

**ONTARIO COUNTY PLANNING BOARD**Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday June 13, 2023, at 3:30pm****County Planning Board Meeting –June 14, 2023 at 7:00pm 20 Ontario St., Canandaigua**

Telephone: 585-396-4455

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97 -2023 Town of Farmington Town Board

Class: 2

Type: *Map Amendment*

Related Referrals: 221-2022

Applicant: *Town of Farmington*Property Owner: *Canandaigua Development Company, LLC*Representative: *Ryan Destro, P.E. / BME Associates*

Tax Map Parcel #: 29.00-2-13.100;29.00-2-14.000

Brief Description: *Proposed re-zoning of +/- 145.8 acres consisting of Limited Industrial (LI) district lands and Residential Suburban (RS-25) district lands to an incentive zoning district for a 186-lot subdivision, north of SR 96 in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/38625/97-2023-Aerial-Subdivision>

<https://ontariocountyny.gov/DocumentCenter/View/38628/97-2023-Subdivision-Concept-Plan>

This Incentive Zoning proposal was previously reviewed as 221-2022 in December 2022. The project description and comments below have been edited to reflect project changes requested by the Town Board including reducing overall density by 30 units to 186 single family homes, increasing lot width to 80', and increasing rear setback to 30'. The concept plan currently shows four open spaces areas: A (5.55 acres), B (9.27 acres) and C (3.0 acres) encompassing the Black Creek stream corridor and related NYSDEC wetland and 100' buffer between the residential and non-residential development area and open space area D (20.17 acres) along the Rail ROW at the north end of the site.

The project site includes two long narrow properties with land extending from SR 96 east of Fairdale Glen Townhomes to Collett Road. The properties are bisected by a stream channel/NYSDEC wetland approximately 725' north of SR 96 and by Finger Lake Railway tracks near Collett Road. The subject properties and the 100-acre property to the west (29.00-2-15.110) have split zoning. The area within approximately 3,000' of SR 96 is zoned LI Limited Industrial and the area 800' to 1,300' from Collett Road is zoned RS-25 Suburban Residential. The adjacent property to the west also has an area of Limited Industrial zoning providing access to Collett Road.

According to OnCor, all three properties and properties east of CR 8 are in Ontario County Agricultural District #1. Most of the land on the 2 project properties has prime agricultural soils. There are 13.6 acres of NYSDEC wetlands and 7.3 acres of NWI wetlands on the project site.

All units will be served by public water and sewer. There are sidewalks along the one side of road A and one side of road B north of the stream crossing/wetland area. NYSDOT Region 4 has reviewed the traffic study completed for the 216 single family homes previously proposed and concurs that no mitigation is necessary. NYSDOT encourages the Town to require additional traffic impact analyses at such time as the occupancy and traffic generation of uses proposed on the 4 non-residential lots is known. It may be necessary to provide a left turn lane for such uses.

The 2021 Town of Farmington Comprehensive Plan discusses preferred land use for this area within subarea #9. Due to the access constraints posed by the rail line and adjacent wetlands, the 2021 Comprehensive Plan

recommends continued agricultural and low density (80,000 SF lot) residential development in this area instead of the existing split limited industrial and residential zoning.

The IZ proposal offers the following amenities:

1. \$100,00 cash payment toward the Beaver Creek Sewer Project to relieve capacity constraints on the SR 96 sewer
2. \$ 50,000 cash payment for sewer and force main feasibility study
3. \$378,000 – sidewalk fund contribution now \$304,650
4. Design services for offsite sidewalk. Revised concept plan indicates this is for 1,500' of sidewalk on north side of SR 96 from property west to Fairdale Glen.
5. Based on the IZ concept plan, the residential development area will begin approximately 750' north of SR 96 and encompasses 117 acres. Based on revised unit count of 186 for-sale single family homes the resulting density is 1.6 units/acre. The IZ proposal requests the following incentives/deviations from the RS 25 regulations:
  - Lot width 80' rather than 125'
  - Lot depth 170 rather than 150'
  - Lot size 13,600 SF rather than 25,000 SF
  - Front setback 35' rather than 50'
  - Side setbacks 25' total rather than 15' each
  - Maximum building coverage 30% rather than 25%

The remaining 29-acre non-residential development area includes 150' of wetland area between the two land uses. The IZ revised concept plan requests continued allowance of the full range of permitted, accessory, and special permit uses in the GB General business and LI Limited Industrial districts subject to the following incentives/deviations:

- Lot width 100' rather than 150' or 250'
- Lot area 25,000 SF rather than 40,000 to 60,000 SF
- Front setback 50' to internal roadways, 70' to SR 96 rather than 75' or 80'

#### **December 2022 Comments**

1. What MTOD requirements will apply? MTOD zoning to be retained.
2. The proposed IZ parcels in Ontario County Agricultural District #1 may be subject to tax penalty for conversion to non-agricultural use.
3. The IZ revised concept plan does not indicate any on-site vegetative buffer to continuing agricultural use to the west. The referring body should consider the impact of proposed development on the viability of farm operations currently leasing the properties. Since the adjacent property is in OC Agricultural Districts #1, a note on the subdivision plan indicating the permissibility of noise, dust, odors, etc. from agricultural activities on parcel 29.00-2-15.110 is required.
4. Planning Board report on proposed IZ rezoning recommends that the adjacent parcel under separate ownership, 29.00-2-15.110, which is currently split between the R-25 and LI zoning districts be rezoned to R-25 as there are several uses allowed in the LI district that would be incompatible with the proposed development. The 2021 Comprehensive Plan identified the potential for land use conflicts based on the LI Limited Industrial zoning for these 3 parcels.
5. The Planning Board report recommends a future connection of this development to the water line along Collett Road.
6. The Planning Board report recommends that future ownership of identified open space be determined prior to any decision on the proposed IZ proposal.

