

**ONTARIO COUNTY PLANNING BOARD**Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled****County Planning Board Meeting – April 14, 2021 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below**

Telephone: 585-396-4455

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

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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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Wednesday, April 14, 2021

6:30 PM | (UTC-04:00) Eastern Time (US & Canada) | 3 hrs



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Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present	A – Absent, E – Excused Absence,	V – Virtual
Canandaigua	Christen Smith			V
Geneva	Paul Passavant			V
<b>Towns</b>				
Bristol	AJ Magnan			V
Canadice	<b>Stephen Groet PB</b>	P		
Canandaigua	David Wink			V
East Bloomfield	<b>Mike Woodruff PB</b>			V
Farmington	Patti Wirth			V
Geneva	Steven High	P		
Gorham	<b>Jack Dailey PB</b>			V @7:30
Hopewell	Bill Namestnik			V
Manchester	Sue Kell			V
Naples	<b>Carol O'Brien PB</b>			V
Phelps	<b>Glen Wilkes ZBA</b>	P		
Richmond	<b>Leonard Wildman PB</b>			V
Seneca	<b>Vacant</b>	-----	-----	-----
South Bristol	<b>Bessie Tyrrell</b>		E	
Victor	Marty Avila			V
West Bloomfield	<b>Sue Boardman ZBA</b>			V
<b>Alternate</b>	Gregory Farkas		A	

**Call to Order/Roll Call:** Chair **Wildman** called the 04 /14 /21 CPB meeting to order at 7: 10 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were (12) members present virtually and (3) members physically at 20 Ontario Street, meeting the quorum requirement. Jack Dailey joined the meeting at 7:30 and participated in voting on all referrals.

**Guests:** Patrick Donnelly, Dave Plante & Carol Rizzo/Aura Power, John Barry/Finger Lakes Motel, Andrew Spencer-BME/Affronti Development

**Staff:** Linda Phillips, Senior Planner and Erin Holley, Senior Clerk

**Minutes:**

- *Motion made by Len Wildman to approve the February 10, 2021 minutes **as revised**, seconded by Paul Passavant (abstentions Mike, Carol, Glen, Marty, AJ, Sue, Christen ) **Motion NOT carried***
- *Motion made by Steve Groet to approve the revised March 10, 2021 minutes, seconded by David Wink (abstentions –Marty, Patti, Jack, AJ, Sue, Christen) **Motion Carried***

58 - 2021	Town of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant & Owner:	BLW Properties of Victor LLC	
Tax Map No(s):	15.00-2-29.111	
Brief Description:	Site plan to demolish 13,318 SF Wilkens RV showroom, construct new 18,560 SF showroom, replace two driveways with consolidated access point, and complete stormwater, lighting, landscaping, and utility modifications at 7447 SR 96 at Omnitech Place in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28417/58_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28417/58_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28418/58_21-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28418/58_21-Site-Plan</a>	

The existing showroom and access connections to SR 96 are located in the northeast portion of the 24 acre site. The existing service building is located in the center of the site. The site plan application indicates 8.3 acres in the project area and a 7.9 acre disturbed area. Site disturbance will include new showroom attached to south end of existing service building, new employee and customer parking, paving existing RV display area, new stormwater management facility in the southwest corner of the site and new fencing of

the display area. Following site redevelopment the site will include 5.8 acres for display of 221 RVs, an acre of employer/customer parking (81 spaces), and nearly 16 acres wetland/wetland buffer/open space including an acre of foundation and frontage landscaping.

The existing stormwater system drains to the on-site wetland. The new stormwater system will provide treatment of the expanded parking area, but not the newly paved display area.

The RV display area security fence will be a painted aluminum fence along SR 96 and a chain link fence along Omnitech Place, the access driveway, and the rear of the site. A decorative fence detail is included with the site plan.

The site plan shows landscaping including a  $\pm 15'$  area planted with prairie grass seed mix and 11 gray birch trees planted in pairs along the SR 96 frontage and foundation landscaping with shrubs, grasses and perennials along the south and east sides of the new building. Prairie grass seed mix is also indicated in the wetland buffer along the south edge of the parking area, in rain garden #2, and in a narrow strip along Omnitech Place

The proposed site plan locates 5 RV pick up parking spaces, 19 employee parking spaces, 14 additional parking spaces, 2 rain gardens, 31 RV display spaces, the western side of the display area fencing and a small portion of the proposed building in the 100' wetland buffer area.

The Town of Victor code requires 80' parking setbacks along SR 96 and Omnitech Place; proposed setbacks are 14.6' along SR 96 and 4.5' along Omnitech Place. The site plan also indicates a 14.6' proposed building front setback, though no frontage building is shown.

According to OnCor, a portion of the existing RV display area and service building are in a NYSDEC wetland area/wetland buffer area. OnCor also shows a stream through the wetland area along the western portion of the site and east through the site in the vicinity of the existing building and southern access drive. There are no floodplain or steep slope areas on the site.

#### Comments

1. How many acres of wetland are on the site and what is existing and proposed area of wetland/wetland buffer area disturbance?
2. What is the area of new impervious surface? It appears the proposed building and parking at the south end of the site are connected to the stormwater management facility while much of the existing gravel display area to be paved is only subject to treatment of a filter strip and small rain garden before draining to the wetland without benefit of any wetland buffer area.
3. It is desirable to consolidate the 2 existing driveways and move access further from the SR 96 intersection with Omnitech Place. Does the proposed driveway location meet the Town code Chapter 55 access point offset spacing standards for the existing driveway on the opposite side of the street?
4. The site plan shows the location of the silt fence but not a limit of disturbance line.
5. Is the proposed landscaping inside or outside the fence line?
6. Are the 9'x18' customer parking spaces sized to accommodate vehicles necessary to pull typical RVs?
7. Site plan site data indicates RV display spaces are 10' x 40' when site plan notes indicate they are 15'x 40'.
8. To protect the visual character of SR 96, the decorative aluminum fence should extend along Omni Tech Place at least as far as the first stormwater inlet.
9. There are existing sidewalks along much of the SR 96 frontage and consideration should be given to requiring a continuous sidewalk along the SR 96 frontage.

#### OCSWCD Comments

1. Current placement of concrete truck washout is too close to stream and not adequately sized. See page 2.24 of the New York State Blue Book for sizing and setback requirements for concrete truck washouts
2. Filter strip detail is not provided.
3. Have specific plants been identified for rain gardens?
4. Location of soil stockpiles has not been identified.
5. SWPPP not provided, unable to make comments on sequencing and phasing.

#### CPB Comments

1. All demolition debris should be recycled if possible or disposed of in permitted facility.
2. All lighting should be noted as dark sky compliant.

**Board Motion:** To retain referral 58-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Steve Groet **Seconded by:** David Wink  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

59 - 2021	Town of Victor Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Bovee, Christopher	
Tax Map No(s):	39.00-1-19.200	
Brief Description:	Site plan to install second driveway with culvert at 1440 SR 444 in the Town of Victor	

Second driveway will connect to the existing driveway near the garage and avoid need to back RV onto state highway.

