

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday May 9, 2023, at 3:30pm**
County Planning Board Meeting –May 10, 2023 at 7:00pm 20 Ontario St., Canandaigua
 Telephone: 585-396-4455

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

Attendance and Minutes.....2
 Referral Reviews and Board Action.....2
 General Procedures and Legal Obligations for Referring Agencies.....24
 Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action Other Results: I =incomplete *=use not allowed

Referral #	Municipality 2	Applicant	Application Type	Class/ Action	Page
72	Town of Victor	T-Sports LLC	Site Plan	1	2
73	Town of Victor	Nixon Peabody	Site Plan	AR1	3
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76	Town of Victor	Nixon Peabody	Special Use Permit	1	5
77	Town of Victor	Brian Ridley	Site Plan	Exempt	5
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79	Town of Gorham	Douglas Eldred	Subdivision	1	7
80	Town of Richmond	David Briggs	Special Use Permit	1	10
81	Town of Richmond	Susan & William Clark	Use Variance	2	11
82	Village of Victor	Christa Development Corp.	Area Variance	1	12
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87	Town of Victor	Brian Ridley	Area Variance	1	16
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91	Town of Manchester	PalloT Solutions	Site Plan	1	19
92	Town of Bristol	Richard B. Parsons, Bristol Valley Properties, LLC	Area Variance	1	20
93	City of Geneva	James Nardozzi - Nardozzi Companies	Site Plan	1	21
94	Town of Hopewell	Christian Brunelle / Sonbyrne Sales / Byrne Dairy	Area Variance	AR2	21
95	Town of Hopewell	Henry & Mary Ann Trickey	Subdivision	Exempt	23
96	Town of Gorham	Town of Gorham	Comprehensive Plan	2	23

Call To Order/Roll Call: Chair Passavant called the 5 /10/23 CPB meeting to order at 7:00 pm and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were eleven (11) voting members present physically at 20 Ontario Street meeting the quorum requirement and one (1) alternate member present. Tammy Worden (Town of Manchester) arrived after minutes vote – making it twelve (12) voting members present.

Guests: Doug Eldred/Scenic Ridge Rise; Darwin Wood/CR 41 Subdivision Variance

Minutes: Motion made by Len Wildman to approve the April 12, 2023 minutes seconded by AJ Magnan. **Motion Carried.**

	Member name in bold if on local legislative, planning, or zoning board	P-Present / V – Virtual Excused Absence	A – Absent, E –
Town of Canandaigua	Vacant	-----	-----
Town of West Bloomfield	Ruth Cahn ZBA	P	
Town of Victor	Mike Crowley		E
City of Canandaigua	Doug Dello Stritto		E
Town of Seneca	Roslyn Grammar		E
Town of Canadice	Stephen Groet PB	P	
Town of Gorham	Gabrielle Harris PB		E
Town of Geneva	Steven High	P	
Town of Farmington	Ted Liddell	P	
Town of Bristol	AJ Magnan ZBA	P	
City of Geneva	Paul Passavant	P	
Town of Phelps	Nina Tilman PB alt	P	
Town of South Bristol	Bessie Tyrrell PB	P	
Town of Richmond	Leonard Wildman PB	P	
Town of Manchester	Tammy Worden PB	P (after minutes vote)	
Town of East Bloomfield	Mike Woodruff PB	P	
Alternate Member	Jack Dailey	P alternate member	
Town of Hopewell	Vacant	-----	-----
Town of Naples	Paul Lambiase	P	

72 -2023

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Applicant: *T-Sports LLC*

Property Owner: *same*

Tax Map Parcel #: *15.01-1-35.300*

Brief Description: *Site plan for 1,350 SF addition to an existing warehouse for storage of scoreboards and electronic signage at 71 Victor Heights Parkway, just north of SR 251, in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38300/72-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38301/72-2023-Site-Plan>

The proposed addition will occupy an existing paved area currently used for outdoor storage. The area will be regraded slightly to allow the downspouts to drain to the existing catch basin in the northwest area of the site. The existing dumpster will be relocation north of driveway.

