Flood Zone	No	NWI	No
Aquifer	No	Hydric Soils	No
Soils & Topography		Agriculture	
Permeability	Moderate	Active Ag	yes
Erodibility	No	Prime Ag Soils	Statewide importance (Hk,Ls)
Slope	0-15%	Ag District	ONT-01
Environmental Comments	Is the septic system adequate in terms of handling the number of visitors to this site between church and recreational activities? Consider any increased impervious surfaces that could negatively influence future drainage, waste management, erodibility, runoff, and stormwater management on the parcel.		

COMMUNITY CHARACTERISTICS

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<i>Land Use-Cover</i>		<i>Historical Site</i>	
North	Agriculture	National	No
South	Agriculture	State	No
East	Agriculture	Local	No
West	Agriculture		
<i>Scenic Views</i>		<i>Transportation Corridor</i>	
From Site	Agriculture	CPB Gateway	No
To Site	Agriculture	Corridor Study	No
Community Comments	Follow design standards to preserve and enhance community character; use appropriate design and materials during construction to align with existing aesthetics and context.		

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> Consider the addition of adequate lighting near the new buildings, parking, and athletic fields; make sure lighting is dark sky compliant to reduce impacts on neighboring properties.
Signage	<ul style="list-style-type: none"> Possibly add signage to direct pedestrians and vehicular traffic in and around buildings, athletic fields, and parking lot areas.
Noise	
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> How will church and recreational events affect the traffic queuing at the intersection of Rt. 444? The driveway configuration defines the entryway, provides access at a single point, and enhances safety. Increased queuing on days of worship or special events should be considered with only one entry/exit point.
Site Circulation	<ul style="list-style-type: none"> Consider wide aisles in parking lot to allow for adequate clearance and turning radii of emergency vehicles and access for delivery vehicles; Designate fire lanes and “no parking” markers for fire lanes; Consider the safety of pedestrians in this high traffic area.
Parking	<ul style="list-style-type: none"> Total proposed parking is 192 regular spaces and 10 handicap spaces.
Pedestrian Access	<ul style="list-style-type: none"> Consider signage to direct pedestrians to buildings and fields; This area could become congested and cause pedestrian conflicts with vehicles; Consider the addition of defined pedestrian walkways and signage throughout parking lot to improve pedestrian safety.
Natural Features	
Stormwater Mgmt.	More than an acre of disturbance will occur. A stormwater management plan should be prepared to coordinate with the project’s phasing.
Open Space/Recreation	<ul style="list-style-type: none"> The maximum building coverage per code is 20%.
Landscaping & Buffering	<ul style="list-style-type: none"> Botanicals plantings are planned near access point; Consider providing adequate landscape and buffering (vegetation) to enhance pedestrian and vehicular safety, to increase the pervious surfaces to handle runoff, to decrease nuisances to neighboring properties, and to improve the aesthetics of the community.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> Minimum from setback is 75 ft; Minimum rear setback is 50 ft; Minimum side setback is 30 ft; Maximum building height is 35 ft.; Maximum building coverage is 20%; Minimum rear setback for accessory structure is 25 ft.; Minimum side setback for accessory structure is 35 ft.
Additional Comments:	
Agricultural Impacts This parcel adjoins active agricultural land that is in Ag. Dist. 1. The applicants should be aware that their may be times during the season when there may be dust, odor, noise, etc. associated with agricultural practices that are considered acceptable but	

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may be annoying to users of the proposed facilities.

Stormwater Management A SWPPP was not provided. If an acre or greater of earth is disturbed, a SWPPP must be prepared, and a Notice of Intent must be filed with NYSDEC.

On-Site Wastewater Treatment – The Town should make sure that the septic system is designed to handle anticipated loadings. Special events, ball games, etc. can overload a system not designed to handle such use.

Rt. 444 Intersection Traffic flow at peak times (end/beginning of ballgames, services, etc) may be significant and may cause backups on Rt. 444 and Boughton Rd. The Town should consult with NYS DOT to make sure the driveway is optimally located to avoid safety/congestion issues.

Parking – The Town should consider allowing phased development of parking and allow land banking for parking. Full parking buildout may not prove to be necessary. If it is, the land would be available to the added space in the future.

Board Motion: Referral # 107-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Bogin

Seconded: Terrence Hopper

Vote: Unanimously carried

108 - 2011 Town of Farmington Planning Board Class: AR1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Clearwire*

Property Owner: *DeCal Limited LLC*

Representative:

Tax Map Parcel #: *29.00-1-1.210*

Brief Description: *Special use permit to construct a cell tower at 1067 Gateway Drive in the Town of Farmington. (Note: Current SUP expired. This is an application for the same facility with no changes from expired SUP.*

109 - 2011 Town of Farmington Planning Board Class: AR1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Clearwire*

Property Owner: *DeCal Limited LLC*

Representative:

Tax Map Parcel #: *29.00-1-1.210*

Brief Description: *Site plan approval to construct a cell tower at 1067 Gateway Drive in the Town of Farmington. (Note: Current SUP expired. This is an application for the same facility with no changes from expired SUP or site plan.)*

110 - 2011 Town of Farmington Planning Board Class: 1

Type: *Site Plan*

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

Related Referrals: *n/a*

Applicant: *Juan Avila*

Property Owner: *Same*

Representative: *Marathon Engineering*

Tax Map Parcel #:

Brief Description: *Site plan approval for a 1,760 square foot addition to the east of commercial building for AR-15 Holdings LLC at 6162 State Route 96 in the Town of Farmington.*

PROJECT DESCRIPTION: The applicant would like to add a 1,760 sq. ft. addition to the east side of the existing 6,520 sq. ft. building which houses Soper Motorsports. The addition will be used for retail and conference training. A new gravel overflow parking lot is also planned for the north side of the building.

SITE CHARACTERISTICS			
Acres	6.3 acres	Active Agriculture	No
Land Use	Commercial	Public Water	Yes
Land Cover	Building; Sidewalks; Parking Lot; Lawn	Public Sewer	Yes
Zoning	General Business (GB); Major Thoroughfare Overlay District (MTOD)	Site Access	Yes
Site Comments	Commercial property set back from Route 96; Proposed addition is located away from the adjoining commercial properties.		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Mud Creek	NYS DEC	No
Flood Zone	No	NWI	No
Aquifer	No	Hydric Soils	Ovid soils – Potentially Hydric on south side of parcel
Soils & Topography		Agriculture	
Permeability	Low permeability	Active Ag	No
Erodibility	No	Prime Ag Soils	No
Slope	15% - 50% in back; 0% otherwise	Ag District	No
Environmental Comments	The addition will be constructed on an existing paved area and will not require the removal of any trees or bushes; It will be located to the rear yard of adjoining commercial building;		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Residential	National	No
South	Commercial	State	No
East	Vacant	Local	No
West	Vacant		
Scenic Views		Transportation Corridor	

Abbreviations

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

From Site	None	CPB Gateway	Yes
To Site	None	Corridor Study	No
Community Comments Follow design standards to preserve and enhance community character along gateway to the Finger Lakes; use appropriate design and materials during construction to align with existing aesthetics and context.			

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> Consider the addition of adequate lighting near the new parking lot and building addition for safety purposes; make sure lighting is dark sky compliant to reduce impacts on neighboring properties.
Signage	<ul style="list-style-type: none"> Possibly add signage to direct pedestrians and vehicular traffic in and around expanded parking lot area.
Noise	<ul style="list-style-type: none"> Consider the addition of buffers at edges of expanded parking lot and building to minimize noise disturbance from activities and vehicles.
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> The driveway configuration defines the entryway, provides access at a single point, and enhances safety.
Site Circulation	<ul style="list-style-type: none"> The proposed aisle width is 16 ft. on east side near expansion and 22 ft. in rear of building; Consider wide aisles in parking lot to allow for adequate clearance and turning radii of emergency vehicles and access for delivery vehicles; Designate fire lanes and “no parking” markers for fire lanes; Consider the safety of pedestrians in this high traffic area.
Parking	<ul style="list-style-type: none"> Current parking includes 23 spaces. Proposed parking includes 28 spaces (based on maximum building use of 8 employees and 20 customers). Parking stalls are proposed to be 9 ft. x 20 ft. An adequate number of parking spaces has been added per Town code for general businesses. Make sure handicapped parking requirements are followed.
Pedestrian Access	<ul style="list-style-type: none"> Consider signage to direct pedestrians to building; This area could become congested and cause pedestrian conflicts with vehicles; Consider the addition of defined pedestrian walkways and signage throughout parking lot to improve pedestrian safety.
Natural Features	
Stormwater Mgmt.	<ul style="list-style-type: none"> Silt fence will be installed around expanded parking lot to reduce runoff; Be sure that there is adequate drainage, grading, and slopes to handle runoff from buildings and parking lots. The soil type in the area of the parking lot has low permeability.
Open Space/Recreation	<ul style="list-style-type: none"> The parcel is 6.3 acres; the addition and parking will increase the coverage only slightly in relation to the entire parcel.
Landscaping & Buffering	<ul style="list-style-type: none"> Botanicals plantings are planned alongside driveway and parking lots; Consider providing adequate landscape and buffering (vegetation) to enhance pedestrian and vehicular safety, to increase the pervious surfaces to handle runoff, to decrease nuisances to neighboring properties, and to improve the aesthetics of the community.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> The minimum front setback is 100’; 310’ is provided. The minimum side setback is 30’; 40’ is provided.

