

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**
County Planning Board Meeting – August 11, 2021 at 7:00pm @ 20 Ontario Street Cancelled
 Telephone: 585-396-4455

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
154 - 2021	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment	2	1
156 - 2021	Town of Victor	Planning Board	Hines, Kenton	Site Plan	Exempt	3
157 - 2021	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment	2	
158 - 2021	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment	2	4
159 - 2021	Town of Canandaigua	Town Board	Steele, Sue	Site Plan	Exempt	5
160 - 2021	Town of Victor	Zoning Board of Appeals	Reese, Tom	Area Variance	1	
161 - 2021	Town of Victor	Zoning Board of Appeals	770 Canning Parkway LLC	Area Variance	1	6
162 - 2021	Town of Victor	Town Board	Town of Victor	Map Amendment	2	
163 - 2021	Town of Farmington	Planning Board	Loomis Road Industrial Park LLC	Special Use Permit	1	7
164 - 2021	Town of Farmington	Planning Board	Gerstner Medical	Site Plan	1	
164.1 - 2021	Town of Farmington	Planning Board	Gerstner Medical	Subdivision	1	8
165 - 2021	Town of Geneva	Zoning Board of Appeals	Seneca Builders Co Inc	Area Variance	1	
165.1 - 2021	Town of Geneva	Planning Board	Seneca Builders Co Inc	Special Use Permit	1	
166 - 2021	Town of Geneva	Planning Board	Arnold, Jeff	Site Plan	2	9
167 - 2021	Village of Manchester	Zoning Board of Appeals	Indus KENY, Inc	Area Variance	AR 2	
168 - 2021	Town of Phelps	Board of Appeals	Povero Yunits LLC	Site Plan	2	10
169 - 2021	Town of Victor	Planning Board	Victor Health and Wellness Plaza	Site Plan	1	12

155-2021 to extend a moratorium on solar energy facilities in the Town of Farmington was a late referral on the July agenda and is not carried over.

154 - 2021	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to apply form based regulations instead of use based zoning regulations to land in the SR 332 corridor between Campus Drive and North Street/North Road including lands fronting cross streets, and both sides of Sommers Drive, Firehall Road, Parkside Drive, and Macedon Road/CR 28 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/29768/154-2021-2nd-try-Uptown_Draft-FBC_62021	

The form-based code regulations implement the intent of the Uptown Canandaigua Plan to allow and encourage site design that supports a pedestrian and bicycle friendly environment with area workplaces, stores, and services easily accessible from area multi-family residential uses. The regulations allow 85 percent lot coverage and require buildings to occupy 70 percent of street frontage with parking to side and rear. The regulations continue to involve the Town Board in reviewing many area site plans and introduces administrative sign review.

Comments

1. A zoning map amendment and referral will be needed. The map amendment should address changes to the base zoning districts and any related changes to the Mixed-Use Overlay District.