7. The Planning Board report recommends that the net buildable area excluding NYSDEC wetland and buffer area be provided for lots in the non-residential development area and that maximum site coverage for each of these proposed lot should be provided. Revised concept plan lists total acres and net buildable area but does not differentiate undevelopable wetland/wetland buffer areas from stormwater management area.
8. The Planning Board report recommends restrictions on accessory structures and outdoor RV/boat storage in the residential development area given the small lot size.
9. The Planning Board report recommend 25 percent lot coverage in the residential development area, in keeping with existing residential district standards.
10. The Planning Board report recommends that given the existing speed limit of 55 mph and limited sight distance, access to uses in the non-residential development area be only from dedicated roads A and B, not directly from SR 96. Shown on revised concept plan.
11. Any IZ approval should specify the number of residential units that can be developed prior to completion of the secondary access point.
12. Concept plan should show extension of pedestrian trail to proposed road A between lots 41 ad 42. Revised concept plan shows pedestrian trail connection to Road A between lots 37 and 38.
13. Undevelopable wetland and buffer area provides space between residential and non-residential development areas. Is topography/retained vegetation sufficient to screen proposed homes from future GB/LI uses?
14. The referring body should make its decision on allowable development intensity based on a clear understanding of site acres that are undevelopable wetlands and open areas voluntarily set aside.
15. What frontage landscaping will be required to provide a smooth transition from the streetscape treatment of the Main Street Overlay district to the rural character of SR 96 further east?
16. Will two lots be consolidated into one lot or will lot line adjustments be used to separate the residential development parcel from the non-residential development parcels to provide flexibility in financing for the non-residential uses?
17. While, the IZ approval may eliminate requirement of obtaining a special use permit for certain allowed units, the referring body should consider requiring such uses to meet the development standards of Article VI, especially standards for fast food drive-thus and motor vehicle service stations.

### **December 2022 CRC Comments**

1. CRC emphasizes the importance of the referring board acting on the Planning Board and Comprehensive Plan recommendation to adjust zoning of the agricultural parcel to the west. CRC anticipates that the referring board will retain non-residential zoning for the land south of the creek and notes the referring board must choose among existing zoning districts and their allowable uses not the site-specific list of uses proposed for adjacent frontage in conjunction with this Incentive Zoning Proposal.  
<https://ontariocountyny.gov/DocumentCenter/View/36774/221-2022-Uses-Allowed-within-the-LI-portion-of-the-site>
2. CRC encourages the referring board to consider how the amenities offered through incentive zoning contribute to the Town's preservation goals.
3. The hedgerow along the western property boundary should be maintained to buffer proposed homes from continuing agricultural use of the adjacent property.
4. In response to the Town's request to construct 2 stub roads to the western property boundary and 1 stub road to the eastern property boundary, the applicant has requested consideration of requiring only reservation of the ROW in light of the expense of the providing two public road stream crossings which

could potentially serve additional off-site development to the east and west and the stormwater impacts of stub roads that may or may not be necessary.

5. In response to staff comments, the applicant provided the following additional information:
  - Regarding timing for construction of the second access point, the uniform building and fire code requires a secondary means of access for all residential subdivisions with more than 30 units.
  - All MTOD standards will apply including the 100' setback on SR 96 and the 330' to 550' driveway spacing for uses on state roads depending on whether development is characterized as large (301 or more peak hour trips) or moderate (150 to 300 peak hour trips). The Town of Farmington access management standards only take into consideration driveways on the same side of the road.
6. In response to CRC questions, staff provides the following additional information:
  - Other commonly used access management standards apply to all road and driveway access connections on both sides of the road and are based on speed limit and functional class of adjoining road. SR 96 in the vicinity of the project site is a minor arterial. The typical connection spacing standard for an arterial road is 660' if the speed limit is 45 mph or greater. The two parcels have approximately 780' and 575' of frontage on SR 96; there is also an intervening single-family home. South of SR 96 is undeveloped vacant land and a horse farm. The referring body should ensure that the proposed street locations are suitable to provide future 4-way intersections with roads or driveways serving development on the south side of SR 96.

#### **December 2022 CPB Comments**

1. In response to questions the applicant and representative provided the following information:  
The homes in this subdivision are likely to range from 1,400 SF ranch home selling for \$250,000 to \$275,000 to larger homes selling for \$350,000 to \$400,000.
2. Details on stream crossings and stormwater management will be provided on a future site plan.

#### **June 2023 Comments**

1. Does undevelopable wetland/wetland buffer area count toward required minimum open space on non-residential lots? The developable area of the 3 smaller non-residential lots ranges from 0.6 to 1.1 acre. Is this area sufficient for required open space, building, parking, and stormwater management?
2. The concept plan appears to show stormwater management for residential lots on non-residential lots B and C. Who will be responsible for long term maintenance of these facilities?
3. The referring body should clarify the outline of the 4 non-residential development parcels, and 3 open space areas corresponding to the stated acres and indicate whether the 2 stormwater management areas are included in the open space acreage. It is likely the 17.8 acres listed as open space represents stormwater management areas and undevelopable wetlands/wetland buffer area and no voluntarily set aside open space
4. The referring body should clarify the acres of undevelopable wetland area, and stormwater management area included within the 20.17 acres of open space parcel D along the rail ROW at the north end of the project site.

The proposed residential uses are likely to generate more pedestrian traffic interested in the uses on the smaller non-residential lots. The intervening single-family home will present a gap in the frontage sidewalk between Roads A and B. Depending on the timing of non-residential development, potential redevelopment of the single family home and/or construction of the missing link in the frontage sidewalk the Planning Board may want to consider alternatives to provide safe access from the proposed development to non-residential uses developed with access off road B

98 -2023                                      Town of Phelps    Town Board                                      Class: 2  
 Type: *Local Law*

Applicant: *Linda Nieskes, Town Clerk*

Brief Description: *Local law to add chapter to zoning code and add definitions related to short-term rentals in the Town of Phelps.*

<https://ontariocountyny.gov/DocumentCenter/View/38629/98-2023-Local-Law>

The Town of Phelps short-term rental local law is proposed as a new Town Code chapter by the authority of Section 10 of the NYS Municipal Home Rule Law and Section 130 of NYS Town Law which allow regulation or licensing of occupations or business and exercise of general police power to protect the order, safety, health, well-being, peace, public health, and general welfare of Town properties.

