

how traffic from this proposed project will impact the traffic flow along SR 332, particularly during peak a.m. and p.m. hours.

Board Motion: Referrals #95-2017& 95.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with the following modifications.

Modification #1: An updated and final Stormwater Pollution Prevention Plan must be submitted to the Ontario County Soil and Water Conservation District for comment. No action can be taken by the local board until the comments from the District are received and reviewed.

Modification #2: An updated Traffic Study should be submitted by the applicant and reviewed by NYSDOT prior to the referring board taking action.

Motion made by: Jaylene Folkins

Seconded by: Patti Wirth

Vote: 12 in favor, 0 opposed, 0 abstentions. Motion carried.

95.1 - 2017	Town of Farmington Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Mercier Realty	
Tax Map No(s):	29.00-1-23.110	
Brief Description:	Subdivision and Site Plan to divide a 51.02 acre parcel into 4 parcels. Site Plan for the 18.4 acre parcel in the south for 104 apartment units and 15,000 sq ft of restricted business. Project is located on SR 332 in the Town of Farmington.	

Comments: See referral #95-2017 for project summary and comments.

96 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Foster, Michael & Kathleen	
Tax Map No(s):	113.17-1-7.000	
Brief Description:	Area Variance to construct a 12ft x 24ft shed on a single family residential site. Project located at 4065 Onnalinda Dr. in the Town of Canandaigua.	

COMMENTS:

Proposed construction of a 12ft x 24 ft shed. Variances needed for:

- Front setback – 11.75 ft proposed when 60 ft is required
- Footprint – 288 sq ft proposed when 100 sq ft is allowed
- The proposed porch off the front of the shed. Porches are not allowed on accessory buildings by code.

The referring board is recommended to grant the minimum variance necessary.

Board Motion: Referral #96-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Glen Wilkes

Seconded by: Jaylene

Vote: 12 in favor, 0 opposed, 0 abstentions. Motion carried.

97 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Barry, Paul	
Tax Map No(s):	126.00-1-23.11	

Brief Description:	Area Variance and subdivision to subdivide a 16.548 acre lot into 3 lots. Lot 1 - 13.847 acres, Lot 2 - 1.511 acres, and Lot 3 - 1.226 acres. No lot meets the minimum lot size requirements. Project located at 4531 Middle Cheshire Rd. in the Town of Canandaigua.
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COMMENTS:

Subdivision of a 16.548 acre parcel zoned AR-2: Agricultural Rural Residential District in to 3 lots.

- Lot 1 - 13.847 acres: Needs variance for lot width.
- Lot 2 - 1.511 acres: Variances needed for lot width and lot size area.
- Lot 3 - 1.226 acres: Variances needed for lot width and lot size area.

The referring board is recommended to grant the minimum variance necessary.

No development was proposed for Lot B & Lot C. Therefore potential impacts of development are unknown. Per Town Code, *"the purpose of the AR-2 Agricultural Rural Residential District is to encourage a proper environment to foster normal agricultural operations and land uses, to maintain an open rural character, to protect viable agricultural soils and areas, to conserve natural resources, and to assure compatible types and densities of residential development on lands where public sewers do not exist and are not envisioned in the future, and where public water service coverage is intermittent."*

B. Permitted principal uses.

(1) Agriculture use(s) and agricultural structures. This may include one single-family dwelling per lot.

(2) One single-family dwelling per lot.

(3) One single-family dwelling with accessory apartment.

(4) Commercial greenhouse(s) or warehouse(s) on lots of five or more acres.

(5) The keeping, breeding, and raising of cattle (including dairies), sheep, goats and horses, subject to the following restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) There shall be a minimum distance of not less than 100 feet between any structure housing animals and any property line or street line of the subject property.

(c) There shall be no piling of manure within 200 feet of a lot line. There shall be no piling of manure as otherwise prohibited in the Town Code.

(6) The keeping, breeding and raising of furbearing animals, swine and fowl subject to the following additional restrictions:

(a) Minimum lot sizes shall be five acres of land.

