

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –~~CANCELLED~~–  
County Planning Board Meeting –October 12, 2022 at 7:00pm 74 Ontario St., Canandaigua**  
Telephone: 585-396-4455

Referral #	Municipality	Applicant	Application Type	Class	Page
187	Town of South Bristol	Bristol Harbour Village Association	appeal of CEO decisions	Exempt	1
188	Town of Victor	APD Engineering	Site Plan	1	
189	Town of Victor	Rhino 96 LLC	Area Variance	1	2
190	Town of Victor	Crown Castle for Verizon	Special Use Permit	1	
191	Village of Bloomfield	Zachariah Wilhelm	Special Use Permit	1	3
192	Town of Manchester	Town Board	Text Amendment	1	
193	Town of Manchester	Town Board	Map Amendment	2	4
194	Town of Geneva	Daniel R. Long RA	Area Variance	2	
195	Town of Livonia	Town Board	Local Law	Exempt	5
196	Town of Gorham	Pelican Point LLC	Site Plan	1 Late Referral	5

187 -2022 Town of South Bristol Zoning Board of Appeals Class: *exempt*  
Type: *appeal of CEO decisions*

Applicant: *Bristol Harbour Village Association*

Property Owner: *Various*

Tax Map Parcel #: *Various*

Brief Description: *Neither interpretations nor appeals are subject to referral in accordance with GML 239m. Additionally, the properties in question are not within 500' of a municipal boundary; state or county building, park or road, or agricultural use in an agricultural district and therefore any local action so located is not subject to referral.*

188 -2022 Town of Victor Planning Board Class: *1*  
Type: *Site Plan*

Applicant: *APD Engineering*

Property Owner: *7503 Main St. LLC*

Tax Map Parcel #: *6.00-1-27.110*

Brief Description: *Site plan for demolition of former Denny's restaurant at southwest corner of SR 96/CR 42, 7503 CR 42, in the Town of Victor and replacement with a Valvoline Instant Oil Change.*

<https://ontariocountyny.gov/DocumentCenter/View/35909/188-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35910/188-2022-site-plan>

The proposed use will install new pavement, parking, lighting, irrigated landscaping, and utilities. The proposed site plan

reduces impervious coverage by 25 percent compared to existing conditions. The lot will continue to have access off CR 42 via an adjacent property to the west and indirect access to SR 96 via a property to the south. The use will also continue to connect to the existing detention pond. Some mature trees on-site will be retained.

The applicant has requested a waiver from the Planning Board waiver to provide 11 parking spaces instead of the 18 required as the business is operated as a drive-thru service where customers do not park or leave their cars.

**Comments**

Landscape plan planting notations do not match planting table.

**OCSWCD Comments**

1. Drawing C-5.3 indicates concrete washout in text but location is not depicted on plans or C-5.5 details. Please note concrete washouts should be located 100 ft from stormwater inlets, which may be difficult within the limited area of work.
2. Tree Survey L-0.1 indicates *Phragmites* removal, make sure proper disposal methods are used for this invasive species.

189 -2022

Town of Victor Zoning Board of Appeals

Class: AR-2

Type: *Area Variance*

Applicant: *Rhino 96 LLC*

Tax Map Parcel #: *15.00-1-12.100*

Brief Description: *Area variance to modify the existing monument sign to list individual businesses and to exceed the allowable SF at 7255 SR 96 in the Town of Victor.*

**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’.

<https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>

190 -2022 Town of Victor Planning Board Class: 1

Type: *Special Use Permit*

Applicant: *Crown Castle for Verizon*

Property Owner: *Town of Victor*

Tax Map Parcel #: *6.00-1-1.120*

Brief Description: *Special use permit to modify and upgrade equipment on tower on Bensen Road in the Town of Victor.*

191 -2022 Village of Bloomfield Planning Board Class: 1

Type: *Special Use Permit*

Applicant: *Zachariah Wilhelm*

Property Owner: *same*

Tax Map Parcel #: *67.16-1-25.000*

Brief Description: *Special use permit to convert existing attached garage area of two family residence to an apartment at 17 Main Street in the Village of Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/35911/191-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35912/191-2022-survey>

The .54 acre lot meets the special use standard of 20,000 SF minimum lot size for conversion to multi family use. It is unclear whether the site meets the parking standards for the 2 existing units and the required 2 additional parking spaces.

192 -2022 Town of Manchester Town Board Class: 2

Type: *Text Amendment*

Related Referrals: *185-2021 & 193-2022*

Applicant: *Town Board*

Brief Description: *Map and text amendment to Town of Manchester zoning to implement recommendations of 2017 Comprehensive Plan.*

[https://ontariocountyny.gov/DocumentCenter/View/35913/192-2022-TManchester\\_ZoningCode\\_DRAFT\\_092822](https://ontariocountyny.gov/DocumentCenter/View/35913/192-2022-TManchester_ZoningCode_DRAFT_092822)

This comprehensive zoning update to implement the recommendations of the 2017 Comprehensive Plan has been revised to reflect many of the comments from the previous technical review as referral 185-2021 in September 2022. The proposed zoning regulations also include updates to the Town’s solar energy regulations reviewed as referral 144-2022 in August 2022.