2. How will form based code be incorporated into existing code? What other code deletions/revisions/cross references are needed to incorporate the form-based regulations?
3. Do the provisions of section I J Nonconformities and K Nuisances (vibration, noise, smoke, odor, dust, gas etc.) suggest edits that should be made to existing regulations and performance standards or different rules that apply only to land in form based code district? It would be confusing for the public and the CEO to have 2 sets of standards related to these topics .
4. II C1a on p. 15 and D1a on p. 19 cross reference another location when the relevant information is also provided at the top of the page, other than the cross reference, the application checklist appears to include the same language and content. This type of redundancy requires readers to unnecessarily check cross references and can easily lead to code inconsistencies if such standards are changed. For example, the page break at bottom of page 16 appears to have restarted subsection numbering with i rather than continuing with xii.
5. Do the provisions of section II C 3 suggest edits that should be made to existing site plan application checklist or different site plan submission list specific to form based districts? It would be confusing for the public and the CEO to have 2 sets of such standards. If not already required by existing site plan application requirements, the Town Board should require applications to include information on fill volume as well as location and location of driveways on both sides of the road within 500' of the property under review. Additional requirement for information on location, height, light output, color, and shielding of outdoor lighting would also be desirable.
6. Are the variance procedures outlined in subsection II E intended as edits to the existing variance procedures? It would be confusing for the public and the CEO to have 2 sets of variance procedures in the code.
7. Section II F. may more accurately be labeled administrative sign review. Is the intention to apply administrative sign review generally or just in the form base code district?
8. In Section III definition of accessory structure excludes buildings while definition of structure includes buildings.
9. Section III Terms provides definitions, some with standards and IV Rules for all Subareas defines terms and includes standards, some with images. In some cases, the definitions in Section III and IV differ (see Building, coverage re decks; building height; lot frontage). Both sections also mix definitions and standards (see build-to-zone). Furthermore, the Town of Canandaigua code consolidates most definitions in Article 1 Section II. It will be confusing for public and CEO if there are 2 locations with conflicting definitions for common zoning terms.
10. Should signs be added to list of accessory uses?
11. Commercial outdoor storage definition would apply to storage on a residential lot.
12. Definitions that refer to people such as Applicant should be gender neutral.
13. It seems retail curb-side pick-up is here to stay. See CPB referral 143-2021 from July regarding relocation and expansion of Target Drive-up/Pick-up area. Canandaigua may want to establish standards for drive-up/pick-up of retail goods.
14. Consider including measurement standards and illumination threshold for light pollution/light trespass.
15. Consider how definition of lot depth applies to corner lots and whether a corner lot has 2 front lot lines, or 1 front lot line and 1 side street lot line given language elsewhere that a corner lot requires 2 front yards.
16. Clarify whether open space is intended to include or exclude stormwater management facilities.
17. Why is definition of parcel only based on metes and bounds not subdivision plan?
18. The form-based code definition of Plan Approval, Site indicates such approval is not a final approval. The site plan review procedures in section II D.6, however, refer to the Planning Board's initial review as findings that shall be submitted in a report to the Town Board and authorize the Town Board to send the Site Plan back to the Planning Board for review and approval, presumably final or perhaps the term defined and used should be Plan approval, preliminary site
19. In definition of setback, street line is not defined elsewhere, Lot Line, Front or Lot Line, Street are defined terms.
20. In definition of sign, monument sign is not a defined term; ground sign is a defined term. Use defined term in Section IV D.
21. Sign, Window definition excludes any window signage facing a parking area and not a public street.
22. Are both business identification and tenant identification definitions needed? Also, business advertising sign not a defined term.
23. Are both development identification and multi-use development identification definitions needed?
24. The required clear height is 7' for awnings in section IV B. building standards p. 41, 10' for projecting signs in section IV D sign standards p. 57, and 9' for balconies in IV B p. 42. Should these all be the same?

25. C. 1 on p. 43 - image standard for parking along less than 30% of lot frontage may be confusing since Lot frontage is defined with regard to minimum building frontage.
26. E. on p 44 includes 9’x18’ dimensions for parking spaces however the definition on p. 30 requires parking space to have 200 SF. The standards in C.1.B indicates massing of parking room should be less than 50 spaces, however image on p. 44 shows “rooms” of 20 or 54 parking spaces.
27. Image on P. 44 has a secondary street label though this term is not defined. It would also be helpful to show building entrances and the pedestrian routes from streets and parking to entrance(s). The pedestrian routes identified in red are also vehicle circulation routes.
28. Landscaping standards on p. 46 don’t include minimum width of tree lawn or minimum size of tree grate, perhaps 750 CF of soil is intended to cover this, but that is a cumbersome standard to enforce.
29. Lighting standards on p. 50 establish standard for light trespass onto public roads but not adjacent uses. Consider using defined term light pollution or change defined term.
30. Outdoor amenity space on p. 53 is inconsistent regarding whether such space must be publicly accessible. Also consider moving table to text column since it is a standard.
31. Drive-through standards on p.55 limit vehicle light fixtures to 16’ in height and require max fixture height of 10’ in pedestrian areas. Lighting standards for parking and pedestrian areas on p. 51 limits parking area lights to 20’ and pedestrian area lights to 15’. Consider using same standards in both locations.
32. Consider adding awning/ valance clearance height to image on p. 57 and coordinate with clear heights for awnings, signs, and balconies in Section IV B on p. 41-42.
33. If projecting sign maximum projection is 18” and max sign area is 15 SF that would lead to two sided signs 5’ tall.
34. Maximum height of projecting sign is variously listed as 2nd story or 20’ on p. 57.
35. Non-Commercial speech signs are listed as needing to confirm to the requirements of this article and as exempt on p. 61.
36. Directional signs are discussed in subsection 4 E on p. 61 not in subsection 5. Do Temporary or Real Estate signs need to comply with sign regulations of IV D or are they intended as subsection K. under 4. Exempt signs?
37. P. 69 and p. 75 Public utility facilities is a defined term not Public utility substation.
38. Images on p. 70 should reflect 85 percent max. lot coverage.
39. Many sign standards are included in IV D. and V. Such repetition of standards in more than one location often leads to code inconsistencies as standards are updated.
40. With 75’ minimum lot width, Section VI should cross reference standards for access control in 220-75 outlining spacing, design, changes in access, and access variance standards. With a 40-mph speed limit, the desirable access connection spacing is 440’. Appropriate access connection spacing maintains the safety and capacity of the roadway and reduces vehicle/pedestrian conflicts.

