

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**  
**County Planning Board Meeting –February 10, 2021 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below**  
 Telephone: 585-396-4455

This document will serve as both the **draft** minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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**Action Key** - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval

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**Linda Phillips is inviting you to a scheduled Webex meeting.**

Wednesday, February 10, 2021

7:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 2 hrs 20 mins

[Join meeting](#)

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**Join from the meeting link**

<https://ontariocountyny.webex.com/ontariocountyny/j.php?MTID=mc58294e1c04aaf2fccadfc2bf7065b30>

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Meeting number (access code): 179 702 1188

Meeting password: H2PtVPEWu74

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**Call To Order/Roll Call:** Chair Len Wildman called the 2/10/21 CPB meeting to order at 7:03 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were eight (8) members present virtually and three (3) members physically at 20 Ontario Street, meeting the quorum requirement. The Quorum was reduced to 10 when one member left at approximately 8: after voting on referrals and before voting on request of members of Planning and Environmental Quality Committee to attend CPB to hear Board concerns regarding deterioration of community character along primary tourist corridors and in lakefront neighborhoods due to intense development and discuss potential BOS role in stemming such deterioration.

Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
Canandaigua	<b>VACANT</b>			V
Geneva	Paul Passavant	P		
<b>Towns</b>				
Bristol	Sandy Riker	P		
Canadice	<b>Stephen Groet PB</b>	P		
Canandaigua	David Wink	P		
East Bloomfield	<b>Mike Woodruff PB</b>		E	
Farmington	Patti Wirth	P Until 8:15 pm		
Geneva	Steven High	P		

Gorham	<b>Jack Dailey PB</b>	P		
Hopewell	Bill Namestnik	P		
Manchester	<b>VACANT</b>			V
Naples	<b>Carol O'Brien PB</b>		A	
Phelps	<b>Glen Wilkes PB</b>		E	
Richmond	<b>Leonard Wildman PB</b>	P		
Seneca				V
South Bristol	<b>Bessie Tyrrell</b>	P		
Victor	Marty Avila		E	
West Bloomfield	<b>Sue Boardman ZBA</b>	P		
	<b>Alternate Member</b>			

**Guests:** AJ Magnan/T.Bristol Planning Board, Cole Papasergi

**OCPD:** Linda Phillips, Senior Planner; Erin Holley, Senior Clerk

**Minutes**

- *Motion made by Steve Groet to approve the January 8, 2021 minutes as seconded by David Wink Motion not carried (required abstentions Len, Jack)*

12 - 2021	Town of Canandaigua Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	S&J Morrell	
Property Owner:	Wilkins/Springett/Beaver/Murphy	
Tax Map No(s):	97.00-2-2.000 97.02-1-52.100	
Brief Description:	<p>Technical review of sketch plan for conservation subdivision of 95 acres to accommodate 92 townhouses and 72 acres of open space between Parrish Street and Bristol Road in the Town of Canandaigua. Subdivision seeking 15 percent increase in base density in exchange for public access to preserved open space.</p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/27505/12-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27505/12-2021-Aerial</a></p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/27506/12-2021-State-Road-21-0000-2021-01-06-Sketch-Sub-Plan2">https://www.co.ontario.ny.us/DocumentCenter/View/27506/12-2021-State-Road-21-0000-2021-01-06-Sketch-Sub-Plan2</a></p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/27507/12-2021-State-Road-21-0000-2021-01-14-Site-Rendering">https://www.co.ontario.ny.us/DocumentCenter/View/27507/12-2021-State-Road-21-0000-2021-01-14-Site-Rendering</a></p>	

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 to nearly to Middle Cheshire Road. The base zoning for the 95 acres development site would allow 80 units. The Town Board is authorized to increase density by 15 percent in conservation subdivisions in exchange for public access to conserved lands.

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 7.5 acres of woods, 1.5 acres of slopes greater than 15 percent, and additional undevelopable lands in the class C stream corridor and 100’ buffer and the 6 acre wetland/old farm pond. The applicant also indicates proposed development area will not be visible from the east (lake) or from the west (Miller Park)

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 public trail from opposite Miller Park crossing the new road near Bristol Road and continuing east and then south between the stream and a stormwater facility, the trail then crosses the new road again and south of the road continues on both sides of the stream in a loop around the wetland/old farm pond. The trail also connects to the new road near Parrish Street.

**Comments**

1. Will sufficient vegetation remain adjacent to homes at 3135 and 3137 Bristol Road?
2. How will the installation of the road segment with shoulders not gutters at the stream crossing impact stream water quality?
3. What portion of the 72 acres of preserved open space will be undisturbed natural areas?
4. The developer should map existing agricultural drainage infrastructure to ensure any facilities damaged during construction are restored to maintain viability of nearby agricultural lands.
5. The referring body may want to consult with area agricultural operators/land lease to determine whether portions of the preserved land could be made for continued agricultural use.

13 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Casey, John	
Tax Map No(s):	112.00-1-72.000	
Brief Description:	Site plan and area variance for revised break wall, partially constructed site improvements and planned full buildout of 3,165 SF property east of CR 16 north of Wyffels Road in the Town of Canandaigua. Proposed accessory building has a 5' front setback when 60' is required, an 18' rear (Lake) setback when 25' is required and a paver patio with a rear (lake) setback of 2.5' when 25' is required.	