Board Motion: Referral 110-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Peter Osborne
Seconded: John Palomaki

Abbreviations

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

Vote: Carried with Mary Neale abstaining

111 - 2011

Town of Victor Planning Board

Class: 1

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *The DiMarco Group*

Property Owner: *Same*

Representative:

Tax Map Parcel #: *15.00-2-72.120*

Brief Description: *Consolidation of two commercially zoned parcels into one as part of the Fishers Landing Development at 7387 State Rd. 96 in the Town of Victor. The site plan was reviewed at the June, 2011 CPB meeting (#'s 119/120-2011).*

NOTE: The associated site plan and special use permit for this subdivision was reviewed at the June, 2011. The Town of Victor Planning Board was advised that those comments also apply to this referral.

Board Motion: Referral 111-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

112 - 2011 Town of Victor Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Benderson Development Co.*

Property Owner:

Representative:

Tax Map Parcel #: *6.04-1-78.000*

Brief Description: *Site plan modification for Victor Crossing to add a dumpster, relocate handicapped parking spaces, and add cart corral and for signage for Petsmart at 421 Commerce Dr. in the Town of Victor.*

General Comments: This is a minor site plan modification. The applicant’s referral indicated that there is a signage plan that is being referred to the Architectural Review Committee. Town staff comments indicated that some variances will be required for the sign plan. The sign plan is not part of this referral and will be submitted separately by the town.

Modification to a site plan may require an amendment to the SWPPP.

Board Motion: Referral 112-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

113 - 2011 Town of Victor Planning Board Class: 2

Type: *Subdivision*

Related Referrals: *n/a*

Applicant: *Woodstone Custom Homes*

Property Owner:

Representative: *Marathon Engineers*

Tax Map Parcel #: *6.00-1-47.121*

Brief Description: *Subdivision approval for Arbor Glen (formerly Benson Road Estates) which consists of 20 single family residential lots on a 101 acre site located on the east side of Benson Rd. northeast of the intersection with Fishers Rd. in the Town of Victor.*

PROJECT DESCRIPTION: Applicant is submitting plans for a project site (Arbor Glen) consisting of ~101 acres to be developed into 20 lots for “estate type” houses. The majority of the development will be on ~44 acres; lot size ranges from 1.17 to 4.6 acres.

SITE CHARACTERISTICS			
Acres	101	Active Agriculture	N
Land Use	Undeveloped	Public Water	N water district extension request submitted to

Abbreviations

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

Land Cover	Meadow, forest	Public Sewer	N
Zoning	Limited Dev Dist.,	Site Access	
Site Comments	<ul style="list-style-type: none"> Water to be provided by running pipe from MCWA tower north of site to subdivision. Water District extension request submitted to Town's atty. Individual leach fields will provide sanitary service. Limited storm sewers, coupled with open swales to be used for stormwater management. Will the larger lots at the north/east part of the subdivision encroach on the steep slopes? How will the affect the topography? Will the slopes remain undisturbed? The Town is in the midst of a comprehensive planning process. This appears to be an important parcel in terms of open space. 		
ENVIRONMENTAL CONDITIONS			
Hydrology	2 tributaries to Iron. Creek flow onsite		Wetlands
Watershed		NYS DEC	
Flood Zone		NWI	5 federal wetlands, 2 of which are non jurisdictional. One is 2.5 acres in size.
Aquifer		Hydric Soils	
Soils & Topography		Agriculture	
Permeability	85% well to mod-well drained	Active Ag	N
Erodibility		Prime Ag Soils	
Slope	50% site 15% or > slope	Ag District	N
Environmental Comments	<ul style="list-style-type: none"> Applicant requesting waiver of street tree requirement. This should only be granted if the construction plans clearly identify that specimen and suitable mature trees are being retained within the development area and designed to maintain the natural feel the site has now. Site contains endangered plant species-Jeffersonia Twin Leaf Diphyla. What is being done to protect the species? Upper area of site has significant ravines and grade changes; area to be held in conservation easement. The applicant appears to be avoiding development on the most severe, but since the soils are not conducive to infiltration, it is important that stormwater drainage is carefully planned. This is a picturesque area. The utmost attention should be given to ensuring the design has minimal impact to the scenic views. There are 2 small tributaries that drain to Irondequoit Creek, and there are 5 identified wetlands on the site. Some wetlands are non-jurisdictional, but each of these areas should be protected to the maximum extent practicable during and after construction. On page 8 of the SEQR form, NYS DEC should be listed under State government not Federal. It appears that construction will be occurring inside the wetland and/or wetland buffers. Have the proper permits/approvals been obtained? On the SHPO project review cover form, question 2A is checked "no". However, this proposed project would require permits from other State and Federal agencies. Based upon the proposal, a 5-acre waiver may be required. If the 5-acre waiver is required, the seeding and inspection requirements will change from what is listed on page C 5.0 of the design. All SWPPP documents must be signed prior to construction. Also, it is important to note that any contractor involved in any earth disturbing activities must have a properly trained individual onsite with the appropriate NYS DEC 4 hr training card. Proof of such could be needed during an inspection. The limits of clearing/disturbance should be clearly marked in the field prior to the pre construction meeting and any construction activity. Who will be responsible for long-term operation and maintenance of the stormwater infrastructure after construction is complete? What is being proposed to eliminate/reduce any flooding or erosion concerns that could develop from run-on water flowing down the existing hillside above the subdivision? It appears that some home sites could be impacted by flash flood events from the steep portion of the property. On page 5.0 section 1.4 is in correct, and should be updated. The sequence of construction should be revised to ensure that the limits of clearing, protection of existing vegetation, and 		

Abbreviations

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

perimeter ESC practices are installed prior to any mass earthwork. Lastly, on page 5.0 note 1.12 should specify that if a 5-acre waiver is required, it must be obtained from the Town Stormwater Management Officer.

COMMUNITY CHARACTERISTICS			
Land Use-Cover	Undeveloped, single family housing	Historical Site	Historic home across street is listed.
North		National	
South		State	
East		Local	
West			
Scenic Views	360 degree rural views	Transportation Corridor	
From Site		CPB Gateway	
To Site		Corridor Study	
Community Comments	Cars use Benson as a back road shortcut and often travel at high speeds. Proper signage should be erected to alert drivers on Benson that cars will be entering the roadway at low speeds.		

SITE PLAN REVIEW	
Aesthetics	
Lighting	No intersection lighting is indicated.
Signage	
Noise	
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> • Access is provided off Benson Rd. • Internal sidewalks are not provided. (see comment on open space regarding trail linkages)
Site Circulation	
Parking	
Pedestrian Access	
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • The aerial shows existing trails, but they are not in the County database as part of a larger system. What is their history and does the Town want to consider working with the developer to maintain these or similar trails on the part of the site with the easement? • Is this area identified in Victor's open space plan or ongoing Comprehensive Plan project? The application did not arrive with comments from the Environmental Conservation Board. • As stated before, in order to preserve the view, as much buffering as possible should be used to conceal the houses from the roadway. This buffering should have a very natural design.
Open Space/Recreation	
Landscaping & Buffering	
Code Compliance	
Setbacks	Conservation subdivision allows dimensional flexibility.
Lot Size	
Additional Comments Provided by OCSWD	

Abbreviations

AR 1: Administrative Review Class 1
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The information provided appears to be for a previous project -- it contained a SWPPP, and all associated documents, including the SEQR documents. Has anything changed on these documents other than the project name?

- Some changes have been written in by hand. Has this been re-submitted to the appropriate agency?
- It appears that threatened/endangered species could exist on site. What is being done to protect and preserve these species?
- There are 2 small tributaries that drain to Irondequoit Creek, and there are 5 identified wetlands on the site. Some wetlands are non-jurisdictional, but each of these areas should be protected to the maximum extent practicable during and after construction.
- On page 8 of the SEQR form, NYS DEC should be listed under State government not Federal.
- It appears that construction will be occurring inside the wetland and/or wetland buffers. Have the proper permits/approvals been obtained?
- On the SHPO project review cover form, question 2A is checked "no". However, this proposed project would require permits from other State and Federal agencies.
- Based upon the proposal, a 5-acre waiver may be required. If the 5-acre waiver is required, the seeding and inspection requirements will change from what is listed on page C 5.0 of the design.
- All SWPPP documents must be signed prior to construction. Also, its important to note that any contractor involved in any earth disturbing activities must have a properly trained individual onsite with the appropriate NYS DEC 4 hr training card. Proof of such could be needed during an inspection.
- The limits of clearing/disturbance should be clearly marked in the field prior to the pre construction meeting and any construction activity.
- Who will be responsible for long-term operation and maintenance of the stormwater infrastructure after construction is complete?
- What is being proposed to eliminate/reduce any flooding or erosion concerns that could develop from run-on water flowing down the existing hillside above the subdivision?
- It appears that some home sites could be impacted by flash flood events from the steep portion of the property.
- On page 5.0 section 1.4 is incorrect, and should be updated.
- The sequence of construction should be revised to ensure that the limits of clearing, protection of existing vegetation, and perimeter ESC practices are installed prior to any mass earthwork.
- On page 5.0 note 1.12 should specify that if a 5-acre waiver is required, it must be obtained from the Town Stormwater Management Officer.

Comment The town should consult with the NYS DEC and the US Army Corp of Engineers to assure regulatory compliance.

Findings:

1. This parcel is located in the headwaters of Irondequoit Creek and provides both ground and surface water flow and potentially contains rare or endangered species. Ontario County is a participant in the intermunicipal Irondequoit Creek Collaborative and has an interest in maintaining water quality. The natural area is critical to both ground and surface water quality.
2. The natural area/dedicated open space will be owned by the owner of Lot 1 making the conservation and land use limitations in the easement of critical importance.
3. A water line to link to the Monroe County Water Authority will run through the area under conservation easement. There is potential for adverse impacts on the natural area depending on the size of the easement of the water line and the provisions regarding site disturbance, restoration, width of easement, and maintenance and management practices.

