

6ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting March 8 3:30 pm**
County Planning Board Meeting –April 13, 2022 at 7:00pm @ 20 Ontario Street & Virtual
 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>

Attendance and Minutes.....2

Referral Reviews and Board Action.....3

General Procedures and Legal Obligations for Referring Agencies.....26

Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action

Referral #	Municipality	Applicant	Application Type	Class	Page
51	Town of Victor	Marks Engineering	Subdivision	Exempt	3
52	Town of Victor	Pinnacle Towers Inc	Special Use Permit	1	3
53	Town of Gorham	John Jay Newswagner	Special Use Permit	1	3
54	Town of Gorham	James Fahy Design Associates	Area Variance	AR 2	4
55	Town of Canandaigua	Marks Engineering	Site Plan	1	5
56	Town of Canandaigua	Scott Harter	Area Variance	Withdrawn	8
57	Town of Canandaigua	Scott Harter	Site Plan	Withdrawn	8
58	Town of East Bloomfield	Robert Denome	Site Plan	1	8
59	Town of West Bloomfield	Spallina Materials	Special Use Permit	1	9
60	Town of Geneva	Town of Geneva	Text Amendment	2/ no action	10
61	Town of Geneva	Thomas & Patricia Klementowski	Area Variance	1	11
62	Town of Farmington	Town of Farmington	Map Amendment	2/A	11
63	Town of South Bristol	Town Board	Text Amendment	2/a	15
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65	Town of West Bloomfield	Bell Atlantic	Special Use Permit	1	17
66	Town of Manchester	Luke Abbott	Site Plan	1	19
67	Village of Manchester	George Aldrich	Site Plan	1	19
68	Village of Manchester	Martha Yudicky	Site Plan	1	20
69	Town of Farmington	O&L Realty LLC	Subdivision	1	21
70	Town of Victor	Kassis Superior Sign Co Inc.	Area Variance	1	21
71	Town of Hopewell	Paul Gillette	Site Plan	1	21
72	Town of Hopewell	Patricia Albrecht	Special Use Permit	1	22
73	Town of Hopewell	Phil Bassage	Site Plan	1	23
74	Town of Hopewell	Jay Ladue	Site Plan	1	24
75	Town of Hopewell	Jay Ladue	Subdivision	1	24

76	Town of East Bloomfield	Groundwater LLC	Site Plan	1 late referral	25
77	Town of East Bloomfield	Groundwater LLC	Area Variance	1 late referral	25

Linda Phillips is inviting you to a scheduled Webex meeting.

Wednesday, April 13, 2022

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



More ways to join:

Join from the meeting link

<https://ontariocountyny.webex.com/ontariocountyny/j.php?MTID=md8213f3c2d95350d73ed6bb51e005077>

Join by meeting number

Meeting number (access code): 2339 167 5252

Meeting password: q5Ztr23q8Jj

Call To Order/Roll Call: Chair Leonard Wildman called the 4/13/22 CPB meeting to order at 7:05 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were three (3) voting members and one(1) alternate present virtually and seven (7) voting members physically at 20 Ontario Street, meeting the quorum requirement.

Staff: Linda Phillips, Senior Planning and Erin Holley, Senior Clerk

Guests: Pat Laber/Schultz Associates for Farmbrook Mike Monalto/Costich & Jeff Ashline/CNB for Tops Plaza IZ/

- **Minutes** Motion made by Len Wildman to approve the March 9, 2022 minutes, seconded by Paul Passavant. **Motion carried**

Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present	V- Virtual	A-Absent,/E Excused
Canandaigua	Doug Dello Stritto	P		
Geneva	Paul Passavant	P		
Towns				
Bristol	AJ Magnan ZBA		V	

Canadice	Stephen Groet PB	P		
Canandaigua	Shawna Bonshak			E
East Bloomfield	Mike Woodruff PB			A
Farmington	Ted Liddell		V	
Geneva	Steven High	P		
Gorham	Vacant	---	---	---
Hopewell	Duane LaPlant			E
Manchester	Vacant	---	---	---
Naples	Marion Mueller			A
Phelps	Glen Wilkes ZBA	P		
Richmond	Leonard Wildman PB	P		
Seneca	Roslyn Grammar	P		
South Bristol	Bessie Tyrrell PB			E
Victor	Mike Crowley			E
West Bloomfield	Ruth Cahn ZBA		V	
Alternate Member	Jack Dailey		V	

51 -2022 Town of Victor Planning Board Class: *Exempt*

Type: *Subdivision*

Applicant: *Marks Engineering* Property Owner: *Roger Morrison*

Tax Map Parcel #: *40.00-1-6.000*

Brief Description: *Two lot subdivision of 6 acre lot on the south side of CR 41 west of Brace Road in the Town of Victor.*

52 -2022 Town of Victor Planning Board Class: *1*

Type: *Special Use Permit*

Applicant: *Pinnacle Towers Inc.*

Tax Map Parcel #: *1.02-1-24.000*

Brief Description: *Special use permit for installation of Verizon equipment on existing tower at 90 Baker Road in the Town of Victor.*

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

53 -2022 Town of Gorham Planning Board Class: *1*

Type: *Special Use Permit*

Applicant: *John Jay Newswagner*

Property Owner: *same*

Tax Map Parcel #: *129.00-1-10.200*

Brief Description: *Special use permit for 12,000 SF storage building for boat and RV storage and 60' x 80' gravel yard on 200 acre parcel at 4135 CR 17 in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/34057/53-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/34058/53-2022-site-plan>

According to OnCor, the entire parcel and all adjacent lands are in OC Agricultural District #1. The NWI includes small scattered potential wetland areas in the eastern half of the site. There are a few small areas of steep slope within wooded area in center of site. There are no floodplains.

The proposed project will disturb .5 acres. Access to the proposed building will be from an existing field access road. The proposed project also Includes a 280' infiltration trench.

Comments

1. Will gravel yard be used for outdoor storage?
2. Are drainage calculations available to document sufficiency of proposed infiltration trench?
3. Will project include on-site landscape buffer?

OCSWCD Comments

1. Poorly drained soils are present.
2. Consider existing tile drainage that may be impacted.
3. Will 4 inch tile be run underground until daylighting in swale or pond/wetland area?
4. No detail provided regarding drainage swale.

CRC Comments

1. The building should be designed to contain any toxic vehicle fluid leaks.
2. The applicant should map existing agricultural drainage infrastructure, protect such infrastructure during construction, and repair any damage.
3. Does the Code officer regularly inspect uses allowed by special use permit to ensure compliance with permit conditions?
4. If outdoor storage is allowed, referring body to consider whether screening is needed and whether customers can choose to have any stored boats/RV/etc. covered in neutral covered materials to reduce visual intrusion.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

54 -2022 Town of Gorham Zoning Board of Appeals Class: AR 2
 Type: *Area Variance*

Applicant: *James Fahy Design Associates*

Property Owner: *Amy Costanzo*

Tax Map Parcel #: *141.07-1-19.000*

Brief Description: *Area variance for demolition of existing cottage and construction of replacement home and attached garage at 4620 Lake Drive in the Town of Gorham. Variances required for 17' lake setback when 30' is required and 8.5' and 9.5' north and south side setbacks when 15' is required.*

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

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments:

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

CLCSD Comment Plans need to be submitted to this office for review and a renovation permit will be required.