- 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:**

- 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.
- Collectively individual residential developments have significant impacts on surface and ground water.
- Proper design of on-site sewage disposal is needed to protect ground and surface waters.
- Proper storm water and erosion control is also needed to achieve that same end.
- Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
- 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.
- 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**

- What is the connection spacing between the existing and proposed driveway? Distance to other driveways north and south of the property and across the road? Victor Code Chapter 55 Access Management allow maximum of one access per parcel. A second driveway, likely not able to meet arterial access connection spacing standards of Chapter 55 will require a PB waiver as outlined in 55-8.
- The applicant and referring agency should Consult with the NYSDOT and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
- 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.

60 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	The DiMarco Group	
Property Owner:	Ontario County IDA	
CPB Comments Tax Map No(s):	15.00-2-80.000	
Brief Description:	Site plan for modification of north facade of 23,000 SF building at 7383-7387 SR 96 in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28419/60-2021-fishers-landing-proposed-facade">https://www.co.ontario.ny.us/DocumentCenter/View/28419/60-2021-fishers-landing-proposed-facade</a>	

The facade renovation will include converting the center element to resemble a gable and partial roof replacement. The center gable will include Fishers Landing lettering and a business identification sign for new tenant, Brooks and Harlow Salon.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments  
**Motion made by:** David Wink **Seconded by:** Glen Wilkes  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

61 - 2021	Town of Phelps Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	Finger Lakes Communications Group/Upstate OTTC	
Representative:	McCormick, Jason	
Tax Map No(s):	35.00-1-30.000	
Brief Description:	Site plan for expansion of pole yard and new 4,800 SF pole barn located at 2174 SR 96 in the Town of Phelps. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28420/61-2021-site-plan--2174-NYS-Route-96--OTTC">https://www.co.ontario.ny.us/DocumentCenter/View/28420/61-2021-site-plan--2174-NYS-Route-96--OTTC</a>	

The 11 acre project site is located on the north side of SR 96 east of CR 13. Adjacent land uses are residential and agricultural though the area is zoned C-1 Commercial. According to OnCor, the 11 acre project site is not constrained by wetlands, floodplains or steep slopes. The project involves use of the existing paved driveway, relocation of cedar trees within a berm along the SR 96 frontage, a chain link fence installed behind the berm and along the property perimeter, a 9,600 SF gravel yard east of the building, and disturbance of 1 acre. There are eight 12'x14' overhead doors on the east elevation of the building. The building is setback more than 100' from the roadway and has a roof pitch is 4/12.

**CPB Comment** Referring body should clarify the size of the area of disturbance. If the area disturbed is more than 1 acre, a Stormwater Pollution Prevention Plan (SWPPP) is required.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments  
**Motion made by:** David Wink **Seconded by:** Glen Wilkes  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

62 - 2021	Town of Phelps Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	H.D. Mix Properties, Inc.	
Property Owner:	SAA	
Representative:	McCormick PE, Jason	
Tax Map No(s):	35-00-1-18.210	
Brief Description:	Site plan for 4,000 SF storage building at 2094 SR 96 in the Town of Phelps. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28421/62-2020-site-plan-enlargement--2094-NYS-Route-96--MBI">https://www.co.ontario.ny.us/DocumentCenter/View/28421/62-2020-site-plan-enlargement--2094-NYS-Route-96--MBI</a>	

The 37 acre project site is located on the north side of SR 96 across from the Phelps-Clifton Springs/ Midlakes School Campus. Adjacent land uses to the east and west are residential, though the area is zoned C-1 Commercial. According to OnCor the site is bisected by a stream and includes areas identified as potential wetlands on the National Wetland Inventory. The site plan indicates 2 small and portions of two larger federal wetlands north of the proposed building. The proposed building location is 100' from the eastern property line behind 2 larger existing buildings.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments  
**Motion made by:** David Wink **Seconded by:** Glen Wilkes  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

63 - 2021	Town of Richmond Town Board	Class: 2
Referral Type:	Text Amendments	
Applicant:	Town of Richmond	
Brief Description:	Text amendment to special use requirements for solar energy systems in the Town of Richmond. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28422/63-2021-Proposed-Revisions-to-solar-200-50E5-03-09-2021">https://www.co.ontario.ny.us/DocumentCenter/View/28422/63-2021-Proposed-Revisions-to-solar-200-50E5-03-09-2021</a>	

The proposed amendment removes large scale solar energy systems from the list of permitted uses in the F Industrial zoning district and adds rooftop or building mounted solar energy systems to the list of permitted uses in the H Municipal Parks and Open Space district.

The proposed amendment also includes the following amendments to the Special Use Permit requirements for solar energy systems.

1. Add definitions for Abandonment, Agricultural Data Statement, Agricultural Lands and NEC (National Electric Code).
2. Identify required operation and maintenance plan contents and include details as Special Use Permit conditions.
3. Identify required contents and filing/recording requirement for Decommissioning Agreement and identify events that trigger obligation to decommission project.
4. Require initial utility company verification of grid capacity for interconnection or applicant commitment to fund necessary upgrades and require an annual report from the utility company documenting energy production.
5. Limit lot coverage on prime farmland/farmland of statewide importance to 50 percent.
6. Require that mechanical equipment and storage batteries are enclosed by 8' fence.
7. Specify that the Town may consult with NYS Historic Preservation Office and Department of Environmental Conservation regarding potential historic and wetland impacts.

#### Comments

1. The referring body may want to clarify provisions relating to abandonment/decommissioning. The proposed code amendment defines abandonment in relation to energy production (less than 20% of capacity) but doesn't specify a timeframe. Existing code section D(3)(i) requires removal if solar energy system ceases to perform as originally intended for more than 12 consecutive months and requires the property owner to remove the system within 90 days of the 12 month period. Proposed code subsection (5)(b)[5][g] lists Town determination of abandonment, cease of energy production for 6 months, failure to submit an annual report and several other circumstances as decommissioning events while (5)(c)[25] states failure to submit an annual report constitutes abandonment. Also subsection (5)(b)[i] allows the project owner 180 days after triggering event to decommission the project.
2. E (4) outlines standards for residential and non-residential rooftop and ground mounted systems that generate energy for on-site use. E (5) outlines standards for large scale solar energy systems. What standards apply to solar energy systems generating energy for off-site use that don't meet the definition of Large Scale Solar energy systems?
3. E (5) is standards for large-scale solar energy systems. Subsection E(5) (b) outlines Special Use Permit standards. E (4) requires special use permits for non-residential rooftop and ground mounted systems sized for on-site consumption. What are the special use permit standards for these solar energy systems?
4. Proposed section (5) (b) [i] specifies how the municipality may recoup monies expended to decommission a project if not removed by the applicant/owner/property owner within 180 days of a Decommissioning Event. This section does not mention the surety required in section(5)(b) [5][e]
5. Sub-section (5)(c) [15] indicates large scale solar energy systems are not allowed in the Honeoye Lake Watershed. How can applicants' find the watershed boundary? It is not clearly shown on the Town zoning map or in OnCor on the Ontario County website. There is a watershed map on the website of the Honeoye Lake Watershed Task Force, but this site is not linked to the Town website.
6. The proposed amendment may create confusion regarding the responsibilities of the Zoning Board of Appeals in accepting a complete Special Use Permit application and taking action and the responsibilities of the Planning Board in commenting on the Special Use Permit application and taking action on the site plan because special use permit and site plan standards are included in a single section. The amendment also indicates the Planning Board may waive the requirement for site plan review however it is then unclear the process the Planning Board would use to approve the drainage and stormwater management plan decommissioning plan, easements, and operations and maintenance plan as provided by subsection (5) (c)[6], [7], [8] and [9].
7. E. (4) (h), (i) and (j) should use the defined term solar energy system not solar collector or solar collector system.
8. Consider locating proposed definitions with other Zoning Chapter definitions in section 200-7.