Abbreviations

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

Modifications:

1. The Town shall insure that the conservation easement clearly extinguishes all future development rights to the parcel. A conservation plan and existing condition report should be incorporated into the conservation easement to avoid any future conflict or confusion over activities such as timber management, clearing, non-native plantings, etc. Future enforcement will be hampered without such documentation.
2. The Town shall require that the easement for the water line clearly establish construction limits, clearing limits, management practices, etc. in a manner that minimizes both short and long term adverse impact on the natural area.

Board Motion: Based on consideration of the referral review comments for referral # 113-2011 , the Board finds that there is potential for adverse county-wide and inter-municipal impacts and moves to retain said referral as a Class 2 and approves the proposed action with modifications as stated above.

Motion Made By: George McCadden

Seconded: Mary Bogin

Vote: Unanimously carried

114 - 2011

Town of Victor Zoning Board of Appeals

Class: 2

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Auburn Creek Apartments LLC*

Property Owner: *Realty Management Co.*

Representative:

Tax Map Parcel #: *15.00-1-59.000*

Brief Description: *Area variance to reduce the front setback for the community club house from 505ft. to 340ft. for the Auburn Creek Apartments located at St. Rt. 251 at former golf course in the Town of Victor. (Change to site plan referred May, 2011 76-2011)*

Project Description:

Upon subsequent review by the town, it was determined that the location of the road and clubhouse/pool were within stream setbacks for tributaries to Irondequoit Creek. The applicant is requesting a 340' setback instead of the existing 505.9' setback.

Note: The actual required setback is 837' per the 96-251 overlay district. The ZBA granted a variance associated with the office park site plan approval in 2009. The applicant is assuming that the variance granted for a different site plan is applicable to this project.

Site plan changes associated with the variance:

- The applicant has relocated the pool/club house to the north side of the road to the west of the first apartment building.
- The configuration of Bldg. 101, 102, 103, and 104 appear to be changed.
- The stormwater management areas are configured differently.
- Construction is proposed with the DEC Wetland VT-2 buffer area. (The buffer areas appears to be configured differently on each plan but it does not indicate a new delineation.

Comments:

Abbreviations

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

- **DEC Permit** Revised site plan indicates that “Construction in Buffer Area Approved by NYSDEC Permit # 8-3242-001114/00007”. As of June 29, 2011, the NYSDEC currently has under review a Permit # 8-3248-00114/00007 under review but no permit or approval has been issued. No permit has been approved under the number on the site plan.
- **Wetlands** – When the Town investigated developing a nearby parcel for public facilities, they were told by NYS DEC that the wetland complex associated with Auburn Creek had expanded. The Town received a Custom Soil Resources Report for Auburn Creek in June, 2011 showing the areas of hydric soils and potential hydric soils. This could substantially change the wetland boundary.
- **T. Victor §211-30 Environmentally Sensitive Land** states “No construction or impervious surface shall be permitted within 100 feet of the boundary of a wetland or within 75 feet of the center line of any stream having year-round flow as delineated on a United States Geological Survey Map.” No application for a variance has been submitted.
- **Pedestrian Safety** Road A now runs through the parking lot that is intended to serve the clubhouse/pool. Traffic first entering the complex will likely be at a greater speed making it hazardous for those coming from between parked cars to cross the street.
 - Speed bumps or other traffic calming measures should be considered in the area of the community center to slow traffic.
- **Stormwater Management** No information is provided on the revised site plan’s impact on stormwater management design.
- **Area Variance for Office Park** The previous area variance approval issued for the office park should be reviewed to determine if it was granted in association with that particular site plan. If it was, then this variance should be identified as from the actual setback line of 837 ft.
- The Town should coordinate with the NYS DEC since their determinations will impact the site plan design and the actual variance(s) that will be required.
- Previous CPB comments on the site plan review are to include these comments as well considering the significance of the change to the site plan.
- **Comments for OCSWCD** In the information provided it appears that some construction/disturbance is being proposed within the wetland buffer. Are the NYS DEC/ACOE permits still valid, and are there any special conditions associated with these permits that must be addressed? It is important to note that I didn’t receive a copy of the SWPPP or any associated documents, only a small packet of information related to the actual area variance being proposed. Verification of proper permits is essential prior to any approval. It’s important that all wetland boundaries have been recently delineated and are clearly marked.

Board Motion: Based on consideration of the referral review comments for referral # 114-2011 , the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain said referral as a Class 2 and approves the proposed action with comments.

Motion Made By: George McCadden

Seconded: Terrence Hopper

Vote: Unanimously carried

115 - 2011

Town of Victor Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Networx Corporation*

Property Owner: *CTG Properties/DEEK LLC*

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

Representative: *Larson Engineers*

Tax Map Parcel #: *14.02-1-54.400*

Brief Description: *Special use permit to locate 5 satellite dishes in a 40ft x 18ft space on a concrete pad by Networx Corp. at 79 Rae Blvd. in the Town of Victor.*

PROJECT DESCRIPTION: The applicant will be leasing a portion of building located at 7911 Rae Blvd in the Town of Victor. They will be relocating there existing communications company to this location. As part of this relocation they will need to place 5 satellite dishes on the property which is zoned Light Industrial. Satellite dishes are considered communications towers under the town’s code.

COMMENTS: The 5 satellite dishes are being sited with Canning Industrial Park. Each dish varies in size with the largest one standing approximately 13 feet high with a diameter of 3.5 meters. The existing structures within the industrial park are approximately 20 feet tall and natural vegetation shields the residential structures located along County Road 42. However, additional buffering including a berm was noted by the Town as a requirement.

- Per town code, additional plantings should be installed to further buffer the satellite dishes from County Road 42.
- The plans should indicate where stormwater and runoff will be directed.

Board Motion: Referral 115-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

116 - 2011

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Networx Corp.*

Property Owner: *CTG Properties/DEEK LLC*

Representative: *Larsen Engineers*

Tax Map Parcel #: *14.02-1-54.400*

Brief Description: *Site plan approval to locate 5 satellite dishes in a 40ft x 18ft space on a concrete pad by Networx Corp. at 79 Rae Blvd. in the Town of Victor.*

See Referral 115-2011 for review.

Board Motion: Referral 116-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

Abbreviations

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

117 - 2011

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Pooler Park, LLC*

Property Owner: *Same*

Representative:

Tax Map Parcel #: *15.01-1-18.000*

Brief Description: *Site plan approval to construct a 12,800 sq. ft. mixed use building and add a 18' driveway across the front of the existing building at 749 Phillips Rd. in the Town of Victor.*

PROJECT DESCRIPTION: The applicant would like to add a new driveway to access the existing structure on the site and then erect a new 12,800 square foot mixed use structure, which will be accessed from the existing driveway. No additional information on the intended use of the new structure was provided.

SITE CHARACTERISTICS			
Acres	4.4 Acres	Active Agriculture	N/A
Land Use	Light Industrial	Public Water	Yes
Land Cover	Developed	Public Sewer	Yes
Zoning	Light Industrial	Site Access	Phillips Road
Site Comments	<ul style="list-style-type: none"> • There is an existing building located on the site. • The majority of the site is currently used for material and equipment storage in support of the existing Pooler Enterprises which performs; earthwork, utility installation, paving, and concrete work. • It is unclear what the new facility will be used for. It is the assumption that the new facility will be used in support of the existing Pooler Enterprise business and take on similar land use characteristics 		
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Irondequoit Creek	NYS DEC	N/A
Flood Zone	N/A	NWI	N/A
Aquifer		Hydric Soils	N/A
Soils & Topography		Agriculture	
Permeability	Rapid	Active Ag	N/A
Erodibility	Low-Moderate	Prime Ag Soils	N/A
Slope	Simple	Ag District	N/A
Environmental Comments	<ul style="list-style-type: none"> • The site is adjacent to the Auburn Recreation Trail and a significant wetland area not identified on the NWI or NYS maps. • Stormwater runoff impacts from this site could be significant given the nature of the land cover, but should both increase because of the proposed development. • Stormwater runoff impacts from the site should be mitigated at this time. 		

COMMUNITY CHARACTERISTICS

Abbreviations

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

<i>Land Use-Cover</i>		<i>Historical Site</i>	
North	Auburn Trail & Business Pk	National	N/A
South	Leigh Trail & Business Pk	State	N/A
East	Vacant	Local	N/A
West	Warehouse & Distribution		
<i>Scenic Views</i>		<i>Transportation Corridor</i>	
From Site	N/A	CPB Gateway	N/A
To Site	N/A	Corridor Study	N/A
Community Comments	<ul style="list-style-type: none"> The site is located within the Town's light industrial district and the proposed facility meets with the community character. 		

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> No light plan submitted – all lighting should be dark sky compliant
Signage	<ul style="list-style-type: none"> No signage plan submitted – should conform with town code
Noise	<ul style="list-style-type: none"> No additional noise impacts will be created from the proposed use
Traffic & Circulation	
Access Management	<ul style="list-style-type: none"> No Impacts identified
Site Circulation	<ul style="list-style-type: none"> No Impacts identified
Parking	<ul style="list-style-type: none"> 54 Parking spots are identified on the site plan.
Pedestrian Access	<ul style="list-style-type: none"> N/A
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> What is the total acreage of disturbance including the road and building footprint? Dust control will be very crucial during construction, along with the proper control and disposal of construction debris. A plan to address these concerns should be developed and followed.
Open Space/Recreation	<ul style="list-style-type: none"> Town code requires 35% landscaped areas. Currently this site has approximately 11% landscaped areas.
Landscaping & Buffering	<ul style="list-style-type: none"> Additional Landscape buffering should be placed along Phillips Road to soften the visual impacts of this type of business.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> All setbacks will be meet
Lot Size	<ul style="list-style-type: none"> Minimum lot size requirements will be meet.
<p>Additional comments: The current condition and appearance of this property is inconsistent with the neighboring properties and the community character. This is the Town's opportunity to upgrade the visual character and appearance of the parcel. Particular attention should be given to improving the physical appearance of the site along with landscaping and buffering improvements.</p> <ul style="list-style-type: none"> The required landscaped areas should be clearly delineated on the site plan to avoid any future enforcement issues. 	

