

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday May 10, 2022, at 3:30pm –**
County Planning Board Meeting –May 11, 2022 at 7:00pm [Hybrid Meeting Click Join Meeting hyperlink below](#)
 Telephone: 585-396-4455

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Linda Phillips is inviting you to a scheduled Webex meeting.

Wednesday, May 11, 2022

7:00 PM | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs 30 mins

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78 -2022 Town of Victor Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Steve Barbash Irrevocable Trust*

Property Owner: *same*

Tax Map Parcel #: *27.01-1-69.000*

Brief Description: *Area variance for installation of solar panels in the front yard of a home at 7471 Dryer Road in the Town of Victor.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34333/78-2021-solal-panel-area-on-aerial>

The lot is on the southside of the road. Presumably the panels will face south, away from the road. The submitted materials show a solar panel area that extends to both sides of the driveway and appears to be closer to the road than the setback of the adjacent house to the west with no setback measurement provided. There is existing screening vegetation, including some evergreen trees, along the existing east and west property boundaries and deciduous vegetation along the road frontage. To the south and west of the property is the Town of Victor Dryer Road Park.

Comment At a minimum, the solar panels should be setback in accordance with the minimum building setback.

79 -2022 Town of Victor Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Ryan Homes*

Property Owner: *NVR, Inc*

Tax Map Parcel #: *40.02-1-1.000*

Brief Description: *Area variances for community fence and sign located in the front yard of houses at 1505 Beaumont Way and 6420 Claremont Court in the Blumont Estates subdivision south of CR 41 near East Victor Road in the Town of Victor.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34334/79-2022-sketch-plan>

80 -2022 Town of Geneva Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *19-2022*

Applicant: *Cary & Cynthia Fox*

Property Owner: *Fox Living Trust*

Tax Map Parcel #: *133.00-1-17.110 & 133.00-1-18.112*

Brief Description: *Site plan for silvo-pasture operation at 59-acre site at 4182 SR 14 in the Town of Geneva.*

https://www.ontariocountyny.gov/DocumentCenter/View/32718/19-2022_13300-1-17110_Aerial-Photo-Map

<https://www.ontariocountyny.gov/DocumentCenter/View/34336/80-2022-sktch-plan>

The referred materials include previously reviewed materials and a sketch plan with setbacks and a sketch plan with 10' contours and planned grassed drainage areas, both dated 3/23/22. The plans show approximately 2,700 lf of proposed driveway, 3 planned houses, and 7 additional buildings each with an estimated footprint of 800 SF or 5,600 SF, and 14 yurts estimated to be 25' in diameter spaced a minimum of 50' apart, though the spacing shown is closer to 100'.

The yurts are setback a minimum of 60' from the western property line and other site buildings are generally 120 to 175' from property lines. Five buildings and one house on the front half of the site will sheet flow to SR 14. There is no documentation that the planned ponds have sufficient storage area and elevation to function as drawn. The plans do not show proposed fencing or silvo-pasture areas.

The following repeats description of area land use, environmental features, zoning and staff, CRC, and CBP comments from previous review of a sketch plan and EAF referred with the PUD referral in February 2022 as referral 19-2022.

Adjacent land uses include, Bayview Heights, a suburban density residential subdivision to the south, White Springs Brook and agricultural fields to the west, vacant forested land and several 1.5-to-7-acre residential lots to the north, and vacant land, 2 residential lots of less than 1-acre, Big aLICe Brewing and White Springs Winery along SR 14 in front of the property to the east. The potential PUD extension/farm market property is north of Big aLICe Brewing along SR 14.

According to Oncor, the property is in OC Agricultural District #1. The NWI indicates a potential federal wetland along White Springs Brook along the west property boundary, likely the 1.1-acre wetland referenced in the application materials. There is also an area of 16-30 percent slope in the southwest corner of the site.

The site's R-1 zoning allows single family homes and short-term rental in accordance with Town regulations. The R-1 district does not explicitly allow agricultural uses, though such use is protected as long as the property is in the county agricultural district. The Geneva Town Code does not include a definition for campground, and it is not an allowed use in any district. The Lake View Overlay District permits agricultural tourism enterprises not operated as part of a farm, event facilities, lodging with not more than 14 rooms, restaurants, tourist-oriented retail sales, and cannabis on-site consumption establishment. Re-zoning to PUD would replace all development standards of the R-1 and Lake View Overlay districts with standards and thresholds outlined by the town board in its review of the preliminary development plan or by the planning board in its review of the final development plan.