55 -2022 Town of Canandaigua Planning Board

Class: 1

Type: *Site Plan*

Applicant: *Marks Engineering*

Property Owner: *Procutters Landscape Inc*

Tax Map Parcel #: *84.00-1-17.111*

Brief Description: *Site plan for 5,200 SF building and parking area for landscaping contractor and equipment, gravel drive and parking, landscape materials storage bunks, and composting area at northwest corner of CR 46 and CR 10 in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/34059/55-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34060/55-2022-CR-10-2970-2022-03-18-Site-Plan-onl>

y

The 11 acre project site has frontage on both CR 46 and CR 10. Access to be from CR 46. There is a stormwater management facility proposed along the CR 46 frontage that outlets to an existing drainage ditch/floodplain along the road. The stormwater piping has been sized to convey the 10 year storm design flow. The contractor's office will be connected to a septic system located on the eastern portion of the lot. The landscape plan shows 9 crab apple trees along the CR 46 frontage. Building and parking area lighting fixtures will be dark sky compliant.

The phase 1 development includes 15 trailer parking spaces, 72 vehicle parking spaces, and 2,700 lf of gravel driveway. There will be 31,000 SF of outdoor storage in Phase 1. Future phase 2 to include another 5,000 SF retail building, and 100,000 SF of plant nursery and retail materials storage. Phase 2 would require rezoning a portion of the property.

The property is zoned Industrial. Adjacent land use include large scale solar facilities to the east and west, a NYSEG electric substation and residence to the south and vacant land zoned for Industrial and Mixed Use to the north. The site drains west to the Canandaigua Outlet.

Ontario County Real Property Tax Service has confirmed filing of subdivision shown on site plan on 9/13/21. Corner lot 84.00-1-45.1 is 2.2 acres. Development site 84.00-1-45.2 is 11 acres.

Comments

1. What is the date of the FEMA map referenced? If not already done, the applicant should consult the draft revised FEMA floodplain maps. The applicant should review the draft revised floodplain extend available as an OnCor layer to ensure proposed business operations will be feasible if the draft maps are finalized, likely not till 2023/24.

2. Has the referring body reviewed a concept plan for full site development to ensure an appropriate arrangement of all site facilities.? It seems likely and desirable that future retail operations will occur in the Phase 1 contractor building to attract retail customers and allow outdoor plant display to enhance the streetscape.

OCSWCD Comments

Septic Comments:

- 1- very poorly drained soils.
- 2- FEMA and federal wetlands present.
- 3- locking septic tank and pump station covers if at grade.
- 4- deep hole data to 72" not included.
- 5- groundwater, minerals, mottling observed?
- 6- show deep hole and percolation test locations.
- 7- raised system should be reviewed by NYSDOH

Additional Comments:

1. Drainage swale noted on plans along CR 46 is regulated class C stream
2. Portions of proposed project are located within wetland check zone.
3. Permit will be required for driveway culvert.
4. Consider moving stormwater management facility upslope, away from class C stream
5. Current plans involve creating a berm across the stream, this action requires review by DEC permitting

staff and Army Corp of Engineers.

6. Silt fence should be installed so as to prevent sediment from entering stream, extend silt fence along southern boundary.
7. Silt fence needed in area of septic system installation
8. Concrete truck washout must be installed a minimum of 100 feet from all waterways, stormwater inlets and drainage swales.
9. Amend fertilizer recommendation in construction notes to comply with no Phosphorus requirements from the Town.

OCDPW Comments summarized from 4/12/22 email to applicant

1. The applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way.
2. The primary driveway culvert pipe appears to be undersized. The stream along the front of the property conveys water from a large upstream drainage area. At a minimum, driveway culverts should be designed to pass flows from a 10-year storm. The work within the stream and driveway crossings should comply with all NYSDEC and Army Corp of Engineers regulations and may require permits. We recommend consulting with appropriate agencies to determine if a wetland delineation is required, as well as other applicable regulations.
3. What is the purpose of the culvert located to the west of the main entrance denoted as 54'-18" HDPE? Comment 2 from above applies to this culvert as well. A second driveway entrance will not be allowed at this location.
4. Due to the anticipated truck and equipment traffic, the highway entrance shall be designed as a major entrance.
5. The grading plan along the property frontage on County Road 46 shows excavation work located within the limits of the existing highway boundary for the construction a stormwater management facility. Please revise your grading plan to relocate this work outside of the highway boundary.
6. The storm water facilities appear to be undersized and/or inconsistent with current NYSDEC stormwater standards (flood storage volume, pretreatment, run-off reduction). The County cannot issue a highway work permit until the following information is provided related to coverage under the current SPDES General Permit for Construction Activity:
 - Complete Notice of Intent, signed by the owner; and
 - Evidence that the applicant has received coverage under the current SPDES General Permit for Construction Activity; and
 - A fully executed SWPPP, including pre and post development run-off calculations, water quality and run-off reduction techniques, cross section of water impoundment structures/berms, permanent and temporary water levels in stormwater facility, and all required certifications.

CRC Comments

1. What are the impacts of directing additional site drainage to the floodplain area along CR 46?
2. The referring body should review a concept plan for full build-out to assess potential for environmental impacts.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

56 -2022 Town of Canandaigua Zoning Board of Appeals
Type: *Area Variance*

Class: *AR 2*
Withdrawn

Related Referrals: *57-2022*

Applicant: *Scott Harter*

Property Owner: *Schottland Chosen Spot LLC*

Tax Map Parcel #: *140.11-1-21.110*

Brief Description: *Site plan and area variance for 3,500 SF residence 35' from Menteth Creek when a 100' setback is required at 5272 Menteth Drive in the Town of Canandaigua.*

57 -2022 Town of Canandaigua Planning Board
Type: *Site Plan*

Class: *exempt*
Withdrawn

Related Referrals: *56-2022*

Applicant: *Scott Harter*

Property Owner: *Schottland Chosen Spot LLC*

Tax Map Parcel #: *140.11-1-21.110*

Brief Description: *Site plan and area variance for 3,500 SF residence 35' from Menteth Creek when a 100' setback is required at 5272 Menteth Drive in the Town of Canandaigua.*

58 -2022 Town of East Bloomfield Planning Board
Type: *Site Plan*

Class: *1*

Applicant: *Robert Denome*

Property Owner: *same*

Tax Map Parcel #: *66.00-3-20.110*

Brief Description: *Site plan for construction of three 1,560 SF pole barns for storage at existing manufacturing business at 2557 Cannan Road in the Town of East Bloomfield*

<https://ontariocountyny.gov/DocumentCenter/View/34061/582022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34062/58-2022-denome-site-plan>

The project site is 15 acres site. The proposed project to disturb .11 acres. The property has frontage on both SR 5/US 20 and Cannan Road. The existing access is from Cannan Road. The property is zoned CC and LI; the proposed storage buildings would be located on the LI portion of the site. Cannan Road frontage is zoned Community Commercial. The buildings will provide additional storage for an existing on-site manufacturing business.

