

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday February 7, 2023, at 3:30pm**
County Planning Board Meeting –February 8, 2023 at 7:00pm 20 Ontario St., Canandaigua
 Telephone: 585-396-4455

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17- 2023 Town of Victor Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 18-2023

Applicant: *Jennifer Greindl*

Property Owner: *Daniel & Louise Foley*

Tax Map Parcel #: *16.00-1-37.600-641*

Brief Description: *Area variance for lot in Gypsism Mills mobile home park that is 53' wide when 60' is required at 6261 Murphy Drive in the Town of Victor.*

The proposed mobile home lot size is 0.17 acres. Proposed lot meets the 7,200 SF minimum area requirement, and the proposed placement of the mobile home meets the required setbacks, with one requested area variance. The requested variance is for a reduced lot width of 53’ when 60’ is required. The applicant indicates that this difficulty was not self-created as the lots were already set and in place prior to them working there or having any knowledge of the 60’ minimum width rule. Applicant also indicates that there is no other feasible method to achieve the placement of a home without an area variance. The project is expected to have public water and sewer.

According to OnCor, the slope of the lot and the surrounding off-site lots have predominantly little to no slope (0-3% gradient). The only exception being that lot in question, along with the lots to the north and south that lie between Murphy Drive and Kelly Drive, have an approximately 15' wide incline with a mix of gentle (4-9%) to moderate (10-15%) slopes on the eastern (rear) portion of the lots. The incline on the lot directly to the south has some areas of steep slope (16-30%).

18- 2023 Town of Victor Zoning Board of Appeals Class: 1

Type: *Area Variance*

Related Referrals: 17-2023

Applicant: *Jennifer Greindl*

Property Owner: *Gypsum Mills MHC, LLC*

Tax Map Parcel #: *16.00-1-37.600-641*

Brief Description: *Area variance for lot in Gypsism Mills mobile home park that is 54' wide when 60' is required at 6249 Murphy Drive in the Town of Victor.*

The proposed mobile home lot size is 0.17 acres. Proposed lot meets the 7,200 SF minimum area requirement, and the proposed placement of the mobile home meets the required setbacks, with one requested area variance. The requested variance is for a reduced lot width of 54' when 60' is required. The applicant indicates that this difficulty was not self-created as the lots were already set and in place prior to them working there or having any knowledge of the 60' minimum width rule. Applicant also indicates that there is no other feasible method to achieve the placement of a home without an area variance. The project is expected to have public water and sewer.

19 -2023 Village of Victor Planning Board Class: 1

Type: *Site Plan*

Related Referrals: 212-2021

Applicant & Owner: *47 East Street, LLC Victor Landing Apartments*

Representative: *Randy Bebout, Bohler Engineering*

Tax Map Parcel #: *28.06-1-51.12*

Brief Description: *Plans for a 11 building 55-unit rental townhouse complex at 47 East Street, Village of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/37302/19-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37300/19-2023-47-Site-Plan>

This site was previously reviewed as referral 212-2021 in October 2021 for site plan approval to allow the development of 70 two-room apartments and 159 parking spaces on 8.7 acres off East Street in the Village of Victor. The plan now is now for an 11 building, 55-unit townhouse complex with 79 parking spaces with a separate 1,116 SF office/maintenance building along with related site features. The office building will have two designed ADA parking spaces near the entrance. Access will be off the end of East Street. The site plan also shows an emergency only connection gate between existing Great Brook Apartments and the proposed Victor Landing Apartments. There is an existing municipal bicycle path from the end of East Street to the Village of Victor Municipal Park that passes through the parcel. The triangle of land containing this path on the southeast end of the parcel is to be conveyed to the Village of Victor.

There is an existing drainage ditch and federal wetland at the rear (north end) of site that will not be impacted. A proposed drainage access easement to Great Brook Apartments is also located across the rear end of the property. There is also a proposed stormwater feature along the eastern edge of the parcel. The property is zoned R-3.

Comment

1. Will any of the units be visitable, with a zero step entry, 36” doors and a first floor accessible bathroom?
2. What existing vegetation/plantings will screen the bike path from the developed portion of the site?