156 - 2021	Town of Victor Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Hines, Kenton	
Tax Map No(s):	1.02-1-20.080	
Brief Description:	Site plan for 2,100 SF barn at single family home at 6700 Woodbrooke Road in the Town of Victor.	

157 - 2021	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to Chapter 220-79(c) regarding digital signs in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/29924/157-2021-06-15-Draft-digital-signs-local-law	

The proposed Digital-Electronic sign regulations meet recommended NYS guidelines for maximum day and nighttime brightness and instantaneous transitions on Commercial Electronic Variable Message Signs (CEVMS) .

Comment

1. The NYS CEVMS guidelines recommend a minimum dwell time of 8 seconds, not 6 seconds as proposed.
<https://www.dot.ny.gov/divisions/engineering/real-estate/repository/cevms-criteria-for-website.pdf>
2. The proposed conversion ratio which required a 1 SF reduction in allowable sign areas for each SF converted to a digital or electronic sign allows owners of pre-existing, non-conforming off premises signs to increase the effectiveness of their sign by displaying more than 1 message while improving the visual character of Canandaigua.

158 - 2021	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to Conservation Subdivision regulations in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/29925/158-2021-06-07-Draft-Conservation-Subdivision-LL	

The proposed changes to the conservation subdivision regulation identify 3 categories of potential conservation land (constrained, priority, other). The priority conservation assets include vulnerable ecological communities, woodlands and agricultural lands in Town identified Strategic Protection Areas, land 100’ to 150’ from stream corridors, and land with slopes of 15 to 40 percent. Land with slope of 40 percent or greater and land within 100’ of streams are defined as constrained or unbuildable land along with floodplains, wetlands, and land in utility easements. Other conservation includes lands visible or adjacent to historic sites and public and conserved lands, land visible from Canandaigua Lake, buffers to resources on adjacent properties, other natural cover types, scenic landscapes, recreation resources, and farmed prime soils or soils of statewide significance outside Strategic Protection Area.

The regulations proposed maintain the required overall conservation of 40 percent of land area and add provision for conservation of 80 percent of priority conservation lands. The proposed regulations replace exemptions related to number of lots created, percent of road frontage developed, and whether a new street is involved with exceptions based on parent parcel less than 3 acres, lack of substantial land with conservation value, or lot configuration or parcel size not well suited to preservation of a significant amount of land.

The proposed regulations call for completion of the conservation analysis before determination of the maximum number of developable units. The proposed regulations require the applicant to identify the conservation value of defined constrained, priority and other conservation lands and to prepare a management plan for conserved lands. The proposed regulations no longer require the Planning Board to make findings regarding its determination of how much and which lands to preserve if conservation areas occupy more than 40 percent of the site.

Comments

1. How would the conservation subdivision provision apply to subdivision of land for non-residential uses or for development of four-plex residential development not requiring subdivision of lots?
2. Consider re-writing C. 3. (b)[2] regarding exemption from conservation subdivision to refer to parent lots as of the date of adoption of the law with small areas of conservation value unconnected to other constrained or priority conservation assets or potential trail corridors.
3. As applicability of conservation subdivision regulations may often hinge on D. (2)(c)[1] regarding natural land cover types included as other conservation assets, the Town may want to further define ecological types that are not considered “natural”.
4. The provisions of D (2) (b) and D (2) (c) requiring land with prime soils or soils of statewide importance to be farmed for the past 2 years to be considered a conservation asset leaves valuable agricultural land vulnerable to development and farm operations constrained in their attempts to lease land. At a minimum, the provision should recognize farmland left fallow as part of a farm management plan as “farmed”. Referring body may also consider including valuable soils in the Town identified Agricultural Protection Area as priority conservation asset regardless of farmed status.
5. Referring body should consider further defining extent of land area related to scenic landscapes, recreational resources, lands providing connectivity to public land, and buffer areas that would be considered other conservation assets.