**Board Motion:** To retain referral 63-2021 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:** Mike Woodruff  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

64 - 2021	Town of Geneva Planning Board	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Davies, John	
Property Owner:	Battaglia, Jennifer	
Tax Map No(s):	133.12-1-18.000	
Brief Description:	Area variance for construction of 2 story garage in front yard (not lake side) of residence at 4243 Glass Factory Bay Road in the Town of Geneva	

Proposed setbacks are 25' to south, 18' to north (doors/existing driveway on this side), and 20' to private drive to west. Including the private drive, west setback is 40'. The application materials indicate applicant can't build in rear yard/lake side as town sewer is located there. Applicant and OnCor indicate steep topography on the Lake side of the home also constrains development in that area.

- 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.

**Comments** What is use of the garage second story? What existing vegetation will be retained?

65 - 2021	Town of Richmond Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Richmond	
Brief Description:	Text amendment to strengthen the priority of agricultural use in the A Residential/Agricultural District in the Town of Richmond. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28423/65-2021-Amendments-3-9-2021-1">https://www.co.ontario.ny.us/DocumentCenter/View/28423/65-2021-Amendments-3-9-2021-1</a>	



The existing district intent statement seeks to provide an area where “rural residential land uses can coexist with agriculture” and “maintain the rural character of the area.” The proposed intent statement adds statements that “Agricultural or farm activities are the preferred land use” and “New development should be located and designed in a way that has the least negative impact to farms, agricultural activities, farmland of statewide importance, and prime farmland. “

**Board Motion:** To retain referral 65-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Glen Wilkes **Seconded by:** David Wink  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

66 - 2021	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Reinhart, Jerry & Lori	
Tax Map No(s):	98.13-1-17.110	
Brief Description:	Site plan and area variance for new home at 3443 West Lake Boulevard off CR 16 south of Bedford Drive in the Town of Canandaigua. Area variance is for development within 19' of a stream when 100' set back is required.	

66.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Reinhart, Jerry & Lori	
Tax Map No(s):	98.13-1-17.110	
Brief Description:	Site plan and area variance for new home at 3443 West Lake Boulevard off CR 16 south of Bedford Drive in the Town of Canandaigua. Area variance is for development within 19' of a stream when 100' set back is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28424/66-2021-West-Lake-Blvd-3443-2021-03-22-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28424/66-2021-West-Lake-Blvd-3443-2021-03-22-Site-Plan</a>	

**AR Policy 5C** 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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to the Canandaigua 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** Preliminary plan under view. Detailed plan of proposed sewer lateral connection and renovation permit required.

67 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant :	Marks Engineering	
Tax Map No(s):	56.00-2-25.120	
Brief Description:	Site plan and special use permit for motor vehicle service station and repair shop at 5351 Emerson Road in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28425/67_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28425/67_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28426/67-2021-Emerson-Rd-2021-03-10-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28426/67-2021-Emerson-Rd-2021-03-10-Site-Plan</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28427/67-2021-Emerson-rd-5351-2021-03-23-SWPPP">https://www.co.ontario.ny.us/DocumentCenter/View/28427/67-2021-Emerson-rd-5351-2021-03-23-SWPPP</a>	

The proposed 4 acres project site is located east of the Emerson Road entrance to Victory Honda. The proposed building is approximately 8,400 SF and the site plan indicates 74 parking spaces including 4 accessible spaces by the front entrance. The site plan shows a dry swale along the eastern property boundary and a long stormwater pond between the southern edge of parking pavement and the existing drainage easement. The land south of the existing drainage channel including the pipeline ROW will remain undisturbed. In all, half the site including land adjacent to the western property boundary will remain undisturbed. A Stormwater Pollution Prevention Plan (SPWPP) has been provided and reviewed.

**Comments**

1. The proposed site access is close to the Victory Honda access. Consideration should be given to feasibility of shared access.
2. No landscaping plan is provided. Frontage and foundation landscaping should be required. Depending on the extent and character of retained perimeter vegetation, additional perimeter landscaping may also be desirable.

**CLCSD Comment** Preliminary plan under view. Detailed plan of proposed pretreatment units for the floor drain and permit required.

**OCSWCD Comments**

1. Update concrete truck washout specs. Page 2.24 of the New York State Blue Book
2. Location of concrete washout not specified.
3. Be sure that outlet from stormwater pond is maintained on the property and does not cross over to neighbor's property.
4. Review maintenance requirements for silt fence in New York State Blue Book.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

67.1 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Marks Engineering	
Tax Map No(s):	56.00-2-25.120	
Brief Description:	Site plan and special use permit for motor vehicle service station and repair shop off Emerson Road west of Fire Hall Road in the Town of Canandaigua.	

See information at 67-2021.

68 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Major Subdivision	
Applicant & Owner:	Venezia Group LLC	
Tax Map No(s):	97.04-2-100.100	
Brief Description:	Final major subdivision plat for 11 single family lots off LaCrosse Circle in the Foxridge subdivision off Butler Road in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28428/68_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28428/68_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28429/68-2021-Lacrosse-Circle-2020-12-17-Plat-Map-final5B3">https://www.co.ontario.ny.us/DocumentCenter/View/28429/68-2021-Lacrosse-Circle-2020-12-17-Plat-Map-final5B3</a>	

The parent lot is 14 acres. According to OnCor, the property is not constrained by floodplains, wetlands, or steep slopes. Proposed lot sizes range from .25 acres to 1.8 acres. Gutter and downspout water will drain to closed drainage system. Lot drainage will generally be directed to the roadway drainage system. There is also a 50' drainage swale through the middle of the rear yards of lots 8, 9, and 10 and a drainage swale at the rear of lots 4 and 5. Both swales drain to the north where a temporary sediment basin is proposed.

**CLCSD Comments Plans** under review, comments, if any, will be sent directly to the applicant's engineer.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

69 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Plante, David/Aura Power Solar	
Owner:	Aikey, John	
Tax Map No(s):	84.00-1-17.200	
Brief Description:	Site plan and special use permit for 3.24 MW solar project on 18 acre industrial zoned site at 2890 CR 10 northwest of Saltonstall Street in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28430/69_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28430/69_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28431/69-2021-site-plan-only-County-Road-10-2980-2021-03-22-">https://www.co.ontario.ny.us/DocumentCenter/View/28431/69-2021-site-plan-only-County-Road-10-2980-2021-03-22-</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28461/69-2021-CR-10-2980-2021-03-10-SWPPP">https://www.co.ontario.ny.us/DocumentCenter/View/28461/69-2021-CR-10-2980-2021-03-10-SWPPP</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28518/69-2021-CR-10-2980-2021-02-10-Decommissioning-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28518/69-2021-CR-10-2980-2021-02-10-Decommissioning-Plan</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28578/69-2021-CR-10-2980-2021-02-10-Operations-Maintenance">https://www.co.ontario.ny.us/DocumentCenter/View/28578/69-2021-CR-10-2980-2021-02-10-Operations-Maintenance</a>	

This project was submitted for Technical Review as referral 212-2020 in December. The project has been scaled back from 4 MW to the current 3.24 MW. The site is zoned Industrial and development for large scale solar will require a special use permit.