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

Comments

1. Will project involve removal of vegetation?
2. How will stormwater from proposed buildings be managed?

class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

60 -2022 Town of Geneva Town Board Class: 2

Type: *Text Amendment*

Applicant: *Town of Geneva*

Brief Description: *Text amendment to allow outdoor music in the Agricultural District and Lakeview Overlay in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/34097/60-2022>

The existing definition of Agricultural Commerce focuses on accessory farm uses that provide products or services used in agricultural production. The Town of Geneva code also includes the term Agricultural Tourism which focuses on accessory farm uses which bring together tourism and agriculture for the education and enjoyment of the public. The existing use regulations of the Town of Geneva Agricultural District allow both accessory Agricultural Commerce and Agricultural Tourism uses with site plan review.

The Lakeview Overlay is applied in portions of Agricultural, R-1 Suburban Residential, and R-2 Rural Residential districts along SR 14 overlooking Seneca Lake. The Lakeview Overlay allows both Agricultural Commerce and Agricultural Tourism uses as farm accessory uses with site plan review and allows Agricultural Tourism and event facilities that are not accessory to a farm operation with a special use permit.

The Lakeview Overlay prohibits noise from amplified music or other activities to exceed 75 decibels at the property line. Chapter 106 of Town Code outlines maximum continuous and impulsive/fast response noise readings between 10 pm and 7 am as follows:

Land Use	Maximum Sound at Nigh in dBA	
	Continuous slow response meter level	Fast-response meter level
Residential Zones	65	85
Commercial Zones	75	90
Agricultural/Industrial Zones	90	100

The code exempts traffic, municipal workers/consultants, farming operations, industrial uses in industrial districts, business uses in business districts, and business uses in other districts that are not subject to special use permit from the noise regulations. The code also outlines adjustments based on the frequency of impulsive noise and standards to apply when ambient noise exceeds the above levels.

Comments

1. Referring board may want to consider amending the definition of Agricultural Tourism rather than the definition of Agricultural Commerce, however, this would also allow outdoor music (subject to maximum 75 decibels at the property line) associated with non-farm retail and wholesale businesses not only in the Town of Geneva Agricultural Zoning District, but also in portions of the R-1 and R-2 districts in the Lakeview Overlay District.
2. The proposed amendment would allow outdoor music as an accessory use anywhere in the Town of Geneva Agricultural Zoning District. Are any standards, such as those found in the Lakeview Overlay district, needed to protect residents of agricultural areas from the impact of newly allowed event and outdoor music commercial activities?

- The noise ordinance appears not to have been updated to reflect current zoning districts and the existence of mixed-use zoning districts.

CPB Comments

- The referring body may want to institute different hours that maximum night time noise levels apply on nights when public elementary and secondary schools are in session.
- Amplified music is not appropriate in agricultural district; people who choose to live in an agricultural area generally want peace and quiet.

Board Motion: To retain referral 60-2022 as a class 2 and return to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Doug Dello Stritto **Vote:** 9 in favor, 1 opposed, 0 abstentions **Motion NOT carried.**

61 -2022 Town of Geneva Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Thomas & Patricia Klementowski*

Property Owner: *same*

Tax Map Parcel #: *161.20-1-2.100*

Brief Description: *Area variance to allow replacement of existing shed with 1,320 SF garage situated a similar 8' from the Northern Suffolk property line when 10' is required at 5263 North Kashong Point in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/34063/61-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34064/61-2022-site-plan>

OCSWCD Comment – Consider stormwater management practice for roof gutter runoff.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

62 -2022 Town of Farmington Town Board Class: 2

Type: *Map Amendment*

Related Referrals: *57-2019*

Applicant: *Town of Farmington*

Property Owner: *Farmington Center LLC*

Representative: *Costich Engineers*

Tax Map Parcel #: *29,99-01-39; 29.00-01-40; 29.00-01-41.1*

Brief Description: *Map amendment to rezone 3 parcels with 18 acres from GB General Business to IZ Incentive Zoning to accommodate additional development at Tops Plaza/Farmington Market Center at 6179 SR 96 in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/34066/62-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34067/62-2022-concept-plan>

These 3 properties were previously referred as 57-2019 for an Incentive Zoning map amendment in March 2019. At that time the SR 96 endpoint of the SR 96/SR 332 through road via Mercier Boulevard was proposed at the eastern end of the subject property. At this time, the SR 96 endpoint of the through road is anticipated as part of development of the adjacent property to the east. Instead of a 2-story office building, the concept plan proposed a 21,000 addition to the retail plaza with a drive up window. Since 2019 the SR 96 frontage uses have been moved and re-sized in response to changes in access and market conditions. The Town Board send this IZ proposal to the planning board and received a favorable response.

In spring of 2021, the Town of Farmington adopted a Main Street Overlay District (MSOD) to guide landscaping, foundation plantings, building elevations, driveway spacing, pedestrian facilities, and stormwater management to encourage development of mixed use multi-story buildings, a pedestrian friendly streetscape, bike lanes, and access to public transit in the designated Community Center area of Sr 96.

The three properties are currently zoned General Business and developed with a Tops grocery store and extensive parking. There is no stormwater management pond connected to the existing stormwater system. In the General Business district, office, service and retail uses excluding fast-food and drive-in restaurants are permitted uses. Shopping plazas, fast-food restaurants and those with drive-in, and motor vehicle gasoline stations, sales and service are allowed in the General Business District with a special use permit. The proposed development/redevelopment activities will disturb 15.7 acres of the 18.3 acre site. The proposed building coverage is 11 percent, less than the 34 percent allowed by code. The project area, and other lands to the south and west of SR 96/SR 332 and north of Mercier Boulevard and west of Mertensia Road are within the Community Center/Mixed use category on the 2011 Comprehensive Plan Future Land Use Map. The project area is also in the Major Thoroughfare Overlay Districts.

The current incentive zoning concept plan proposes 30' front setbacks from the access road when 50' is required and 60' from SR 96 when 100' is required, though required SR 96 setback may have changed. The plan proposes 417 parking spaces when 396 would be required, including 35 land banked parking spaces. The concept plan proposes fewer parking spaces than code requires for the supermarket and more spaces than required for the retail expansion and bank use. The concept plan does not indicate provided setbacks to the leased boundaries of frontage uses.