6. Referring body may want to require land area for stormwater management to be set aside in the base density/conventional subdivision sketch plan in E. Calculations of Number of Residences Permitted.
7. For ease of reference, consider defining four-plex as a dwelling type in the Code definitions section.
8. Referring body should consider whether to include any standards or findings requirements to guide Planning Board waiver of conserved land standards and whether such guidance should differ for waiver of the Priority conservation asset 80 percent conservation standard and overall 40 percent conservation standard. The referring body should also consider whether any contributions to Town open space conservation fund(s) is warranted in conjunction with such waivers.
9. Is 100' conservation buffer needed adjacent to utility infrastructure included in constrained land ?
10. Standards as drafted could require as much as 250' stream corridor buffer. Is such a buffer needed?
11. Referring body should consider defining the combination of distance and vegetation needed to buffer residences in conservation subdivisions from agricultural operations.
12. Hedge rows are a significant element of the scenic character of agricultural areas, referring body should consider addressing their importance in regulations related to conservation analysis and conservation land types.
13. H(2)© regarding preparation of conservation analysis narrative only requires maintaining access to farm fields. Consider requiring assessment of whether the proposed conservation plan retains viable farmland that would be desirable for use in a nearby farming operation based on field access, configuration, and buffering from residential uses. In any case, the town's Agricultural Advisory Committee should review the assessment.
14. A sketch plan is an optional step in the conservation subdivision process and the only place the applicant is required to show nearby (within 100') off-site conservation assets. Showing nearby off-site conservation assets should be required for the conservation analysis. Also given the 100' or more required buffers around conserved on-site assets, consideration should be given to increasing the distance beyond the property line in which the applicant must identify conservation assets.
15. I (2) (b) [1] allows underground sewage treatment facilities in conserved areas. Conserved lands are required to be on separate parcel than developed uses, while sewage treatment facilities should be located on the property they serve. Additionally, effective leach field operation requires regular mowing to prevent establishment of successional shrubs and trees; this seems at odds with the intent for conserved lands. If the intent is to preserve meadow habitat for nesting birds, other lands that can be mowed less frequently should be identified.
16. Is seems contradictory that existing stormwater management facilities (and potentially 100' conservation buffer area) are constrained land yet stormwater management facilities are allowed in conserved areas. At a minimum allowing stormwater management facilities should be reserved for regional facilities addressing existing problems that can't otherwise be easily addressed. If allowing any stormwater management facilities in any conserved areas, referring body may want to include design standards (maximum 1:5 slopes, required edge vegetation, etc.) to ensure natural not engineered appearance of such facilities.
17. Consider requiring development of Forest Management Plan for any conserved woodlots.

159 - 2021	Town of Canandaigua Town Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Steele, Sue	
Property Owner:	Reiser, Nancy, Hyman, Nd Joe	
Tax Map No(s):	140.11-1-11.000	
Brief Description:	Site plan for 4655 CR 16 in the Town of Canandaigua. Modifications on single family lot include removal of 4 trees and addition of 788 SF of patio, stairs, deck and 33 lf wall; removing 2 trees and planting trees and shrubs along the edge of the patio and wall on the upland portion of the site, and install a tram below the top of bank.	

160 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Reese, Tom	
Tax Map No(s):	26.00-1-4.000	

Brief Description:	Area variance for 625 SF detached two-car garage at 1052 Strong Road. Proposed garage requires 5' setback variance along south property line. https://www.co.ontario.ny.us/DocumentCenter/View/29942/160-2021-site-plan
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The property is .57 acres and the house was built in 1835. The proposed garage south side setback is 8' when 13' is required Applicant indicates neighbor to the south has installed a privacy berm between the two homes.

Comment

1. Will any trees be removed to construct garage?
2. Does the garage site plan show the location of the previously permitted 1,041 SF two story addition?