According to OnCor, the site is not constrained by wetland, floodplain, or steep slope areas and is not in the agricultural district. Adjacent land uses include an auto body shop to the north, an existing large scale solar facility to the south, vacant land to the west, and residential to the east across CR 10.

The disturbed area includes 15.42 acres. Application materials also include a 2 page operation and maintenance plan committed to site inspection at least annually and a 14 page decommissioning plan with little project specific information not even MW of the proposed project or the size and tax ID of the project site. The south west corner of the frontage along CR 10 is left undisturbed while the site plan shows solar panels in some wetland areas. Identification of temporary and permanent disturbance appears to include only the square feet of panel and fence pilings in the area of permanent disturbance (3,043 SF). The proposed 20' pervious gravel access road is in the 25' side setback area along the southern property boundary. No landscaping shown along southern perimeter. West vegetation in 25' setback/wetland areas to remain. Existing vegetation along northern perimeter is on adjacent property. A Stormwater Pollution Prevention Plan was provided and reviewed.

**Comments**

1. Why is frontage area left open and wetland area disturbed? The previous site plan showed location of switch gear yard in the area north of the existing buildings and south of proposed panels.
2. What is the proposed future use of the existing site buildings?
3. The site plan does not indicate location of top soil storage from access road construction or area of concrete pad for electrical equipment.
4. No quantity listed for mix of Eastern Red Cedar and Burkii proposed for screening along CR 10. The site plan does not show screen plantings along 20-40' of frontage south of the access drive.
5. No existing conditions photos are included in Appendix B of the Decommissioning Plan and Ag and Markets Guidelines not included in Appendix D.
6. The Decommissioning Plan introduction indicates the project will have a 35 year lifespan; however, the 2 percent annual escalation of decommissioning costs used to estimate the initial surety requirement uses a 30 year lifespan.

**OCSWCD Comments**

1. Would recommend the use of silt fence as opposed to filter sock for added working capacity. Silt fence should also be used around topsoil stockpiles.
2. What protections will be in place to conserve delineated wetlands?
3. Locations of topsoil stockpile and concrete truck washout have not been identified on plans.

**CPB Comments**

1. In response to CPB questions, the applicant representative provided the following information:
  - A proposed 396 SF inverter pad is located on the north side of the access road midway between CR 10 and the rear property line.
  - The temporary wetland disturbance is 1.2 acres and the permanent wetland disturbance is <.1 acre. It is not anticipated the proposed wetland disturbance will require an Army Corps of Engineers permit.
  - No grading of the site is anticipated.
  - The plan set includes specified seed mix for rain garden and pollinator friendly wildflower mix.
  - The project site is not in County Agricultural District #1 and is not subject to NYS Department of Agriculture and Markets farmland soil restoration guidelines referenced in the Decommissioning Plan.
2. The referring body should clarify with the applicant where wildflower and rain garden seed mix will be applied.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

69.1 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Plante, David/Aura Power Solar	
Owner:	Aikey, John	
Tax Map No(s):	84.00-1-17.200	
Brief Description:	Site plan and special use permit for 3.24 MW solar project on 18 acre industrial zoned site at 2890 CR 10 northwest of Saltonstall Street in the Town of Canandaigua. The decommissioning plan projects a 35 year operating lifespan.	

See information at 69-2021.

70 - 2021	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Costich Engineering	
Property Owner:	Daigua LLC	
Tax Map No(s):	113.09-3-10.110	
Brief Description:	Site plan and area variance for addition of 2nd dock and boat hoist, 2 bay shoresport lift, stone shore line stabilization, 100 SF accessory building with bathroom, retaining wall and steps, and new p aver area off CR 16 at 3844 CR 16 in the Town of Canandaigua. Variances required for second acces point and setback from road.	

70.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Costich Engineering	
Property Owner:	Daigua LLC	
Tax Map No(s):	113.09-3-10.110	
Brief Description:	Site plan and area variances for addition of 2nd dock and boat hoist, 2 bay shoresport lift, stone shore line stabilication, 100 SF accessory building with bathroom, retaining wall and steps, and new paver area off CR 16 at 3844 CR 16 in the Town of Canandaigua. Variances required for second acces point and setback from road. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28432/70-2021-County-Road-16-3844-2021-03-10-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28432/70-2021-County-Road-16-3844-2021-03-10-Site-Plan</a>	

The project site includes 75,146 SF on the west side of CR 16 with a home and an existing non-conforming shed and 4,570 SF on the east side with 123 Lineal feet of shoreline developed with a dock and a boat house. Compliance with standards of the Canandaigua Lake Unified Docks and Moorings law is exempt from CPB review. The property currently has a driveway off Wyffel Road and a looped walkway from CR 16 to the front and rear doors of the house. There is also a paver walkway off CR 16 to the lakeside portion of the lot.

The applicant proposes to replace the paver walkway with a 10' driveway from CR 16 to the lakeside portion of the lot. A variance is needed for this second driveway. The proposed 100 SF accessory building will be 6' from CR 16 not 60' as required by Town Code. After proposed changes building coverage will be 6 percent of the lot when 15 percent is allowed and lot coverage will be 19 percent when 25 percent allowed.

**Policy AR 5 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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua 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** Plan review and permit required for proposed bathroom connection.

71 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	McMahon-LaRue	
Property Owner:	Futerman, Eli and Peggy	
Tax Map No(s):	140.14-1-21.000	
Brief Description:	Six area variances for replacement of seasonal cottage with new home at 4799 CR 16 in the Town of Canandaigua. Variances required for 7' house side setback when 10' is required, 25' lake setback when 30' is required, 2' detached garage side setback when 10' is required, 13' shed lake setback when 15' is required, 35% lot coverage when 30 percent is allowed, and a minor shed side setback variance. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28433/71-2021-CR-16-4799-2021-03-19-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28433/71-2021-CR-16-4799-2021-03-19-Site-Plan</a>	

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

**Part B Development of Lakefront Parcels.**

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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
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.

72 - 2021	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Chuck & Kate Vasilius	
Tax Map No(s):	98.13-1-16.110	

Brief Description:	Site plan and area variance for new home at 3439 West Lake Boulevard off CR 16 south of Bedford Road in the Town of Canandaigua. Variances required for development 34' from stream when 100' setback is required.
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72.1 - 2021	Town of Canandaigua Planning Board	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Chuck & Kate Vasilius	
Tax Map No(s):	98.13-1-16.110	
Brief Description:	Site plan and area variance for new home at 3439 West Lake Boulevard off CR 16 south of Bedford Road in the Town of Canandaigua. Variances required for development 34' from stream when 100' setback is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28435/72-2020-West-Lake-Blvd-2021-03-22-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28435/72-2020-West-Lake-Blvd-2021-03-22-Site-Plan</a>	

The down spouts for the proposed home are connected to infiltration trenches. There are also 6 drywells, 3 on each side, and a 500 SF rain garden on the south side of the house. The application materials indicate replacement of channelized swale with riparian bio-swale, however, no details are provided.