Dominant soils are Ovid silt loam with the following soil characteristics:

Prime Farmland if drained

Permeability: moderately high **Erodibility:** high

Hydrological Group C/D **Partially Hydric**

Somewhat poorly drained **Depth to Water Table 36"**

The applicant is currently offering the following incentives:

1. Financial contribution for extension of Mercier Boulevard
2. Financial contribution for pedestrian signal at new Mercier Boulevard/SR 96 intersection
3. Financial contribution for the installation of 18 off-site street lights
4. Financial contribution to the Beaver Creek Sanitary Sewer Force Main project
5. Installation of the final leg of the pedestrian signal and crosswalk at SR 96 and Mertensia Road
6. Installation of sidewalk connection from on-site sidewalk on the east side of Mertensia Road south to the intersection of Creek View Road

The applicant is currently requesting the following incentives:

1. Relief from dimensional requirements of the MTOD regulations including
 - a. Reduce 50' setback from access road
 - b. Reduce 150' corner clearance from Mercier Boulevard for CNB
 - c. Reduce interna driveway corner clearance requirements from 75'
2. No need for special use permits for Tops fuel kiosk, Mavis Tire, and 2 tenant fast food restaurant with drive-thru
3. No need for 40,000 minimum lot size
4. Reduce internal lot line setbacks – lots 4,5,&6 to have depth of less than 200', lot 2 (plaza) to have zero front setback
5. No need for area variance for spacing of motor vehicle stations (Tops Fuel Kiosk and Mavis Tire) within 1,500' of Bryne Dairy
6. Reduce bank letter stacking requirements from 10 per teller lane or ATM
7. Parking requirements based on Uniform Building Code and relief from parking requirements for individual lots based on reciprocal parking, access, and utility easement.

The applicant's Incentive Zoning Intent letter also outlines vehicle and pedestrian circulation improvements that must be included in the proposed site plan and on-site street lights, benches and trash receptacles to be provided along SR 96 frontage.

Comments

1. The Town Board should ensure any building and parking coverage allowed reserves sufficient space for stormwater management and landscaping. The Town Board should consider identifying minimum open space requirements or maximum parking or impervious surface coverages.
2. The Town Board may also want to identify green infrastructure practices necessary to minimize impacts of stormwater quality and quantity to nearby Beaver Creek.
3. Will the proposed IZ allow fast food restaurants as a permitted use?
4. Will parking/stacking be sufficient if frontage lots with drive-thrus are developed with fast food uses?
5. How do the likely setbacks from the lease lines compare to required setbacks of the GB district?
6. As identified in plans and zoning for "Town Center" locations in other communities, to create a walkable pedestrian character it is desirable to encourage multi-story buildings, 4-6 'of landscaped area between the road and sidewalk, and to locate parking to the rear or side of buildings and screen parking from the sidewalk. To create a desirable pedestrian environment, it is also important to provide pedestrian scale lighting (12'-14' poles) and features of visual interest such as 30 to 60 % window transparency of adjacent buildings or pedestrian routes with landscaping on both sides. Pedestrian oriented development should provide not only pedestrian circulation along edge roadways, but also along site driveways and through parking areas to connect individual building entrances to the public sidewalk through landscaped parking medians and islands or along drainage swales. Typical pedestrian friendly design guidelines require landscaped islands or medians for every 20 to 40 spaces. See T. Canandaigua Feb. 15, 2019 draft Uptown Study and recently adopted comprehensive zoning code updates in the Town of Geneva and the Villages of Shortsville and Clifton Springs.
7. Should the incentive list include an advertising sign listing multiple site users?
8. The Town Board may want to consider inclusion of an amenity line item to fund site features such as light pole banners; enhanced internal signs; and enhanced bike racks, bus shelter, and other furnishings to help

brand the area.

9. The Town Board should explore opportunities for a direct pedestrian and bicycle only connection across Beaver Creek to the townhouses to the south of the site and ultimately to the residential subdivision further south.
10. In accordance with the MTOD Site Design Guidelines, the Town Board should consider provision of a public pedestrian access corridor along Beaver Creek.
11. In accordance with the MTOD Site Design Guidelines, the Town Board may want to consider defining appropriate facade materials, massing, articulation, and roof forms to create a pedestrian friendly environment.
12. What provisions will be made for winter clearing of public sidewalks and on-site pedestrian walkways?
13. Is the fuel kiosk staffed? If not, how are cash transactions or service to individuals needing assistance handled?

OCSWCD Comments

1. Unable to make comment at this time due to lack of detail regarding erosion and sediment control and stormwater plans.
2. Be advised that Beaver Creek is a class C stream and runs through the proposed site.

CRC Comments

1. Does the concept plan show the required 70' building setback from SR 96?
2. What signage is proposed? The MSOD allows one building mounted sign of 48 SF or less for each use along SR 96 an additional sign 48 SF for any building with a 2nd frontage on a public road. Ground mounted signs are prohibited.
3. Does the concept plan provide space for the drive-thru landscaping to screen vehicle headlights from shining into eyes of drivers on SR 96 as required by the MSOD?
4. Only the CNB outparcel shows a dumpster location. Where will additional dumpsters be located and how will they be screened?
5. Has the referring body reviewed traffic generation and traffic impact information taking into consideration the proposed access point and revised size and arrangement of uses?
6. The more attractive and more integrated this commercial area is with other nearby commercial and residential uses, the more likely it will be to attract customers arriving by foot and bicycle who patronize more than 1 business on any given trip and the more successful this area will be as a community center. Those on foot will typically travel ¼ mile to access desired goods and services, longer if an engaging pedestrian environment is provided. The ¼ walk shed extends east to SR 332, north and west across SR 96 and Mertensia road to nearby mobile home parks, and south to single family and townhouse uses south of Beaver Creek if a direct pathway is provided. Typical utilitarian bicycle trips are 1 to 3 miles.

CPB Comment

1. Will the design of Mercier Boulevard discourage through traffic interested in avoiding the light at SR 96/SR 332?
2. The referring board may want to request NYSDOT to reduce speed limits on state highway to encourage a desirable pedestrian character.

Board Motion: To retain referral 62-2022 as a class 2 and return it to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve High **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

63 -2022 Town of South Bristol Town Board Class: 2
 Type: *Text Amendment*

Applicant: *Town Board*

Brief Description: *Text amendment to the Town of South Bristol code to change how to assign postal address when more than one residence is located on a single lot, and to limit storage of Recreational Vehicles to 2 such vehicles owned by member(s) of owner's family residing on the lot.*

Board Motion: To retain referral 63-2022 as a class 2 and return to the local board. **Motion made by:** Doug Dello Stritto **Seconded by:** Roslyn Grammar **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried**

64 -2022 Town of South Bristol Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Applicant: *Thomas Richardson*

Property Owner: *JHB & JKB LLC*

Representative: *William Grove*

Tax Map Parcel #: *184.04-1-5.000*

Brief Description: *Area variance to add ADA compliant bathrooms that will extend 2.2 ' into ROW of Cold Spring Road to a commercial use at 6461 SR 64 in the Town of South Bristol. The existing building is located partially in the ROW. A second variance is requested to allow an increase in lot coverage from 65 percent to 67 percent when 50 percent is allowed.*

<https://ontariocountyny.gov/DocumentCenter/View/34068/64-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/34069/64-2022-site-plan>
<https://ontariocountyny.gov/DocumentCenter/View/34070/64-2022-survey>

The 624 SF addition will also accommodate portion of internal stair to new basement freezer and cold storage area. Project to also involve new septic system for Brews and Brats and Arbor Hill wastewater; restoration of the historical diorama of the Village of Naples; and relocating electric service to comply with public utility standards.