This local law outlines basis for presumption of short-term rental use, permit application and posting requirements, reasons for denial or revocation of permit by CEO, and procedures for enforcement, applicable penalties, and appeal procedures for relief from permit requirements or appeal of denial, suspension or revocation of permit.

**Comments**

1) As is the custom, editorial comments will be sent directly to the applicant.

99 -2023                                      Town of Victor    Zoning Board of Appeals                                      Class: AR2  
 Type: *Area Variance*

Applicant: *Skylight Signs*

Property Owner: *FX Net Lease Holdings LLC*

Tax Map Parcel #: *6.00-1-62.110*

Brief Description: *Area variance for a third business-use sign on the east-side of the Wendy's at 7473 SR 96 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38630/99-2023-Wendys-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38631/99-2023-Wendys-Sign-Images>

Area variance for a third business-use sign on the east-side of the Wendy's at 7473 SR 96 in the Town of Victor. Town of Victor Code allows for a business to have a sign at each separate entrance to a public right-of-way. The building has entrances on both the north and south elevations. The east elevation, while having frontage, does not have an entrance. Therefore, an area variance is required. The business (Wendy's) currently has two permitted building mounted signs and a permitted monument style sign. These signs are to be updated within the confines of the code. The proposed sign is 32 SF, meeting the code requirement of having, "one square foot for each foot of building frontage" in section § 165-5.B.(3). Surrounding land uses are commercial or vacant. Subject parcel, and surrounding parcels, are zoned commercial.

**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 96 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.
2. What are the letter heights on the proposed sign? As outlined on this sign company website, 3" letters have high visibility at 30' and are readable at 100' and the sign company characterizes as having high impact at 80' to 100'. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>.

100 -2023

Town of Victor Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Applicant: *Keystone Custom Decks*

Property Owner: *Benard Budimir*

Tax Map Parcel #: *16.07-1-79.000*

Brief Description: *Area variance for 8 ft. side setback for an accessory structure (covered deck) when 10 ft. is required at 6731 Settler's Run, east of CR 9 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38633/100-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38634/100-2023-Deck-Plans>

Area variance for 8 ft. side setback for an accessory structure (covered deck) when 10 ft. is required. Proposed 552 SF covered deck is surrounded by 6 ft. privacy fence and has row of vegetation between the structure and the neighbors to the east (side requiring variance). Parcel is within the R-2 zoning district, and is single-family residential. Surrounding land uses are all residential. Parcel is a corner lot, so it has two front setbacks and two side setbacks (no rear setbacks).

**Comments:**

1. How tall is the roof structure?

101 -2023

Town of Victor Town Board

Class: 2

Type: *Map Amendment*

Applicant: *Peter Vars-BME Associates for Rawson Community LLC*

Property Owner: *Rawson Community LLC*

Tax Map Parcel #: *27.00-1-28.000*

Brief Description: *Application to establish the property located at 7200 Rawson Rd, in the Town of Victor as a Planned Development District.*

<https://ontariocountyny.gov/DocumentCenter/View/38636/101-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38637/101-2023-Rawson-Rd-Concept-Plan>

<https://ontariocountyny.gov/DocumentCenter/View/38638/101-2023-Rawson-Rd-Engineer-Report>

<https://ontariocountyny.gov/DocumentCenter/View/38699/101-2023-Rawson-Rd-Zoning-Aerial>

This application is a concept plan for a zoning map amendment to change the zoning of an 22.5-acre property fronting on Rawson Road and bordered on the east by the Village of Victor and on the north by the Auburn Trail, to the west by undeveloped lands zoned LI Light Industrial and to the south by single and multi-family residential development. The eastern portion of the site is developed with a light industrial use. The parking for the building is located in the Village of Victor.

The proposed project includes 8 lots 70' in width on a private road 225' west of Burlington Road and 69 townhouses in 3-, 4-, and 5-unit buildings with one entrance opposite Chapel Hill Drive and a second access point approximately 290' to the west. Total peak hour trip generation for the 69 units is 63 vehicles (am) and 76 vehicles (pm), below the typical 100 -150 peak hour trip threshold for requiring a traffic study.

Other project features include a 5' side walk along 1 side of townhouse development roads, a stone dust path connecting the townhouse development to the Auburn Trail, 14 visitor parking spaces and a stormwater management facility. The project will be connected to Village of Victor sewers and Monroe County Water Authority.

The concept plan shows landscaping between the existing building and the townhouse area, between the private road C and Rawson Road at front of single-family lots, and at the corner of each townhouse building. The site plan shows disturbance of a 1.8-acre (according to OnCor) NYS DEC regulated wetland on the parcel plus associated 100' wetland buffer along the northern half of the stream corridor crossing the site. The concept plan also shows the required 75' stream buffer.

At the site plan stage, the applicant will provide detailed stormwater analysis and calculation of storage capacity needed to address water quality and water quantity discharge volumes to at or below existing run-off rates. Development of the property will also include run-off reduction volume or green infrastructure design elements to treat the first flush or 1" rain event. Some of the green infrastructure techniques may include conservation of natural areas, disconnection of rooftop runoff, and bio retention areas. Site plan



documentation will also include comprehensive construction erosion control plan and a SWPPP to control erosion and provide water quality treatment during and after construction. Typical measures required include stabilized construction entrances, silt fence, stone check dams, sediment inlet protection and rock outlet protection.