**AR Policy 5 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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
4. Plan not included in plan set and no detail is provided for the proposed gabion block wall along the stream channel between proposed homes at 3439 and 3443 (referral 66.1-2021) West Lake Boulevard.

**CLCSD Comment** Renovation permit required.

73 - 2021	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Affronti Development LLC	
Property Owner:	Bhoopinder Metha	
Tax Map No(s):	29.00-1-63.000	
Brief Description:	Area variance for 35' front setback when 70' is required on Town roads. Setback to apply to 3 public roads within this 220 unit townhouse development at the southwest corner of Mertensia and Collett Roads in the Town of Farmington. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28436/73_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28436/73_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28437/73_21-site-plan-1">https://www.co.ontario.ny.us/DocumentCenter/View/28437/73_21-site-plan-1</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28438/73_21-site-plan-2">https://www.co.ontario.ny.us/DocumentCenter/View/28438/73_21-site-plan-2</a>	

The project letter of intent indicates all 220 units are planned as two-story for sale townhomes with 1 car garage, 2 additional driveway parking spaces in the 10' wide side by side driveways, and additional guest parking areas. There are 39 visitor parking spaces for the 116 units fronting on proposed public road B and private road A, 12 visitor parking spaces for the 40 units on proposed road C off Mertensia Road, and no visitor parking spaces for the 12 units at the corner of Collett and Mertensia Roads.

The EAF indicates the project site is 48.5 acres with 7 acres of wetlands and 42 acres of woodlands (potentially overlapping with the wetland) on the site. The project will disturb 32 acres, retain 10 acres of woods within the stream corridor/wetland buffer area and entail 12 acres of impervious surface.

According to OnCor, the undeveloped land to the west of the site in the Town of Victor is in the agricultural district and the west side of the stream corridor/wetland area has slopes of 16 to 30 percent. The site is zoned Residential Multiple Family.

The development plan includes 3 stormwater management facilities with a total of 1.6 million gallons of water storage over .76 acres with a maximum depth of 14'. The stormwater management facility for the 116 units off proposed public road B and private road A is located along Collett Road. A small stormwater management facility at the corner of Collett and Mertensia Roads will be developed with the 12 lots there. Another stormwater management facility along Mertensia Road will serve the 40 lots off proposed public road C and private drive B. There are also bio-retention areas proposed in each development area.

The site plan identifies location and area of each 4 unit building, but not individual unit lots. The area variance letter of intent requests 35' front setback variance for units fronting on public roads A, B, and C. The submitted site plan does not show any lots fronting on public road A. The site plan appears to indicate that the units on the outside of public road B and on public road C meet the 70' setback requirement and only the 51 units numbered 117 to 168 fronting on the interior of public road B would require a setback variance. The site plan does not identify the setback shown for these units. All units are setback 70' from Collette and Mertensia Roads.

### Comments

1. Has the applicant considered inclusion of single story /no step entry units to accommodate the area's rapidly increasing number of older adult households?
2. Are walking trails allowed in the NYSDEC wetland buffer area? What disturbance of the buffer area will this entail and what equipment will be used?
3. How many acres of usable open space (excluding wetland/wetland buffer areas and stormwater management areas) are shown on the site plan?
4. What is the shown setback of units numbered 117 to 168 on the interior of proposed public road B? What is the maximum and minimum front setback for these units?
5. Where will visitors to the 12 units at the corner of Mertensia and Collett Road park?
6. Do setback variance/ driveway length provide room for parking 4 passenger trucks commonly owned by Ontario County residents in the side-by-side driveways?
7. The development site includes walking trails but no play areas.
8. How do Major Thoroughfare Overlay District regulations apply to this development?
9. Unusual to subdivide townhouse lots after construction.



**CPB Comments**

1. The area variance request should be amended to reflect the lots/buildings that need a variance and the actual variance needed.
2. What is the impact of peak hour traffic generated by the proposed development?

**Board Motion:** To retain referral 73-2021 as a class 1 and return it to the local board as incomplete.

**Motion made by:** Steve Groet **Seconded by:** Patti Wirth

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

74 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant & Owner:	Prestigiacomio, Joseph	
Tax Map No(s):	17.00-1-38.100	
Brief Description:	Special use permit to operate existing bar/restaurant and banquet center as a special event center while the 89 former hotel rooms will transition to weekly and monthly stay accommodations. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28439/74_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28439/74_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28440/74_21-Prelim-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/28440/74_21-Prelim-Site-Plan</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/28575/74-2021-letter-of-intent">http://www.co.ontario.ny.us/DocumentCenter/View/28575/74-2021-letter-of-intent</a>	

The 18 acre project site has 92 parking spaces in the motel area and 129 parking spaces in the lower lot. The maximum occupancy is 325 people in the upstairs ballroom and 125 people in the downstairs ballroom.

**Comments**

Are event center accessible spaces provided in the area designated for 11 spaces?

**CPB Comments**

1. The referring body may want to include specifics on occupancy, square footage, and type of events allowed in any special use permit approval.
2. As the motel building residents and event center guests will be separate groups, the referring body may want to consider identifying and land banking areas for future parking if needed when the event center can return to hosting large events.

**Board Motion:** To retain referral 74-2021 as a class 1 and return it to the local board with comments

**Motion made by:** Carol O'Brien **Seconded by:** David Wink

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

75 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	Duryea, Erik	
Representative:	Graphics, Ewing	
Tax Map No(s):	99.00-1-18.100	
Brief Description:	Site plan for new 48 SF building mounted sign at 4193 State Route 5 & US 20 in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28441/75-2021-sign">https://www.co.ontario.ny.us/DocumentCenter/View/28441/75-2021-sign</a>	

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

76 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Kwik Fill	
Property Owner:	United Refining Holdings Inc.	
Tax Map No(s):	6.00-1-29.100	

Brief Description:	Amended area variance to reduce open space from 29.2 percent to 28.9 percent when 30 percent open space is required at 7453 SR 96 in the Town of Victor. Variance to accommodate a 120 SF storage shed. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28442/76-20217453-SR-96-Kwik-Fill-site-plan-larger-map">https://www.co.ontario.ny.us/DocumentCenter/View/28442/76-20217453-SR-96-Kwik-Fill-site-plan-larger-map</a>
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The proposed shed will be located on the northwest end of the site approximately 7' to 10' feet from the existing building, the sprinkler connection, and an existing mature shade tree on the site.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

77 - 2021	Town of Richmond Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Wolinski, Raymond	
Property Owner:	Flora, Diane	
Tax Map No(s):	136.17-2-1.000	
Brief Description:	Site plan for 576 SF building addition at Gulf gas station 8598 US 20A in the Town of Richmond. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28442/76-20217453-SR-96-Kwik-Fill-site-plan-larger-map">https://www.co.ontario.ny.us/DocumentCenter/View/28442/76-20217453-SR-96-Kwik-Fill-site-plan-larger-map</a>	

The .8 acre project site is located on the north side of Main Street/SR 20A between Honeoye Business Park and the school in the hamlet of Honeoye. The property, and the hamlet of Honeoye, is in the Middle Honeoye Creek watershed. The property is a preexisting non-conforming lot with regard to size (<2 acres) and width 180' not 200' of frontage. The site is currently developed with a 2,160 SF building, 2 pump islands, and 2 two way access points 32' and 47' wide with a 20' lawn area between the sidewalk and the paved area of the site along the remaining property frontage. Application materials indicate the proposed addition will extend to 22' from the eastern property line. No provisions are made for water quality or quantity treatment of stormwater from the proposed addition. There is no indication of existing or proposed frontage landscaping.