13.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Casey, John	
Tax Map No(s):	112.00-1-72.000	
Brief Description:	Site plan and area variance for revised break wall, partially constructed site improvements and planned full buildout of 3,165 SF property east of CR 16 north of Wyffels Road (#3814) in the Town of Canandaigua. Proposed accessory building has a 5' front setback when 60' is required, an 18' rear (Lake) setback when 25' is required and a paver patio with a rear (lake) setback of 2.5' when 25' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27508/13-2021-County-Road-16-3814-2020-12-21-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/27508/13-2021-County-Road-16-3814-2020-12-21-Site-Plan</a>	

This property was previously referred to CPB as an area variance, #200-2019 in October 2019. A previous site plan received approval of similar variances, however, modification of the site plan as ordered by NYSDEC requires new variance approvals.

The 49 acre lot is primarily located on the west side of CR 16 with a potential future connection to Laura Lane. The lake side portion of the parcel includes approximately 2,147 SF of land with a depth of 8.5' to 39' and approximately 115' of shoreline. According to OnCOR, the lakeside land, CR 16, and a portion of the upland portion of the property are in the floodplain.

**Policy AR-5: Applications involving one single family residential site, including home occupations.**

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
  - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
  - Address impacts to ground and surface waters
- 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:** Class 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

**Comment**

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

**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 can be found on Ontario County website at <http://www.co.ontario.ny.us/index.aspx?nid=830>. In addition, Applicant’s contractors will also be required to provide proof of insurance per Ontario County insurance schedule. Applicant must contact our office for more detailed information on insurance requirements.
2. Applicant’s engineer must provide an engineering scale plan & profile of private utility conduits, from right of way to right-of-way, showing minimum depth of cover of 5-feet. Applicant’s engineer must show and label locations of launching and receiving pits for private utility conduits on the drawings.
3. Applicant will need to enter into an agreement for installation of private utility conduits in County Road 16 right-of-way. Applicant must contact our office for more detailed information on private utility conduit agreement.

14 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Minor Subdivision	
Applicant:	Mark Engineering	
Property Owner:	Metrose, William	
Tax Map No(s):	83.00-1-7.150 83.00-1-8.000	
Brief Description:	Final subdivision approval for development of 10 lots and 3 acres of open space on a -de-sae off Bristol Road in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27530/14-2020-Bristol-Road-subdivision-plan-5100-2021-01-06-">https://www.co.ontario.ny.us/DocumentCenter/View/27530/14-2020-Bristol-Road-subdivision-plan-5100-2021-01-06-</a>	

This project was previously referred to CPB as a Technical Review, 143-2019 in July 2019 and a subdivision, 169-2020 in October 2020. The following project description and comments are from the previous review.

The development site includes 7.43 acres. The subdivision continues to show 10 lots on a dedicated cul-de-sac off Bristol Road west of the Hammocks Apartments with a 3 acre conservation easement. Other adjacent land uses include a large lot single-family residence to the west and fallow agricultural land to the north. The conservation analysis indicates the site consists of open grass lands for the 350’ closest to Bristol Road, then a mixture of brush and saplings to a distance of 650’, then a mature forest to the rear of the property at 1,500’ from the road. There is also an old hedge row of mature hardwoods along the western property boundary. According to Oncor, there are no mapped floodplains, wetlands or steep slopes on the site.

The proposed subdivision will remove approximately 200’ of mature wood lot and retain the remainder. The plan also shows extension of public water and sewers, a single point of access onto Bristol Street, and an infiltration basin to the east of the project

road. There is a cinder trail and a row of trees along the eastern property boundary as far as the cul-de-sac and a natural surface trail and 15' public access to the northern lot boundary and then turning east and continuing to a lot off Thompson Lane/Cornell Road in the City of Canandaigua. The subdivision requires a waiver to allow a minimum lot size of 9,000 SF when 10,000 SF is authorized by the clustering regulations.

The 3.3 acres of preserved land will be retained in private ownership with a conservation easement to the Town of Canandaigua and the right to use the parcel for forestry, underground utilities, stormwater management, trails, and agriculture, including agricultural structures. A land management plan will be developed by the applicant prior to filing the conservation easement.

**October 2020 Comments**

1. Will the trail connect to developed areas to the east? Is it intended as a portion of a trail connection from Outhouse Park to Miller Farm?

**CPB Comment** Does the length of the longer driveways off the cul-de-sac exceed allowable length of driveway without fire access pull off?

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

15 - 2021	Town of Victor Planning Board	Class: 1 Withdrawn
Referral Type:	Special Use Permit	
Applicant:	Richards, Michele	
Property Owner:	Shean, Anne	
Tax Map No(s):	14.02-1-21.000	
Brief Description:	Special use permit for 2 resident hospice facility with associated rentable suite for family members at 966 Strong Road in the Town of Victor	

The privately funded facility will be located in an existing home on a 10 acre lot.

16 - 2021	Town of Victor Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Engbrecht, Jeff	
Tax Map No(s):	5.00-1-73.122	
Brief Description:	Conforming 2 lot subdivision to create 2 acre building lot and 16.5 acre remainder lot at 7980 Main Street Fishers in the Town of Victor.	