February 2022 Comments

1. In developing the silvo-pasture farm and management plan, care should be taken to select species, breed, and type of animals and size of herd able to make use of planned trees in a rotational grazing pattern without trampling existing vegetation and creating risk for erosion.
2. Given the narrow lot frontage and existing driveway density, it is desirable to identify a shared access point with White Springs Winery and/or Big aLICe Brewing.
3. Any PUD approval should clearly define the access point, circulation system, number and location of residential uses, and guest accommodations, scale, and location of farmstand and special event parking, and any limits on special events frequency, size, or nature. The development plan should also establish appropriate setbacks and identify natural features to be preserved as part of the 35 percent open space.

February 2022 CRC Comments

1. Does the applicant anticipate wholesale or retail sale of mushrooms, milk or meat products produced on the farm? What number of vehicle trips and parking will the farm business entail?
2. The referring body should consider requiring retention of vegetative buffers along the property perimeter to protect the agricultural activities from adjacent residential uses.
3. What standards will apply to the guest accommodations?

4. What is the size of the mushroom facility? the livestock building? What is the size and use of the processing facility?
5. What is the size, use, water source, and outflow location of the farm ponds?
6. Will the requirements of the Lake View Overlay District regarding 100' side setbacks for some uses, use of quality exterior materials, hours of operation, etc. be continued?
7. This segment of SR 14 appears to be developing the mix of residential and commercial uses anticipated in the Town Center Mixed Use district. The referring body should consider how to safely accommodate bicycle and pedestrian travel between residential uses along the lake and in Bayview Heights, and commercial uses such as restaurants/breweries/wineries, potential farm stand, etc. from the city line to Turk Road.

February 2022CPB Comments

1. Is parcel 1 included in the PUD?
2. Will this project be phased?
3. Does Town Code allow more than 1 home/business on a lot? Will homes and commercial buildings be located to allow subdivision, if desired, in the future?
4. How will the new trees be protected from grazing livestock or how long after trees are planted will livestock be introduced?
5. Applicant and/or Town Board needs to specifically outline thresholds for impervious surfaces; frequency, size, and type of special events; and other development parameters typically included in zoning district regulations.
6. When next updating its Comprehensive Plan, the Town of Geneva should focus attention on the appropriate uses, development standards, and bicycle and pedestrian accommodations for this rapidly developing mixed use segment of SR 14 from the city line to Turk Road.

81 -2022 Town of Farmington Planning Board
 Type: *Special Use Permit*

Class: 1

Related Referrals:40-2022

Applicant: *Lloyd Twitchell*

Tax Map Parcel #: *42.00-1-24.100*

Brief Description: *Renewal of special use permit to operate a farm and construction equipment repair and painting business in existing farm buildings at 5107 Shortsville Road in the Town of Farmington.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34357/81-2022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34337/81-2022-sup-site-plan>

This operation has been successfully operated since 2013 under two 5-year temporary special use permits. In March 2022 (referral 20-2022) the Town of Farmington amended its zoning code to allow such uses by special use permit in four zoning districts including the A-80 district where this property is located. The special use permit criteria require any outdoor storage of equipment to be in a bermed and/or landscaped area not visible from any residential properties or the public road.

Comments

1. Previous temporary use permits were not transferable and did not authorize hiring of employees. Will these conditions be retained?

82 -2022 Village of Clifton Springs Village Board
 Type: *Text Amendment*

Class: 2

Related Referrals: 222-2021

Applicant: *Village Board*

Representative: *Jeff Graff*

Brief Description: *Text amendment to add short term rental regulations to the zoning code of the Village of Clifton Springs.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34338/82-2022-STR-II>

The Village of Clifton Springs referred a different local law for regulating short-term rentals in November 2021 (#222-2021). The proposed local law is an amendment to the Village Zoning Code. It allows short-term rentals in any district unless otherwise restricted. Owners must apply for a 2-year renewable permit, maintain up to date ownership and contact information, and meet all NYS building code requirements. It requires all owners to reside in the Towns of Manchester, Phelps, or Hopewell or their respective villages and to be humans not corporation, limited liability company, partnership, joint stock company, estate, or trust.