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return it to the local board with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

73 -2023 Town of Victor Planning Board Class: *ARI*
Type: *Site Plan*

Related Referrals: 74-2023

Applicant: *Nixon Peabody*

Property Owner: *600 Fishers LLC*

Tax Map Parcel #: *6.00-1-59.210*

Brief Description: *Site Plan and Special Use Permit to modify antennas on the roof of an existing building at the telecommunications facility at 600 Fishers Station Drive on the corner of CR 42 and Fishers Station Drive in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38302/73-2023-and-74-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38303/73-2023-and-74-2023-Site-Plan>

The project involves removing 2 remote radio heads and 1 antenna and installing 3 remote radio heads on the exiting equipment platform and 1 antenna on the existing rooftop antenna sled and installing 10 coax cables from the ground equipment to the antennae for a total of 16 cables. No other modifications are proposed to rooftop or ground equipment.

Policy AR-8 Co-location of telecommunication equipment and accessory structures on existing towers and sites

Co-location of telecommunication equipment and accessory structures on existing towers and sites have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact Proposals for specially permitted uses are not covered under this policy. Applications for new towers or increasing the height of an existing tower will require full Board review

Final classification shall be Class 1

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on and existing tower and sites.
2. It does not include a proposal for a new tower or increasing the height of an existing tower
3. The above-described application present little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites.

74 -2023 Town of Victor Planning Board Class: 1
Type: *Special Use Permit*

Related Referrals: 73-2023

Applicant: *Nixon Peabody*

Property Owner: *600 Fishers LLC*

Tax Map Parcel #: *6.00-1-59.210*

Brief Description: *Site Plan and Special Use Permit to modify antennas on the roof of an existing building at the telecommunications facility at 600 Fishers Station Drive on the corner of CR 42 and Fishers Station Drive in the Town of Victor.*

See information at 73-2023

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

75 -2023 Town of Victor Planning Board Class: 1
Type: *Site Plan*

Related Referrals: 76-2023

Applicant: *Nixon Peabody*

Property Owner: *NYS Thruway Authority*

Tax Map Parcel #: *15.00-2-76.000*

Brief Description: *Site Plan and Special Use Permit to install a new 55' tall wood utility pole with mounted antennas and equipment for a telecommunications facility along the 490 exit ramp in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38304/75-2023-and-76-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38305/75-2023-and-76-2023-Site-Plan>

The proposed micro cell facility will be on land leased from NYSDOT. The length of the pole is 55' with 47.5' located above ground level. The proposed antennas are approximately 12" across. The 2 panel antennas will be mounted at the top of the pole, the 2 remote radio head antennas will be mounted at 40' above ground level, the equipment cabinet will be located at 12' above ground level, and electric panel and meter at 6 to 8.5' above ground level.

The proposed facility is intended to increase capacity and improve coverage in the northern portion of the Town of Victor and the southern portion of the Town of Perinton including users on I490, I-90, at Eastview Mall and other area commercial sites, and residential areas from Willowbrook Road to Garnsey Road in the Town of Perinton. This new facility will also free up capacity of adjacent cells providing service in the area.

The 6 existing 30' RG&E light poles were ruled out as suitable location due to attachment standards including location of the pole too far from a main circuit line.

