

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting —
County Planning Board Meeting –November 9,, 2022 at 7:00pm 20 Ontario St., Canandaigua**
Telephone: 585-396-4455

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197 -2022 Town of Victor Zoning Board of Appeals Class: 1
Type: *Area Variance*

Related Referral: 207-2022

Applicant: *Kevin & Julie Hook*
Property Owner: *Julie Hook*
Tax Map Parcel #: *26.00-1-47.230*

Brief Description: *Area variance for placement of 240 SF shed forward of the front line of the residence at 7988 CR 41 in the Town of Victor.*

The proposed shed location is approximately 270’ off a common driveway which runs parallel to CR 41 approximately 40 feet from the ROW. The shed location is adjacent to a turn-around on the private driveway and likely visible, though at a distance from the CR 41 road ROW.

198 -2022 Town of Seneca Planning Board Class: 1
Type: *Site Plan*

Applicant: *Jessica Gulvin*
Tax Map Parcel #: *118.00-1-11.200*

Brief Description: *Site plan for 6,000 SF veterinary clinic at 3838 SR 14A, north of Yaegel Road in the Town of Seneca.*

<https://ontariocountyny.gov/DocumentCenter/View/36367/198-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/36366/198-2022-1-page-layout>

The site plan shows a 6,000 SF veterinary clinic adjacent to SR 14A in the Agricultural zoning district. The site plan also shows future building expansion, though this development is not addressed in the engineering report. There is an existing barn in the northeast corner of the property, indicated on the cover sheet of the site plan submission, and outside the area of the lot shown on the site plan.

The existing site drains southwest toward the roadside ditch which flows to off-site wetland of 53 acres. The proposed stormwater management facilities for the 6,000 SF proposed building include 2 dry swales with 225 linear feet/1,234 cubic feet to convey water to pocket pond with deep forebay. Green infrastructure design elements include planning to reduce impact by minimizing area of clearing, avoiding development in sensitive areas, employing soil restoration, and minimizing driveway, parking, and sidewalk areas. Swales and underground storm sewers and catch basin are designed for 10 year storm, major culverts are designed for 25 year storm, overland stabilized flood routes are developed for 100 year storm, the pond detains 50 year storm, and the 100 year storm uses the spillway. The stormwater management facility outlets near the SR 14A drainage ditch. The stormwater management systems is designed in basic compliance with NYS DOT and NYS DEC requirements based on soils observed.

The proposed building will be connected to public water and an on-site wastewater treatment system.

Comments

1. The referring body should clarify extent of parking area to be development in conjunction with the initial 6,000 SF building.
2. Neither the site plan nor the engineering report indicates the size of the future garage and future building. The SWPPP indicates the total future building size is 17,840 SF. Is waterline and septic system/expansion area sufficient to service the future building?
3. The proposed stormwater management facility and dry swales/green infrastructure are designed for the 6,000 SF proposed building only. Additional facilities will be needed for future site development.
4. Apply fertilizer as indicated by soil testing as necessary for establishment of vegetation.
5. Referring body to clarify the lot size. SWPPP says 5.867 acres once proposed subdivision is complete, SEQR says 4 acres.

OCSWCD Comments

1. Any existing agricultural tile drainage will need to be addressed and provided an adequate outlet away from building, septic and stormwater facilities.
2. Fertilizer should be zero phosphorus unless soil testing indicates need.
3. Roof runoff from north east portion of Veterinarian Clinic Building appears to be directed near the northern area of septic absorption area. All water should be diverted away from absorption area.

NYS DOT Comments

1. NYS DOT regional office has received plans for review.

199 -2022

Town of Gorham Zoning Board of Appeals

Class: AR 2

Type: *Area Variance*

Applicant: *Hanlon Architects*

Property Owner: *Bob & Kim Morgan*

Tax Map Parcel #: *113.11-1-36.000*

Brief Description: *Area variances for 672 SF replacement of single car garage. Project requires lot coverage variance for 44 percent lot coverage when 25 percent is required, 4.5' southside setback when 15' is required, 2' rear setback when 20' is required and 20.5' height when 14' is allowed at 3752 Meadow View Drive in the Town of Gorham.*

The requested lot coverage variance is slightly less than existing lot coverage of 46 percent. The proposed 2' rear setback, which is not a lake setback, also represents a slight increase from 0.4' existing setback.