According to OnCor, site soils are characterized as follows:

**Palmyra gravelly sandy loam (0-3 % Slope) - 66.2%**

**Prime Farmland**

**Permeability:** high **Erodibility:** med

**Hydrological Group B Not Hydric**

**Wayland silt loam (0-3 % Slope) – 11.9%**

**Not Prime Farmland**

**Permeability:** high **Erodibility:** very high

**Hydrological Group B/D Partially Hydric**

**Palmyra fine sandy loam (3 - 8 % Slope) – 10.0%**

**Prime Farmland**

**Permeability:** high **Erodibility:** med

**Hydrological Group B Not Hydric**

**Comments**

1. The PUD includes the existing Light Industrial building. Should this lot be subdivided and remain zoned LI? Should the PUD concept plan include potential expansion of the existing light industrial building and parking area?
2. Does single family lot 8 provide sufficient area outside the 100’ wetland buffer to accommodate an accessory structure?
3. Does the project meet the access connection spacing standards of Chapter 55 for roads A and B serving the townhouse development?
4. The referring board should have a clear understanding of the acres occupied by undevelopable wetland/wetland buffer area, stormwater management facility, and usable open space. Is the proposed open space adequate given the 211- 46 requirement for 20 percent landscaped area and 50 percent open space in major residential subdivisions?
5. Is there existing vegetation along this segment of the Auburn Trail? Will any on-site vegetation be preserved along the trail to maintain the trail’s natural character and provide a buffer to residential uses?
6. How much disturbance is there to be in the DEC delineated wetland area?

102 -2023

Town of Canandaigua Planning Board

Class: I

Type: *Special Use Permit*

Applicant: *Anthony Venezia*

Property Owner: *Rick German / PGRG Holdings*

Tax Map Parcel #: *70.00-1-80.200*

Brief Description: *Special Use Permit for new access drive and seasonal boat trailer storage on a parcel located directly north of the intersection of North St and North Bloomfield Rd in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38642/102-2023-Updated-Tax-Map>  
<https://ontariocountyny.gov/DocumentCenter/View/38640/102-2023-Boat-Aerial>  
<https://ontariocountyny.gov/DocumentCenter/View/38641/102-2023-Site-Plan-Boat-Storage>

The applicant owns two properties with a total of 36 acres on the north side of North St. opposite North Bloomfield Road. CR 30 starts just to the west of the proposed driveway. The boat storage use is proposed on the 12-acre western parcel. The site plan indicates 40,000 SF of disturbance for the access road and a 20,000 SF seasonal trailer storage area outside the area of disturbance.

According to OnCor, the property to the east is owned by Blue Marine a boat sales and storage business;; properties to the north include the Canandaigua Airport, several vacant commercial properties, and 1 residence along Brickyard Road; properties to the west are owned by the Town of Canandaigua and used developed with a created pond to filter and slow upland drainage before it enters Canandaigua Lake, properties across the road to the south include the Canandaigua Indoor Ice Arena and the new YMCA.

Also, according to OnCor, the Town properties and much of the applicant’s properties are in the draft 100-year floodplain.

**Comments**

1. The referring body should make sure the applicant is aware of the extent of the draft 100-year floodplain and may want to document this awareness by asking that it be shown on the site plan.
2. What is the edge of pavement distance between the proposed driveway and North Bloomfield Road? Is the access connection spacing sufficient for safe entry and exit of vehicles with trailers?
3. The Town of Canandaigua has a 40’ trail easement along a portion of the site frontage. If this easement is expected to be developed, should the easement be extended to the eastern property line?
4. The site plan and operations plan reference only summer trailer storage on the property, while the EAF and application materials request approval of boat storage. The referring body should have a clear understanding of what they are approving and if no winter boat storage is allowed, that should be stated on the site plan. If boat storage is allowed, the site and operations plan must comply with Town Code 220-43 regarding procedures to minimize potential for site contamination from fuel, oil and other substances hazardous to human health and/or the natural environment.

103 -2023                      Town of Canandaigua   Zoning Board of Appeals                      Class: AR2

Type: *Area Variance*

Applicant: *McMahon LaRue Associates, Al LaRue*

Property Owner: *Thomas & Amanda Delaney*

Tax Map Parcel #: *98.15-1-55.000*

Brief Description: *Area variance application for a lot coverage of 40.4% when a maximum of 30% is allowed at 3492 Sandy Beach Drive in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38643/103-2023-Aerial-2-pages>  
<https://ontariocountyny.gov/DocumentCenter/View/38646/103-2023-Site-Plan>  
<https://ontariocountyny.gov/DocumentCenter/View/38645/103-2023-Photos-and-LOI>

Area variance application for a lot coverage of 40.4% when a maximum of 30% is allowed at 3492 Sandy Beach Drive. Applicant has recently constructed a new home on the parcel – which reduced overall lot coverage compared to pre-development conditions. Following completion of the home, it was realized that this area of paved shoulder along the east side of Sandy Beach Drive was critical for turn-arounds for cars/trailers on the street (for neighbors and themselves). The area variance application request for lot coverage is to allow the existing pavement on the east side of Sandy Beach Drive to remain.

Property class of the Parcel is single-family residential, with surrounding parcels land use listed all as residential. According to OnCor, area occupied by paved section has little to no slope (0-3%). Area is within FEMA 100-year flood zone. Consists of Rhinebeck silty clay loam; partially hydric, moderately high permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.

**Policy AR 5 Applications involving one single family residential site, including home occupations.  
Part B Development of Lakefront Parcels.**

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
  - variances pertaining to side yard setbacks or,
  - variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

**Final Classification: 2**

**Findings:**

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface leads to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

**Final Recommendation: Denial**

**Comments:**

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

104 -2023 Town of Canandaigua Zoning Board of Appeals Class: *Exempt*  
Type: *Subdivision*

Related Referrals: 164-2022

Applicant: *Joe Cummings, Widewaters Roseland Center, Co.*

Property Owner: *same*

Representative: *Liberty Restaurants of Rochester LLC (dba Popeyes)*

Tax Map Parcel #: 98.00-1-46.100

Brief Description: *Subdivision of a 1.43-acre parcel from a 19.30-acre parent parcel (Widewaters Roseland Center, Co.) for a Popeye's Louisiana Kitchen at 3225 SR 364, on the southwest corner of CR10 and SR 5&20, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38647/104-2023-Aerial-Popeyes>

<https://ontariocountyny.gov/DocumentCenter/View/38648/104-2023-Site-Plan-Popeyes>

Subdivision of a 1.43-acre parcel from a 19.30-acre parent parcel for a Popeye's Louisiana Kitchen Drive through south of State Route 5 & 20 in the Widewaters Roseland Center Plaza. Fast food restaurants are a permitted use in the CC zoning district. Parcel in question and surrounding land uses are all commercial.