161 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	770 Canning Parkway LLC	
Representative:	Baldwin Real Estate	
Tax Map No(s):	14.02-1-54.111	
Brief Description:	Area variance for sign located 12' from the road ROW at 770 Canning Parkway in the Town of Victor. Proposed sign requires 3 area variances to allow a sign 27' from edge of pavement when 35' is required, to allow a 24.5 SF sign when 20 SF is allowed, and to allow the sign to list 2 tenants when only the name of the plaza or building is allowed. https://www.co.ontario.ny.us/DocumentCenter/View/29927/17-Z-2021-770-Canning-Parkway-monument-sign-map-locatio	

Comment The referring board should grant the minimum variance needed to provide adequate sign visibility.

162 - 2021	Town of Victor Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Victor	
Property Owner:	Smith, Jeff	
Representative:	Marathon Engineering	
Tax Map No(s):	28.04-2-62.000	
Brief Description:	Map amendment to modify Residential Overlay designation of property at 1403 East Victor Road in the Town of Victor from A to C. Density change would pave the way for development of Stone Brook Subdivision which also includes lands in the Town of Farmington.	

The land proposed for rezoning is located on the east side of East Victor Road approximately .7 miles south of SR 96 and .5 miles north of CR 41. The area is bounded by the Auburn Trail to the south, Mud Creek on the east and north, and Boca Park Estates on the west. In addition to the 99 acres in the Town of Victor proposed for re-zoning and project area includes 15 acres in the Town of Farmington.

The property in the Town of Victor is zoned Residential 2 and in Residential Overlay A which allow .33 unit per acre. The Town of Farmington area is zoned RS-25 which allows 25,000 SF lots. Residential Overlay C allows 1 unit per acre.

The 2015 Town of Victor Comprehensive Plan Conceptual Level Future Land Use Potential Density Changes recommended the density be changed from least to highest density. The 2020 Sanitary Sewer Master Plan also recommended this area be designated as neighborhood density, the highest residential density classification and that this area can be connected directly to the Farmington Wastewater Treatment Plant via an existing 24" gravity sewers.

According to OnCor, there is a floodplain along the creek and some areas of steep slopes along the creek, parallel to the east portion of the Auburn Trail, and at the end of Sunray Crest. Dominant soil characteristics are as follows:

Cazenovia silt loam 3 - 8 % 22 acres

Prime Farmland

Permeability: moderately high

Erodibility: high

Hydrological Group C/D

Not Hydric

Geneseo silty clay loam 0-3 % 15 acres
Prime Farmland
Permeability: moderately high **Erodibility:** very high
Hydrological Group C **Not Hydric**

The subdivision plan included with the re-zoning referral shows 92 lots on a loop road off East Victor Road and an extension of Sunray Crest in the Boca Park Estates subdivision. The preserved lands would border the Auburn trail, Mud Creek, existing open space set aside as part of the Boca Estates Subdivision. Mertensia Park in the Town of Farmington is across Mud Creek from the preserved land just north of the Auburn Trail. The area within the Town of Farmington is proposed as part of the preserved land.

Comments

1. The re-zoning application referred includes a metes and bounds description of the area to be rezoned, though not a proposed local law.
2. Is the proposed connection to the Auburn Trail an on-road connection? With no sidewalks on East Victor Road, it would be desirable for the subdivision to include an all-weather direct bicycle/pedestrian access easement to the Auburn Trail from between 2 lots closest to the trail.
3. Does the proposed road connection meet the connection spacing requirements of Chapter 55 Access Management?
4. When re-zoning and subdividing this property, the referring body should have a clear understanding of the undevelopable floodplain acreage and other lands proposed for preservation.

163 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Loomis Road Industrial Park LLC	
Property Owner:	Hollingsworth, James and Kathleen	
Tax Map No(s):	17.00-1-62.132	
Brief Description:	Special use permit for motor vehicle service use on a lot in the Loomis Road Industrial Park in the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/29736/149-2021-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29737/149-2021-overall-site-plan-1	

CPB previously reviewed the Loomis Road Industrial park as #94-2021 in May 2021 as a subdivision referral and as #149-2021 in July 2021 as a site plan. No comments related to special use permit standards from previous review.