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

76 -2023 Town of Victor Planning Board Class: I
Type: *Special Use Permit*

Related Referrals: 75-2023

Applicant: *Nixon Peabody*

Property Owner: *NYS Thruway Authority*

Tax Map Parcel #: *15.00-2-76.000*

Brief Description: *Site Plan and Special Use Permit to install a new 55' tall wood utility pole with mounted antennas and equipment for a telecommunications facility along the 490 exit ramp in the Town of Victor.*

See information at 75-2023

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

77 -2023 Town of Victor Planning Board Class: *Exempt*
Type: *Site Plan*

Applicant: *Brian Ridley*

Property Owner: *same*

Tax Map Parcel #: *38.00-1-8.160*

Brief Description: *Site plan to construct single-family home, attached guest-house, and detached garage on a currently vacant parcel west of the intersection of CR-41 and Strong Rd., at 7896 CR 41 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38306/77-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38307/77-2023-Site-Plan>

78 -2023 Town of Gorham Zoning Board of Appeals Class: *AR2*
Type: *Area Variance*

Applicant: *Scott Powell*

Property Owner: *Jason & Katherine Grover*

Tax Map Parcel #: *113.07-1-27.100*

Brief Description: *Area Variance for rear/side setbacks and overall lot coverage related to the construction of a proposed single-family dwelling at 3720 Thorndale Bch. in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/38308/78-2023-Aerial-2-pages>

<https://ontariocountyny.gov/DocumentCenter/View/38309/78-2023-Site-Plan>

According to OnCor, the property is not constrained by steep slopes. The western half of the lakeside portion of the lot is in the 100-year floodplain.

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

Part B Development of Lakefront Parcels.

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
 - variances pertaining to side yard setbacks or,
 - variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments

1. The referring board 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 or 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.
3. A portion of the existing house is in the 100-year floodplain. FEMA has also published updated draft floodplain maps. Does the proposed house elevation provide long term flood risk reduction?
4. It appears proposed house/patio placement will require removal of substantial existing vegetation along the southern property boundary. Does the proposed location minimize impacts to vegetation, drainage and both

adjacent lots? What vegetation will be retained/added to address impacts?
5. Contractor should recycle materials from demolition of existing homes at available facility and properly dispose of other materials.

79 -2023 Town of Gorham Planning Board Class: I
Type: *Subdivision*

Applicant: *Douglas Eldred*

Property Owner: *Springhill Subdivision LLC*

Tax Map Parcel #: *113.00-1-48.200*

Brief Description: *Subdivision for 2-phase, 80-lot subdivision for Scenic Ridge Rise on a currently undeveloped 55.5-acre parcel at 4035 SR 364 along the eastern side of SR 364 in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/38310/79-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38311/79-2023-Site-Plan-3-pages>

This project was previously reviewed as 204-2021 in October 2021. The Town of Gorham required an Environmental Impact Statement (EIS) focused on groundwater; stormwater quality, quantity, and impact on erosion; and aesthetics and community character. The draft EIS (DEIS) has been prepared and the following revised project description includes project changes based on analyses in the DEIS.

According to OnCor the lot is 55 acres, the lands to the south and east of the property are in the agricultural district, and there are not development constraints related to floodplains, wetlands, or steep slopes over 15 percent. Dominant on-site soils are Darien silt loam. The half of the site closest to SR 364 has slope of 3 to 8 percent, the area south of Angela Way cul-de-sac has a slope of 0-3 percent, and the eastern end of the site has a slope of 3 to 8 percent. Darien soils are somewhat poorly drained and have moderately high permeability and high erodibility. Existing land cover is mostly successional old field with an area of successional northern hardwoods at the eastern end of the site and successional shrub land closest to SR 364.

This subdivision is proposed under the Town of Gorham Conservation Subdivision provisions. The purpose of the Conservation Subdivision provisions is to encourage flexibility of design and development to promote appropriate use of land, efficient network of streets and utilities, and to preserve the natural and scenic qualities of open lands. The subdivision plan shows 80 lots.

The site is zoned R-1 which typically requires minimum 15,000 SF lots with 100' lot width, with 35' front and 15' side setbacks. Proposed clustered lots are 10,500 to 14,800 SF with minimum 25' front setbacks, 8' side setbacks, 50' rear setback, 70' lot width and 125' to 200' lot depth. The subdivision will provide public roads, connect to the Canandaigua Lake County Sewer District and connect to a Town of Gorham public water district. The project will also have a lighting district for proposed 18' streetlights.