(b) Confining shelters shall not be closer than 200 feet from any property line or street line.

(c) Wet litter disposal operations shall be permitted only under the following conditions:

[1] All buildings containing furbearing animals, swine, fowl or litter shall not be any closer than 200 feet from any street or lot lines and no closer than 200 feet from the nearest residence building on an adjacent lot.

[2] Sludge or other products produced by the operation must be stored in a tank or suitable container until removed.

(7) The provisions of Subsection C(5) and (6) above shall not apply to any generally accepted agricultural operation or practice occurring within an established Ontario County Agricultural District.

C. Permitted accessory uses, buildings and structures.

(1) Detached accessory buildings and accessory structures serving residential uses, including but not limited to private garages, swimming pools, hot tubs, storage buildings and greenhouses, all subject to the requirements specified in Town Code § 220-9 and elsewhere in this chapter.

- (2) Agricultural structures associated with an agricultural use.*
- (3) Off-street parking, fencing and signs.*
- (4) Permanent accessory building or accessory structure for the sale of agricultural and nursery products grown principally by the operator, subject to the following restrictions:*
 - (a) Such structures shall not exceed 2,000 square feet of floor area or 75% of the gross floor area of the principal structure, whichever is less.*
 - (b) Not more than 1/2 of the total floor area shall be for the display and sale of products grown off the premises.*
 - (c) Such structures shall conform to the minimum setback requirements for the principal buildings in this district as specified in the schedule.*
 - (d) Sufficient land area shall be provided to accommodate off-street parking for not less than three vehicles on site. In no event shall a structure be allowed to continue when parking along a public highway becomes a traffic safety concern in the opinion of either the Town Highway and Water Superintendent or local law enforcement officials.*
- (5) Accessory buildings or accessory structures of a nonpermanent nature (movable and temporary) may be utilized for the sale of seasonal agricultural products grown principally by the operator, under the following conditions:*
 - (a) The stand shall be set back not less than 30 feet from the edge of the pavement of the highway.*
 - (b) Ground display area for produce shall not exceed twice the size of the stand.*
 - (c) Sufficient land area shall be provided to accommodate off-street parking for not less than three vehicles on site. In no event shall a stand operation be allowed to continue when parking along a public street becomes a traffic safety concern in the opinion of either the Town Highway and Water Superintendent or local law enforcement officials.*
- (6) Minor home occupations as defined in Chapter 1, Article II, of the Town Code.*

D. Dimensional requirements. The dimensional requirements for this district are specified in Schedule I,^[1] which is a part of this chapter.

E. Special permitted uses. The following uses may be permitted consistent with the provisions of Article VI, provided that a special use permit is issued by the Town Planning Board:

- (1) Essential services, public utility or communications installations.*
- (2) Commercial excavation operations.*
- (3) Private or commercial airstrips.*
- (4) Camping grounds.*
- (5) Stables or riding academies where animals are boarded, rented or leased.*
- (6) Commercial recreation uses and facilities.*
- (7) Kennels.*
- (8) Windmills or wind generators.*
- (9) Tourist homes.*
- (10) Commercial indoor storage of motor vehicles, recreational vehicles and boats.*
- (11) Small commercial establishments subject to performance criteria as described in Article VI, § 220-57.*
- (12) Major home occupations as defined in Chapter 1, Article II, and as further regulated in Chapter 220, Article VI, § 220-59, of the Town Code.*
- (13) Construction company/contractor storage yard, as further regulated in Article VI, § 220-62, of the Town Code.*
- (14) Personal wireless communications facilities.*

(15) Public uses.

(16) Temporary uses.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The property not located within a FEMA floodplain.
- The property is located within 500 ft. of an Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Darien silt loam
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: High
- Soil Characteristics
 - Type: Lima loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: High

CRC COMMENTS:

The referring board is encouraged to limit the amount of subdivisions allowed. The creation of only one additional lot would remove the need for 4 variances.