17 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	McConnell, Brent	
Tax Map No(s):	154.15-1-5.00	
Brief Description:	Area variances for two story addition connecting house and garage with non-conforming road setbacks at 5242 CR 11 in the Town of Gorham. Addition will have 41' setback from CR 11 when 50' is required and 12' setback from Shale Beach Drive when 35' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27511/17-2021">https://www.co.ontario.ny.us/DocumentCenter/View/27511/17-2021</a>	

Existing house has a 21' setback to Shale Beach Drive and a 33' setback to CR 11. The existing garage is 14' from both Shale Beach Drive and CR 11. The addition is proposed in an area with 16 to 30 percent slope. The addition will require removal of one mature tree already slated for removal due to location near home electric lines. Following construction of the 517 SF two-story addition, the lot coverage will be just under the allowed 30 percent.

**Policy AR-5: Applications involving one single family residential site, including home occupations.**

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
  - Address impacts to ground and surface waters
- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

**Final Classification:** Class 1

**Findings:**

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

**Final Recommendation** – With the exception of applications involving lakefront properties or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

**Comments**

1. The Town 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 or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
3. What erosion and sediment control measures will be installed to minimize impacts of steep slope disturbances?
4. What green infrastructure practices will be installed to minimize water quality and quantity impacts of additional lot coverage?

**OCDPW Comment** Site plan review and possibility permit required.

18 - 2021	Town of Farmington Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Chierichella, Cynthia	
Tax Map No(s):	42.05-1-4.00	
Brief Description:	Site plan for development of house on 13.4 acre lot at southeast corner of CR 41 and Wood Drive in the Town of Farmington.	

While this single family residential site plan is exempt from County Planning Board review, the proposed driveway connection to CR 41 will require a highway work permit from the Ontario County Department of Public Works. See summary of permit requirements at 13-2021.

19 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Mandrino, Suzanne	
Property Owner:	Mandrino, Carol, Michael, and Suzanne	
Representative:	Greene Land Surveying PLLC	
Tax Map No(s):	41.00-1-57.100	

Brief Description:	Resubdivision of 35.8 acre parcel on New Michigan Road in the Town of Farmington to create a 14 acre lot not approved for development and add 3.5 acres and 18.3 acres to adjacent lots. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27512/19_2021-Subdivision-">https://www.co.ontario.ny.us/DocumentCenter/View/27512/19_2021-Subdivision-</a>
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The subject parcel and all adjacent properties are in the agricultural district. The primary site soil is Schoharie silty clay loam with 0 to 3 percent slope (18 acres). This soil is highly erodible prime farmland. There are also 4 and 5 acres of Genesee silty clay loam and Odessa silt loam on the site. These soils are also highly erodible, prime or prime if drained agricultural soils with 0 to 3 percent slope. There are 26 acres on the parcel currently rented for agricultural use. Five additional adjacent properties and the property receiving 3.5 acres are listed as farm operation properties on the agricultural data statement.

#### Comments

1. Changes in the availability of leased land can have significant impacts on the viability of agricultural operations. Will the agricultural land continue to be available for lease? The referring board should seek input from the leasee regarding the impact of this subdivision on their operations and whether there are opportunities to mitigate such impacts through minor changes in the subdivision or vegetative buffers to minimize conflicts between farming operations and future residents.
2. Consider potential future access point to Lot 2R A with appropriate site distance and spacing and alignment/off set with other existing and future access points.

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

20 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Laci Paluck, Brett Jones	
Representative:	McMahon LaRue Associates P.C.	
Tax Map No(s):	28.02-1-31.110	
Brief Description:	Area variance to construct a home 18.6' from road when a 40' setback is required at 6485 Break of Day Road in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27513/20-2021Survey-6485-Break-of-Day">https://www.co.ontario.ny.us/DocumentCenter/View/27513/20-2021Survey-6485-Break-of-Day</a>	

The 4.5 acre parcel has very poor/wet soils. Forty percolation test pits were dug and only 2 were suitable for a septic system, hence the need for the location of the house close to the road. The project EAF indicates presence of wetlands or stream on or adjacent to the subject property, however, no such features are indicated on OnCOR.

**Comment** The Town of Victor own linear parcels east and west of the subject property. Does the town desire a trail easement through the woods at the rear of this property?

#### OCSWCD Comments

1. Three suitable percolation test pits are recommended for design and installation of conventional septic systems.
2. The municipal engineer should review soil data and map of all test pits evaluated.

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

21 - 2021	Town of Naples Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Naples	
Brief Description:	Map amendment to create a Mixed Use District on the Town of Naples Zoning Map.	

The text amendment, including a boundary description of the map change but not the map change, was reviewed as referral 11-2021 in January 2021. The referring body has clarified that the proposed Mixed Use District is intended as a base zoning district, not



an overlay district. The referring body has not yet discussed previous CPB comments related to zoning district boundaries that split existing parcels. These comments are repeated below.

**Comments**

1. What is the rationale for continuing to include only a portion of lot 204.05-3-29.00 and its Manufactured Home Park in the Multiple Use District? Consider rezoning the entire parcel to be in the MU District.
2. What is the rationale for continuing to include only a portion of lot 203.12-1-2.200 in the Multiple Use district? Consider rezoning the entire parcel to be in the MU District including lands in the R-1 and R-2 districts.