Board Motion: Referral # 117-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Peter Osborne

Seconded: Mary Prince

Vote: Unanimously carried

Abbreviations

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

118 - 2011

Town of Naples Planning Board

Class: 1

Type: *Special Use Permit*

Related Referrals: *n/a*

Applicant: *Naples Bible Church*

Property Owner:

Representative: *Daryl Lemay*

Tax Map Parcel #: *204.00-1-74.200*

Brief Description: *Special Use Permit to construct a 20 ft. x 26 ft. addition to an existing building for use as a classroom for the Naples Bible Church at 8833 St. Rt. 53 in the Town of Naples.*

SITE CHARACTERISTICS			
Acres	Four	Active Agriculture	No
Land Use	Place of worship	Public Water	No
Land Cover	Developed	Public Sewer	No
Zoning	Agriculture	Site Access	State Rt. 53
Site Comments			
•			
ENVIRONMENTAL CONDITIONS			
<i>Hydrology</i>		<i>Wetlands</i>	
Watershed	Reservoir Cr.- Canandaigua Lake	NYS DEC	No
Flood Zone	No	NWI	No
Aquifer	No	Hydric Soils	Burdett Silt Loam –Potentially hydric
<i>Soils & Topography</i>		<i>Agriculture</i>	
Permeability	Slow	Active Ag	No
Erodibility		Prime Ag Soils	Prime if drained
Slope		Ag District	Ag. District 9
Environmental Comments			

COMMUNITY CHARACTERISTICS			
<i>Land Use-Cover</i>		<i>Historical Site</i>	
	Structure, Parking, Landscaping		No information
North	Residential	National	No information
South	Residential	State	No information
East	Reservoir Cr.	Local	No information
West	Residential		
<i>Scenic Views</i>		<i>Transportation Corridor</i>	
From Site		CPB Gateway	No
To Site		Corridor Study	No
Community Comments			

Abbreviations

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

SITE PLAN REVIEW	
Aesthetics	
Lighting	None
Signage	None
Noise	Not applicable
Traffic & Circulation	
Access Management	No change in vehicular or pedestrian access or new parking.
Site Circulation	
Parking	
Pedestrian Access	
Natural Features	
Stormwater Mngt.	Discharges to an existing French drain system
Open Space/Recreation	Not applicable
Landscaping & Buffering	Not applicable
Code Compliance	
Setbacks	• Compliant
Lot Size	• Compliant

Board Motion: Referral 118-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale
Seconded: John Palomaki
Vote: Unanimously carried

119 - 2011

Town of Naples Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Naples Bible Church*

Property Owner:

Representative: *Darryl Lemay*

Tax Map Parcel #: *204.00-1-74.200*

Brief Description: *Site plan approval to construct a 20 ft. x 26 ft. addition to an existing building for use as a classroom at the Naples Bible Church at 8833 St. Rt. 53 in the Town of Naples.*

See 117-2011 for referral review.

Board Motion: Referral 119-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale
Seconded: John Palomaki

Abbreviations

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

Vote: Unanimously carried

120 - 2011

Village of Victor Planning Board

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Mead Square Commons, LLC*

Property Owner: *Mead Square Commons, LLC*

Representative: *Kate Gruenfelder, Clerk*

Tax Map Parcel #: *28.05-1-27.1*

Brief Description: *Site plan approval for construction of a 50' x 120' multi-story mixed use building at 49 West Main St. (Mead Square Commons) in the Village of Victor.*

Background: The CPB reviewed referrals for area and use variances for this project in December, 2010. (#'s 216/217-2010). Another area variance was submitted for this project was reviewed by the CPB in May, 2011 (# 60-2011).

The Village Zoning Board of Appeals took action on the area variance last month and recommended that the planning board incorporate the comments included in the May CPB regarding stormwater management.

SITE PLAN REVIEW	
Aesthetics	
Lighting	Lighting should be dark sky compliant and oriented in such a way as to minimize impact on residents of the apartments.
Signage	The perspective image indicates signs for each business. No additional information was provided regarding signage or compliance with local code
Noise	Not applicable.
Traffic & Circulation	
Access Management	The Village ZBA recommended that Mead Lane be converted to a one-way street travelling southbound from Rt. 96 to Railroad Ave. No additional information is provided regarding traffic volumes, etc.
Site Circulation	No on-site circulation is provided since the project covers the entire parcel. There is a very confusing and congested internal circulation pattern in the area behind the parcel that includes a village parking lot, and other retail and public uses bounded by School St. and Railroad St. The increase traffic associated with this project will likely add to the congestion.
Parking	Approximately eight onsite parking spaces, presumably for residents, are provided at the rear of the building. Employees, patrons, guests are presumed to use the public parking spaces in the adjoining lot.
Pedestrian Access	<ul style="list-style-type: none"> • Pedestrians can access the building from sidewalks. Circulation to the south is congested and mixed with vehicular traffic.
Natural Features	

Abbreviations

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

Stormwater Mngt.	<ul style="list-style-type: none"> • See comments from May, 2011 review. • The site plan notes that the storm roof drainage lateral connection has not been coordinated with the village engineer and NYSDOT yet. • During demolition and construction dust control will be crucial. How will dust control be achieved? • How will construction debris be managed and disposed of?
Open Space/Recreation	
Landscaping & Buffering	Landscaping is indicated on the site plan. The dumpsters/recycling containers are located in an enclosed shed on the northeast side of the property. A lawn area is indicated surrounding the rear parking area. No decorative fencing or other screening is indicated that would buffer the parking area from the public space.
Code Compliance	
Setbacks	Area variances have been granted.
Lot Size	
Comments:	
<p>Site circulation/Parking/Pedestrian Access: The Village should do an analysis of both the interior vehicular and pedestrian circulation in the area between Rt. 96, School St., Railroad St/Adams St. and Mead Lane and external linkages.</p> <p>This project will make this area a focal point of use which is not currently user-friendly. An alternative circulation pattern could reorganize circulation along a village style 'streetscape' creating the feel of a new block that separates pedestrian and vehicular uses and clusters parking in areas near buildings.</p> <p>Parking Currently, the Village does not have any policy or regulations relating to use of publicly provided parking space for the specific use of a private development. This can lead to a situation where all landowners/businesses/developments say they are going to use the public parking area. This can quickly lead to double and triple counting spaces ---the same space used for each development/users parking space 'count'. Tenants view spaces as 'theirs' though they are for general public use. The Village should address public parking policy issues as soon as possible to avoid future problems.</p> <p>Additional Comments from OCSWCD It appears that a Stormwater Pollution Prevention Permit will be required for this project. The applicant/Village should consult with the OCSWCD.</p>	

Board Motion: Based on consideration of the referral review comments for referral # 120-2011, the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain said referral as a Class 2 and approves the proposed action with comments.

Motion Made By: Mary Neale
Seconded: John Palomaki
Vote: Unanimously carried

121 - 2011

Town of Victor Planning Board

Class: EX

Type: *Subdivision*

Related Referrals: *n/a*

Abbreviations

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

Applicant: *James Brush*

Property Owner: *Deborah Wilson*

Representative: *Edwin Summerhays, Architect*

Tax Map Parcel #: *38.00-1-1.200*

Brief Description: *Subdivision (lot line adjustment) to reconfigure the size of two existing residential parcels located at 8045 County Road 41 in the Town of Victor.*

122 - 2011 Town of Richmond Zoning Board of Appeals Class: AR1

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *Merrill and Dianne Herrick*

Property Owner:

Representative:

Tax Map Parcel #: *149.19-1-10.110*

Brief Description: *Area variance to reduce the 200 ft flag lot frontage requirement to create a two lot subdivision from one parcel with approximately 132 ft. frontage at 5337 County Road 36 in the Town of Richmond.*

123 - 2011 Town of Canandaigua Town Board Class: 2

Type: *Comprehensive Plan*

Related Referrals: *n/a*

Applicant: *Canandaigua Town Board*

Property Owner:

Representative: *Tim Jensen, Director of Development*

Tax Map Parcel #:

Brief Description: *Update of 2003 Town of Canandaigua Comprehensive Plan.*

Continued on next page.

Abbreviations

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

DESCRIPTION This plan is an update of the Town's 2003 Comprehensive Plan. Over the past eight years the town has experienced considerable development particularly in residential growth. This plan allows the town to refocus its vision for sustainable growth and the protection of its community character. The implementation of this plan is intended to fulfill the 2003 Vision Statement.

Plan outcomes are:

1. To improve the effectiveness and efficiency of local regulations;
2. to identify and capitalize on opportunities for sustainable economic growth and resource conservation; and
3. To establish productive collaboration with neighboring communities and other levels of governments.

The plan has recommendations that address:

1. Agricultural protection
2. Resource protection (natural, cultural and historical resources and open space);
3. Recreation;
4. Economic development;
5. Community character (protecting hamlets and gateways);
6. Housing (for residents of all ages, abilities, and income levels); and
7. Transportation.

Each recommendation has a series of goals and action steps.