**2023 CLCSD Comments**

1. Drawings need to be provided to this office for review and approval. Permit required for construction.

105 -2023 Town of Canandaigua Planning Board Class: *1*  
Type: *Site Plan*

Related Referrals: 106-2023; 107-2023

Applicant: *Venezia Professional Land Surveyors*

Property Owner: *Samuel Phillips*

Tax Map Parcel #: 153.00-1-68.300

Brief Description: *Site Plan, Special Use Permit, and Area Variance application to construct a barn and associated driveway/parking area for a commercial 2,310 SF wood-working shop at 5105 SR 21 S, just north of CR 16, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38649/105-2023-and-106-107-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38650/105-2023-and-106-107-Site-Plan>

The proposed barn will be 2,310 SF with a parking area in front of the shop, and a driveway extending to the southern edge of the parcel. The limit for a specially permitted small commercial establishment in the RR-3 zoning district is 2,500 SF.

There is an area variance application to have parking on the roadside of a small commercial building. In addition, there is a special use permit application for a small commercial establishment in the RR-3 zoning district. The 6.05-acre parcel is zoned in the Rural Residential (RR-3) district, and is currently residential vacant land. There is a small shed on the property. In the site plan, a proposed location for a future residence is labeled on the northwest side of the property. Surrounding land use is residential or vacant.

Application is for a one-man woodworking shop to operate during the hours of 10am to 6pm. Applicant claims visitors to the shop are very few – customers may visit shop occasionally to view works in progress. Parking is provided at the front of the shop (reason for variance). Total limits of disturbance are 40,000 SF, some of which is in steep slope areas (16-30% gradient). Disturbed steep slope areas to be stabilized with erosion control blanket. The soil is 62% Darien silt loam and 38% Lansing silt loam. Darien silt loam is not hydric, has moderately high permeability, high erodibility, is prime farmland, and is hydrologic soil group C/D. Lansing silt loam is not hydric, has moderately high permeability, high erodibility, and has farmland ranging from not prime to farmland of statewide importance, and is in hydrologic soil group B.

**Comments**

1. The referring body should request that the front setback be shown on the site plan to ensure the proposed house location is viable with minimal disturbance in the area of 16 to 30 percent slope.
2. How many parking spots are there in front of the shop?
3. Where is the proposed location of the dumpster? Any screening for neighbors to south? Any proposed landscaping/stormwater management.

106 -2023                      Town of Canandaigua Planning Board                      Class: 1  
 Type: *Special Use Permit*

Related Referrals: 105-2023; 107-2023

Applicant: *Venezia Professional Land Surveyors*

Property Owner: *Samuel Phillips*

Tax Map Parcel #: 153.00-1-68.300

Brief Description: *Site Plan, Special Use Permit, and Area Variance application to construct a barn and associated driveway/parking area for a commercial wood-working shop at 5105 SR 21 S, just north of CR 16, in the Town of Canandaigua.*

See information at 105-2023

107 -2023                      Town of Canandaigua Zoning Board of Appeals                      Class: 1  
 Type: *Area Variance*

Related Referrals: 105-2023; 106-2023

Applicant: *Venezia Professional Land Surveyors*

Property Owner: *Samuel Phillips*

Tax Map Parcel #: 153.00-1-68.300

Brief Description: *Site Plan, Special Use Permit, and Area Variance application to construct a barn and associated driveway/parking area for a commercial wood-working shop at 5105 SR 21 S, just north of CR 16, in the Town of Canandaigua.*

See information at 105-2023

108 -2023                      Town of Canandaigua Planning Board                      Class: 1  
 Type: *Site Plan*

Related Referrals: *180-2019; 239-2019; 109-2021;*

Applicant: *Marathon Engineering*

Property Owner: *Morrell Builders Inc.*

Tax Map Parcel #: *97.02-1-203.000*

Brief Description: *Site Plan & Subdivision amendment for Pierce Brook Subdivision for section 2A and 2B (previously section 2 and 3, respectively), connecting SR 21 and Parrish St Ext. in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38702/108-2023-and-109-2023-109-2021-State-Route-21-Updated-TM>

<https://ontariocountyny.gov/DocumentCenter/View/38704/108-2023-and-109-Aerial-Pierce-Brook>

<https://ontariocountyny.gov/DocumentCenter/View/38704/108-2023-and-109-Aerial-Pierce-Brook>

<https://ontariocountyny.gov/DocumentCenter/View/38655/108-2023-and-109-2023-109-2021-State-Route-21-2021-05-Site-Plan>

This project was previously reviewed as a Technical Review in February 2021 (#12-2021). The description and comments from this review are repeated with edits to reflect clarification of constrained/preserved lands, installation of gutters along the proposed road, revised public trail alignment, and addition of a small trail parking area off SR 21 across from Miller Park. The preliminary subdivision plans (referral #109-2021) also indicated soil restoration including mixing compost into subsoil and topping with 6" of topsoil in all pervious disturbed areas and a landscaping plan showing planting at the front corner of each townhouse building, at the rear corner of many buildings, and in clusters in other locations.

This development site includes a 54-acre parcel at the southeast corner of Bristol Road/SR 21 and SR 21 owned by the applicant and the 41 acres north of Parrish Street from a 125-acre parcel that extend south nearly to Middle Cheshire Road. The base zoning for the 95-acre development site would allow 82 units. On April 19, 2021, the Town Board approved a density increase of 15 percent in exchange for public access to conserved lands. The resulting total allowable density is 94 units including 2 additional units allowed in the base density based on lands in the R-1-20 zoning district. The proposed subdivision continues to include 92 townhouse lots. This would be a total of 15 acres of developed area and 80 acres of open space. Section 1 has an access point to the north off of Bristol Street. The remaining sections 2 and 3 (to be named 2A and 2B) lie on a 65.2-acre parcel TM# 97.07-1-203.000, and have an access point off of section 2B to the south onto Parrish Street Extension.