**Board Motion:** To retain referral 21-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** David Wink **Seconded by:** Sue Boardman

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

22 - 2021	Town of Bristol Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Town of Bristol	
Brief Description:	Technical review of text amendment to add solar energy law to the Town of Bristol Code. The law defines small and large scale solar energy systems, defines design, special use permit, operations and maintenance, and decommissioning plan standards. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27514/222021-Red-Line-Revisions-to-New-Local-Law-BK-without-red-lines-02032021">https://www.co.ontario.ny.us/DocumentCenter/View/27514/222021-Red-Line-Revisions-to-New-Local-Law-BK-without-red-lines-02032021</a>	

Unique provisions of the Town of Bristol solar regulations are a cap on the maximum footprint at 30 percent of lot or 10 acres, doubling of accessory use setback requirements for solar installations less than 25kW, and prohibition of solar installations within 50’ of a ridge line.

**Comments**

1. The proposed local law is adopted pursuant to NYS Town Law section 261-263 related to zoning, however, the Solar Energy Code does not appear to be an amendment to the zoning code. Inserting the solar energy regulations in the zoning code also applies the site plan review, special use permit, and enforcement mechanisms of the zoning code.
2. As solar technology evolves, relationships between kW capacity and physical size may change substantially. Consider how applying the unified solar permit only to installations with direct current capacity of less than 25kW and the definition of small scale solar installation as capacity less than 25 kW and/or less than 1,000 SF will change as solar technology evolves.
3. Considering requiring an annual report of energy generation and refine standards for abandonment to include percent of permitted output.
4. Consider extending the period allowed for dismantling an abandoned project from 30 to 90 days.
5. Requiring all solar installations not eligible for a unified solar permit to proceed with ZBA review of special use permit and PB review of site plan may unnecessarily delay approval of solar installations.
6. The following summarizes relevant changes to solar regulations under consideration by 3 Ontario County communities that have reviewed a solar project. These and other changes are outlined in the 2020 CPB annual report.
  - a. Require an escrow for legal and engineering fees.
  - b. Eliminate the need for a bond covering the completion of construction.
  - c. Correct inconsistencies with time frames regarding determination of abandonment and removal.
  - d. Requiring a CESIR report documenting site feasibility as part of a complete application.

23 - 2021	City of Canandaigua City Council	Class: 2
Referral Type:	Map Amendment	
Applicant:	City of Canandaigua	
Property Owner:	Chrisanntha, Inc.	
Representative:	Clark, John	
Tax Map No(s):	Various	

Brief Description:	<p>Zoning map amendment from R-1-B to PUD for 27 acres in previously platted subdivision and vacant land in the northeast quadrant of the City of Canandaigua between North Road and Stewart Place to allow development of 72 single family homes and a city park.</p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/27515/23-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27515/23-2021-Aerial</a>  <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27516/23-2020-phasing-of-lots--North_Classics_PUD_Application_Package">https://www.co.ontario.ny.us/DocumentCenter/View/27516/23-2020-phasing-of-lots--North_Classics_PUD_Application_Package</a>  <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27517/23-2020-SWMF-trees-lights-North_Classics_PUD_Application_Package">https://www.co.ontario.ny.us/DocumentCenter/View/27517/23-2020-SWMF-trees-lights-North_Classics_PUD_Application_Package</a></p>
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This subdivision/Planned Unit Development (PUD) includes a number of previously subdivided but not developed lots and additional acreage totaling 27 acres behind homes on North Road between Cayuga Street on the west and Tamarack Drive on the east and connecting to Stewart Place and Kennedy Street to the west and south.

The City of Canandaigua PUD process establishes the City Council as the SEQR lead agency and source of final approval of extent and development density of PUD area. The process also requires review and recommendation of a sketch plan by the City Planning Commission, city staff, and County Planning Board. Following approval of the sketch plan by City Council and related change to the City Zoning Map, the project requires preliminary and final site plan approval by the Planning Commission and a statement of consistency with the approved sketch plan by City Council. The PUD process includes provisions that a subdivision plat for filing in the office of the Ontario County Clerk shall be prepared and filed without need for separate subdivision plat review.

The site is intended to be developed in 3 phases. Phase 1 includes 15 lots off Boyce Road, a new street connecting North Road and Maple Lane. Maple Lane is an extension of Stewart Place continuing east (to be completed in Phase 2) and then north to another connection point with Boyce Road just south of North Road (to be completed in Phase 3). At the Completion of Phase 1, Boyce Road will end with a hammerhead turnaround. Phase 2 includes 13 lots fronting on the south side of Maple Lane and 12 lots fronting on the north of Maple Lane and a 3.5 acre City Park located off Maple Lane behind the Phase 1 lots on Boyce Road. Phase 2 will also include a connection to Kennedy Street. Phase 3 includes the final 32 lots along a segment of Maple Lane that curves north and then west and connects to Boyce Road a few lots south of North Road.

The applicant indicates the proposed homes are 1,400 to 1,800 SF cottage style homes at an overall density of 2.4 units per acres targeted to middle income households. The newspaper report of discussion at City Council indicates purchase prices will be \$300,000 to \$325,000.

There are approximately 3,400 LF of new street proposed. The proposed street cross section will include curbs, sidewalks, and street trees as is typical of residential neighborhoods in the City of Canandaigua.

Soils on 20.5 acres of the site are poorly drained Lakemont silty clay loam with 0 to 3 percent slope. Remaining soils are Odessa and Cayuga silt loam with less than 8 percent slope. The site drains to the Canandaigua outlet.