The draft plan can be viewed at <http://www.townofcanandaigua.org/>

General Comments The draft plan provides a concise statistical profile and listing of trends and issues. The Action steps are delineated with time frame and roles and responsibilities listed. It will provide good direction for future action.

Technical Comments

Agriculture

The Town should consider establishing a mechanism such as a local agricultural advisory board or a subcommittee to the conservation board to serve as resource to the Town on agricultural related issues. While it is difficult to ask people to volunteer or find volunteers, it could be very useful to have such an group available to discuss issues and provide different points of view on issues as they relate to agriculture.

An evaluation of how "ag-friendly" the town's current local zoning and subdivision laws using should be included as an action step. There are a number of benchmarking tools for such an evaluation. (The OC Planning Dept. can provide information on this.) Such an evaluation, especially conducted with farmland owners and local board members can be a very informative experience.

Resource Protection

Canandaigua Lake: Mention should be made of the pending revision to the uniform docks and moorings local law and its requirement that the local zoning code identify which zoning districts will be allowed different scale (Tier) docking and mooring facilities. Inclusion of those designations need to be completed in the near term. There are two docking and mooring facilities (Canandaigua Yacht Club and German Brothers Marina) that are currently non-conforming uses since "marinas" were eliminated as allowable uses. These parcels should be reevaluated in light of the proposed changes to the UDML.

Historic Preservation The town should consider completion of a cultural resources inventory prepared according to state and federal standards. While the plan lists some resources, there are likely others that would be identified through such an inventory.

The demolition of the Lincoln House which was listed on the National Register of Historic Places indicates that there is no mechanism for local oversight over historic/cultural resources. The Town should consider adding an action item that would research local historic preservation regulatory options.

Railroad-Dependent Development The Ontario County Economic Development Department has a study underway to look at opportunities to better utilize the Finger Lakes Railroad as an asset to users that can benefit from railroad access.

- The plan should consider recommending a more detailed analysis of lands along the railroad to identify areas where rail dependent uses would be appropriate. As an example, the town could create a Rail-Dependent Development Overlay

Abbreviations District in targeted areas that would allow current land uses such as agriculture to continue but lands along the corridor could be developed for other uses.

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

Future Land Use Plan The plan does not specifically address/evaluate any recommendations for future land use that may have been made in the 2003, if any. For clarity, this plan should state that there are no recommendations for future land use changes or past recommendations are still valid, or provide some guidance/process to identify where changes should be made.

Board Motion: Based on consideration of the referral review comments for referrals 123-2011, 124-2011, and 131-2011, the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain these referrals as a Class 2 and approves the proposed actions with comments.

Motion Made By: Mary Neale

Seconded: Glen Wilkes

Vote: Unanimously carried.

124 - 2011

Town of Canandaigua Town Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Canandaigua*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Local law to regulate the placement of docking and mooring facilities on the lake side of the mean high water mark in Canandaigua Lake.*

PROJECT DESCRIPTION:

Canandaigua Lake is navigable waterway owned by the State of New York. The submerged land and water is in public ownership and does not belong to the adjoining landowner. State Navigation Law requires reasonable access for navigation to be provided to adjoining landowners. Until 1992, construction of any dock, mooring, structure, or fill in the Lake required a permit from the NYS Office of General Services.

In 1992, the State authorized the municipalities adjoining Canandaigua Lake to regulate dock and mooring facilities with the provision that the same law be adopted by all six shoreline localities and be approved by the NYS Commissioner of Parks, Recreation and Historic Preservation. State law required that the allocation of facilities be based on the lineal feet of shoreline of the adjoining parcel and the land use. The first uniform docks and mooring law was enacted in 1992.

2004 Revision

Over the years, various issues with definitions, interpretations, and ambiguities came to light. The Canandaigua Lake Watershed Council reconvened the committee chaired by the Ontario County Planning Department that worked on the 1992 law to draft proposed changes in 2000. The revised Canandaigua Lake Uniform Docks and Mooring Law was adopted in 2004.

The following highlights the major changes. The draft law:

1. Has been reorganized and clarifications made where the current law was confusing or lacked definition;
2. Allocates the number of docks and moorings through a tiered structure that is based on the zoning district rather than the existing or proposed land use. The municipality will choose which zoning districts go in which Tier. If the municipality makes does not take action to choose which Tier a zoning district is in, the parcel will automatically be eligible for a Tier 1 allocation.
3. Reduces the extra dock area allowance in steep slope areas and increases the thresholds before a parcel is considered a steep slope parcel
4. Creates a site plan review and variance/appeal process based on NYS Navigation Law criteria;
5. Clarifies who may make an appeal to the ZBA; and

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

- 6. Adjusts the number of docks and moorings for which larger scale facilities (Tier 2), transient use facilities at restaurants and hotels (Tier 3), and small scale facilities (Tier 1) formerly referred to as “Residential”) on adjoining parcels with over 200 lineal feet of shoreline are eligible.
 - a. Tier 1 states that it is to be assigned to a zoning district where residential land use is a primary purpose.
 - b. Tier 2 states that it is to be assigned to a zoning district where non-residential land use(s) are the primary purpose.

Impact of proposed changes on existing landowners

According to **Section 44-20** of the draft law:

Any lawful docking and mooring or associated facility shall be in conformity, except as otherwise provided by Article 6, Section 75 of the NYS Public Lands Law, which either:

- 1 Was permitted between 1992 and the effective date of the enactment of this draft local law; or
- 2 Had received preliminary or final site plan approval prior to 1992; or
- 3 Has been issued a certificate of nonconformity for any dock and/or mooring facilities, structures, or use existing prior to the adoption of the 1992 local law.

An adjoining landowner must comply with any proposed changes for new projects or when a nonconforming facility no longer meets the conditions set in Section 44-20.

Board Motion: Based on consideration of the referral review comments for referrals 123-2011, 124-2011, and 131-2011, the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain these referrals as a Class 2 and approves the proposed actions with comments.

Motion Made By: Mary Bogin
Seconded: Peter Osborne
Vote: Unanimously carried.

125 - 2011 Town of Canandaigua Zoning Board of Appeals Class: EX

Type: *Area Variance*

Related Referrals: *n/a*

Applicant: *TY Lin International*

Property Owner: *Canandaigua Federal Credit Union*

Representative:

Tax Map Parcel #: *98.11-1-2.000 (3210 NYS Rt. 364)*

Brief Description: *Setback area variances to construct a 12 ft by 16ft addition and handicapped ramp to entrance of Canandaigua Federal Credit Union at 3210 Eastern Blvd. in the Town of Canandaigua.*

126 - 2011 Town of Canandaigua Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *McFarland Johnson/Rt. 5and 20 LLC*

Property Owner: *David Pelusio*

Representative:

Abbreviations

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

Tax Map Parcel #: 84.00-1-26.120 (4406 Rt. 5 & 20)

Brief Description: *Site plan approval for new 7,500 sq. ft. unspecified restaurant located in Townline Plaza to the northeast of the Taco Bell at Rt. 5 and 20 and 10-200 Raymour and Flanigan Plaza in the Town of Canandaigua.*

SITE CHARACTERISTICS			
Acres	9.3 ac.	Active Agriculture	No
Land Use	Retail	Public Water	Yes
Land Cover	Paved/scrub	Public Sewer	Yes
Zoning	Community Commercial	Site Access	Rt. 5 and 20
ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	
Watershed	Canandaigua Outlet	NYS DEC	CG-20
Flood Zone	Yes	NWI	
Aquifer	No information.	Hydric Soils	Yes (potentially hydric) Odessa
Soils & Topography		Agriculture	
Permeability	Slow	Active Ag	No
Erodibility	Medium	Prime Ag Soils	No
Slope	Level	Ag District	No
Environmental Comments			

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North	Commercial	National	No
South	Rt. 5 and 20	State	No
East	Retail	Local	No
West	Canandaigua Outlet		
Scenic Views		Transportation Corridor	
From Site	No	CPB Gateway	Yes
To Site	No	Corridor Study	No

SITE PLAN REVIEW	
Aesthetics	
Lighting	<ul style="list-style-type: none"> No detail is provided. Any future building lighting and parking lighting should be dark sky compliant
Signage	<ul style="list-style-type: none"> No detail provided
Noise	<ul style="list-style-type: none"> Not applicable.
Traffic & Circulation	