OCSWCD Comments

1. Concrete washout must be located 100 feet from any surface inlet

21- 2023 Town of Victor Zoning Board of Appeals Class: *Exempt*
 Type: *Area Variance*

Applicant: *Fred Rainaldi*
 Property Owner: *High Point 300, LLC*
 Tax Map Parcel #: *1.07-1-1.110*
 Brief Description: *Area variance for 12' front setback for building in High Point Business Park when 30' is required at 211 High Point Drive in the Town of Victor*

23 -2023 Town of Gorham Zoning Board of Appeals Class: *1*
 Type: *Area Variance*

Applicant& Owner: *James L. & Christine L. Canessa*
 Representative: *Chuck Smith*
 Tax Map Parcel #: *141.17-2-18.000*
 Brief Description: *Area variances for 5' and 10' side setback for a new single-family residence when 15' is required at 4990 County Road 11 in the Town of Gorham.*

The proposed side setbacks are 5’ (North) and 10’ (South) when the existing setbacks are 2.9’ and 11.3’ respectively, when 15’ is required. Applicant notes that a proposed lake setback of 34.9’ will be an improvement, as the house will be placed further away from the lake compared to the existing structure. The second area variance is for a proposed lot coverage of 42.2 percent when a maximum of 25 percent is allowed. The proposed lot coverage is less than the existing coverage of 45.2 percent.

According to OnCor, there are steep slopes of 16-30% on an approximately 30' wide section of the western-most (lakeside) portion of the parcel. Parcel is located within FEMA Floodplain.

CLCSD Comment A sewer renovation permit will be required.

24- 2023 Town of Farmington Planning Board Class: 1

Type: *Site Plan*

Applicant: *Land Tech*

Property Owner: *Edward Samoel*

Tax Map Parcel #: 29.00-1-86.200

Brief Description: *Site plan for construction of two 10,000 SF flex space buildings at the southeast corner of SR 332 and Loomis Road in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/37303/24-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37304/24-2023-color-site-plan>

This site was previously reviewed as referral 131-2022 in July of 2022 for an area variance for a 50' building setback to SR 332 when 100' is required and 30' building setback when 80' is required. The current application is for site plan approval for two (2) 10,000 SF buildings with nine (9) 1,111 SF flex-space rental units on a 2.5 acre site. The site will have (44) 9 ft. by 20 ft. parking spaces, including (1) accessible space. To reduce visual presence, the applicant has proposed to retain vegetation around the perimeter of the site. In addition, a 6' high wood screen fence will surround the parking area at the north end of the parcel to screen the view of cars and the lower portions of the buildings. The buildings will have dark brown metal siding and a black metal roof to help in reducing visual presence. In coordination with the NYSDOT, consideration will also be given to planting evergreen trees in the NYSDOT ROW at the northwest corner of the project site to provide additional screening.

The stormwater management system will be based on an Infiltration Basin (I-2) system that will allow the stormwater run-off to infiltrate into the existing moderately permeable soils. According to OnCor, there is a potential wetland area identified by the National Wetland Inventory in the southeast corner of the site. The property is not constrained by floodplains or steep slopes and is not in the agricultural district

Comments

1. The referring body should confirm the southeast corner of the site is not a regulated wetland.

OCSWCD Comments

1. Will topsoil be removed from site or remain on site? Location of topsoil stockpile not specified.
2. Concrete truck washout not identified.
3. Consider alternative drop inlet protection structures, see Blue Book.

25 -2023 Town of Geneva Planning Board Class: 1

Type: *Site Plan*

Applicant: *Passero Associates*

Property Owner: *Elizabeth Missick*

Tax Map Parcel #: 119.00-1-30.211

Brief Description: *Site plan re-approval for Seneca Springs Town Homes on the south side of Snell Road between Lincoln Way and White Springs Road in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/37308/25-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37309/25-2023-Site-Plan>

The project was referred for site plan review only, though the referral package also includes a letter to the Town Board requesting re-approval for re-zoning to PUD. The Town of Geneva Zoning code does not specify that re-zoning to PUD lapses after some period of time if no final development plan is presented to the Planning Board. The Zoning map however, does not show these lands zoned PUD. The regulations also indicate the Town Board is involved in some way with the final development plan, yet does not specify the Town Board role.

The proposed site plan indicate 76-single story townhomes in four and five unit buildings in addition to an 8,000 SF community building, walking trails, greenhouses, and a dog park. The paperwork submitted to the Town Board references 84 single story condo-styled homes in combinations of three, four five unit buildings, five 5-unit, 2 story buildings, and a 10,000 SF community building, walking trails, greenhouses, and a dog park.

A proposed PUD development plan indicates a second phase of 70 units on the 14 acres at the south end of the site. The Plan indicates over 35 percent green space with 7 percent or 3.5 of the 51 acres in open space. The Plan shows infiltration basins along with rooftop disconnection and organic filters which will discharge to a proposed outlet structure. There is a stormwater management area proposed on the eastern edge of the parcel. The site plan also shows landscape screening along property lines and around all mechanical equipment. The project is expected to have public water and sewer.