The Hamlet of Honeoye Active Transportation Study <https://www.publicinput.com/Customer/File/Full/adea96a1-14d8-409b-98db-e5c7745613ee> recommends that 50 percent of the lot frontage in the hamlet area be occupied by buildings, landscaping, decorative walls, art, or benches to screen parking from public view and frame the pedestrian realm of the sidewalk. With regard to landscaping, the Study directs installation of 1 shade tree between the curb and sidewalk for each 40' of frontage and 1 shade tree for each 5 parking spaces as well as flowering trees, shrubs, perennials, and ground cover in the setback and parking areas and additional building foundation plantings. The Study also recommends use of painted wood, natural or synthetic stone, brick, stucco, and glass materials for facades and decorative block, brick, stone, wrought iron or treated wood for walls.

The Study's draft Access Management Plan recommends that the 2 existing driveways on this property be narrowed to one-way each, typically 12', though up to 24' if necessary to accommodate fuel delivery vehicles. The draft Access Management Plan also indicates future cross access with the 2 applicant owned parcels to the east and the 2 additional lots west of the school property to minimize the number of additional driveways required to accommodate future development/redevelopment activities in this area. Desired access connection spacing along this section of SR 20A with a 35 MPH speed limit is 125' to 150' from edge of pavement to edge of pavement. Additionally, such access connection should be aligned or appropriately spaced/off-set with access connections on the south side of the road.

#### Comments

1. The purpose of the Hamlet of Honeoye Active Transportation Study is to make walking in the hamlet more interesting, enjoyable, and safe. What landscaping and façade materials are proposed in conjunction with the proposed addition?
2. Now is the time to put in place cross access easements and to identify threshold/ timeframe for access connection modifications.
3. Will the building addition function as an extension of the existing building or accommodate a new activity with its own entrance.

#### CPB Comments

1. Is existing accessory display of for sale vehicles an activity allowed in accordance with an approved site plan?
2. The referring body should consider requiring a site plan, prepared by a licensed professional, showing the applicant's entire holdings, access connection spacing on both sides of the road in the vicinity of the site, and conceptual access and use plan for full development of the applicant's holdings.

3. The proposed development is located along SR 20A, a primary tourism corridor. It is important that development/redevelopment activities in this corridor incorporate access management and screening to protect the safety and visual character of the corridor. In particular frontage and foundation landscaping/screening should be required and the following access spacing standards should be applied to the applicant's holdings:

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

**Board Motion:** To retain referral 77-2021 as a class 1 and return it to the local board with comments

**Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff

**Vote:** 15 in favor, 0 opposed, 1 abstentions **Motion carried.**

78 - 2021	Town of Phelps Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Hanson Aggregates NY LLC	
Property Owner:	BR Dewitt INC	
Representative:	Fogel, Michael	
Tax Map No(s):	49.00-1-610.110	
Brief Description:	Subdivision of 60 acre portion of 178 acre parcel in the Town of Phelps. Subdivided lot located south of Tennessee Gas transmission line between CR 6 and Hayes. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28444/78_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28444/78_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28445/78-2021-SD21-05">https://www.co.ontario.ny.us/DocumentCenter/View/28445/78-2021-SD21-05</a>	

The 60 acres is proposed to be combined with an adjacent 324 acre property, Tax ID 49.00-1-66.111, owned by Kenneth and Wilma Horst.

According to OnCor, the subdivided property includes potential wetland areas listed on the NWI.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

79 - 2021	Town of Phelps Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Dinu, Bogdan	
Property Owner:	Turetsky, Judith	
Tax Map No(s):	34.00-3-39.111	
Brief Description:	Site plan for 5 MW solar energy generating facility at 2315 SR 96 in the Town of Phelps. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28446/79_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/28446/79_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28447/79-2021-landscape-site-plan-Ontario-2-Solar-Farm">https://www.co.ontario.ny.us/DocumentCenter/View/28447/79-2021-landscape-site-plan-Ontario-2-Solar-Farm</a>	

The 43 acre property is located on the north side of SR 96 just northwest of CR 13. The project includes 16,000 tracking modules that will occupy roughly 25 acres. Two pervious gravel access roads will provide site access and proposed impervious areas are limited to a 180 SF concrete pad to house electrical equipment. The panels will be located in sparsely vegetated areas of the site and will not disturb existing drainage patterns or remove hedge/hedgerow vegetation. No tree clearing is anticipated. A 20' access road and overhead electric line will be installed along the eastern property boundary. A second access road will be installed to the southwest corner of the site. Panels do cover a portion of the cattail area in the northwest corner of the site.

The SWPPP indicates the site slopes north towards the wetland, however, the preliminary wetland delineation effort indicates an intermittent stream runs north to south through a drainage ditch connecting off-site to the mapped DEC wetland. Existing

impervious areas include agricultural buildings. There is also a gravel and compacted dirt road along the eastern property boundary. Dominant site soils are Lima loam and Casenovia silt loam, both 3 to 8 percent slopes and hydrologic soil group D if undrained.

The project site and adjacent lands are zoned C-1 Commercial. Adjacent land uses includes a private business to the west, woods to the east, and woods to the north including a DEC mapped wetland and wetland buffer area.

A double row of pine or spruce trees will be planted outside most of the southern fence line with shrub and grasses planted by the hedgerow and the western access drive. Other landscaping activities include reseeding lawn on .7 acres and spreading pollinator seed mix on 25 acres.

**Comments**

1. What is the closest distance of fence and panels to SR 96?
2. How will inspectors/equipment access the solar panels in the center field?
3. Is horse barn in use and will agricultural use continue? If not what provisions are in place to prevent deterioration of the barn?
4. Clarify existing and proposed direction of drainage flow.

**OCSWCS Comments**

1. Plans do not show placement of erosion and sediment controls (silt fence, topsoil stockpiles, construction staging area).
2. Plans in SWPPP are not oriented correctly.
3. Have any preexisting agricultural drainage tiles been identified in this field that need to be maintained?

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments  
**Motion made by:** David Wink **Seconded by:** Glen Wilkes  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

80 - 2021	Town of Victor Town Board	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Town of Victor	
Brief Description:	Comprehensive Plan amendment to add the 2021 Sanitary Sewer Master Plan. The Sewer Master Plan recommends expansion of the sewer district to serve developed and undeveloped lands and includes recommendations for changes to residential density overlays in the Town of Victor.	

The Sanitary Sewer Master Plan seeks to reconcile Town of Victor signals regarding desired development density as evidenced by the sewer district boundaries and expansion areas identified in the 2016 Farmington-Victor Sewer Study with existing Residential Overlay designations and with Residential Overlay designation changes as outlined in the 2015 Comprehensive Plan. The Plan updates desired sewer district extensions and desired changes to the Town’s Residential Overlays. In summary the Plan no longer recommends extension of the sewer district to residentially zoned lands north of CR 42. Plan Figures 9, 10, and 13 appear intended to summarize recommended changes in Residential Overlays, however, many of the changes shown on Figure 10 Density Changes from the 2015 Comprehensive Plan are coded the same on Figure 9, 2015 Future Land Use Plan and Figure 13, 2020 Updated Future Land Use Map.