Section 1: The approved, final subdivision plan was for the 28 acres in section 1 with development of 1,300 sf of dedicated road off SR 21/Bristol Road. The subdivision includes 29 units, approximately 2.5 acres of building area, 1.7 acres of ROW and 24 acres in 2 conservation easement areas to be owned by the HOA with public access to trails in accordance with density bonus granted. The final subdivision indicates the location

of 43 oak, spruce and maple trees in section 1 and a landscape detail for building foundation plantings. Section 1 is under construction.

Applicant received preliminary overall (phased) subdivision approval on September 14, 2021 for the creation of a three-section townhome unit subdivision including Section 1 (34 units), Section 2 (29 units), and Section 3 (29 units) – for a total of 92 parcels for 92 residential single-family townhomes and associated infrastructure and site improvements. **Final Section 1 approval was granted for the construction of 29-units on December 14, 2021 (this is 5 less units than preliminary approval for section 1). The applicant is now amending the plans for Sections 2 and 3, and seeking site plan and subdivision amendment approval from the Planning Board that their plans are in substantial conformance with their preliminary approval. Applicant is proposing to rename section 2 and 3, as section 2A and 2B, respectively. Applicant is also proposing to increase the number of units in section 2A (previously section 2) to a total of 34 units, consisting of 4 (3-unit) townhouses and 11 (2-unit) family duplexes. This change would essentially transfer the five units removed from section 1, and placing them in section 2A. In section 2B (previously Section 3), the building layout/number of units is to remain the same as the approved preliminary plans (29 units). Section 2B consists of three town-house's and 10 duplexes.**

Section 2A has conservation easements to the Town of Canandaigua on both sides of Pierce Book Trail. There are also drainage easements lying between some of the buildings. There are water easements and bridge maintenance easements along/near the bridge. Buildings closest to the stream seem to be nearing on the 100 ft. stream buffer requirement (no measurement given). There is a stormwater management facility and bio-retention pond on the northern most section of 2A (also approved SWMF along northeast section of section 1). In section 2B, there is a single drainage easement between unit 38 and 39. Conservation easement land given to the Town of Canandaigua, on both sides of the road behind the units. There are sanitary easements along Pierce Brook Trail for both sections 2A and 2B.

For landscaping in 2A, a total of 51 trees will be planted (maple, oaks, spruces, birch, dogwood, witch-hazel). For 2B, a total of 20 trees will be planted (same tree types). Individual units will also have their own ornamental plantings, with 2-unit buildings having about 22 and 3-unit buildings having 27 plantings.

The Town of Canandaigua zoning requires conservation subdivision design for most subdivisions on properties with more than 10 % of parent parcel listed as priority natural resource in the Town's Natural Resource Inventory, creating more than four lots, involving a new public or private road, or reducing parent parcel road frontage by 50 percent or more. Conservation subdivisions require reserving as open space constrained lands (floodplains, wetlands, stream corridors/buffers, wood lands up to a maximum of 5 acres, land with slopes greater than 15 percent, and other undevelopable land) plus 40 percent of developable land or 48 acres for this 95-acre development site with 16.2 acres of constrained land.

Natural resources on this site include nearly 12 acres of woods including 1 acre also with steep slopes, 1.5 additional acres of slopes greater than 15 percent, the 4-acre wetland/old farm pond, and .36 acres in the stream corridor. A bridge is to be constructed in section 2A as to not interfere with the stream. The applicant also indicates proposed development area will not be visible from the east (lake) or from the west (Miller Park). The subdivision referral indicates 16 acres of constrained land will remain undisturbed.

The development area is not in the agricultural district; however, aerial mapping indicates much of the site has recently been cultivated and site soils are primarily prime farmland of the Honeoye loam series. The applicant has indicated preserved lands could be made available for agricultural activities; however, the road and trail alignments do not preserve large blocks of agricultural land.

The proposed development includes 92 townhouses in two- and three- unit building along 3,750 lf of public road with sidewalks on one side connecting Parrish Street and Bristol Road east of SR 21. Lot sizes range from 3,000 to 3,800 SF. There are 3 stormwater management facilities shown and a grass surface public trail from opposite Miller Park connecting to a loop trail around the wetland pond with connections to the new road east of the stream crossing and just north of Parrish Street. On the west side of the stream, the trail extends north of the new road toward the stormwater ponds. Since the Technical Review, the applicant has revised the public trail location and added a small trail access point with asphalt parking on the east side of SR 21. This trail path and parking area will be connected (directly across) the street from Miller Park. The stormwater management ponds meet NYSDEC requirements for detention of 100-year storm and Town of Canandaigua requirements for water quality treatment measures to reduce phosphorus content of outflow.

The preliminary subdivision referral included an agricultural data statement identifying 3 farm operations within 500’ of the subject property. Though the site contains high quality agricultural soils, the project area is not in the Town’s Strategic Farmland Protection Area.

The preliminary subdivision referral included a letter from a traffic engineer documenting that the proposed roadway intersections meet stopping and sight distance requirements and site generated traffic will not alter the level of service on the area roadway network.