OCSWCD Comments

1. Roof water runoff from addition and existing building should be diverted away from proposed septic.
2. Erosion and sediment control not shown for construction.

OCSWCD Canandaigua Lake Watershed Inspector -Letter to approve septic plan issued 4/8/22.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

65 -2022 Town of West Bloomfield Planning Board
Type: Special use permit

Class:1

Related Referrals: 42-2022

Applicant: *Bell Atlantic*

Property Owner: *Gary Evans*

Representative: *Nixon-Peabody*

Tax Map Parcel #: 52.00-1-19.000

Brief Description: *Special use permit for construction of telecommunications tower at 2000 Strong Road in the Town of West Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/33618/42-2022-aerial>

https://ontariocountyny.gov/DocumentCenter/View/33619/42-2022-Ionia_single-page-site-plan-pZ_Ds_rev0_20211203-map

This project was previously referred as # 42-2022 in March for a height variance. The project description is from the March minutes and is followed by summary of Exhibits related to the special use permit, and finally previous and new comments.

Application materials indicate the leased area is 242' to Dolomite owned property to the west, 381' to property to the east, and 2,700' to property to the north. The tower is 304' from closest property line. There are no airports within 5 miles of the tower site, and no FAA registration required.

The proposed tower height is intended to accommodate space for 3 additional carriers. The Town zoning code requires new towers to accommodate at least 2 carriers. The property owner will receive additional rental payment if other carriers locate equipment on the tower.

The proposed project will include a 1,770 lf 12' wide gravel driveway along an existing 8' dirt farm road with access from Strong Road. To comply with the NYSDEC SPDES Storm Water Permit, the project will include 5 stormwater management areas. The 100'x100' leased area will be surrounded by a 6' fence including the tower, 4'x11.5' concrete slab for equipment cabinets, and 4'x8' concrete pad for generator. The access road and transformer will be located outside the fenced/leased area.

SEQR documentation indicates the project will disturb 2 acres of the 79-acre property removing 1.6 acres of forest and creating .57 acres of impervious area. The EAF indicates one-quarter of the property has slopes of greater than 15 percent and portions of the property are in Ontario and Monroe County agricultural districts. There are 59 acres of forest and 18 acres of meadow with neither currently used in agriculture, through 31 acres are highly productive soils. The EAF also indicates the site is home to a locally unique geologic feature known as Hopper Hills. The property includes a .29 acre federally regulated wetland and a class C stream. The stream is tributary to Great Brook which is an impaired waterbody as defined by NYS due to nutrients, low dissolved oxygen, and silt and sediment that impair recreation use and use by aquatic life. The project is over or adjacent to a principal aquifer and .03 miles to historic barns on adjacent properties

The EAF appendix B includes a Visual EAF Addendum which characterizes the site as not visible from parks or site listed on the State or National Historic Register. The tower is visible from County Road 14 which is .3 miles from the project site and CRs 38 and 39 extending from .5 to 1.5 miles from the project site. The

project site is also within .3 to .9 miles of SR 64 and visible from local roads: Strong Road, Bennett Road, and Cox Road. The annual number of likely viewers, primarily from area roadways but also area homes and workplaces, is estimated at 52,560.

The visual character of the area within 1 mile of the project site is characterized as primarily undeveloped with flat and hilly agricultural and forest land and some commercial use. There are other visually similar projects within 3 miles.

Exhibits C, E, F, and G of information included with the site plan and variance referral (#42-2022 in March 2022), include information on the tower compliance with the special use permit requirements of Town Code 140-109.B (3) (a).

Town Code requires that proposed tower is designed for at least 3 providers. The site plan indicates tower locations for 4 providers.

Exhibit E evaluates coverage and capacity in the geographic area to be serviced by the proposed tower. The analysis indicates existing area towers in East and West Bloomfield, Lima and Victor are challenged to provide coverage in this area due to terrain, foliage, and distance. The analysis also indicates these towers nearing or exceeding user needed capacity and that the proposed tower will reduce coverage gaps in the Town of Mendon and improve service in portions of East and West Bloomfield, Victor, Lima, and Mendon.

In Exhibit F the applicant identified 4 potential sites for tower constructions. Only the proposed site provides a technologically feasible site with a buildable location acceptable to both parties and mutually agreeable lease terms.

In Exhibit G the application provided visual simulations of views to the proposed tower from 4 locations within ½ mile of the tower site including sites on SR 64, Elton Road, and 2 on Strong Road.

March 2022 Comments

1. Will the tower be visible from Mendon Foundation owned open space? The Foundation owns property within 500' of the project site (131.03-1-2.22) identified in Exhibit J the Agricultural Data Statement. The Foundation website indicates the view from higher elevations of the Sibleyville Nature Reserve extend 30 miles to the south.
2. Vacant area within fenced area appears insufficient to house necessary equipment for 3 additional carriers.
3. The site plan should include a directional arrow.

March 2022 OCSWCD Comments

1. Consider diverting stormwater from upper portion of access road/ old trail to stormwater management facility.
2. Silt fence should be sloped upslope at ends.
3. Extend silt fence around area of disturbance at the cell tower pad.
4. See updated New York Standards for concrete truck washout design.
5. Topsoil stockpile location not identified.

March CPB Comments

Any required tower lighting should accommodate the dark sky needs of the amateur astronomical observatory in Ionia.

April 2022 Comments

1. Exhibit G the visual analysis does not evaluate cumulative impact of proposed facility and other existing and foreseeable towers nor an analysis of alternative designs and colors as required by Town Code 140-109.B (3) (a).

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

66 -2022 Town of Manchester Planning Board Class: 1
 Type: *Site Plan*

Applicant: *Luke Abbott*

Tax Map Parcel #: 32.00-1-65.100

Brief Description: *Site plan for 2,000 SF building expansion at 4330 SR 96 in the Town of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/34071/66-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34072/66-2022>

The referred parcel is 1 acre. The site has an existing building with an access off Kyte Road. No existing or proposed access off SR 96. In addition to the building expansion, the project includes addition of a septic system to accommodate All Clean Power Wash.

Comment A SWPPP is required if the area of disturbance is 1 acre or greater.

OCSWCD Comments

- 1- Plan says replacement system, if so, what becomes of the old system?
- 2- Be sure soil temperature was > 32°f during soil investigation.
- 3- What is soil data > 48” to 72”?
- 4- Is there bedrock present?
- 5- Should Plan reference to NYSDOH regulations, refer to NYSDEC design standards?