Key map changes include elimination of the Institutional District and designation of some lands where residential development has occurred as Rural Residential.

Significant changes in district regulations include non-residential design standards and enhanced supplemental regulations. There are more appropriate Hamlet Residential uses (up to 4 units MF) and standards (4,000 SF lots) for existing lots in Port Gibson and for adjacent areas (15,000 SF lots if serviced by public water). The proposed code also incorporates access management standards in an overlay district for the SR 96 corridor.

The Town of Manchester borders 6 towns and 3 villages. The proposed zoning appears to reflect existing conditions

and/or compatible allowable uses.

**Comments**

1. The use tables indicate Tier one and Tier two energy systems in many districts require a special use permit, though the standards in section 325-40.2 and 325-40.33 indicate Tier one and Tier two systems are permitted uses in any district and Tier three systems are specially permitted in listed districts. The cross reference to solar energy standards in section 325-40.2 Accessory Structures and Uses subparagraphs C 9) and D 9) are incorrect.
2. The standards in 325-40.33 identify floodplains, wetland & wetland buffer areas, and historic districts as potentially sensitive with regard to siting of solar energy systems. The regulations provide for mitigation of agricultural impacts for systems under town review jurisdiction. The referring body should consider listing class 1 to 4 soils as sensitive to require state consideration of such impacts in relations to large scale solar projects. The referring body should also consider inclusion of primary tourist corridor (SR 96) as sensitive area.
3. The referring body should consider requiring submission of an annual report of energy generation to enable enforcement of code provisions. They should also require periodic inflation adjustments to the decommissioning surety.
4. Does the Town Board intend to identify Critical Environmental Areas and draft Environmental Protection Overlay district regulations for wetlands as recommended in the 2017 Comprehensive Plan?

193 -2022                      Town of Manchester    Town Board    Class: 2  
 Type: *Map Amendment*

Related Referrals: *192-2022*

Applicant: *Town Board*

Brief Description: *Map and text amendment to the Town of Manchester zoning to implement the 2017 Comprehensive Plan.*

<https://ontariocountyny.gov/DocumentCenter/View/35914/193-2022-map>

See information at 192-2022.

194 -2022                      Town of Geneva    Zoning Board of Appeals    Class: *AR2*  
 Type: *Area Variance*

Applicant: *Daniel R. Long RA*

Property Owner: *Peter Mitchell*

Tax Map Parcel #: *133.12-1-11.000*

Brief Description: *Area variance for 300 SF addition to pre-existing nonconforming accessory building with 8' lake setback when 10' is now required at 4221 Glass Factory Bay in the town of Geneva.*

**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.

195 -2022

Town of Livonia Town Board

Class: *exempt*

Type: *Local Law*

Applicant: *Town Board*

Brief Description: *Local law directing that the Deputy Superintendent of Highways in the Town of Livonia may reside in the Town or adjacent communities in Livingston and Ontario Counties.*

196 -2022

Town of Gorham Planning Board Late referral

Class: *I*

Type: *Site Plan*

Applicant & owner: *Pelican Point*

Representative: *Mahoney Brenner LLP*

Tax Map Parcel #: *141.00-1-60.100*

Brief Description: *Site plan for construction of two 4,700 SF boat storage buildings on the portion of Pelican Point property near SR 364 in the Town of Gorham.*

The marina currently includes 6 buildings with a total of 16,400 SF off CR 11. Though not shown on the official Town of Gorham zoning map, Local Law # 3 of 2017 rezoned 7 properties then owned by Pelican Point and located along CR 11 and a small portion extending upland to SR 364 to GB General Business subject to the consolidation of the parcels into 1 parcel which has been done as shown in recorded survey reference 35546 on OnCor. Commercial indoor storage is a permitted use in the GB district.

The property is also in the Limited Development Overlay and subject to the Erosion Control provisions of Town Code chapter 35 and in the Lakefront Overlay and subject to the stormwater management and character consideration of zoning regulations of 31.4.10.

OnCor indicates the portion of the property proposed for development has slopes of 3 to 8 percent.

The proposed development will disturb .95 acres of the 38 acre site. The site plan shows a driveway off SR 364, a gravel staging area, and the two storage buildings. Stormwater is directed to a swale that is intended to drain to the roadside ditch. The site plan also shows a landscaped north of the swale along the northern property boundary. The letter of intent indicates a split rail fence along the SR 364 frontage, though this feature is not indicated on the site plan. The letter of intent also indicates the proposed pole barns will match the color and finish of recently refurbished storage buildings located on the CR 11 portion of the site.

**Comments**

1. The referring body should require the site plan to show stormwater management and erosion control facilities.
2. The referring body should require the site plan to include additional details on landscaping and other features intended to screen site activities and maintain the scenic character of the corridor.
3. The proposed development would preclude access to the remainder of the upland portion of the site from SR 364. There are extremely steep slopes along the drainage way across the southern half of the site that could preclude access from CR 11. The referring body should ask the applicant to show plans for full site development.

**NYSDOT Comments**

1. Project currently under review.

**SWCD Comments**

1. Difficult to evaluate sufficiency of grading and erosion control based on submitted site plan.