**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.
2. The applicant and referring agency are strongly encouraged to involve the 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.

200 -2022

Village of Naples

Class: 1

Type: *Area Variance*

Applicant & Owner: *Naples Creek Properties*

Representative: Scott Harter PE

Tax Map Parcel #:204.05-1-23.110

Brief Description: *Area variances for 50' lot width at the ROW when 60' is required, minimum driveway width of 20' when 24' is required, 10' side setbacks on individual lots when 20' is required, minimum lot width of 51' when 60' is required, and 13 of 21 lots with rear setback of 20' and one lot with rear setback of 36' when 50' is required for new mobile home park off SR 53 in the Village*

<https://ontariocountyny.gov/DocumentCenter/View/36368/200-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/36369/200-20222-MHP-layout>

The proposed mobile home park site is 6.7 acres. Proposed individual lots meet the 6,000 SF minimum lot size, with the requested individual lot variances. The reduced 20' rear setbacks are for placement of homes on individual lots west of the proposed driveway. The requested 36' reduced rear setback is on the creek side of the driveway near the creek bend. Overall proposed density is just over 3 units per acre with proposed lots on 2.9 acres, 1 acre for driveway, and 2.9 acres of open space. The applicant indicates there is 43 percent overall open space when only 10 percent is required. The minimum proposed building setback to the Tannery Creek centerline is 70'. The project is expected to have public water and sewer.

According to OnCor, the slope of the property and the off-site property west of the creek are a mix of 0 to 3 percent and 4 to 9 percent. Slopes on the property to the west of the creek are predominately 31 to 60. Given the slope information, the location of the existing floodplain in relation to the creek center line appears skewed. OnCor also shows the extent of the draft 100 and 500 year flood plains based on updated hydrological analysis. The layout plan indicates a proposed stormwater management area on the northern portion of the property



The attached map shows the existing floodplain (blue hatch), the draft 100 year floodplain (green) and the draft 500 year floodplain (orange).

Comments

1. Referring body may need additional information on depth to groundwater in the area proposed for stormwater management, evidence of erosion/need for stream bank stabilization at the bend in the creek, the width of the stream channel, and the slope of the streambank to evaluate appropriate areas for placement of mobile homes and installation of public utility connections.

2. Expected final determination of draft floodplain extent in 2023 could negatively impact the affordability of mobile homes located east of the proposed road as flood insurance may be required.

OCSWCD Comments

1. Current FEMA floodplain maps are skewed. FEMA Q3 mapping indicates stream centerline approximately 50ft to the east (on hillside). Actual stream centerline would put a large portion of the property in the floodplain. Flooding a concern for units. Stream stabilization may be required for protection of units.
2. Tannery Creek is a Class C (Trout) stream. The area for stormwater management appears inadequate for treatment. More information is required to determine volumes etc.
3. No additional information provided, but assuming public sewer and water are anticipated for this project.

NYSDOT Comments

1. No site plan or highway work permit has been submitted. In response to an informal submission, NYSDOT offered the following comments
 - a) *What are dimensions of existing entrance.*
 - b) *What is the pavement thickness, and can it support the extra traffic?*
 - c) *Is existing driveway wide enough for 2 way traffic? What are radii for the driveway? Can new mobile homes come in to this site without issues?*
 - d) *Will sidewalks be required in the State right-of-way to connect up to the existing sidewalk*

201 -2022 Town of Manchester Planning Board Class: 1
 Type: *Site Plan*

Applicant & Owner: *Steve Myers*

Representative: *Donald Lewis*

Tax Map Parcel #: *11.00-2-47.110*

Brief Description: *Exempt two lot subdivision and site plan for shared access through existing homesite to home on new flag lot at 489 SR 21 south of Armington Road in the Town of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/36370/201-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/36371/201-2022-variance>

Project area in on the east side of SR 21 and involves a 3.86 acre lot with a home and barn. The proposed lot includes 25’ of frontage on SR 21. The proposed access, however, is via a 20’ access and utility easement using the existing gravel driveway on the existing lot. The project includes grading so that stormwater drains to an existing drainageway that flows east across the parent parcel.