The Plan also recommends changes to Victor Town Code Chapter 162 Sewers to establish a capital reserve fund and a connection fee retained by the Consolidated Sewer District. The connection fee retained by the District would go toward future collection capacity expansion projects and would be in addition to the existing connection fees that are retained by Village and Farmington to cover connection inspection costs and a portion of Treatment Plant future upgrade/expansion costs. The reserve fund and new connection fee are intended to more equitably allocate the cost of replacing collection capacity used by new development so that growth pays for growth. This will avoid cost differences to developers based on the timing of their proposal in relation to the availability/non-availability of excess collection system capacity.

The Sanitary Sewer Master Plan also outlines system limitations/vulnerabilities resulting from a large number (7 to 11) of pump stations that some sewage must pass and the collection system configuration where sewage from commercial uses at SR 96/I-

490/Fishers Road is pumped under SR 96 and I-90 to an old trunk line along CR 9 that takes it back under I-90 to the Farmington Wastewater Treatment Plan (FWWTP). The Plan outlines the Auburn Project, a major sewer collection capacity investment project to install a new trunk sewer in the Auburn Trail ROW from Phillips Road to Brace Road and in new ROWs to connect to the FWWT. The Auburn Project addresses a number of current system limitations/vulnerabilities and will result in abandoning the segment of trunk sewer under SR 96 and I-90 near I-490 and reducing the number of pump stations some sewage passes through.

**Comments**

1. The Sanitary Sewer Master Plan is a needed reconciliation of Town of Victor signals regarding desired development density as evidenced by the sewer district boundaries and expansion areas identified in the 2016 Farmington-Victor Sewer Study with existing Residential Overlay designations and with Residential Overlay designation changes as outlined in the 2015 Comprehensive Plan. If the Victor Town Board does not update the Residential Overlay designations and sewer district boundary based on this reconciliation, property owners/purchasers/developers will continue to receive mixed signals regarding desired development densities. SEQR review of such changes to the Residential Overlays and Sewer District boundaries should include an estimate of the number of additional lots allowed/reduced lots allowed and overview of associated environmental impacts.
2. Many of the areas designated for transfer from the medium Residential Overlay to the highest Residential Overlay are golf courses (Victor Hills, Victor Hills East, Champion Hills, Ravenwood, and Cobblestone Creek). Before amending the Residential Overlay Map, the Town Board should carefully consider the appropriate development density for these lands in the event any of these golf course uses are discontinued. Town records should also be clear regarding whether any golf course uses are on lands set aside as open space during development approval and not eligible for development if golf course use is discontinued.
3. Figures 9, 10, and 13 do not clearly depict current recommendations for future land use/ proposed changes in the Residential Overlays.
4. The Town Board may want to consider whether the Residential Density Overlays contributes to preserving and linking high value natural resources and provide for cost effective extension of the sewer collection system.

**Board Motion:** To retain referral 80-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff  
**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

81 - 2021	Town of Victor Town Board	Class: Exempt
Referral Type:	Other	
Applicant:	Town of Victor	
Brief Description:	Lead agency designation for previously referred zoning amendment to Light Industrial district in the Town of Victor.	

82 - 2021	Town of Victor Town Board	Class: Exempt
Referral Type:	Other	
Applicant:	Town of Victor	
Brief Description:	SEQR lead agency designation for Comprehensive Plan Amendment/Sewer Master Plan in the Town of Victor.	

83 - 2021	Town of West Bloomfield Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant & Owner:	Tenny, Thomas	
Representative:	Thornton Engineering	
Tax Map No(s):	50.02-2-1.000 50.02-2-2.000 50.02-2--3.00 50.02-2-50.200 50.02-2-50.100	
Brief Description:	Re-subdivision of 54 acre parcel 50.0-1-84.110 subdivided in 2019 into a remainder lot and 4 development lots off a cul-de-sac off SR 65 west of Hickory Lane in the Town of West Bloomfield. New subdivision will include 3 development lots off a private road and remainder lot. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28447/79-2021-landscape-site-plan-Ontario-2-Solar-Farm">https://www.co.ontario.ny.us/DocumentCenter/View/28447/79-2021-landscape-site-plan-Ontario-2-Solar-Farm</a>	

This lot was previously reviewed as referral #168-2018 in October 2018 and referral #45-2019 in February 2019. The February 2019 subdivision was recorded in the OC Clerks Office and shows in OnCor. The proposed re-subdivision (application dated October 2019 and maps dated February 2021) shows the pre-2019 lot lines rather than the existing 4 lots (50.02-2-1.000, 50.02-2-2.000, 50.02-2-3.000, 50.02-2-50.200 ) off a cul-de-sac and a 45 acre remainder lot(50.02-2-50.100) northeast of a 60' to 70' linear parcel also owned by the applicant (50.00-1-65.100). The proposed subdivision would replace this arrangement of lots with 3 lots off a 30' private drive and a 50 acre remainder lot to the rear. The remainder lot is bisected by linear lot 50.00-1-65.100 owned by the applicant. The applicant also owns lot 50.00-1-75.114 that provides a 60' connection between the remainder lot and Hickory Lane.

The acres, disturbed area, and area of proposed rain garden(s) for the three proposed lots are summarized as follows:

Lot	Acres	Disturbed Area	Area of Rain Garden
1	.8	.6	52 SF for north roof downspout
R-2	1.577	1.05	none
R-3	1.587	1.01	544 SF rain garden for west roof downspout, 150 SF rain garden no source identified

The site plan does not provide any planting details for the rain gardens or other lot landscaping. The site plan indicates Lot R-2 includes 2 driveways and the Lot R-3 cellar drainage discharges along eastern property line. Referred materials do not include any stormwater calculations or SR 65 site distance information.

Adjacent land uses include single family homes, Sunny Acres horse farm and training track, and agricultural lands. The agricultural data statement indicates that 45 acres of the property is current rented farmland and that no drainage tiles are present on the site.

According to OnCor, the site is not subject to development constraints related to steep slopes, wetlands, or floodplains and the property is not in an agricultural district.

#### Comments

1. The proposed subdivision plan should reflect the 2019 subdivision of lot 50.00-1-84.110 into 4 lots off a cul-de-sac and 45 acre remainder lot.
2. The applicant should provide a concept plan for use of entire holdings including access for potential future full development. Will farming equipment use the proposed private drive or one of the applicant owned linear parcels? Will future development of the remainder lot have access via the currently proposed private drive? The connection to Hickory Lane? Both? The Town code definition of a Private Drive requires 5 lots, pavement section built to town road standards, and a maintenance agreement.
3. Any subdivision of the proposed lot should be accompanied by execution of formal access easement to Hickory Lane via 50.00-1-75.114 and to provide farm equipment access to any lands expected to continue in agricultural use.
4. Will sufficient top soil remain after covering leach field to support establishment of lawn in other disturbed areas?
5. Will any of the box elder trees shown on the site plan remain?
6. The subdivision plan documents 55 MPH speed zone but does not document acceptable sight distances for vehicles exiting the proposed private road. The applicant and referring agency should consult with the NYSDOT and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
7. The referring agency is encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
8. 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 placement of on-site septic.
9. 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.