CRC Comments

1. What is the purpose of the tank to be relocated?
2. What chemicals will be stored on site and what protective design or operational measures will be used to contain any spills?
3. The EAF indicates the subject property is 4.9 acres and the disturbed area will be 1 acre. OnCor indicates the applicant owns two lots of 1 and 3.8 acres with the existing barn on adjacent parcel 32.00-1-65.200 and no record of the existing metal building on lot 32.00-1-65.100. The site plan appears to show both parcels. Has a lot merger been approved? The referring body should clarify the size and parcel ID of lot(s) under review, whether any change of use is proposed for the existing barn, and whether the proposed septic system is proposed/sized to accommodate future barn use.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

67 -2022 Village of Manchester Planning Board Class: 1
 Type: *Site Plan*

Applicant: *George Aldrich*

Representative: *RJ Landscaping*

Tax Map Parcel #: 32.14-1-50.00

Brief Description: *Site plan for addition of 240 SF open pavilion, fire pit and related gravel walkways, landscaping, and fencing at Reinvention Brewing at 9 South Main Street in the Village of Manchester.*

- <https://ontariocountyny.gov/DocumentCenter/View/34073/67-2022-aerial>
- <https://ontariocountyny.gov/DocumentCenter/View/34074/67-2022-site-plan>
- <https://ontariocountyny.gov/DocumentCenter/View/34075/67-2022-survey>
- <https://ontariocountyny.gov/DocumentCenter/View/34103/67-2022-survey-38162-1>

According to OnCor, the property to the south is a village owned parking lot and the property to the east is also village owned. Surveys posted to OnCor indicate the village transferred portions of each of these properties to the applicant.

OCSWCD Comment Consider landscape feature to manage roof water runoff

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

68 -2022 Village of Manchester Planning Board Class: 1
 Type: *Site Plan*

Applicant: *Martha Yudicky*

Property Owner: *same*

Representative: *Richard Krpt, Identify Design PLLC*

Tax Map Parcel #: 32.13-2-49.000

Brief Description: *Site plan for interior and exterior renovations and addition of enclosed dumpster area to repurpose existing commercial building for a liquor store at 20 S. Main Street in the Village of Manchester.*

- <https://ontariocountyny.gov/DocumentCenter/View/34076/68-2022-aerial>
- <https://ontariocountyny.gov/DocumentCenter/View/34077/68-2022>

Comment The Village Center Design Principles of the Comprehensive Plan recommend retention of original size of openings when repairing or replacing windows, doors, or storefronts and requiring 50 to 60 percent transparency for first floor spaces.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

69 -2022 Town of Farmington Planning Board

Class: 1

Type: *Subdivision*Applicant: *O&L Realty LLC*Property Owner: *O&L Realty & Farmbrook Homes Association*Tax Map Parcel #: *41.12-5-1 to 41.12-5-46 & 41.12-5-97.000*

Brief Description: *Re-subdivision of 46 existing residential lots in the undeveloped section of Farmbrook and 1 lot owned by the Farmbrook Homeowners Association to accommodate 46 homes and a stormwater management pond to address increased run-off from remaining 71 undeveloped lots in the Farmbrook subdivision in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/34079/69-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34078/69-202-subdivision>

According to the EAF, the Farmbrook Subdivision was initially approved in 1979 creating over 200 residential lots. Undeveloped lots include 25 lots along Meadowbrook Lane and the 46 lots along Alfalfa Crescent proposed for re-subdivision to make room for a stormwater management pond. The 1 acre pond will hold.62 million gallons with a depth of 2'. The proposed subdivision will disturb approximately 20 of the 24.6 acres involved in Phase 7A and section 2 of Phase 7B and result in approximately 7.6 new acres of impervious surface. Following development, 2.9 acres of meadow/brushlands will remain along with 13 acres of lawn. The EAF also identifies 1.2 acres of nearby Federal wetlands and a class C tributary to Beaver Creek.

The proposed subdivision includes 6.9 acres owned by the Farmbrook Homeowners Association (HOA). Following the re-subdivision, the original HOA parcel will be reduced to 4.8 acres and the HOA will own 2.9 acres developed with a stormwater management pond to serve the re-subdivided lots along both sides of Alfalfa Crescent and in Phase 7B section 2 along Meadowbrook Drive.

Homes are expected to be developed in 3 phases over 3 years. Proposed lot sizes range from 7,275 to 13,200 SF.

According to OnCor, Farmbrook and immediately adjacent lands are in the Hathaway Brook watershed.

OCSWCD Comments

1. Stabilization of all disturbed areas will be needed within 7 days.
2. Consider 0 phosphorus fertilizer unless otherwise noted by soil testing.
3. Concrete truck washout is not shown on plans.
4. Additional detail needed regarding stormwater management facility outlet and what other system it connect with.
5. Consider diversion swale or other management option for runoff from increased impervious surfaces to prevent flooding of downslope residential lots and adjacent agricultural lands

CRC Comments

1. In consideration of the HOA's agreement to allow use of HOA lands to retain approved number of lots and address current stormwater management regulations for proposed lot, will the proposed stormwater management facility remedy any of the existing drainage issue in the Farmbrook subdivision? Could it?

CPB Comments

1. In response to CPB questions, the applicant representative offered the following information:

- a. In accordance with Town of Farmington policy, the HOA will own and maintain the stormwater facility and will execute an access and maintenance agreement to allow the town to take action in emergency situations or lack of HOA maintenance.
- b. In accordance with NYSDEC design guidelines, the stormwater pond will not be fenced but will have a maximum 1:4 slope and a 12” wide shelf at the edge to protect against accidental entry.
- c. The applicant explored the possibility of a regional stormwater management facility on adjacent site, but was unable to secure agreement from the landowner.

Board Motion: To retain referral 69-2022 as a class 1 and return them to the local board with comments.
Motion made by: AJ Magnan **Seconded by:** **Vote:** 10 in favor, 0 opposed, 0 abstentions
Motion carried.

70 -2022 Town of Victor Zoning Board of Appeals Class:1
 Type: *Area Variance*

Applicant: *Kassis Superior Sign Co Inc.*

Property Owner: *Main Street Stop LLC*

Tax Map Parcel #: *6.04-1-78.000*

Brief Description: *Area variance for additional sign area at Kohls, 439 Commerce Drive. The additional sign area will advertise a brand of beauty products offered at Kohls and such brand signage in prohibited by 165-6 N of the Town of Victor.*

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

71 -2022 Town of Hopewell Planning Board Class: 1
 Type: *Site Plan*

Applicant: *Paul Gillette*

Property Owner: *same*

Tax Map Parcel #: *99.00-2-59.200*

Brief Description: *Replacement of 20 SF sign at 3682 SR 5/US 20 in the Town of Hopewell.*

The business name is changing from Apple Blossom Self Storage to A Safe Place Storage.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

72 -2022 Town of Hopewell Planning Board Class: 1
 Type: *Special Use Permit*

Applicant: *Patricia Albrecht*

Property Owner: *same*

Tax Map Parcel #: 72.00-1-89.100

Brief Description: *Special use permit for home occupation in accessory building at 4066 Stoddard Road in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/34080/72-2022-aerial>

The applicant owns a total of 8.2 acres. The development site is a 2.59 acre lot with a total of 2,882 SF in a number of accessory buildings, Eventual replacement of the accessory building in which the home occupation operates would disturb approximately 300 SF.

Comments.