164 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Gerstner Medical	
Property Owner:	T. Bene Properties LLC	
Representative:	Bragg, Kevin	
Tax Map No(s):	29.00-2-23.142	
Brief Description:	Site plan and subdivision plan to create a 1.4 acre lot south of VR Foods off Quentenshire Drive in the Town of Farmington. Gerstner Medical will develop the lot with a two story 7,500 SF building and associated landscaping, lighting, utilities, parking and stormwater management facilities. https://www.co.ontario.ny.us/DocumentCenter/View/29928/164-2021-Site-Plan	

The existing 2.6 acres lot is home to VR Foods at the southeast corner of CR 41 and Quentenshire Drive with undeveloped portion of the site covered in woods and brush. The subdivision would reserve a 1.2-acre lot for existing VR Foods use.

The site plan proposes leaving the perimeter in its natural state with parking north of the proposed building potentially screened by plantings around the stormwater management facility along Quentenshire Drive. The site plan includes a stone filter strip to the north of the parking area, adding trees and shrubs between the parking area and VR Foods to north and at the southeast corner of lot where retained natural vegetation provides inadequate screening to Pin Tail Crossing apartments to the south.

Comments

1. The proposed site and subdivision plan do a nice job of retaining existing vegetation, including as a buffer to adjacent residential use, and appear to provide each industrial use with room to expand in the future.

OCSWCD Comments

1. Concrete truck washout should be a minimum of 8'x8'x2' based on blue book standards page 2.24.
2. Concrete truck washout should be located a minimum of 100' from all drainage swales and storm drain inlets.
3. There is a proposed drainage swale on east side of property that has potential to negatively affect the adjacent agricultural property.

164.1 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Gerstner Medical	
Property Owner:	T. Bene Properties LLC	
Representative:	Bragg, Kevin	
Tax Map No(s):	29.00-2-23.142	
Brief Description:	Site plan and subdivision plan to create a 1.4 acre lot south of VR Foods off Quentenshire Drive in the Town of Farmington. Gerstner Medical will develop the lot with a two story 7,500 SF building and associated landscaping, lighting, utilities, parking and stormwater management facilities.	

See information at 164-2021.

165 - 2021	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Seneca Builders Co Inc	
Property Owner:	Married Stiffs LLC	
Tax Map No(s):	133.00-1-18.111	
Brief Description:	Area variance and special use permit for previously proposed modifications to site of Big Alice Brewing at 4180 SR 14 in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/29724/141-2021-proposed-on-aerial	

The site plan was previously reviewed as #141-2021 in July. The proposed project requires a special use permit to allow outdoor music and 2 area variances to allow the bandstand in the front yard and the pergola in the required north side setback/yard. The following project description and comments are from the site plan referral.

Site plan for addition of a 2,000 SF insulated pole barn on the west side of the 2,520 SF existing building, an 880 SF pergola on the north side of the building, a 120 SF band stand off the patio on the east side of the building, and a 1,120 SF deck to the south of the building at Big Alice Brewing, 4280 West Lake Road/SR 14 in the Town of Geneva.

The project site is on the west side of the road between Pumping Station Road and Bay Heights Circle.

Comment

1. Is existing parking enough to accommodate additional patrons seated on the deck, in the pergola, or on the grass by the bandstand?
2. Will any frontage, foundation, or perimeter landscaping be added to the site?
3. Will any noise, hours, or other operating conditions be needed to ensure expanded entertainment use of the site does not negatively impact adjacent residents?

165.1 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Seneca Builders Co Inc	
Property Owner:	Married Stiffs LLC	
Tax Map No(s):	133.00-1-18.111	
Brief Description:	Area variance and special use permit for previously proposed modifications to site of Big Alice Brewing at 4180 SR 14 in the town of Geneva.	

See information at 165-2021.

166 - 2021	Town of Geneva Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Arnold, Jeff	
Property Owner:	Indus Real Estate II LLC	
Tax Map No(s):	103.04-1-25.200	
Brief Description:	Site plan to demolish former Ponderosa restaurant and build a 4,660 SF car wash with 3 pay stations, 21 free vacuum stations, and 4 parking spaces at 780 SR 5/US 20 in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/29725/142-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29930/166-2021-Site-Plan	

A site plan to refurbish and extend the existing building for use as a car wash was previously reviewed as #142-2021 in July.

Car wash is a permitted use in the Town Center Arterial Zoning District. The proposed car wash is at the northwest corner of CR 6/Pre-Emption Road and SR 5/US 20 and would continue to use the existing 5/US 20 access point. Additional site modifications include replacement of the screened dumpster area in the northwest corner of the site, removal of existing shed, changes to site lighting, conversion of the divided access drive to accommodate 2 exit lanes and 1 entrance lane, arrows to define queuing for 3 pay stations, new landscaped area at the rear of the site by the tunnel entrance, and a 6 foot privacy fence to screen the adjacent single family residential use to the north.