Section 2A and 2B soil information:

**Honeoye Loam (3-8% Slopes) - 50.3%**

**Prime Farmland**

**Permeability:** mod high **Erodibility:** med

**Hydrological Group C Not Hydric**

**Lima Loam (3-8% Slope) - 15.6%**

**Prime Farmland**

**Permeability:** mod high **Erodibility:** high

**Hydrological Group C/D Not Hydric**

**Honeoye Loam (0-3% Slope) 13.3%**

**Prime Farmland**

**Permeability:** mod high **Erodibility:** med

**Hydrological Group C Not Hydric**

**Kendaia Loam (3-8% Slope) – 11.1%**

**Prime if drained**

**Permeability:** mod high **Erodibility:** med

**Hydrological Group B/D Partially Hydric**

**Relevant June 2021 Comments**



1. CPB appreciates incorporation of Age Friendly design principles including single story design, no step entry, 36" doorways, and ADA accessible bathroom.
2. What portion of the 72 acres of preserved open space will be undisturbed natural areas?
3. The developer should map existing agricultural drainage infrastructure to ensure any facilities damaged during construction are restored to maintain viability of nearby agricultural lands.
4. The referring body may want to consult with area agricultural operators/land leases to determine whether portions of the preserved land could be made available for continued agricultural use.
5. Based on the site notes, but not the constrained land analysis, it appears the 11.95 acres of woodlot on the constrained land map includes the 4.29 acres of protected wetland. Neither the constrained land map nor the subdivision plan identifies the Town's 100' stream setback regulation.
6. The grading plan for section 1 includes grading to create a swale that is shown outside the limit of disturbance. It is also unclear why the rear of lots #9 to #19 have steep 3H:1V slopes requiring stabilization when a more gradual slope to the swale could easily be accommodated.
7. Are soil stockpile locations needed for each section?
8. Will construction crew continue to use the staging area and concrete washout area in Section 1 during construction of sections 2 and 3?
9. The referring body may want additional detail regarding the number of plants, which plantings are trees or shrubs, and the size and species to be used.

#### **CLCSD June 2021 Comments**

1. We have received Preliminary Overall Plans and a Preliminary Engineers Report for the project. The developer has conducted the required flow study to analyze impacts to the downstream sewer and appurtenances and to determine if adequate capacity exists for the proposed project. We are awaiting the engineer's flow study report.
2. The submitted plans and report are in the queue for review and comments will be provided to the developer's engineer upon completion of said review. We have had discussions with the developer and his engineer since January, and they are aware that the development will require the creation of a sewer district extension. The district extension process may coincide with the development of plans as well as project construction.

#### **ECB June 2021 Comments**

1. In earlier reviews, the ECB suggested that the applicant consider:
  - Increasing the stream buffer at the structures from 104' to 150', as proposed in the Town's Open Space Plan.
  - Planning for a future link in the public trail system to a future sidewalk system along Bristol Road, eventually offering a pedestrian path from City sidewalk system to Miller Park.
  - Manage the grasslands portion of the open space in cooperation with Miller Park with attention to their combined value as grassland bird habitat.

#### **December 2021 Comments**

1. The referring body should consider the appropriateness of locating a temporary soil stockpile west of section 1 above an area of 3h:1v slope?
2. Will use of the future pond area as the staging area compact the soil and interfere with future stormwater infiltration?
3. Is the proposed stormwater management facility proposed for construction with section 1 sufficiently sized to accommodate stormwater from all proposed areas to be disturbed?
4. The landscape detail shows a 4-unit structure when 2- and 3-unit structures are proposed.
5. Does the final subdivision plan comply with all notes on the preliminary approval including NYSDOT and CLCDS comments and finalizing trail location and surface?

**December 2021 OCSWCD Comments**

1. Ends of silt fence should be curved upslope and fully capture area of disturbance.
2. Ends of silt fence sections should overlap to fully capture runoff.
3. Consider temporary sedimentation trap along southern diversion swale to capture sediment before reaching stream.
4. Signage and/or fencing should be placed to delineate wetland which borders the current proposed phase.

**June 2023 Comments**

1. Revised site plan sheet 3 showing overall subdivision plan should be revised to reflect new section numbers and units.

**June 2023 CEO Comments**

1. Applicant shall obtain approval from the Town of Canandaigua Planning Board that their plans are in substantial conformance with their preliminary approval.
2. Applicant shall obtain a variance or confirm buildings are not encroaching on stream setback. Applicant’s proposed sheet (5 of 22) C2.1A has an altered scale compared to the other sheets in the submission, the applicant shall conform to the 100 ft. setback requirement for construction of buildings on Lots 72, 73, 74, 75, 76, and 77.
3. Applicant shall obtain a variance or shall confirm buildings are not encroaching on stream setback. Applicant’s proposed sheet (3 of 22) C1.0 has an altered scale compared to the other sheet in the submission, the applicant shall conform to the 100 ft. setback requirement for construction of buildings on lots 20, 21, 22, and 23.

**June 2023 OCSWCD**

1. Consider second layer of silt fence adjacent to Class C stream.
2. Consider signage of federal wetland to ensure adequate protection during construction.

109 -2023                      Town of Canandaigua   Planning Board    Class: 1  
 Type: *Subdivision*

Related Referrals: *180-2019; 239-2019; 109-2021;*

Applicant: *Marathon Engineering*

Property Owner: *Morrell Builders Inc.*

Tax Map Parcel #: *97.02-1-203.000*

Brief Description: *Site Plan & Subdivision amendment for Pierce Brook Subdivision for section 2A and 2B (previously section 2 and 3, respectively), connecting SR 21 and Parrish St Ext. in the Town of Canandaigua.*

See information at 108-2023

110 -2023                      Town of Richmond   Zoning Board of Appeals    Class: AR2  
 Type: *Area Variance*

Applicant: *John Morsheimer*

Property Owner: *Deb and Pat Conley*

Tax Map Parcel #: *150.17-1-37.100*

Brief Description: *Area variance for proposed detached garage with a side-setback of 5 ft. when 20 ft. is required, at 5374 Burns Pt in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/38656/110-2023-Detached-Garage-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38657/110-2023-Detached-Garage-Pictures>

Applicant proposes to construct a new larger detached-garage in the footprint of an older existing one extending north. Parcel is along east side of Honeoye Lake, and is split through the middle by Burns Point. Proposed area of work is on the corner section across the road from the lake-side. The old garage footprint was 16' x 24'. The proposed garage is to be 28' x 32'. Old garage is 5 ft from the southern parcel boundary (15 ft. less than the required setback). New garage will remain at this setback. With larger footprint, the garage seems to be encroaching on the north side parcel boundary (no distance given).

According to OnCor, the area of proposed work is within the "Draft" 2022 FEMA 100-year flood zone. There is little to no slope on the parcel (0-3%). Soil is Guyanoga channery silt loam – not hydric, high permeability, medium erodibility, is prime farmland, and is in soil group B. Subject parcel and surrounding land uses are residential.