**OCSWCD Comments**

1. SWPPP not provided, difficult to make comments.
2. Will lots be developed separately or at the same time?
3. Consider swale to allow roof runoff to reach rain garden in lot 1.

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

84 - 2021	Town of Victor Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	BME Associates	
Property Owner:	L & L Specialty Co Ins	
Tax Map No(s):	28.03-1-7.000	
Brief Description:	Two lot subdivision at 6756 CR 41 west of Brace Road in the Town of Victor.	

85 - 2021	Village of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Mitchell Construction	
Property Owner:	Van Bortel Village Motors	
Tax Map No(s):	16.17-02-48.100	
Brief Description:	Site plan for site redevelopment at 223 West Main Street in the Village of Victor to accommodate Van Bortel Village Motors. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28464/85-2021-site-plan">https://www.co.ontario.ny.us/DocumentCenter/View/28464/85-2021-site-plan</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28465/85-2021-elevationf">https://www.co.ontario.ny.us/DocumentCenter/View/28465/85-2021-elevationf</a>	

The site plan shows extension of existing stone parking area to 10' from the east property line and planting of 9 trees in the 10' setback area along the existing chain link at the east property line. It also shows removal of overhead utility lines and replacement with underground utilities. No changes to building footprint, sidewalks or curb cuts are proposed. The elevation plan indicates renovation of front façade with brick, canvas awnings at front windows, and installation of wall pack LED lights and fiber cement in vertical siding pattern to north and south sides.

**Comments**

1. Site redevelopment is an opportunity to examine opportunities for access consolidations and upgrading pedestrian environment in accordance with the Victor Access Management Plan and Chapter 40 Access Management of the Village Code. At a minimum the applicant should provide information on existing driveway spacing across the street and to the east and west of the side, width of existing curb cuts, and information on size and condition of sidewalk through the site including whether concrete sidewalk continues across the access drives. The applicant should also be required to examine feasibility of shared access with neighboring properties.
2. The site plan should indicate any existing or proposed street front or foundation landscaping and identify the species of tree to be planted along the east property line.
3. The site plan should indicate on-site vehicle and pedestrian circulation and the location of employee/customer parking, including accessible parking, and location of for sale vehicle display area.
4. Confirm proposed lighting is contained on-site.

**Board Motion:** To accept late referral 85-2021. **Motion made by:** David Wink **Seconded by:** Len Wildman

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

**Board Motion:** To retain referrals 60-2021, 61-2021, 62-2021, 67-2021, 67.1-2021, 68-2021, 69-2021, 69.1-2021, 75-2021, 76-2021, 78-2021, 79-2021, 83-2021, and 85-2021 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Glen Wilkes

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**

86 - 2021	Town of Richmond Town Board		Class: 2 Late Referral
Referral Type:	Text Amendment		
Applicant:	Town of Richmond		
Brief Description:	Text amendment to add 12 month moratorium extension for large -scale battery energy storage installation as Chapter 165 of the Richmond Town code. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/28453/86-2021-Local-Law-Battery-Moratorium-2021-2">https://www.co.ontario.ny.us/DocumentCenter/View/28453/86-2021-Local-Law-Battery-Moratorium-2021-2</a>		

A draft of the moratorium was reviewed as referral 37-2021 in March. The amendment is now formatted as a Chapter amendment to the Richmond Town Code.

**Comment** It is unusual for a local law such as a moratorium to be incorporated as a Chapter of a municipal code.

**Board Motion:** To accept late referral 86-2021 **Motion made by:** David Wink **Seconded by:** Mike Woodruff

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

**Board Motion:** To retain referral 86-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Sue Boardman **Seconded by:** Mike Woodruff

**Vote:** 16 in favor, 0 opposed, 0 abstentions **Motion carried.**



## 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 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)

- Clearing House Reviews –design of vegetation removal plan for vegetation encroaching runways 13 and 31 in Canandaigua.
- Upcoming Training –

**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.

**April 27, 11:30 a.m. to 12:30 p.m.** Genesee/Finger Lake Regional Planning Council is hosting a session on FL Natural Heritage Area Feasibility Study as part of their virtual Local Government Workshop series. The workshop is free, but registration is required. For more information go to: <http://www.gflrpc.org/local-government-workshops.html>

**Tues. April 27, 2-4 pm** NYSDOS/Sullivan County Stormwater Regulation for Local Review Boards  
<https://meetny.webex.com/meetny/k2/j.php?MTID=t65cea00f985de7b72de32efd79978078>

**Thurs. April 29 from 5-7:30**, NYSDOS/Dutchess County, Planning and Zoning: An Introduction see registration link at <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**Tues. May 18 from 6 – 8 pm**, NYSDOS/Livingston County, Hot Button Land Uses  
<https://meetny.webex.com/meetny/k2/j.php?MTID=t4b872e96e584ed58df3b278912f9f37b>

**Genesee Finger Lakes Regional Planning Council Zoom training on Tues and Thurs.** Trainings are free but registration is required. <http://www.gflrpc.org/local-government-workshops.html>

**Tues. Apr 20 11:30-1** Here Comes the Sun: Solar, Zoning, and Comprehensive Plans (Wendel, Drew Reilly)

**Thurs. Apr 22 11:30-1** From Dutch charters to village dissolutions: A discussion of New York's quirky system of local government (G/FLRPC, Jason Haremza)

**Tues. Apr 27 11:30-12:30** Finger Lakes National Heritage Area (National Park Service, Martha Droge and Chuck Lawson)

**Thurs. April 29 11:30-1** On Haudenosaunee Land: Recognizing Indigenous People, History and Geography in Local Planning in Our Region (Native American Cultural Center, Ronalyn Pollack & G/FLRPC, Jason Haremza)

**Tues. May 4 11:30-2** Planning Board Overview (NYS Department of State)

**Thurs. May 6 11:30-1** Intermunicipal Planning for Local Efficiency(NYS Department of State)

**Tues. May 11 11:30-12:30** Intermunicipal Cooperation: Building Code Enforcement(NYS Department of State)

**Thurs. May 13 11:30-1** Ouch! This plant hurts: NYSDCE Giant Hogweed Control Program (NYS Department of Environmental Conservation, Naja Kraus & Meaghan Schwartz)

**Tues. May 18 11:30-1** Hot Topics in Planning: from **A**[ccessory Dwellings]to **Z**[oom Towns](Barton & Loguidice, Molly Gaudioso & G/FLRPC, Jason Haremza)

**Tues. April 20, 2021 from 9 to 10:30 am** Ithaca & Tompkins County Age Friendly Center of Excellence, Planning for Age Friendly Communities: Resources for Local Governments and Community Members

*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)*

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

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

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)

- **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
  
- Other info to share – no items
- Privilege of the Floor – no items

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn 4/14/21 County Planning Board meeting. **Motion to adjourn made by Glen Wilkes seconded by Len Wildman. Motion carried.** April 14, 2021 CPB meeting adjourned at 9:48 PM.