### Comments

1. The intent statement and objectives of the Planned Unit Development article of the city of Canandaigua zoning code indicate the flexible standards are intended so that neighborhoods can incorporate of variety of residential types and tenure and encourage innovation to meet the demand for housing at all economic levels. All the units proposed in this PUD are single family homes on similar sized lots.
2. What is the acreage proposed for stormwater management facilities?
3. Any City Council authorizing resolution should include a timeframe for starting and completing the project as proposed and a provision that the property will revert to the current R-1-B zoning if not undertaken.
4. Lester Boyce is no doubt worthy of being honored by having a street named after him, however the City of Canandaigua may want to consider whether there are overlooked women, Seneca, or Black figures from the City's history to honor.
5. The applicant mentions proximity to the City of Canandaigua School District's 38 acre site with woods and 2 lacrosse fields immediately south of the development area and across from the High School, however, no direct connection

to this area is provided. A bicycle and pedestrian connection would also allow easier and safer access from this and other neighborhoods off Main Street to the High School without traveling on North Road.

**OCSWCD Comments** No SWPPP provided. Unable to make comments without further detail regarding excavation and construction sequencing.

**CPB Comment** – Newspaper reported developer withdrew the project after Canandaigua City Council declined the offer of parkland dedication and authorized Planning Commission to review the project.

**Board Motion:** To retain referral 23-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** David Wink **Seconded by:** Steve High

**Vote:** 10 in favor, 1 opposed, 0 abstentions **Motion carried.**

24 - 2021	City of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	City of Geneva	
Representative:	Dave Hanley LS	
Tax Map No(s):	119.8-1-8.100	
Brief Description:	Subdivision of City of Geneva owned land to retain .47 acres for sewer pump station and subdivide and sell balance of property at 8 One Mile Point off SR 14 just north of Geneva on the Lake in the City of Geneva. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27518/24-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27518/24-2021-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27519/24-2021-Survey-Map---1-mile-Point">https://www.co.ontario.ny.us/DocumentCenter/View/27519/24-2021-Survey-Map---1-mile-Point</a>	

The City of Geneva owns approximately 5 acres of land at the end of One Mile Point. The land consists of 5 lots. Lot 3 is .47 acres and the location of the City sewer treatment plant. The other lots consist of lands the city does not need and are to be transferred to private ownership. The follow summarizes the size of each lot to be transferred.

- Lot 1 1.125 acres
- Lot 2 3.044 acres
- Lot 4 .053 acres
- Lot 5 .12 acres with access to Seneca Lake.

**Comments** What is future use of transferred lands?

**CPB Comment** The referring body may want to reconsider creating/retaining very small lots (parcels 4 and 5) and instead consolidate land being sold in accordance with required minimum lot size for this zoning district.

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

25 - 2021	Town of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Cole, Arthur J.	
Property Owner:	Hoilas, Richard	
Representative:	Marks Engineering	
Tax Map No(s):	32.00-1-16.000	
Brief Description:	Site plan to convert 784 SF auto service building on .37 acre property at 4286 SR 96 just east of Kyte Road in the Town of Manchester to an Heating Ventilation & Air Conditioning service use. Conversion involves addition of 3 dumpsters and a sign. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27520/25-2021">https://www.co.ontario.ny.us/DocumentCenter/View/27520/25-2021</a>	

The 3 dumpsters for trash, general recycling, and metal recycling will be located in the northwest corner of the site beside an existing evergreen screen. The conversion will also involve replacement of existing lighting fixtures with dark sky compliant fixtures.

**Comment**

1. Will the HVAC business involve outdoor storage of materials or equipment? If so allowable storage and parking areas should be indicated on the site plan.

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

26 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Kern, Gregory & Delia	
Tax Map No(s):	127.11-1-42.000	
Brief Description:	Seven area variances required to accommodate new home at 4194 SR 364 following demolition of existing non-conforming cottage. Proposed house to have 47.7 percent lot coverage when 25 percent is allowed, 59.8' lakes side lot coverage when 50 percent is allowed, 26.6' lake setback when 40' is required, 5.2' and 6.2' south and north side setbacks when 15' is required, 8.3' front setback when 30' is required and 7.3' setback from neighbor's garage when 10' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27521/26-2021">https://www.co.ontario.ny.us/DocumentCenter/View/27521/26-2021</a>	

While the lot backs to SR 364, the site access will continue to be from Thompson Beach. According to OnCor, the lake access is in an area of 16 to 30 percent slope and more than half of the lake front portion of the lot is in the floodplain. The site redevelopment includes curtain drains along the north and south side of the building.

**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 OCDPW as early in the review process as possible to ensure understanding of renovation permit requirements and proper design of connection to Canandaigua Lake County Sewer District.
3. 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.
4. Does the new house complete with local and federal floodplain development regulations?

**Canandaigua Lake Watershed Manager Comments**

1. The site plan shows curtain drains along the north and south side of the new house. What water quality treatment measures are planned to comply with Town code?
2. Will the requested side setback variances result in negative stormwater impacts to neighboring properties?