Abbreviations

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

Access Management	<ul style="list-style-type: none"> Rt. 5 and 20
Site Circulation	<ul style="list-style-type: none"> Interior site circulation currently is not well delineated.
Parking	<ul style="list-style-type: none"> The plaza has recently been subdivided. The Town should specify if parking is to be shared and assure that the appropriate legal notations are made on both parcels that indicated shared parking agreements and cross access easements.
Pedestrian Access	<ul style="list-style-type: none"> The site is currently a large asphalt area. There is no delineation for pedestrian internal circulation to other businesses or to the public sidewalk along Rt. 5 and 20.
Natural Features	
Stormwater Mngt.	An analysis of stormwater management for the entire parcel should be required. There have been significant changes to regulations since the plaza was constructed.
Open Space/Recreation	It is unclear if the open space requirement is allocated to the entire parcel or for this portion of the development
Landscaping & Buffering	<ul style="list-style-type: none"> Limited landscaping is provided.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> The Town indicates no variances are required.
Lot Size	
Comments:	
<p>NYS DEC Wetland CG-20 The site plan indicates that that wetland boundary identified on the plan was taken from ONCOR. The Site Disclaimer for ONCOR states, "Ontario County shall assume no liability for;(1)any errors, omissions, or inaccuracies in the information provided regardless of how caused or; (2) any decision made or action taken or not taken by users in reliance upon any information or data furnished herein." The Town should require that a wetland delineation by a qualified party if and consult with NYS DEC before any further action is taken by the Town.</p> <p>Site Circulation and Parking</p> <ul style="list-style-type: none"> A comprehensive site circulation plan should be required that looks at vehicular and pedestrian movements within and between both parcels as well as the linkages to CR 10 and Rt. 5 and 20. There is no directional signage off CR10 and generally a 'free form' traffic pattern between parcels between CR 10 and the Canandaigua Outlet. This presents safety issues as well as patron uncertainty regarding where to go and how to get there. This should include a directional signage plan. A comprehensive look at parking needs for this development in context of the overall parking needs should also be done. <p>Stormwater Management A comprehensive analysis of stormwater management needs for the entire plaza area should be analyzed and appropriate improvements required.</p> <p>Different Owners – Though the plaza has been subdivided – the areas function as one. The appropriate legal, maintenance, easements should be required to assure proper functioning/management of the entire plaza area.</p> <p>Project Approvals – Since the type of restaurant is not yet known – the Town should set specific use standards in the approval which any future use would have to meet. Additional site plan approval should be required when an actual building/use is known.</p> <p>Findings</p> <ol style="list-style-type: none"> Expansion and redevelopment of the commercial/retail areas between Canandaigua Outlet to CR 10 along Rt. 5 and 20 is an important economic development opportunity. <ul style="list-style-type: none"> However, the legacy of past fragmented development of these parcels has led to a haphazard internal traffic circulation pattern within and between parcels. Though a large parking area currently exists there has been no analysis of the adequacy of parking for both current and future land uses that may be developed. The current internal roads and parking areas are poorly maintained and present a safety hazard. Stormwater management standards have changed since the current plazas were developed. The stormwater flows are not limited to 'one parcel'. The parcel contains part of a large DEC wetland complex that is important to the water quality of Canandaigua 	

Abbreviations

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

Outlet.

3. The development allowed on this parcel impacts traffic on a state and county highway and can either positively or negatively impacts the economic success of this area depending on how the parcel(s) are allowed to develop/redevelop.

Modifications

1. As part of the project approval process, the town shall assure that the following plans/analysis are undertaken/completed:
 - A comprehensive circulation analysis and plan be required that looks at vehicular and pedestrian movements within and between parcels as well as the linkages to CR 10 and Rt. 5 and 20.
 - A directional signage plan is prepared for to facilitate safe movements (pedestrian and vehicular) between parcels, between CR 10 and the Canandaigua Outlet. This presents safety issues as well as patron uncertainty regarding where to go and how to get there.
 - An analysis of parking needs for the restaurant in context of the overall parking needs for current and future re/development is completed.
 - A comprehensive analysis of stormwater management should be completed looking at flows from both parcels to the extent that they are interdependent.+++

Board Motion 1:

Motion to change the referral from a Class 1 to a Class 2 made by Glen Wilkes, seconded by Stephen Groet. Motion unanimously carried.

Board Motion 2: Based on consideration of the referral review comments/recommendations for referral # 126-2011, the Board finds that there is potential for adverse county-wide and inter-municipal impacts and moves to retain said referral as a Class 2 and approves the proposed action with the above modifications.

**Motion Made By: Glen Wilkes
Seconded: George McCadden
Vote: Unanimously carried**

127 - 2011

Village of Phelps Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Jan Golberg*

Property Owner: *Wellspring Church*

Representative:

Tax Map Parcel #: *48.09-3-52.100*

Brief Description: *Site plan approval for reuse of Wellspring Church as an automotive parts distributor at 7 Pearl St. in the Village of Phelps.*

See Referral 103-2011.

Board Motion: Referral 127-2011 is retained a Class 1 and returned to the local board with comments.

**Motion Made By: Mary Neale
Seconded: John Palomaki
Vote: Unanimously carried**

Abbreviations

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

128 - 2011

Village of Phelps Planning Board

Class: 1

Type: *Sign plan*

Related Referrals: *n/a*

Applicant: *Jan Golberg*

Property Owner: *Wellspring Church*

Representative:

Tax Map Parcel #: *48.09-3-52.100*

Brief Description: *Sign plan for an automotive parts distributor located in the former Wellspring Church at 7 Pearl St. in the Village of Phelps.*

See referral 103-2011

Board Motion: Referral 128-2011 is retained a Class 1 and returned to the local board with comments.

Motion Made By: Mary Neale

Seconded: John Palomaki

Vote: Unanimously carried

129 - 2011

Village of Phelps Planning Board

Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Lawrence Homes Corp*

Property Owner: *Charnell Properties*

Representative: *Glenn Thorton*

Tax Map Parcel #: *35.19-1-18.200*

Brief Description: *Site plan approval to construct an 8,000 sq. ft. Family Dollar Store at 274 Main St. (Rt. 96) in the Village of Phelps.*

PROJECT DESCRIPTION: Applicant proposes to build a single story, freestanding, 8,000 sf building at the northwest intersection of Routes 96 & 88 to be used as a retail family Dollar General. The applicant is also requesting a special use permit for a free standing, pylon road sign. Because this would be the second sign for the development, this also triggers a use variance.

SITE CHARACTERISTICS			
Acres	25 total, 2.3 acres developed	Active Agriculture	No.
Land Use	Developed Vacant, residential, commercial	Public Water	Y
Land Cover	Pavement, buildings, grass	Public Sewer	Y
Zoning		Site Access	Routes 96 & 88
Site Comments	<ul style="list-style-type: none"> The application provided to the County does not identify all of the parcels that will be affected by the development. The applicant identifies a 30' driveway easement from Route 88. Is this easement officially on the books? 		

Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

While the applicant owns that property now, it needs to be ensured in the event of a change in ownership.

ENVIRONMENTAL CONDITIONS			
Hydrology		Wetlands	No
Watershed	Dev is on the borders of the Flint Creek and Canandaigua Lake watersheds, running NW/SE.	NYS DEC	
Flood Zone		NWI	
Aquifer		Hydric Soils	Yes
Soils & Topography		Agriculture	
Permeability	Irrelevant because entire site is impermeable	Active Ag	N
Erodibility	Med/Low	Prime Ag Soils	Yes, but half of soils in development area are already significantly disturbed
Slope	N/A	Ag District	No, but kitty corner to Ag district 6
Environmental Comments	<p>Applicant is proposing to develop on some ‘potentially hydric’ soils. This means that the area may experience ponding and/or flooding during growing season. It is positive design decision that the stormwater retention pond that will be piped into the storm sewer system on 96 has been sited in the area with potentially hydric soils. However, given the extensive and uninterrupted impermeable surfaces elsewhere, large volumes of runoff can be expected during storm events. The applicant indicates that the parking will be graded to induce sheet draining to “vegetated areas”—but these vegetated areas are minimal and, for much of the site, distant. It is unclear if the proposed stormwater system will have the capacity to handle naturally occurring water accumulation, <i>plus</i> the runoff.</p>		

COMMUNITY CHARACTERISTICS			
Land Use-Cover		Historical Site	
North		National	
South		State	
East		Local	
West			
Scenic Views		Transportation Corridor	
From Site		CPB Gateway	
To Site		Corridor Study	
Community Comments	<ul style="list-style-type: none"> ▪ This is a Gateway collection of parcels into the Village of Phelps. The design as proposed does not promote several goals in the 2007 Comprehensive Plan to promote businesses that complement and preserve the community’s “rural character” and “rich history.” ▪ The site is very close to a rail line, which is valuable for industry and manufacturing. The proposed use does not maximize this opportunity. In preparation for future development applications, the Village and/or Town may wish to consider this during its review of its zoning map and code. ▪ As proposed, the development would only use a sliver in the southeast corner of the 22 acre parcel alongside the railroad (35.00-2-101.000). However, as configured, this completely cuts off the rest of the parcel from vehicular access to either Routes 96 or 88. As mentioned, this parcel is well suited for development that could take advantage of rail access—but not if it’s cut off from the road. If the Dollar General were sited closer to the road (which gives it the added benefit of getting the parcel closer to “the village feel”) and the parking were located behind, an access easement could be maintained to the larger parcel. ▪ This site is on the border of “Gateway Transitional” and “Village Core” areas in the 2009 Routes 96 & 318 		

Abbreviations

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Corridor Study. The Plan recommends that Gateway Transitional Areas provide a distinct transition point between adjacent village of rural areas through signage, landscaping, streetscape enhancements, and context sensitive architecture. In addition, development should uphold certain principles found in village cores, including sidewalks and pedestrian connections between business, shorter building setback, tree-lined streets, and paring in the rear or side yards. With the exception of the street-side perimeter sidewalk, the design as proposed does not meet any of these objectives.

- Why is the barn being demolished? Based on the site plan, it doesn't appear to be in the way of the building or parking lot.