Comments

Zoning permits run with the land/use. In order to be able to terminate a short-term rental permit upon change of ownership and to regulate occupancy based on tenure, the short-term regulations should be enacted based on the municipality's general home rule/regulatory authority to regulate businesses and located outside the zoning chapter of the code. A long-established tenant of zoning law is that the regulations fail (meaning they are struck down in court if

challenged) if they are based on ownership. In short, under the zoning authority granted municipalities in New York State, municipalities can regulate the type of land uses, not ownership.

83 - 2022 Town of Naples Joint Town and Village Planning Class: 1

Type: *Site Plan*

Related Referrals: 84-2022

Applicant: *Karly Ingerick*

Property Owner: *L.S. Golf Inc.*

Tax Map Parcel #: 203.12-1-12.000

Brief Description: *Site plan and special use permit for operating a dog grooming business in the east end of a self-car wash building at 8633 SR 21 between SR 53 and Eelpot Road in the Town of Naples.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34339/84-2022>

The .27-acre property is located south of SR 21. Adjacent land uses include a single-family home to the west and the secondary golf course access to the east. Site plan indicates 5 parking spaces.

Comment Did the approved site plan for the self-car wash identify any required parking?

84 - 2022 Town of Naples Joint Town & Village Planning Class: 1

Type: *Special Use Permit*

Related Referrals: 83-2022

Applicant: *Karly Ingerick*

Property Owner: *L.S. Golf, Inc*

Tax Map Parcel #: 203.12-1-12.000

Brief Description: *Site plan and special use permit for operating a dog grooming business in the east end of a self-car wash building at 8633 SR 21 between SR 53 and Eelpot Road in the Town of Naples.*

See information at 83-2022.

85 - 2022 Town of Bristol Planning Board Class: 1

Type: *Site Plan*

Applicant: *Bristol Extracts, LLC*

Property Owner: *same*

Tax Map Parcel #: 124.00-1-63.200

Brief Description: *Site plan for 20,000 SF production facility and related site modifications adjacent to existing industrial facility at 4376 SR 64 in the Town of Bristol.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34340/85-2022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34341/85-2022-site-plan>

Proposed site is 30 acres and developed with an 11,000 SF building and geothermal pool. The proposed building and stormwater facilities will be located south of the existing building.

According to OnCor, the site has slope of 9 percent or less. The rear of the lot is in the draft 2022 FEMA 100 year and 500-year floodplain. The draft floodplain area extends east of the NYSDEC wetland but does not appear to extend as far as the existing and proposed building/area of disturbance. Soils in the 2-acre building area are Wayland silt Loam partially hydric soils with very high erodibility, high permeability, in hydrologic soil group B/D.

No connections to public water or existing septic system are shown on the site plan. The EAF indicates the building will be connected to public water but not to the existing septic system.

Comments

1. On February 22, 2022, Governor Hochul signed into law a bill creating Conditional Adult -Use Cultivator and Processor licenses which authorize eligible hemp processors to apply for a license to cultivate, process, or manufacture products containing over 0.3% THC. To be eligible for a processor license, the applicant must have applied for a Cannabinoid Hemp Processor License before January 1,2022 and received a license. Has the applicant met this eligibility requirement?
2. Where will process water be discharged? Is additional information need to document that process water discharged is suitable for consideration as stormwater not wastewater?
3. The referring body should make the applicant and the applicant's engineer aware of the extent of the draft floodplain.
4. Site plan should show area of disturbance.

OCSWCD Comments

1. Consider piping downspouts until clear of the septic system.
2. Concrete truck washout and stabilized construction entrance not shown on plans.
3. Area of topsoil stockpile not shown on plans.

86 -2022

Town of Canadice Planning Board

Class: 1

Type: *Subdivision*

Applicant: *Catherine Crane*

Tax Map Parcel #: *174.00-2-35.200*

Brief Description: *Three lot subdivision of 32-acre site on west side of CR 36 in the Town of Canadice.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34342/862022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34343/86-2022-subdivision>

The subdivision would create a 3.2-acre lot for existing single-family home, a 4.3-acre lot for existing 600 SF pole barn and four 160 SF cabins, and a 24-acre remainder lot. There are two separate wells and septic systems one for the residence and one for the 4 cabins. The existing lot has approximately 1,115' of frontage. Proposed lots have frontage of 325' to 431'.