- 1- The referring body may want to consider whether any special use permit conditions are appropriate to ensure this or other home occupation(s) do not overtake the residential nature of the lot.
- 2- The EAF says the project site is 2.9 acres and the applicant owns 8.2 contiguous acres. The referring body may want to clarify which adjacent parcels are under joint ownership and the applicant about plans for adjacent parcel(s).

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

73 -2022

Town of Hopewell Planning Board

Class: 1

Type: *Site Plan*

Applicant: *Phil Bassage*

Property Owner: *same*

Representative: *McCormick Engineering*

Tax Map Parcel #: 99.00-2-1.210

Brief Description: *Site plan for 6,750 SF gravel parking area expansion to provide additional parking for vehicles to be serviced at 3942 SR 5/US 20 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/34081/73-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34082/73-2022siteplan>

The project site is 3.1 acres. The proposed parking would disturbance .15 acres to accommodate an additional 15 parking spaces and second drive aisle along the east side of existing parking area.

Property and adjacent residential use to east are in the C-2 Low Intensity Commercial district.

Comments

1. Existing buffer landscaping is on the adjacent residential property. In accordance with the special use permit requirements outlined in Town code section 806, on-site screening and landscaping are required, however, there are no guidelines for such landscaping in 806 or in Article X. The referring body may want to require on-site landscaping/fbuffering as part of this special use permit.
2. Town Code section 806 also requires that any unlicensed vehicle stored on-site must be screened from view

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant
Seconded by: Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

74 -2022

Town of Hopewell Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 75-2022

Applicant: *Jay Ladue*Property Owner: *Jon Bagley*Representative: *Marks Engineering*

Tax Map Parcel #: 72.00-1-34.100

Brief Description: *Site plan and subdivision for 5 lot subdivision of 25 acre parcel at southwest corner of CR 4 and Freshour Road in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/34083/742022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/34084/74-2022-site--utility-plan>

<https://ontariocountyny.gov/DocumentCenter/View/34085/74-2022-subdivision>

The proposed subdivision creates three 1.5 acres residential lots with 167' of frontage along the west side of Freshour Road and one 2 acre corner lot with 238' of frontage on Freshour Road and 317' of frontage on CR 4 that is proposed to be accessed from Freshour Road.. The 19 acre remainder lot indicates 17.6 acres of preserved agricultural land including lands east and west of Freshour Creek, however, there is no indication of the geographic extent of the preserved land. The remainder lot include 55' of frontage on Freshour Road at the south end of the parent parcel and a proposed home site with a driveway off CR 4. The stream corridor and southern and western property boundaries are wooded.

According to OnCor, the property and all surrounding properties are in OC Agricultural District #1. The parcel is not constrained by floodplains, wetlands, or steep slopes.

The proposed subdivision is in the Town of Hopewell Agricultural Zoning District which only allow development of 30% of prime farmlands.

Comments

1. The deed restricted agricultural conservation area should be indicated on the subdivision map.
2. How will the applicant ensure the preserved agricultural land is available for agriculture?
3. The preserved agricultural area east of the creek is likely too small and too prone to conflicts with development for viable agricultural use.
4. How will the agricultural operators access preserved agricultural lands west of the creek?
5. The referring body may want to require that all development lots be located east of Freshour Creek and a separate agriculture preservation remainder lot that can be sold and used for agriculture, encompassing land west of the creek.
6. How does the proposed subdivision meet the buffer requirements of Hopewell Town Code Section 504 B.7

between proposed development lots and the agricultural preservation area?

7. Does the proposed driveway for the house on the remainder lot align with the existing residential use on the north side of CR 4?
8. Is the proposed driveway location for the corner lot far enough from the intersection?
9. The referring body may want to require side by side driveways to minimize the impact of residential driveways on safety and capacity of Freshour Road.

OCSWCD Comments

- 1- All disturbed areas must be stabilized within 7 days
- 2- Additional row of silt fence should be considered when clearing and grading occurs near class C stream.
- 3- Consider permanent individual stormwater management practices for each lot.

Septic Comment: Alternative systems for new construction require NYSDOH review.

OCDWP Comments

The County intends to make improvements to the intersection of County Road 4 and Freshour Road and would prefer the driveway access for the lot #1 (located in the southwest corner of CR 4 and Freshour Rd.) be moved as close as possible or as permitted by town code towards the southern property line of the lot. In addition, we would also prefer any development on this parcel to occur as far south and west (away from the intersection) as practically possible or as permitted by town code.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

75- 2022 Town of Hopewell Planning Board

Class: 1

Type: *Subdivision*

Related Referrals: 74-2022

Applicant: *Jay Ladue*

Property Owner: *Jon Bagley*

Representative: *Marks Engineering*

Tax Map Parcel #: 72.00-1-34.100

Brief Description: *Site plan and subdivision for 5 lot subdivision at southwest corner of CR 4 and Freshour Road in the Town of Hopewell.*

See information at 74-2022

Board Motion: To accept late referrals 76-2022 and 77-2022. **Motion made by:** Len Wildman **Seconded by:** AjJMagnam **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

76 -2022 Town of East Bloomfield Planning Board

Class: 1 Late referral

Type: *Site Plan*

Related Referrals: 77-2022

Applicant: *Groundwater, LLC*

Property Owner: *same*

Representative: *Joe Testa*

Tax Map Parcel #: *81.00-1-36.000*

Brief Description: *Site plan and area variance for demolition and replacement of Groundwater, LLC at 6540 SR 5/US 20 in the Town of East Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/34086/76-77-2022-site-plan--aerial>

The project site is 3 acres The project involves demolition of existing 1,944 SF building, removal of a storage container, and replacement with 3,744 SF building and will disturb less than 1 acre.

The proposed building setback is 68’ when 75’ is required. Fill would be required to locate the building at the required setback.

CRC Comment All demolition debris should be recycled if possible or disposed of in an appropriate facility.

Board Motion: To retain referrals 52-2022, 53-2022, 55-2022, 58-2022, 59-2022, 61-2022, 64-2022, 65-2022, 66-2022, 67-2022, 68-2022, 70-2022, 71-2022, 72-2022, 73-2022, 74-2022, 75-2022, 76-2022, and 77-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet **Vote:** 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

77 -2022 Town of East Bloomfield Zoning Board of Appeals Class: *1 Late Referral*
Type: *Area Variance*

Related Referrals: *75-2022*

Applicant: *Groundwater LLC*

Property Owner: *same*

Representative: *Joe Testa*

Tax Map Parcel #: *81.00-1-36.000*

Brief Description: *Site plan and area variance for demolition and replacement of Groundwater, LLC at 6540 SR 5/US 20 in the Town of West Bloomfield.*

See information at 76-2022.