The 4 parking spaces including 1 accessible space are in the northwest corner of the site by the dumpster. The catch basin in the northwest corner of the site will remain. There is a monument sign proposed at the intersection corner with a 40' flagpole. The existing pole sign will be removed.

Comments

1. A key purpose of the Town Center Arterial district is to ensure redevelopment of commercial sites contributes to a high-quality public realm. The Comprehensive Plan also indicates the Town Center is intended to contribute to a unique sense of place and use quality materials. How does the proposed site redevelopment meet these objectives? Consideration should be given to the feasibility of flipping the building location to the front of the lot with the vacuum spaces to the rear.
2. The referring board should review a detail of the proposed privacy fence.
3. Will any plantings be added to the greenspace along road frontages to enhance the public realm?
4. Project documentation should clarify height of existing and proposed light poles and that all fixtures will be dark sky compliant. Are 20' poles necessary to provide adequate lighting along northern property boundary line adjacent to residential use or would lower pole height be adequate?
5. Are exit/enter pavement markers and a stop or yield sign needed to direct traffic entering and exiting the vacuum area?
6. Does the applicant still anticipate replacing asphalt with concrete at the wash entrance and exit?

OCSWCD Comments No erosion and sediment control information provided, unable to make comments.

167 - 2021	Village of Manchester Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Indus KENY, Inc	
Property Owner:	Malcho's Manchester Mart Holdings	
Representative:	Daryl Martin	
Tax Map No(s):	32.10-1-6.11	
Brief Description:	Area variance and sign permit for three building signs with 70 SF, 3 directional signs with logo and 4 SF, 16 SF drive-thru sign, and adding 12 SF to existing pylon sign for KFC at Malcho's 70 N/ Main Street in the Village of Manchester.	

Uses located at 70 North Main Street at the southeast corner of SR 96 and SR 21 near the Thruway in the Village of Manchester. Signage for convenience store/gas (82 SF) , pizzeria (48 SF) , and previously proposed Taco Bell (109 SF) was reviewed as #38-2019 in

February 2019. The previous referral indicated the buildings and building signs are 150’ to 170’ from the SR 21 ROW and 165’ to 180’ from the North Main Street ROW. The speed limit in the project vicinity is 30 MPH.

A chart on a sign manufacturers site consulted indicates the 30” letters on the proposed building sign are sufficient for best impact at 300’ and readable at a distance of 1,250’. It appears the letters on the pylon sign are approximately 12” and would be visible at 525’ and sufficient for best impact at 120’. The chart does not appear to factor in whether sign is located in village setting with a low speed limit or a highway arterial with a higher speed limit. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land within 500’ of a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.

168 - 2021	Town of Phelps Board of Appeals	Class: 2
Referral Type:	Site Plan	
Applicant:	Povero Yunits LLC	
Property Owner:	Ed Povero	
Representative:	Shelly, Frederick	
Tax Map No(s):	77.00-2-64.200	
Brief Description:	Site plan for 8 mini storage buildings with 39,000 SF and associated landscaping, lighting, parking, and stormwater management west of SR 14 north of SkuseRoad/Packwood Road in the Town of Phelps. https://www.co.ontario.ny.us/DocumentCenter/View/29931/168-2021-Site-Plan	

The frontage and southern rear portion of the proposed development site is currently in active agricultural use. Other areas of the site include a pond and wooded areas. The on-site pond and the swale along the northern property boundary have been identified as federal wetlands.

According to the Agricultural Data Statement, properties to the north, west, and south of the project site are active agricultural operations, though OnCor does not show them as in Ontario County Agricultural District #1. According to OnCor, the site is not constrained by floodplains or steep slopes.

The property is zoned C-1 Commercial and is in the Major Thoroughfare Overlay District (MTOD). The proposed development will include six 150’x30’ buildings, including all 3 buildings in Phase 1, and two larger 200’x30’ buildings. Phase 1 will also include frontage berm and landscaping, fencing, lighting, stormwater management system and gravel access to the initial 3 buildings. The storage units are mostly 10’x15’ with a few smaller 10’x10’ units.