According to OnCor, the lot is not in OC Agricultural District #1 and is not constrained by wetlands, or existing or draft floodplains. The entire property has slopes greater than 15 percent slope with slope of all but the frontage exceeding 60 percent.

The property is zoned Rural. The Rural district allows a range of residential, agricultural, woodland, and small-scale commercial uses on large lots with private water and wastewater treatment systems.

87 -2022 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Applicant: *Finred LLC*

Representative: *Marks Engineering*

Tax Map Parcel #: 99.00-1-7.000

Brief Description: *Site plan for conversion of an existing residential building into a professional office building involving expansion of the parking area and widening of the existing driveway at 4303 SR 5/US 20 by Fall Brook Creek in the Town of Hopewell.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34344/87-2022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34345/87-2022-site-plan>

Property borders Fall Brook Creek to the west and FLCC to the east and south. Topsoil and other soil will be removed from the proposed 23 space parking area and placed at the western end of the site.

Comments Will any of the existing roadside vegetation be retained?

OCSWCD Comments

1. Consider secondary layer of slit fence near edge of class C stream.
2. Consider stormwater or green infrastructure practice to manage runoff from increased hard surfaces
3. Concrete truck washout not shown on plans

CLCSD Comment Owner will be subject to sewer rent reassessment.

88 -2022 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Related Referrals: 89-2022

Applicant: *Steven Schreiner*

Tax Map Parcel #: 99.00-1-35.111

Brief Description: *Site plan and area variance for convenience store and gas station at 3929 SR 5/US 20 at the corner of SR 247 in the Town of Hopewell.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34347/88-2022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34348/88-2022-site-plan>

<https://www.ontariocountyny.gov/DocumentCenter/View/34346/88-0222-landscape>

The 3-acre site is proposed for development with a 6,000 SF convenience and 6 gas pumps. The site plan proposes 5 parking spaces along the corner roadway frontage, 25 spaces around the store, and 21 spaces to the south. The landscape plan indicates 6 trees along the SR 247 frontage and screening landscaping to the rear of the building and south of the proposed building and parking. It also shows a stormwater management facility in the southwest corner of the site. The site and surrounding properties are zoned C-2 Low Intensity Commercial. The intent of the Low Intensity Commercial district is to provide smaller scale (<15,000 SF) commercial uses which retaining the rural character of the corridor.

The area variance is to locate the gas canopy 19' from the front property line when 75' is required.

According to OnCor the site is not constrained by wetlands, floodplains, or steep slopes.

Comment

1. The referring body should ensure there is an access easement and maintenance agreement in place for the shared SR 5/US 20 access point.
2. The convenience store is likely to be a desirable pedestrian location for students and residents of all ages living in the nearby mobile home park. The Hopewell Town Code requires sidewalks along all dedicated roads within 1,000' of a residential concentration. The referring body should consider what additional pedestrian and bicycle accommodations are required.
3. Does the proposed SR 247 driveway align with the driveway across the street?
4. The referring body should confirm all outdoor lighting is dark sky compliant and does not spill onto adjacent properties. In particular, the canopy lighting should be recessed to avoid off-site visibility.
5. The referring body should consider desirability of landscaping along the SR 5/US 20 frontage east of the driveway. If a tree is not desirable because it would obscure the sign, a planting bed of shrubs, grasses, and/or perennials should be considered. No foundation plantings are proposed. The referring body should also consider the desired character of the streetscape in this area. Evenly spaced trees create an urban character while clustered vegetation including a mix of trees, shrubs, and ground covers provides a rural character.
6. Similarly, the referring body should consider the appropriate architectural character for this area. The proposed flat roof structure and gas canopy does not reflect rural building forms.
7. Where will the dumpster be located?
8. The applicant may want to consider future location for an electric vehicle charging station.

OCSWCD Comments

1. Proposed outlet of stormwater management facility points directly at existing neighboring building.
2. Plans indicate no heavy equipment should drive over proposed septic location and that original soil must be left in place while grading plans indicate proposed changes in grade in that area.
3. Consider 0 phosphorus fertilizer.
4. Concrete truck washout must be located a minimum of 100 feet from all stormwater inlets and surface waters
5. Location of topsoil stockpile not indicated on plans.
6. Detail for concrete truck washout not provided.