27 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Ketchum, Doug 7 Robin	
Tax Map No(s):	113.19-1-17.120	
Brief Description:	Six variances required for house to replace cottage at 4056 East Lake Road/SR 364 a bit north of Shoal Water Point in the Town of Gorham. Proposed house to have 48.9 percent lot coverage when 25 percent is allowed, 5' and 9.7' north and south side setbacks when 15' is required, south side and road garage setbacks of 5' when 15' is required, and 19.8' garage height when 14' is allowed. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27522/27-2021">https://www.co.ontario.ny.us/DocumentCenter/View/27522/27-2021</a>	

While the project does not propose changes to the existing driveway or other work in the NYS highway ROW, the two-story garage is proposed with a 5' setback from the highway ROW. According to OnCor, most of this property is in the floodplain; the site plan notes indicate site is not in the floodplain. The site plan does not show installation of green infrastructure practices in conjunction with the demolition and building with expanded footprint.

**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 OCDPW as early in the review process as possible to ensure understanding of renovation permit requirements and proper design of connection to Canandaigua Lake County Sewer District.
3. 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.

**Canandaigua Lake Watershed Manager Comments**

1. The site plan does not show installation of stormwater quality treatment measures as required by Town code. What water quality treatment measures are planned?
2. Will the requested side setback variances result in negative stormwater impacts to neighboring properties?

28 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	Anderson, Timothy & Mary Beth	
Tax Map No(s):	141.10-1-33.000	
Brief Description:	Three area variances for new home at 4763 CR 11 north of Pelican Point in the Town of Gorham. Proposed home has 29.4 percent lot coverage when 25 percent is allowed, 10.1' rear and 26.7' front setback when 30' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27523/28_2021-Site-plan-">https://www.co.ontario.ny.us/DocumentCenter/View/27523/28_2021-Site-plan-</a>	

This .27 acre parcel includes land on the west side of CR 11. No changes are proposed in the lakeside area. Most of the property has slopes of 16 to 30 or 31-60 percent. The proposed home will continue to use existing gravel access connection, though driveway near house will be paved. The site plan shows infiltration system north of the new house.

**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 OCDPW as early in the review process as possible to ensure understanding of renovation permit requirements and proper design of connection to Canandaigua Lake County Sewer District.
3. 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.

**Canandaigua Lake Watershed Manager** No comments

29 - 2021	Town of Hopewell Planning Board	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Little Country Store	
Property Owner:	Johnston, Robert	
Tax Map No(s):	73.18-1-11.000	
Brief Description:	Three signage area variances to allow replacement signage exceeding the number of building and ground signs (though not the allow SF of signage) and for a ground sign higher than 6' at Little Country Store, 3421 CR 4 in the Town of Hopewell.	

**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 332 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.

30 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Congilaro, Angelo	
Tax Map No(s):	100.00-1-31.211	
Brief Description:	Special use permit for family caregiver apartment at 3257 SR 5/US 20 in the Town of Hopewell.	

The existing site has a home and two barns. The special use permit appears to involve no site modifications.

**Comment**

1. What square footage of the home will be devoted to the apartment?

**Board Motion:** To retain referrals 14-2021, 19-2021, 20-2021, 24-2021, 25-2021 and 30-2021 as class 1s and return them to the local boards with comments. **Motion made by:** David Wink **Seconded by:** Paul Passavant.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

31 - 2021	Town of Hopewell Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Venezia & Associates	
Property Owner:	Ruth Van Epps Estate	
Representative:	Muehe, Martin	
Tax Map No(s):	85.00-1-7.000	
Brief Description:	Subdivision of 54 acre lot at 2909 Smith Road in the Town of Hopewell into two nearly equal size lots.	

32 - 2021	Town of Hopewell Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Patrick Maslyn	
Representative:	Grove Engineering	
Tax Map No(s):	60.00-1-18.220	
Brief Description:	Site plan and area variance for construction of a 18'x24' garage on 1.3 acre lot at 2088 Shekell Road in the Town of Hopewell. Proposed garage has 6' south side setback when 15' is required and 72' front setback when 75' is required.	

See information at 32.1-2021.

32.1 - 2021	Town of Hopewell Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Patrick Maslyn	
Representative:	Grove Engineering	
Tax Map No(s):	60.00-1-18.220	
Brief Description:	Site plan and area variance for construction of a 18'x24' garage on 1.3 acre lot at 2088 Shekell Road in the Town of Hopewell. Proposed garage has 6' south side setback when 15' is required and 72' front setback when 75' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27524/32-2021">https://www.co.ontario.ny.us/DocumentCenter/View/27524/32-2021</a>	

According to OnCor the property is in the agricultural district and the Rocky Run watershed and not constrained by wetlands, floodplains, or steep slopes.

**Policy AR-5: Applications involving one single family residential site, including home occupations.**

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

**Final Classification:** Class 1

**Findings:**

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.



2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

**Final Recommendation** – With the exception of applications involving lakefront properties or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

**Comments**

1. The Town 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 Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

33-2021	Town of Hopewell	Class AR 1
Referral Type:	Subdivision	
Applicant:	Venezia & Associates	
Property Owner:	Screams and Dreams Entertainment LLC	
Tax Map No(s):	73.00-1-24.13	
Brief Description:	Subdivision of 26 acre parcel at 3188 CR 4 at the corner of Malone Road in the Town of Hopewell into four residential building lots. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27526/33_2021-Subdivision-">https://www.co.ontario.ny.us/DocumentCenter/View/27526/33_2021-Subdivision-</a>	

Proposed lots range in size from 2.7 to 8.7 acres and have 150’ to 500’ of frontage on CR 4.