FINDINGS:

NATURAL FEATURES

- *Almost any water body by its very nature is "intermunicipal", whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.*
- *In 1992, the Ontario County Board of Supervisors created the Water Resources Council to help coordinate water resource planning.*
- *The connection between a healthy tourism industry and a healthy environment is obvious.*

The proposed parcel is located within close proximity to Canandaigua Lake and tributaries leading into Canandaigua Lake. It is unclear how the subdivided sites will be developed and therefore the impacts to stormwater flow, direction and water quality cannot be fully understood. As parcels in close proximity to the Lake become overdeveloped due to the incremental creation of lots that do not meet minimum code size requirements, a larger cumulative effect on water quality within the Canandaigua Lake Watershed has the potential to occur.

Board Motion: Referrals #97-2017 & #97.1-2017 be retained as a Class 2s and returned to the local board with the recommendation of **disapproval** with the comments.

Motion made by: Jack Dailey

Seconded by: Leonard Wildman

Vote: 12 in favor, 0 opposed, 0 abstentions. Motion carried.

97.1 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Subdivision	
Applicant:	Barry, Paul	

Tax Map No(s):	126.00-1-23.11
Brief Description:	Area Variance and subdivision to subdivide a 16.548 acre lot into 3 lots. Lot 1 - 13.847 acres, Lot 2 - 1.511 acres, and Lot 3 - 1.226 acres. No lot meets the minimum lot size requirements. Project located at 4531 Middle Cheshire Rd. in the Town of Canandaigua.

Comments: See referral #97-2017 for project summary, comments and motions.

98 - 2017	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Marks Engineering	
Property Owner:	Buck, Ken	
Tax Map No(s):	113.09-3-12.100	
Brief Description:	Site Plan and Area Variance to tear down the existing single-family residence and construct a new single-family residence. Variances needed for various setbacks. Project is located at 3822 CR 16 in the Town of Canandaigua.	

COMMENTS:

Applicant proposing lot line adjustment, tear down of existing residence, and construction of new residence.

Variances needed for:

- Lot 1 & 2: Side setback of accessory structure on both lots.
- Lot 1 & 2: Two access points for a single-use lot.
- Lot 2: Front setback for principle structure.
- Lot 2: Stream setback for principle structure. 66.75 ft proposed when 100 ft is required.

The referring board is recommended to grant the minimum variance necessary.

OCDPW Comments – per email from J. Berry and T. McElligott:

We received the following materials from the Town of Canandaigua on May 24, 2017:

- lot line adjustment plat prepared by Freeland-Parrinello Land Surveyors, last revised 5/3/17
- site plans prepared by Marks Engineering, last revised 05/12/2017

Revisions to the referenced site drawings were coordinated with the Ontario County Highway Department and the Canandaigua Lake County Sewer District. All technical review comments from said county offices have been addressed by the revised plans.

Applicant is required to obtain the following permits from Ontario County:

- Section 136 Highway Work Permit
- Ontario County Sewer Districts Renovation Permit

All other permits and approvals required for the work shall be the responsibility of the Applicant. There shall be no liability of obligation placed upon the County with respect to such other requirements.

The applicant has satisfactorily addressed all of my comments with the exception of providing the necessary insurance for their contractor to work in the right-of-way. See email string below. Once the proper insurance is provided I'll issue the county highway work permit.

- As a point of clarification, the applicant has supplied significant proof of disability and justified the need to retain the existing driveway to provide reasonable access to the property.

Canandaigua Lake Watershed Council Program Manager Comments:

I reviewed the plans and drove to the project site. The 100 foot stream set back requirement is probably not necessary for this tributary, however it is important not to disturb the tree lined riparian corridor and maximize the distance to the stream for both the driveway and the home. It looks like they are trying to move the new house further away from the house to the north, however they will be disturbing significant area with steep slopes. It is absolutely necessary to maintain erosion controls during the project as