SITE PLAN REVIEW

Aesthetics

Lighting	<ul style="list-style-type: none"> • No lighting plan provided. • One light pole proposed on west side of property. Depending on delivery hours, for safety purposes, it may be useful to have an additional light closer to the delivery/loading zone.
Signage	<ul style="list-style-type: none"> • According to the Village, the applicant needs a special use permit for the free standing side, as well as a variance from the zoning board for the double sided sign and for the request of two signs. Only one sign of 100 sf is allowed in a C-1 zone. Could not locate specs for either sign in application. • The second sign, which is proposed at corner of Routes 96 & 88 triggered a use variance and a special use permit. The applicant owns the parcel on which the proposed sign is to be located, but is an easement required in the event of a change in ownership?
Noise	<ul style="list-style-type: none"> •

Traffic & Circulation

Access Management	<ul style="list-style-type: none"> • No access management plan provided. • The applicant proposes the separate for customers and delivery trucks between two entrances (customers are to use a new driveway on Route 96, deliveries are to use an existing access on Route 88), though there's no indication of how this will be distinguished on the ground. Via signage? • It appears from the Site Plan that multiple curb cuts are proposed (though only two actual driveways). The rationale behind this is unclear. This is a great opportunity to remove excess paving on a key gateway parcel into the Village. • According to NYS DOT, no Traffic Impact Analysis would be required for this. The access onto Route 96 should be positioned to serve as a shared driveway for the empty lot on the corner. It appears both parcels are owned by the same owner so this should be even simpler. The corner lot looks like it could hold a future gas station or some sort of fast food place that would typically get a driveway as far from intersection as possible placing it right next to proposed driveway. A shared driveway would still serve both parcels well in fact better than with separate drives. Less frontage is taken up leaving more room for parking or green space. A cross access agreement (easement) would need to be established between the two parcels in the event ownership changes. • According to NYS DOT, A highway work permit will be required for all work within the state right of way of Route 96 and Route 88. • It appears as though the Route 96 driveway may be located slightly east of the driveway across the street. For safety purposes, these should two be aligned. Similarly, if the driveway onto Route 88 is not aligned with the one across the street, it should be.
Site Circulation	<ul style="list-style-type: none"> • The loading zone and dumpster located to the rear of the site, northwest of the building and accessed via a 40' wide drive. Is this large enough turning radius for a vehicle that size or do they anticipate K-Turns? • Delivery trucks are to enter on the east side of the parcel. They will have no choice but to cut through the customer parking lot to access the loading zone. If deliveries occur during business hours this could pose visibility and safety issues.

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Parking	<ul style="list-style-type: none"> • Zoning requires 1 parking spot per 300 square feet of retail space or 27 spots for this development. The applicant is compliant with 28
Pedestrian Access	<ul style="list-style-type: none"> • There are existing sidewalks around the street-side perimeter of the property. There are no internal sidewalks. The applicant may consider using an alternate material or paint to clearly identify pedestrian connectivity from the building to street sidewalk and adjacent commercial parcels.
Natural Features	
Stormwater Mngt.	<ul style="list-style-type: none"> • Excessive pavement may create severe drainage issues in an area that is already identified to have potentially hydric soils. The two parcels closest to the intersection (35.19-1-17.000 & 35.19-1-19.110) are already almost entirely covered in impermeable surfaces (a combination of concrete, asphalt, and building), but the site design does not appear to utilize this space in its parking plan
Open Space/Recreation	<ul style="list-style-type: none"> •
Landscaping & Buffering	<ul style="list-style-type: none"> • The applicant is proposing to remove all mature trees within the development and replace with two trees along Route 96 and two clusters of three bushes at the western edge of the parking lot. This minimal amount of vegetation and “buffering” will not be aesthetically pleasing. Additionally, based on the proposed size of the planting strips, vegetation—particularly the trees—may struggle to stay alive and/or may be stunted.
Code Compliance	
Setbacks	<ul style="list-style-type: none"> • Compliant
Lot Size	<ul style="list-style-type: none"> • Compliant
Other	The western portion of the development is within the Town of Phelps. Does this trigger their approval as well?
<p>Additional Comments</p> <p>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.</p> <p>Additional Information</p> <p>At the Board meeting, the applicant stated that he had submitted a subdivision application that would consolidate separate parcels currently under his ownership to create an approximately 5 acres parcel. No referral for the subdivision has been submitted to the County Planning Board.</p>	

Board Action: Motion made by George McCadden, seconded by Mary Bogin to return applications 129-2011 and 130-2011 to the municipality as incomplete with comments. Motion unanimously carried.

130 - 2011

Village of Phelps Planning Board

Class: 2

Type: *Sign Plan*

Related Referrals: *n/a*

Applicant: *Lawrence Homes Corp*

Property Owner: *Charnell Properties*

Abbreviations

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 EX: Exempt

Representative: *Glenn Thorton*

Tax Map Parcel #: *35.19-1-18.200*

Brief Description: *Signage plan for an 8,000 sq. ft. Family Dollar Store at 274 Main St. (Rt. 96) in the Village of Phelps.*

Comment No details are provided on signage though the referral indicates that some of the signage being proposed is non-conforming. Additional information will be needed to complete this review.

Board Action: Motion made by George McCadden, seconded by Mary Bogin to return applications 129-2011 and 130-2011 to the municipality as incomplete with comments. Motion unanimously carried.

131 - 2011 Town of Farmington Town Board Class: 2

Type: *Comprehensive Plan Update*

Related Referrals: *n/a*

Applicant: *Town of Farmington*

Property Owner:

Representative:

Tax Map Parcel #:

Brief Description: *Town of Farmington Comprehensive Plan update. (Plan available for review [Town of Farmington, NY Official Website - Home](#))*

- **Description:**
- The draft **Town of Farmington Comprehensive Plan – 2011 Edition** is an amendment to the 2003 Edition of the Plan. The Executive Summary states that it is similar to the 1993 and 2003 editions of the Plan by continuing to encourage most new development in the area south of the Thruway and west of CR 8. This area has the infrastructure such as water, sewer, roads needed to support development. It is suitable for multi-family development, commercial and industrial sites,
- The plan amendment will provide for:
 - A wider choice for potential highway oriented commercial land uses;
 - Establishment of a community center in the area southwest of the Rt. 96/322 intersection;
 - A second neighborhood center on the west side of SR 322 opposite the Farmbrook Subdivision and abandoned rail bed;
 - Reduction in highway oriented commercial and industrial types of land use along the eastern portion of Rt. 96;
 - Additional mixed types of single family development between New Michigan Rd. and the former Auburn Branch railroad ROW.
- It also calls for:
 - Updates to the Utilities Master Plans, The Town Open Space Index and the Town Drainage Master Plan, and an amendment to the Town’s Parks and Recreation Master Plan.
- Consideration of a planned capital highway improvements plan to stimulated development within the RTs. 96/322 Corridor Management Plan;
- Continuation of the Towns sidewalk program and creation of a sidewalk master plan to link neighborhoods and the Auburn Trail

Abbreviations

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currently under planning and construction.\

- Zoning and map changes are recommended that would:
 - Eliminate the existing PD Development Sites along Rt. 332, south of CR 4;
 - Reduce the amount of land zoned for Restricted Business;
 - Consider additional types of permitted land use along Rt. 332; and
 - Evaluation of permitted and special permitted uses within commercial and industrial districts.
- Agricultural land protection remains an important element of the plan amendment. Implementation actions call for:
 - Creation of a Farmland Protection Plan;
 - Evaluation of a purchase of development rights program;
 - The Agricultural Advisory Committee to maintain the Active Farmlands Map and continue their research into farmland protection measures.
- Creation of Environmental Protection Overlay Districts are recommended that would require additional documentation of evaluation of the impact associated with development of the town's natural resource areas.
- The plan includes a future land use plan map and a narrative description of future land use patterns envisioned within 15 subareas.
- **GENERAL COMMENT**
- The draft plan amendment is a thorough, comprehensive look at both current and emerging community and land use issues and the goals and policies to guide the future development/redevelopment of the Town. It provides actions that should be undertaken to that will enable the Town to achieve the community and landscape it envisions for the future.
- Particular attention is given to protection of the town's agricultural resources and directing growth to areas where infrastructure is readily available. This approach reflects a long term sustainable approach, both fiscally and environmentally. to development.
- This plan amendment clearly reflects countless hours of hard work by members of local boards, citizens, town staff and consultants and their efforts are greatly appreciated and complimented.
- **TECHNICAL COMMENTS**
- The following comments are made to identify items that could be clarified for either technical or public understanding of a planning issue.
- **NYS Agricultural District s Pg. 2-14** Landowners (and most everyone else) are confused by a NYS Agricultural District (Farmington is in #1 as noted) and an Agricultural Zoning District. The NYS Department of Agriculture and Markets (NYSDAM) is responsible for the creation of agricultural districts. The Ontario County Board of Supervisors makes a recommendation to the State regarding creation of a new district and the recertification of an existing district. They are not established by Ontario County and are not County Agricultural Use Districts as stated on pg. 2-14.
- This section should clarify that inclusion in a NYS agricultural district program is a voluntary program where landowners can request inclusion of their viable agricultural land for a period of eight years. Inclusion provides the landowner with:
 - Benefits (i.e. right to farm, protection from unreasonable local regulation, relief from certain infrastructure ad valorem assessments), exchange for
 - Certain limitations (lateral restrictions and recapture of property tax if the landowner receives the agricultural property tax exemption for conversion of farmland to non-farm use while still in the NYS Agricultural District)
 - in order to maintain conditions favorable for the landowner from being converting it to non-agricultural land uses.
 -