According to OnCor, this property and all adjacent properties are in the agricultural district. There is a stream corridor, floodplain, areas of 16 to 30 and 31 to 60 percent slope, and NYS regulated wetlands along the northern property boundary. Primary site soil is prime farmland in the Lima loam series with 3 to 8 percent slope. The site is in the Rocky Run watershed.

**Policy AR-6: Single-family residential subdivisions under five lots**

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

**Final Classification:** Class 1

**Findings**

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivision under five lots has little countywide or intermunicipal impact.

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

**Comments**

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances and spacing for the future driveways can comply with local standards and standards established by the American Association of State Highway and Transportation Officials (AASHTO). A highway work permit is required for any driveway or other disturbance of the ROW.
3. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
5. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

**Board Motion:** To accept late referrals 34-2021 and 35-2021 . **Motion made by:** David Wink **Seconded by:** Sue Boardman.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

34-2021	Town of Farmington	Class 2 Late Referral
Referral Type:	Moratorium	
Applicant:	Town Board	
Brief Description:	Moratorium to extend the existing 6 month Town of Farmington moratorium on review and approval of solar project another 6 months to expire on August 9, 2021.	

**Board Motion:** To retain referral 34-2021 as a class 2 and return it to the local board. **Motion made by:** Steve **by:** David Wink

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

35-2021	Town of Naples	Class 2 Late Referral
Referral Type:	Zoning Map Amendment	
Applicant:	Town Board	
Brief Description:	Amendment to the official zoning map of the Town of Naples to reflect a text amendment (132-10.7) reviewed in May 2014 as referral 39-2014 for reclassifying two parcels/12 acres of land from Agricultural-Conservation to Industrial.	

The 2014 review of the zoning text amendment to reclassify land for Industrial use raised concern regarding whether the Town Board had considered the potential impacts of the full range of uses allowed by the Industrial District. Since 2014, it appears that the text of 132.22 Industrial District of the Town Code has been amended to name the district a Light Industrial District, to require all uses in the Light Industrial District to receive a special use permit from the Town Planning Board and undergo site plan review, to remove as allowable special uses bulk, oil, gasoline storage tanks and junkyards; to add a list of prohibited uses; and to add buffering/screening requirements and other impact performance standards to ensure compatibility of allowed Light Industrial uses with existing adjacent uses.

**Comments**

1. For the last 30 years, Ontario County Planning Department (OCPD) has advocated communities use GIS to create and maintain tax parcel based zoning maps. OCPD will create and maintain such zoning maps for local municipalities at no cost. A tax parcel based zoning map removes uncertainty regarding the intended boundaries of zoning districts, avoids unintentionally mapping parcels in more than 1 district, and can be reviewed and reproduced as any scale necessary to determine zoning district boundaries. This recommendation is also based on OCPD experience with many inaccuracies in metes and bounds zoning district descriptions when

initially converting municipal official zoning records to GIS. Parcel based GIS zoning, by eliminating the need for accompanying text amendment with a metes and bounds description, also eliminates inconsistencies between metes and bounds descriptions and the zoning map.

**Board Motion:** To retain referral 35-2021 as a class 2 and return it to the local board with comments. **Motion made by:** David Wink  
**Seconded by:** Bill Namestnik.

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

### Other New Business

Board discussed how to elevate concerns about deteriorating character of primary tourism corridors and lakefront neighborhoods in the face of intense developments approved by local planning boards and zoning boards of appeals.

Following discussion of the topic and how to communicate to the Board of Supervisors the CPB concerns, a motion was made by David Wink, and seconded by Bill Namestnik to appoint a sub-committee to further study the issue and to authorize CPB secretary, Linda Phillips, to confer with Kristine Singer, Chair of the Planning and Environmental Quality Committee about extending an invitation to committee members to participate in a discussion with the CPB about what action to take to further involve the Board of Supervisor in protecting County-wide quality of life and tourism assets.

Chair appointed a sub-committee chaired by Jack Dailey and including Paul Passavant and Bill Namestnik as members and Chair Len Wildman as an ex-officio member. The sub-committee will meet to more clearly characterize the nature of the cumulative negative impact and brainstorm potential actions the Board of Supervisors could take to amplify the CPB concerns about an appropriate balance between development/investment and protection of county-wide quality of life and tourism assets.

## General Information

The Ontario County Planning Board (CPB) was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: l, (d), and (e) refer to the county comprehensive plan.

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

## General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a recommendation for denial or approval without recommended modification.

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

## General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

### Legal Obligations for Referring Agencies

**Class 1:** If an application has been returned to the referring agency as a Class 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

**Class 2:** If the CPB has voted to deny or modify a referred application, then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB approvals without modification require no extraordinary local action. However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

### Incomplete Applications

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m 1

### Reporting back to the CPB

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or denial of a proposed action shall set forth the reasons for the contrary action in such report.”