NYSDOT Comments This project has come into the regional office for concept review and our office has made comments. We had concerns with sight distance on Routes 5 & 20, but with a right in/right out entrance as currently proposed, those concerns are no longer an issue. A curbed median will help control drivers. Also, we are wondering what is going to happen with the existing cross access with the business to the west, as it appears to share an entrance. The applicant will need to clarify that.

89 -2022

Town of Hopewell Zoning Board

Class: 1

Type: *Area Variance*

Related Referrals: 88-2022

Applicant: *Steven Schreiner*

Tax Map Parcel #: 99.00-1-35.111

Brief Description: *Site plan and area variance for convenience store and gas station at 3929 SR 5/US 20 at the corner of SR 247 in the Town of Hopewell.*

See information at 88-2022.

90 - 2022 Town of Hopewell Zoning Board of Appeals Class: 2

Type: *Use Variance*

Applicant: *Jeffry Bittel Properties LLC*

Property Owner: *J Bittel*

Tax Map Parcel #: *72.00-1-16.100*

Brief Description: *Use variance for a yoga studio in portion of existing 3,200 SF building at 2403 SR 21 south of SR 488 in the Town of Hopewell.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34349/90-2022-aerial>

The site is zoned I-1 Industrial. Allowable uses in the district include a range of retail, services, and industrial uses but not indoor recreational uses. Adjacent land uses include an auto body shop to north and vacant land to south.

The use variance application indicates the space has remained vacant for a period of 2 years resulting in a loss of \$40,000 based on rent previous tenant was paying.

91 - 2022 Town of Canandaigua Planning Board Class: 1

Type: *Site Plan*

Applicant: *Casey Kunes, President*

Property Owner: *Ontario County Agricultural Society*

Tax Map Parcel #: *84.00-1-12.100*

Brief Description: *Site plan for 1,600 SF open sided pole barn for pig exhibit barn at 2820 CR 10 in the Town of Canandaigua during Ontario County Fair Week.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34351/91-2022-aerial>

<https://www.ontariocountyny.gov/DocumentCenter/View/34362/91-2022-CR-10-2820-2022-04-07-Pig-Barn-set-back>

The proposed pig barn would be constructed to the west of the largest existing fair building in the northwest portion of the site

92 - 2022 Town of Farmington Town Board **Late Referral** Class: 2

Type: *Text Amendment*

Applicant: *Town board*

Brief Description: *Miscellaneous zoning code text amendments to add definitions, edit supplemental regulations regarding commercial speech signs and accessory uses and edit special use permit standards for mini warehouse uses in the Town of Farmington.*

<https://www.ontariocountyny.gov/DocumentCenter/View/34358/92-2022--LL--of-2022-Special-Use-Permit-Mini-warehouse-Structures-1>

Added definitions include mini-warehouse, conditioned space, and unconditioned space. The amendment clarifies allowable building signage when a building has frontage on more than one public street; allows awning signs for building fronting SR 332; and provides requirement for planting areas around ground mounted signs. The amendment clarifies that any lot of less than 1 acre may have only one private garage with a maximum size of 800 SF with a non-combustible floor

surface; all carports must be securely anchored. In most districts, the maximum size of other accessory structures is 300 SF, and the maximum height is 15'. In a mobile home park, the maximum size of an accessory structure, excluding a private garage, is 100 SF, the maximum height is 8', and it must be located 5' from any lot line.

The special use permit standards for a mini-warehouse use specify a maximum size for an unconditioned mini-warehouse structure of 6,000 SF. Such a use may include parking for up to 3 vehicles, trailers etc. for rent and outdoor storage of travel trailers, recreation vehicles, trailer, boats etc. as shown on an approved site plan and fully screened by a solid fence, berm and/or landscaping from adjacent highways, parkland, and residential neighborhoods. Designated off-street parking may not be used for such outdoor storage. The special use permit standards also specify 40' driveway length outside any access fence, 25' driveway width between buildings, 6' of perimeter landscaping, and need for emergency vehicle access throughout the site. The standards prohibit retail sales, automotive repair, cabinet making, and living within a stored RV or boat and require any storage of hazardous or flammable materials to comply with the NYS Fire Codes.