According to OnCor, the parcel predominantly has gentle to no slope (0-9%), with a brook running along the western side. There is also a national wetland on the adjacent parcels to the north and south.

Comments

1. The referring body should clarify whether Town Board re-approval of the re-zoning to PUD is required.
2. The referring body should clarify the impervious coverage/density of development proposed and the adequacy of related open space and stormwater management facilities.
3. The Town Board should amend the PUD regulations to address automatic reversion of PUD rezoning if a project does not proceed to development in a timely fashion. This avoids development of projects that do not incorporate best practices that may not have been required at the time of rezoning.
4. The site plan should identify location of agricultural infrastructures, especially field drainage, and require that any such infrastructure damaged during development be repaired to protect the viability of adjacent agricultural lands.

OCSWCD Comments

1. Consider culvert installed under gravel access to stormwater management facility to allow water from swale to enter facility.
2. Concrete truck washout must be 100 feet from any surface inlet.
3. Consider impacts to site drainage due to damage to tile system during construction.
4. Consider green infrastructure practices for managing stormwater

26 -2023 Town of Canandaigua Town Board

Class: 2

Type: *Text Amendment*

Applicant: *Town of Canandaigua*

Brief Description: *Local law amendment to revise zoning code section 220-62.2 regarding regulation of ground mounted solar energy systems in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/37310/26-2022-SolarEnergyDecember82022redline>

The revised regulations prohibit ground mounted solar installations in the Scenic Viewshed Overlay district adopted in 2022 to protect view from Canandaigua Lake. The proposed regulations also prohibit battery energy storage facilities supplying more than 1 MW AC, and edit information that must be supplied as part of site plan/special use permit review to require screening/buffering and allow assessment of visual, noise, agricultural, and stormwater impacts. The regulations also increase the maximum area occupied by a small scale ground mounted system for on-site consumption from 1,000 SF to 4,000 SF.

Comment

1. The definition of Tier 3 Solar Energy System still includes superfluous language from the Model Law regarding maximum area.

27 -2023 Village of Rushville Village Board Class: 2

Type: *Comprehensive Plan*

Applicant: *Village of Rushville*

Brief Description: *Adoption of a Comprehensive Plan for the Village of Rushville.*

<https://ontariocountyny.gov/DocumentCenter/View/37311/27-2023-Rushville-Comp-Plan--January-Draft>

The Comprehensive Plan identifies issues of concern to residents such as filling gaps in sidewalk network, improving community park/playground, garbage/brush pick up, affordable housing, communication, and expanded village commercial uses. The Plan includes a vision and identifies three core community values: open and responsive government, growth and development that respects small town feel and scale, and stewardship and respect for natural environment.

The Plan outlines action items in four key areas: create a diversity of housing and homeownership opportunities, improve village services, enhance park and village amenities, and expand, enhance, and support locally-owned businesses. The Comprehensive Plan identifies traditional neighborhood residential and mixed use commercial land use areas and specific areas that could be developed and/or redeveloped with housing and commercial uses.

Comments

1. The Village of Rushville is commended for engaging residents in developing a Comprehensive Plan, its first since 1965.
2. The Village may want to consider action items to address garbage in the creek and to enhance community access to the creek in any development/redevelopment of adjacent properties.

28 -2023 Town of Hopewell Planning Board Class: 1

Type: *Special Use Permit*

Related Referrals: 29-2022

Applicant: *Sonbyrne Sales*

Property Owner: *Finger Lakes Community College Foundation*

Representative: *Christian Brunelle*

Tax Map Parcel #: *85.03-1-8.000*

Brief Description: *Site plan and area variance for Bryne Dairy at the southwest corner of SR 5/US 20 and Lakeshore Drive in the Town of Hopewell. Area variance to allow portion of fuel canopy 40' from SR 5/US 20 ROW when 60' is required.*

<https://ontariocountyny.gov/DocumentCenter/View/37312/28-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37313/29-2023-Site-Plan>

The project site is a 2.1 acre parcel at the southwest corner of SR 5/US 20 and Lakeshore Drive in the Town of Hopewell. The site is currently occupied by office space for the FLCC Honors. The primary structure is proposed to be 4,232 SF with the free-standing canopy being 40' wide and 104' long. The site will have 2 driveways 137' apart on Lakeshore Drive. There is a 50' wooded buffer between the existing parking area and the apartments to the west. The proposed site plan shows removal of a majority of the trees/vegetation along this property boundary, while retaining the required 20' building setback. The existing screening vegetation along the SR 5/US 20 boundary is in the NYSDOT ROW. The project is expected to use existing public water and sewer connections.