Site development will disturb 5.3 acres of the 8-acre site with no disturbance to on-site wetlands. Building and impervious surface coverage will be 31 percent as circulation areas will be pervious gravel. Preserved natural vegetation includes .6 acres encompassing the on-site pond/wetland and wooded area north and west of the pond, .4 acres of meadow, vegetation in the wetland along the northern property boundary and 6 pine trees in the southwest corner of the site.

Existing stormwater drains to the on-site pond, to the SR 14 frontage, and to a swale along the northern property boundary. In order to not increase off-site stormwater flow, the site grading will direct stormwater from a larger area to the proposed stormwater management facility in the southwest corner of the site. The 4' proposed pond will discharge to the existing pond. There are also two proposed bioretention areas, one between the buildings and stormwater facility in Phase 1 and one west of the large buildings in Phase 2.

The buildings are setback 100' from the road ROW. The applicant has proposed a berm with four clusters of three evergreens along the SR 14 frontage. The berm and other disturbed areas of the site will be planted with a wildflower/grass seed mix. The site security fence is 4' in front and 6' along the north, south, and west sides of the facility. There are 4 parking spaces proposed inside the fence just north of the driveway.

The speed limit in the vicinity of the site is 55 mph. Available sight and stopping distances of >1,000' exceed required 665' sight distance and 570' stopping distance based on 60 mph design speed.

There is a 200 SF masonry monument sign proposed south of the site driveway.

Comments

1. What is the height and slope of the berm? The natural character of the berm landscaping would be enhanced if vegetative clusters are not uniformly spaced and include more than one species of tree and/or a mix of trees and shrubs. The slope of the berm should also be not more than 1:5.
2. Will meadow areas be mowed periodically?
3. The proposed development is located along SR 14, a primary tourism corridor. It is important that industrial development/redevelopment activities in this corridor incorporate access management and screening to protect the safety and visual character of this corridor. In particular frontage and foundation landscaping/screening should be required and access spacing standards should be met.
4. See also recommendations of the 2007 SR 14 Corridor Management Study which identified SR 14 in this area as an arterial with a speed limit of 55 mph. <http://www.co.ontario.ny.us/DocumentCenter/View/14632/Route-14-Corridor-Plan>
5. The referring body should review the color, materials, openings, and roof style of the proposed building to ensure it is in keeping with the desired corridor visual character.
6. The application materials indicate the site is 950' north of Skuse Road/Packwood Road and the engineer's report indicates the proposed driveway is 680' north of Skuse Road. As determined with the distance tool in OnCor, the southern boundary of the site is approximately 910' north of Skuse Road. The applicant should clarify the distance of the proposed driveway from the intersection and that it provides adequate connection spacing from future access to adjacent parcels to the north and south. Alternatively, a cross access easement to the adjacent property could be required.
7. The applicant should ensure site development does not damage underground drainage infrastructure and interfere with continued agricultural operations on adjacent sites.

OCSWCD Comments

1. Drawing #4, step 3, bullet #3 – wording should specify that 100% of the disturbed area must be stabilized and must reach 80% coverage.
2. Consider additional signage and fencing to delineate wetlands in need of protection.
3. Phase 2 stormwater pathway indicated on plans bypasses bio-retention area.
4. Based on elevations provided, it is unclear how bio-retention area in phase 2 will be tied into SMF designed to service entire project site.
5. Consider outlet protection on outlet pipes leaving bio-retention areas.

169 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Victor Health and Wellness Plaza	
Property Owner:	Tanoory, Jason	
Tax Map No(s):	15.00-1-13.100	
Brief Description:	Site plan to convert the 8,000 SF former RAILSIDE MARKET building at 7249 SR 96 in the Town of Victor into 4 tenant spaces. https://www.co.ontario.ny.us/DocumentCenter/View/29944/169-2021-2021-07-08-Site-Plan	

The proposed tenant space range in size from 1,500 SF to 3,000 SF. The existing parking on the 2.7 acres site appears adequate.

General Information

The Ontario County Planning Board (CPB) was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: l, (d), and (e) refer to the county comprehensive plan.

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a recommendation for denial or approval without recommended modification.

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state-owned land on which a public building or institution is situated.

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 to have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts 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 1, 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 I

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 denial 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 prepares administrative reviews 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 AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

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