Abbreviations

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- Landowners do not have to be in an Agricultural District to be eligible to receive the agricultural district exemption.
- Landowners may remove their land from the NYS Agricultural District when it is recertified every eight years.
 - If a landowner removes their land from the agricultural district they are no longer subject to lateral restrictions. In the example of the Green Rd. sewer extension – if a landowner removes their land from the District they can then hook up to the sewer with no limitation. This also applies to any water districts which may have lateral restrictions.
- **NYS Ag Districts and Environmentally Sensitive Areas Pg.2-16 Par. 4** NYS agricultural districts do not provide protection to environmentally sensitive areas. The law provides no protection for ecologically sensitive woodlands, natural areas, etc. In fact, a landowner could be protected from local regulation of wetlands and ecological resources if the NYS DAM determines the local regulation to be unreasonably restrictive.
- **Limitation of NYS Ag. Districts** While agricultural district program is an important aid to landowners who want to retain their land in agricultural use, its voluntary nature does not provide the kind of protection that farm friendly local land use regulations can provide. The plan amendment indicated the adverse impact on agriculture of large lot zoning (low density residential zoning) which encourages larger than necessary lots that unnecessarily use productive farmland. (The Town will likely consider ‘ag-friendly’ local planning and zoning tools when it prepares the local farmland protection plan.)
- **OPEN SPACE INDEX UPDATE** This is a very important action and the Town is encouraged to make this a priority implementation item. An objective, technical evaluation of the town’s ecological resources is the basis for any effective, credible local protection of those resources. An adaptation of the NYS Natural Lands Inventory criteria has been used for evaluations of ecological resources in Towns in the Canandaigua, Hemlock, and Canadice Lake watersheds and the Town of Phelps, Seneca and Geneva. These evaluations are in various stages of completion.
 - The Town of Farmington is encouraged to consider following this process since it will provide a consistent, objective information on which to base future protection decisions. Dr. Bruce Gillman, at FLCC, who has been conducting natural resource inventories, should be contacted by the Open Space Committee for more information on this approach.
 - The Ontario County Planning Department has additional baseline environmental information that would be helpful to the Committee as they begin their work. More accurate slope information is now available based on a three dimensional land analysis (LIDAR) which can express slopes and contour lines to a greater degree of accuracy than the topographic quad maps.
 - The Ontario County Soil Survey was recompiled (updated) by the U.S. Natural Resources Conservation Service for Ontario County and is good source of information regarding agricultural and environmental information.
- **FUTURE LAND USE MAP** Since the Open Space Index Update and the Agricultural Protection Plan have not be completed and their outcome may lead to revisions of this map in the near future, it would be helpful to clarify the following map elements since a future land use map does imply a certain intent of the locality to maintain or change the use of land.
 - **Environmentally Sensitive Areas** The definition of an environmentally sensitive area and the criteria used to map (and when they were mapped) it should be clearly stated including an indication that these areas are being reviewed and updated.
 - **Woods**, as a separate mapping category, should be clarified and defined since it could be confusing to a reader trying to understand the difference between and ‘Woods’ and ‘Environmental Sensitive Area’ and the implication of the different designation on future use of the land.
 - **Rural Residential** There are many inclusions of active farmland in the Rural Residential land use category. Is this intended to indicate areas where residential development will be the preferred land use on these parcels? Rural residential can be compatible with farmland if the proper zoning tools are in place. If maintaining active agricultural land is desirable in the areas designated as Rural Residential, the plan could indicate that agriculture is the primary or priority land use and other lands uses are allowed only in a manner that does not adversely impact agricultural

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operations. This would be something that the Agricultural Protection Plan addresses.

- **Planning/Zoning Tools for Environmental Protection** The use of an Environmental Protection Overlay District (EPOD) to indicate areas where additional environmental assessment is required is recommended in the plan. When the Open Space Index Update is completed, there may be other tools that could be used to protect specific resources with specific standards that have the advantage of providing landowners and local boards with more regulatory certainty. Leaving protection to the findings of additional studies and reviews creates development uncertainty for the landowner/developer since they won't know until much later in the process what is significant and is subject to protection measures.
- Clarity and regulatory certainty can save landowners time and money if standards and expectations are made clear up front. Requiring the planning board to come up with standards or protection measures on a project by project basis will require extensive technical information so that the board could withstand a challenge that it is inconsistently applying standards to projects under its review.
- **Railroad-Dependent Development** The Ontario County Economic Development Department has a study underway to look at opportunities to better utilize the Finger Lakes Railroad as an asset to users that can benefit from railroad access. The Town of Farmington is currently developing a bulk storage area for items such as road salt delivered by rail.
 - The plan should consider recommending a more detailed analysis of lands along the railroad to identify areas where rail dependent uses would be appropriate. As an example, the town could create a Rail-Dependent Development Overlay District in targeted areas that would allow current land uses such as agriculture to continue but lands along the corridor could be developed for other uses.

Board Motion: Based on consideration of the referral review comments for referral #: 131-2011, the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain these referrals as a Class 2 and approves the proposed actions with comments.

Motion Made By: George McCadden
Seconded: Cliff Kunes
Vote: Unanimously carried.

132 - 2011 Town of Canandaigua Planning Board Class: 2

Type: *Site Plan*

Related Referrals: *n/a*

Applicant: *Canandaigua Lodging Group LLC*

Property Owner: *Eastern Boulevard LLC*

Representative:

Tax Map Parcel #: *84.00-1-41.130*

Brief Description: *Site plan approval for construction of Holiday Inn Express at the location previously approved for a Comfort Inn (2009) located at 4420 Rt. 5 and 20 in the Town of Canandaigua.*

Background: The CPB reviewed a proposal for a different hotel at this location in 2009. These are the comments/actions taken at that time:

4 - 2009 Town of Canandaigua Planning Board Class: 2

Type: *Site Plan*

Abbreviations

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

Related Referrals: 9-09

Applicant: *Peter Patel*

Property Owner: *Eastern Boulevard, LLC*

Tax Map Parcel #: *84.00-1-41.130*

Brief Description: *Construction of a 3-story, 70 room hotel with parking (Best Western)*

Location: *North side of Route 5 and 20, 600' west of State Rt 364*

Staff Summary: The CPB saw a proposal for development of this site in January of 2007 that included a 13,600sf single story hotel. The current proposal is for a three-story 45,634sf hotel with the same building location and orientation. Though the application does not include specific numbers, the overall lot coverage appears to be about the same. A storm water detention pond that empties into Muar Lake will be installed on the north and east sides of the building. Access into the site will be from the east end of the access drive that runs parallel to Route 5 and 20.

Comments:

1. The CPB would like to reiterate its position that a formal agreement needs to be examined to better maintain the access road. Certainly it will require coordination between the City, Town and private landowners but this Board is concerned that if action is not taken, the road will continue to deteriorate to the point that emergency access may be compromised.
2. The Town and applicant should work together to ensure there are pedestrian linkages between this use and others along the access drive.

Findings

1. The applicant is seeking approval for a 70 room hotel, fronting on Route 5 and 20
2. Development of such facilities will invariably have an intermunicipal and countywide impact on traffic, community character, and tourism.
3. The current proposal is for a minor modification to a previously approved site plan.
4. The applicant has addressed site development issues such as traffic and drainage to the satisfaction of this Board.
5. It is the position of this Board that the site is generally suitable for the proposed use and that the new hotel will have a positive impact on the community character and tourism in Ontario County.

Based on the above findings Clifford Kunes made a motion that was seconded by Arthur Babcock to forward a recommendation of approval and all Board comments to the referring agency for application 4-2009.

The motion passed by a unanimous vote (11)

2011 Referral –

Stormwater Management The current site plan includes provision of some additional parking and changes to the stormwater management facility. A copy of the previous and current referrals have been given to OCSWCD. PJ Emerick is going to review the plans and consult with NYS DEC to determine if any revisions will be required to the existing permit the applicant has that was based on the previous site plan and before the new standards were implemented in 2010.

Related Outparcel Development There are two undeveloped parcels that had been identified as restaurants in the previous reviews. Those parcels should be required to be maintained as a landscaped space and not vacant, overgrown areas.

Site Infrastructure – The access road to the hotel should be designed to and be required to be maintained to Town road standards and be designed to accommodate the future development of the outparcels.

- Appropriate requirements (including legal mechanisms) construction, operation and maintenance of all site infrastructure for hotel and outparcels (... stormwater management, roads, and pedestrian facilities) should be required.

Pedestrian Linkages/Open Space – The nearby waterpark on Muar Lake is a regional tourism destination. Extensive sidewalk improvements have been made along Rt. 5 and 20 that link this area to downtown Canandaigua. As presented this site plan does not take advantage of the building's scenic location on Muar Lake.

- As a hotel, this site plan does not take full advantage of the Muar Lake as an amenity for guests. The northern end of the building presents a wall or 'its back' to the Lake and the users of the waterpark. The stormwater management facilities should be integrated as part of a landscape feature along with pedestrian access.

Abbreviations

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- Pedestrian linkages within the project site, the outparcels, Rt. 5 and 20, and the waterpark should be required as an important part of development of this key tourism destination area.

Board Motion: Application # 132-2011 was submitted a week late and requires a board action of acceptance to review. Motion made by George McCadden, seconded by Mary Neale to accept application # 132-2011 for review. Motion unanimously carried.

Board Action: Based on consideration of the referral review comments for referral # 132-2011, the Board finds that there is no potential for significant adverse county-wide and inter-municipal impacts and moves to retain said referral as a Class 2 and approves the proposed action with comments.

**Motion Made By: Mary Bogin
Seconded: Mary Prince
Vote: Unanimously carried**

Other Business:

- John Palomaki updated the Board on the CPB picnic – available parking is limited. Suggested carpooling. There are only 20 parking permits – members to contact Linda Frasca to obtain one. Mr. Palomaki recommended that someone put a sign up on the day of the picnic stating the location and hours of the picnic (1:00 p.m. – ???). Ms. Rudzinski will send around a sign up sheet for members to volunteer to bring picnic items. Discussion as to else besides board members and their families should be invited – J. Garvey, P&R Committee. Members/staff are to each bring a dish to pass.
- Stephen Groet questioned why the CRC comments were no longer on the referral review and why the board has gotten away with standard language for motions. Other Board members agreed and would like to see the CRC comments included (they will be *italicized* in the future). Ms. Rudzinski stated she had worked up a standard language for motions that will be used in the future.

Adjournment: Being no further business for discussion, Chair Folkins, requested a motion for adjournment. Motion to adjourn the 7/13/2011 CPB made by George McCadden and seconded by Jaylene Folkins. Motion unanimously carried. The 7/13/2011 adjourned at 9:55 p.m.

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