**Comments:**

1. What is the new northern side-setback. Increased building footprint encroaches on northern parcel boundary. It looks like it may be less than 20 ft. Is another area variance required?

**Policy AR 5 Applications involving one single family residential site, including home occupations. Part B Development of Lakefront Parcels.**

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
  - variances pertaining to side yard setbacks or,
  - variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

**Final Classification: 2**

**Findings:**

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.

8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

**Final Recommendation:** Denial

**Comments:**

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

111 -2023                                      Town of Victor Zoning Board of Appeals                                      Class: *ARI*  
 Type: *Area Variance*

Related Referrals: *43-2021*

Applicant: *Mark Palumbo*

Property Owner: *Dimarco Family Victor LLC*

Tax Map Parcel #: *15.00-2-80.000*

Brief Description: *Area variance for an illuminated LED sign with the words "PET WASH" to be displayed within the business window, at 7387 SR 96 in Fishers Landing Plaza Suite 200 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38659/111-2023-Aerial-LED-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/38661/111-2023-Pictures-LED-Sign>

Area variance application for a hanging illuminated white LED sign, reading “PET WASH” to be displayed in the window at Fishers Landing Plaza (Suite 200) on State Route 96. The sign’s dimensions are 8.5” x 54”. Subject and surrounding parcels are all zoned commercial - light industrial.

**Policy AR-7B: Signage complying with local limits on size and number**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

**Final Classification:** Class 1

**Findings**

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

**CEO Comments:**

1. Applicant shall confirm business is open 24 hours and the light will be illuminated always. An additional variance will not be required if the business is always open.

2. Fishers Landing is a strip plaza with multiple businesses under the same address. Because the variance will apply to the property address itself, the CEO requests that, if granted, the variance be written in such a way that it will only apply to this specific business or specific to the words “PET WASH” only.

3. The applicant shall include the existing window decal sign on the main entrance door in their permit application.



The project site is located on a single 6.4-acre parcel at 7410 Forest Trail, with an existing 88-unit apartment building. Site also contains apartment offices, a community area, a recycling and refuse area, stormwater management areas, landscaping, and a central courtyard. The site is bordered by West Turk Hill Road, and to the south by Forest Trail.

The proposed PDD amendment includes the construction of 15 new parking spaces and the construction of a new retaining wall at the west side of the parking lot, with a height of between +/- 1-foot to 5-feet above grade. Less than one acre is to be disturbed. Disturbance looks to be within steep slope area (16-30% slope). Soil is Arkport fine sandy loam – not hydric, high permeability and erodibility.

**Comment:**

1. How far is proposed parking area/retaining wall from parcel boundaries? Is there a need for a variance?
2. What soil/sediment erosion measures are being taken?
3. Proposed work is adjacent to Monroe County? Should they be referred/notified?

114 -2023

Town of South Bristol Town Board

Class: 2

Type: *Text Amendment*

Applicant: *Judy Voss*

Brief Description: *Zoning Law amendment to repeal regulations dealing with short-term rentals and adopting a new short-term rental law as a separate chapter of the code of the Town of South Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/38667/114-2023-Local-Law-on-STRs>

1. The proposed changes to short-term rental regulations appear to address the following:
2. Section 170-71 of the Zoning Law of the Town of South Bristol has been repealed in its' entirety. The code of the Town of South Bristol is hereby amended with the adoption of a new chapter 141.
3. Added to definition of short-term rental. Added dwelling unit definition and removed habitable space.
4. Added statement saying it was unlawful to run short-term rental without permit.
5. Limits permits issued to 110 within the Town. Established difference between suspended permits vs. revoked/expired. Also establishes a wait list.
6. States any permit is subject to revocation, suspension, or additional conditions
7. New requirement to give CEO written consent to enter the subject property and the short-term rental for inspections for compliance and complaints alleging a violation.
8. Increased detail on the requirements for lists of owners/property managers. Includes time requirements for a response.
9. Each floor plan shall depict the evacuation plan for that floor.
10. Must provide list of advertising websites used for property.
11. Requires proof of chimney inspection each year.
12. Increased requirements for wastewater treatment system inspections.
13. Added regulations dealing with access to property for emergency vehicles, and for agreements on common driveways. Also, must report water service is potable and safe for drinking, and increased regulations on pool/hot tub safety.
14. Limits maximum property occupancy to 12 people.
15. Statement that lands will not be trespassed, and prohibition of fireworks and recreational vehicles/temporary shelters on the property.



117 -2023 Town of Victor Zoning Board of Appeals Class: *Exempt*

Type: *Area Variance*

Applicant: *Louis Jeffrey Markin*

Property Owner: *same*

Tax Map Parcel #: *6.00-2-85.200*

Brief Description: *Area variance for a fence taller than two (2) feet erected nearer to the road than the front line of the principle building at 6894 Valentown Rd, just south of the Monroe County line, in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38669/117-2023-Aerial-Fence>

<https://ontariocountyny.gov/DocumentCenter/View/38671/117-2023-Photos-Fence>

Scanned image shows two separate sections of fenced-in area in front of the principal building on each side of the driveway. Since the fence is in the front yard and is taller than 2 ft., a variance is required. Fencing is for a horse pasture. A third section of fence is located behind the house and detached barn (no variance required for this fence). Applicant claims the fence is well removed (and not visible) from the road. However, there are in view of this area.

33.6-acre subject parcel is zoned residential 2 and is in the Town of Victor Residential Overlay - A. Northern edge (rear parcel boundary) of property abuts to Monroe County. Surrounding land uses are residential or vacant.

**Comments:**

- 1. How far is fence from the R-O-W?
- 2. How tall is the fence?
- 3. Are variances needed for location of the fenced-in horse pasture being in the front yard?

**CEO Comments:**

- 1. The fence was installed without an approved building permit.
- 2. Area variance required for fence over 2 ft. tall erected nearer to the road than the font line of the principal building.