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: I, (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 I

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)

- Information to Share
 - Board of Supervisors Planning & Environmental Quality Committee discussion of CPB Ad Hoc Committee report postponed to May 2, 2022
 - Ontario County to undertake county wide housing study
 - CPB discussion of how to reduce carbon emissions of county transportation system postponed to 5/11/22
- Clearing House Reviews – none
- Upcoming Training

Tuesday April 19, 2022 8:30 to 4:00 Tug Hill: Rural Planning, Subdivision and Site Plan Review, Clean Energy Communities, Historic Preservation, Complete Streets, Accessory Dwelling Units as Affordable Housing, Cannabis
<https://tughill.org/lgc2022/>

Friday April 22, 2022 9:00 to 4:00 Canandaigua Town Hall – virtual or in-person, lunch provided
<https://www.signupgenius.com/go/10C0E4FAAAE2EA7FD8CF8-municipal1>

Tuesday April 26 6:00 pm to 9:00 pm Livingston County Planning & Zoning Workshop: Affordable Housing & STRs
<https://dos.ny.gov/system/files/documents/2022/03/lgtrainingschedule.pdf>

Wednesday April 27, 2022 6:--8:15 pm Monroe County Land Use Training – PB/ZBA Overview
<https://us02web.zoom.us/meeting/register/tZ0oduGprjgqH9ZuEYqPC3p4FPAtgLQx8jpO>

Thursday April 28, 2022 5:00 to 7:00 pm Broome County Planning & Zoning Workshop: Affordable Housing
<https://dos.ny.gov/system/files/documents/2022/03/lgtrainingschedule.pdf>

Thursday May 5, 2022 5:00 to 6:00 pm Broome County Planning & Zoning Workshop: Aging in Place
<https://dos.ny.gov/system/files/documents/2022/03/lgtrainingschedule.pdf>

Friday May 13, 2000 9:00 am to 4:30 GFLRPC \$75 Genesee Community College Batavia -Broadband for all, V. Lima/Clean Energy Community, Encouraging Fleet Electrification and EV charging stations, PB/ZBA overview. SRTs,
<https://forms.office.com/r/quSdbZneXa>

Thursday June 9, 2022 7:30 to 4:00 Southern Tier West: Adopting & Amending Zoning, Vacancy: Tools and Strategies for Local Governments, Accounting 101 for Cemeteries
<https://www.southerntierwest.org/local-government-conference.html>

4th Thursday 2022 Monthly Municipal Boot Camp Program presented by MRB Group and Hanockc Estabrook

<https://www.hancocklaw.com/events/the-2022-municipal-bootcamp/>

April 28, 2022 – 6:00-7:00 pm Here Comes the Sun – shaping solar and battery storage projects

May 19, 2022 – 6:00 to 7:00 pm Keep the Grass Green and the Water Clean – SEQR review

June 23, 2022 – 6:00-7:00 pm How it All Fits Together – long-range plans and near-term challenges

July 28, 2022 – 6:00-7:00 pm Ask Us Anything – hot topics in planning, zoning, & community development

September 22, 2022 – 6:00-7:00 pm What Not to Say & What Really Not to Do – avoiding sexual harassment

October 27, 2022 – 6:00 to 7:00 pm A History Lesson – managing projects with historic significant

December 22, 2022 - 6:00 to 7:00 pm Santa’s Nice and Naughty List – the best and worst of 2022

New York Planning Federation 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

NYPF Recorded Webinars THE ESSENTIALS OF PLANNING AND ZONING

Introduction to Planning, Zoning and Land Use

Everything You’ve Ever Wanted to Know About Preparing a Comprehensive Plan

Understanding and Applying SEQRA (NY State Environmental Quality Review Act)

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

MEETING PROCESS AND COMMUNICATION

Enhancing Transparency Effectiveness in Planning Proceedings
 Innovations and Best Practices for Planning/Zoning Boards
 Engaging Diverse Communities and Dealing with Difficult People
 Working with Elected Officials and Understanding Everyone's Role in Planning
 The Open Meetings Law for Zoning and Planning Boards, Part 2
 Working with Developers to Foster Investment in the Community
 Communication, the Media and Social Media
 Open Government and Planning and Zoning Decision Making

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

NYSCOM Annual Convention Sagamore Hotel May 4-6, 2022

NYSCOM Fall Village and City Officials Training School September 12-16, 2022 Saratoga Hilton, Saratoga Springs

NYSCOM Recorded webinars

ACCESSING FEDERAL FUNDING FROM FEMA (recorded 7-29-20) | Speakers: Robert T. Kennedy, Mayor of the Village of Freeport and NYCOM President; J. Andrew Martin, CFM, Public Assistance Section Chief, NYS Division of Homeland Security and Emergency Services; Janet Plarr, Village Administrator, Village of Blasdell; and Donna Lyudmer, Village of Saltaire

ADOPTING LOCAL LAWS AND CONDUCTING REFERENDA | (recorded 6-24-21) | Speaker: Rebecca Ruscito, NYCOM Counsel

ARPA FUNDING: OVERVIEW OF ALLOWABLE USES AND OTHER REQUIREMENTS (recorded 8-3-21) | Speakers: Peter Baynes, NYCOM Executive Director and Barbara VanEpps, NYCOM Deputy Executive Director

CELL TOWERS AND WIRELESS REGULATIONS AND A CASE LAW UPDATE (recorded 12-15-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel

CONDUCT MEETINGS NOW AND DOWN THE ROAD: NAVIGATING THE FUTURE OF MEETINGS AND HEARINGS AS COVID NUMBERS DROP (recorded 3-18-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel and Rebecca Ruscito, NYCOM Counsel

ETHICS FOR ZBA AND PLANNING BOARD PROCEEDINGS (recorded 12-9-21) | Speaker: Wade Beltramo, NYCOM General Counsel

FAIR HOUSING CONSIDERATIONS FOR MUNICIPALITIES (recorded 12-16-21) | Speakers: Charles Grieco, Bond, Schoeneck & King; Moderator: Wade Beltramo, NYCOM General Counsel

GRANTS TRAIN IS AT THE STATION: GET READY FOR THE RIDE AHEAD! | (recorded 5-6-21) | Speaker: Jim Thatcher, Manager, Community Development, C.T. Male Associates

LAWYERS AND ETHICS FOR ZBAS AND PLANNING BOARDS (recorded 12-10-20) | Speaker: Wade Beltramo, NYCOM General Counsel

NEW YORK'S MARIJUANA LEGALIZATION: WHAT DOES IT MEAN FOR LOCAL GOVERNMENTS? | (recorded 4-15-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel; Rebecca Ruscito, NYCOM Counsel

PLANNING AND ZONING HOT TOPICS AND CASE LAW UPDATE (recorded 12-14-21) | Speakers: Terry Rice, Partner, Law Office of Terry Rice; Moderator: Wade Beltramo, NYCOM General Counsel

REGULATING CANNABIS OPERATIONS (recorded 12-7-21) | Speakers: Wade Beltramo, NYCOM General Counsel; Corey Auerbach, Barclay Damon, LLP

SOLAR PANELS, LARGE SCALE ENERGY GENERATION SITING, AND LOCAL ZONING (recorded 12-17-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 4/13/22 County Planning Board meeting. ***Motion to adjourn made by Glen Wilkes seconded by Roslyn Grammer Motion carried.*** 4/13/22 CPB meeting adjourned at 8:45.

Respectfully submitted by Linda Phillips, Senior Planner