The Town of Manchester allows flag lots in the A-1 Agricultural district if adjacent land is not in common ownership - see 325-19 E.-1. The parent lot has 280’ of frontage which is not sufficient to meet the 175’ lot width requirement for 2 standard lots.

According to OnCor, the property and adjacent properties are in Ontario County Agricultural District #1 and not constrained by steep slopes, wetlands, or floodplains.

202 - 2022 Town of Manchester Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Walter Wimiarcyk*

Property Owner: *James Herberle*

Representative: *Marks Engineering*

Tax Map Parcel #: 32.00-2-36.100

Brief Description: *Exempt two lot subdivision requires area variance for 43' frontage when 175' is required for new lot at 3815 SR 96 in the Town of Manchester.*

The proposed subdivision is on the south of SR 96 east of the Village of Manchester. The property is in the R-1 district which does not allow flag lots.

According to OnCor, the property is not in Ontario County Agricultural District #1 and not constrained by steep slopes, wetlands, or floodplains.

Comments

1. What are plans for remaining area of parcel?
2. How many lots can be served off a private road/driveway and what are development standards for a private road?
3. The applicant should identify and protect/repair any on-site agricultural drainage infrastructure.

203 - 2022 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Applicant: *Shawn Andrus*

Representative: *Marks Engineering*

Tax Map Parcel #: 73.00-1-24.133

Brief Description: *Site plan for 2,400 SF horticulture pole barn and four greenhouses with a total of 12,000 SF at 3188 CR 4 east of Malone Road in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/36377/203-2022-aerialf>

<https://ontariocountyny.gov/DocumentCenter/View/36374/203-2022-site-layout-landscaping>

The 2.6 acre project site is on the north side of CR 4 east of Malone Road. The proposed development will disturb 0.5 acres.

The proposed greenhouses area is located to the rear of the property. The site plan shows a Maidenhair tree and 10 white firs along the rear property line and 8 smoke bushes along each side lot line by the greenhouses. No frontage landscaping is proposed.

The proposed access driveway is located at the western property boundary.

According to OnCor the property and adjacent properties are in Ontario County Agricultural Districts #1. The property is not constrained by steep slopes, wetlands, or floodplains.

Comments

1. The referring body should consider whether frontage landscaping is required or desirable.

2. The referring body should require the applicant to show appropriate stormwater management including water quality and quantity management.
3. The proposed driveway is on the property line. The referring body should consider whether any side setback or shared driveway arrangements are desirable to ensure appropriate access spacing along CR 4. CR 4 is currently characterized as a minor collector road by NYSDOT. The following table summarizes desirable access connection spacing. The spacing standards include driveways on both sides of the road..

Posted Speed Limit	Connection Spacing (ft.)	
	Arterial	Collector or Local Through Road
35 mph or less	245	125
40 mph	440	245
45 mph or greater	660	440

OCSWCD Comments

1. Any existing agricultural tile drainage will need to be addressed and provided an adequate outlet away from buildings.
2. No stormwater management indicated for structures.
3. Temporary diversion swales indicated in Erosion and Sediment Control Notes but not on drawing.\

OCDPW Comments

1. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms and insurance requirements can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. Drainage along the County highway must be maintained. Applicant should include an appropriately sized driveway culvert on the site development plans.
3. If the installation of any subsurface utilities across the road is necessary, these will be required to be directional bored. Open pavement cuts in the highway are not allowed.