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

### Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR 1 is an administrative review that is a Class 1 and AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR Policy 1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR Policy 2	Applications that are withdrawn by the referring agency
AR Policy 3	Permit renewals with no proposed changes
AR Policy 4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR Policy 5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR Policy 5 B. Class 2 Denial	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR Policy 5 C.	All other applications involving a site plan for one single-family residence.
AR Policy 6	Single-family residential subdivisions under five lots.
AR Policy 7 A. Class 2 Denial	Variations for signs along major designated travel corridors.
AR Policy 7 B.	Applications involving conforming signs along major travel corridors.
AR Policy 8	Co-location of telecommunications equipment & accessory structures on existing towers and sites (Applications that require a special use permit or for new towers or increasing the height of an existing tower require full Board review)

## Upcoming training

The **NYS Association of Towns** offers paid Planning and Zoning Training to participants at its annual conference Online Feb 14-17, 2021 <https://www.nytowns.org/images/Documents/Training/2021%20Printed%20Program.pdf>

**Wed. Feb. 17, 2021** NYSDOS/Southern Tier West, 2-3 pm - Get What Your Community Deserves  
[https://us02web.zoom.us/webinar/register/WN\\_AjtUoZbpSOOw\\_ghfol9IMA](https://us02web.zoom.us/webinar/register/WN_AjtUoZbpSOOw_ghfol9IMA)

**Mon. Feb. 22, 2021** Preservation League of NYS, 12-1 pm- National Register Districts  
<https://www.preservenys.org/sparking-recovery-through-preservation?bbeid=1823877573&bbemailid=28150519&bblinkid=247503589>

**Mon. Feb 22, 2021**, NYSDOS/Sullivan County, 5:30 to 7:30- Subdivision Review  
<https://meetny.webex.com/meetny/k2/j.php?MTID=t1689767ed66d8b87bd70e639009e3e0c>

**Tues. Feb 23, 2021**, NYSDOS/Hudson River Estuary, 1 to 2:30 – Open Space Inventories & Plans  
<https://www.dec.ny.gov/lands/120539.html> and  
<https://meetny.webex.com/meetny/onstage/q.php?MTID=e913ed8a528946109519133fecedec3e1>

*The following on-line webinars are offered by the **New York Planning Federation**. These trainings are free if your municipality is a member. Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email [nypf@nypf.org](mailto:nypf@nypf.org)*

**February 24 – 12 pm – 1 pm:** Working with Developers to Foster Investment in the Community

Lance Brabant, MRB Group

**March 3 – 12 pm – 1:30 pm:** The Comprehensive Plan  
Kimberly Baptiste, AICP, Bergmann Associates

**March 24 – 12 pm – 1 pm:** Communication, the Media, and Social Media  
Matt Horn, ICMA-CM, MRB Group

**April 15 – 12 pm – 1 pm:** [Site](#) Plan Review  
Lalberge Group

**April 27 – 12 pm – 1 pm:** Site Plan Review Mishaps  
Lalberge Group

*The **NY Conference of Mayors** also offers virtual and recorded webinars for members villages and cities <https://www.nycom.org/training/webinars>*

*Links for the below listed webinars are available on the NYSDOS training calendar webpage <https://www.dos.ny.gov/lq/pdf/LGTrainingSchedule.pdf>*

**Wed. Feb 24, 2021**, Southern Tier West, 2 to 3 pm – Planning for a Community Food System

**Thurs. Feb 25, 2021** NYS Tug Hill Commission 7-8:30 pm– Electric Vehicle Charging Infrastructure

**Wed. March 10, 2021** Southern Tier West, 2 to 3 pm – Administration and Enforcement of You're Zoning to Protect Community Character

**Wed. March 10, 2021** NYS Tug Hill Commission, 7-8:30, Forest Conservation

**Wed. March 10, 2021** Preservation League of NYS, 6-7 pm – Homeowners Historic Tax Credits

**Wed. March 17, 2021** Southern Tier West, 2-3 pm, Experience with Battery Storage with Solar and Stand-alone

**Wed. March 24, 2021** NYSDOS/Southern Tier West, 2-4 pm – Tips for Regulating Telecommunications Facilities

**Wed. April 14 , 2021** National Park Service/OCPD , 6:30 -7:00 pm **Before CPB** Overview of and Community Input to Feasibility Study for Designating 14 Finger Lakes Counties as a National Heritage Area

**May 4 NPS, 2021** 5:30 to 6:30 pm National Parks Service/OCPD Overview of and Community input to Feasibility Study for Designating 14 Finger Lakes Counties as a National Heritage Area.

Planning related webinars from the Center for Creative Land Recycling **webinars are \$20 each**

- **See link for webinar descriptions.**

- [https://www.eventbrite.com/e/creative-placemaking-leadership-webinars-registration-116926818261?aff=odeimcmailchimp&mc\\_cid=d80e8509ee&mc\\_eid=cb876cdee3](https://www.eventbrite.com/e/creative-placemaking-leadership-webinars-registration-116926818261?aff=odeimcmailchimp&mc_cid=d80e8509ee&mc_eid=cb876cdee3)
- **February 16, 2-3 pm eastern:** Financing Creative Placemaking
- **March 30, 2-3 pm eastern:** Economic development basics for artists, designers and makers
- **April 20, 2-3 pm eastern:** Artists as social change agents
- **May 11, 2-3 pm eastern:** Working with artists on creative placemaking
- **July 13, 2-3 pm eastern:** History of Creative Placemaking in the United States Part 1
- **July 27, 2-3 pm eastern:** History of Creative Placemaking in the United States Part 2
- Also recorded Webinar from June 2020 on the relationship between downtown revitalization, creative placemaking, and brownfields [View the recording here.](#)

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn the 2/10/21 County Planning Board meeting. **Motion to adjourn made by** Len Wildman **seconded by** David Wink **Motion carried.** 2/10/21 CPB meeting adjourned at 8:40.

Respectfully submitted by Linda Phillips, Senior Planner