According to OnCor, the parcel has gentle to no slope (0-9 percent). Soils consist of mostly Cayuga silt loam and Ovid silt loam with moderately high permeability and high erodibility. Cayuga silt loam is not hydric while the Ovid silt loam is partially hydric.

Comments

1. The referring body should consider requiring retaining or planting of screening vegetation along the property boundaries to buffer adjacent residential uses, screen the use from SR 5/US 20 travelers, and provide a desirable pedestrian environment along the sidewalk along Lakeshore Drive,

OCSWCD Comments

1. Preliminary plans do not provide enough detail to comment on erosion and sediment control methods

CLCSD Comment Conceptual comments on sewer connection have been provided to the applicant.

29 -2023 Town of Hopewell Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 28-2022

Applicant: *Sonbryne Sales*

Tax Map Parcel #: 85.03-1-8.000

Brief Description: *Site plan and area variance for Bryne Dairy at the southwest corner of SR 5/US 20 and Lakeshore Drive in the Town of Hopewell. Area variance to allow portion of fuel canopy 40' from SR 5/US 20 ROW when 60' is required.*

See information at 28-2023.

30 -2023 Town of Hopewell Planning Board Class: 1
 Type: *Special Use Permit*

Applicant: *Timothy Michaelsen*

Tax Map Parcel #: 72.00-1-15.120

Brief Description: *Special use permit for tire and truck storage in a proposed 6,800 SF accessory building for a mobile tire installation home occupation at 2525 Smith Road in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37313/29-2023-Site-Plan>

The proposed storage building is located in the front yard to the south of the existing driveway. The building meets the 36' side setback requirement and more than meets the 75' front setback requirement. Construction of the building would require removal of an area of natural existing trees and shrubs and the building would likely be visible from the Smith Road ROW. The front two-thirds of the building will accommodate an office, business vehicle, and tire storage for a mobile agricultural tire installation business. The back one-third of the building in open sided storage for personal power sports equipment.

Comments

1. The Town of Hopewell zoning code defines a home occupation an accessory use conducted within a dwelling or an accessory building by the residents thereof, which is clearly secondary to the use of the premises for residential purposed. The referring body should consider whether the proposed storage building meets the definition of a home occupation.

31 -2023 Town of Hopewell Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Applicant: *Erin Randall*

Tax Map Parcel #: *73.00-1-24.210*

Brief Description: *Area variance for 63' front setback when 75' is required at 3128 CR 4 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37339/31-2023-location-on-aerial>

The project site is on a 1.65 acre single-family residential lot along the north-side of County Road 4 and the adjacent 8 acres property to the north and west in the Town of Hopewell. While not yet reflected in OnCor, the lots were recently combined to allow placement of the proposed 2,048 SF horse barn that would straddle the former lot line. The existing home is located closer to the road than the proposed accessory structure. The proposed structure is to be placed behind the existing accessory structure along the western side of the property. Proposed structure appears to be visible from right-of-way, but is set further back than the existing accessory structure and has some surrounding vegetation.

According to OnCor, the site mostly consists of areas of gentle to no slope (0-9%). Area of proposed structure has a section of moderate slope (10-15%). Soil is predominantly Lima Loam with some Honeoye Loam. Both types are not hydric, have moderately high permeability, and medium erodibility.

Comments

1. The referring body should confirm the lot line adjustment has been recorded in the Ontario County Clerks office.
2. The proposed accessory structure is set back further from the right-of-way than the existing accessory structure on the property. Does this need a variance if there is a pre-existing non-conforming accessory structure already?

32 -2023 Town of Hopewell Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Applicant: *Emmett Dailey*

Tax Map Parcel #: *74.00-1-2.211*

Brief Description: *Area variance for 50' front setback when 75' is required for 864 SF barn at 2757 SR 488 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37339/31-2023-location-on-aerial>

The proposed accessory building will likely be visible from SR 488.

33 -2023

Town of Hopewell Planning Board

Class: 1

Type: *Site Plan*

Applicant: *New Covenant Baptist Church*

Tax Map Parcel #: *85.00-1-94.110*

Brief Description: *Site plan for replacement and expansion of sign to reflect name change of New Covenant Baptist Church at 4317 CR 46 in the Town of Hopewell.*

The proposed sign will be located in the same location as the exiting sign. The sign face will be 3.5' by 5' and the sign will be 6' in height.