204 -2022

Town of Richmond Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Applicant & Owner: *Carlos Serrano*

Tax Map Parcel #: *135.20-2-45.000*

Brief Description: *Area variances to allow a home business in a residence on a small lot at 4825 CR 36 in the Town of Richmond zoned for Business use. The code requires business structures to be 50' feet from the boundary of any residential district. The existing residence is 17' from a residential lot to the south. Second area variance required to allow residential use on the 1st floor in the Business district.*

<https://ontariocountyny.gov/DocumentCenter/View/36375/204-2022-aerial>

The 0.29 acre lot on the east side of CR 36 is located in the E. Business district. Zoning regulations of the E. Business district prohibit location of a business structure within 50’ of the boundary of a residential district. The proposal is for a home occupation in the existing residence. The existing building is approximately 40’

from a home on the lot to the south which is in the A Residential-Agricultural district. –

Home occupation is a retail cannabis business that anticipates operating as a delivery business.

Comments

1. Has applicant applied for a Conditional Adult-Use Retail Dispensary license?
2. Available and anticipated adult use retail cannabis dispensary licenses don't differentiate between on-site retail distribution and delivery only business. The referring body should obtain additional guidance from the NYS Office of Cannabis Management regarding ability to appropriately condition business operations on continued residence in the building and delivery only business operation. Local governments are allowed to regulate the time place and manner of adult-use retail dispensaries, provided such regulations do not make the operation of the license unreasonably impracticable as determined by the Cannabis Control Board.

205 -2022 Town of Richmond Zoning Board of Appeals Class: 1

Type: *Area Variance*

Related Referrals: 44-2022

Applicant & Owner: *Birdhouse Brewing Company*

Tax Map Parcel #: *135.20-1-16.100 & 135.20-1-17.000*

Brief Description: *Area variance for zero front and side setbacks when 5' site setback and 60' front setback is required. Variances to allow movable 128 SF walk-in cooler and roof structure over landscaped area at Birdhouse Brewing 8716 Main Street in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/36365/44-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/36376/205-2022-site-plan-Birdhouse-Brewing-Company--10072022>

This site was previously reviewed as referral 44-2022 in March 2022 for site plan review. The previously reviewed site plan was not prepared and stamped by a licensed design professional nor based on a stamped survey. The site plan labeled as approved by the Town of Richmond and included with this referral is not signed by the chair of the Planning Board.

The requested setback variances are along the property line of two lots owned by the applicant. The requested variances relate to location of a shed/walk in cooler and proposed stage located to the rear of the main building and crossing the lot line,

Comments

1. At the time of previous site plan review were variances granted for location of retail sales booths closer than 60 from the SR 20A ROW granted?
2. The referral for internal setback variances suggests the referring body is not requiring the applicant to combine the two properties or to adjust the lot. In this case, the referring body may want to condition the variances on applicant ownership of both properties and require removal of the shed/cooler and other structure straddling the property line if one property and not the other is sold.
3. The site plan submitted with the request for area variances indicates decorative stones within the floodplain

of Honeoye Creek. If these stones were placed by the applicant, they should be removed; the applicant is not allowed to modify property not owned without the owners permission. In addition, these stone could interfere with floodplain operations or pose a risk to downstream properties.

206 -2022 Town of East Bloomfield Planning Board Class:2

Type: *Text Amendment*

Applicant: *Planning Board*

Brief Description: *Text amendment to regulations for electronic changeable copy signs and banner signs in the Town of East Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/36378/206-2022-11-General-sign-regulations-135-102--10272022>

The proposed regulations require signs to be within 3 and 7' of ground level. The regulations allow on-premises banner signs during businesses hours as long as such signs are located outside the ROW.

207 -2022 Town of Seneca Planning Board Class: 1

Type: *Special Use Permit*

Applicant: *Jessica Gulvin*

Tax Map Parcel #: *118.00-1-11.200*

Brief Description: *Site plan and special use permit for 6,000 SF veterinary clinic at 3838 SR 14A, north of Yaegel Road in the Town of Seneca.*

See information at 198-2022