The road network includes a primary access point off SR 364, a west to east road segment up the hillside (road A), two road segments that provide a loop on the upper portion of the site (roads B and C), and a secondary access point off SR 364, signed emergency only. The subdivision plan includes ROW to the north, south, and east property boundaries to allow through connections if lots are developed on these properties. Road width has been increased from 20' to 21 feet and now include 2.5' gutters and meet the 26' minimum width.

Proposed pedestrian infrastructure now includes 150' of concrete sidewalk along the west side of SR 364 from Ontario Beach Park to a point opposite the emergency site access and a two-mile trail. The trail includes the emergency access, hard-packed segment in the HOA lands to the north and south of lots fronting on road in phase 1, and a natural surface trail in upper area phase 2 HOA lands.

The landscaping plan indicates planting of 283 trees including at least 1 frontage tree and 1 rear tree on each lot. The landscaping plan includes a mix of evergreen and deciduous trees in the HOA area along the northern property boundary, and 1,000 shrubs to demarcate the boundary between private lots and the HOE areas along the north and south property boundaries and in HOQ area D. The DEIS indicates the proposed tree planting, estimated at 6.5 acres, is more than sufficient to mitigate the 2 acres of the woodlot cleared.

Stormwater management facilities include a lower pond (A) and an upper pond (B) with desiltation basins before outlet to bio retention areas that filter first flush from roadways and farmland to the east of the site. Each pond also has a forebay/settling basin and wetland bench. Enhanced phosphorus removal has been incorporated into the stormwater ponds. There are also two clean water interceptor swales proposed in the phase 2 area. The swales will reduce the potential for erosion during and after construction. The revised site plan also discharges front down spouts to the stormwater system in the road ROW.

The subdivision plan shows 5 areas to be owned by the homeowners' association:

- Lot A – 3.77 acres along north property boundary with trail and access and drainage easement to the Town in 40' wide area; larger area in south central portion of the project site includes stormwater management pond A.
- Lot B - 0.37 acres median in road A with landscaping, trail, and mountable curb.
- Lot C – 9 acres along south property boundary with trail and access and drainage easement to Town; also provides 125' buffer to the farm field south of the property, includes area along western property boundary, primary stormwater management area B, and a gazebo and surrounding lawn and natural area. There is also a small area of proposed utility easement to the Town
- Lot D – 0.9 acres approximately 40' wide with rear lot drainage swales and landscaping between lots fronting on east-west segments of road A and Road B in the upper area, also includes natural surface trail.
- Lot E – 11.7 acres including 7 of 9 acres of existing woodlot with marked trail; this area also provides 400' buffer to farm field east of the site. There is a conservation easement area proposed in this area and a small portion of private lots to retain woodlot. Only open space Lot E will retain its natural character.

The project is proposed for construction in phases as follows:

Phase 1 - 41 lots off road A closest to SR 364

Phase 2 - 39 lots including an additional 8 lots along road A, 22 lots along road B and 9 lots on road C that form a loop on the upper eastern portion of the site.

Based on the DEIS road B was moved to the north to avoid bedrock and seepage. Basement excavations for the 10 lots on the south side of road B may still encounter bedrock. The design of stormwater pond B was also moved north and the bottom elevation of the pond was raised to eliminate bedrock removal. Project modifications were also made to reduce erosion including transverse interceptor swales, limiting areas not stabilized/seeded/mulched to 5 acres at a time, use of early seeding and check dams in swales, and use of erosion control matting in some areas of steeper slope.

The DEIS also explores alternatives to maintain water pressure at higher elevation homes in Scenic Ridge rise and East Lakeview Estates under fire fighting or water line break conditions. The DEIS recommends upgrading proposed water lines from 8" to 10" to address this issue. The project also provides a ROW to allow a future water main and/or road

connection to Turner Road. The DEIS outlines alternative timing and shared financial responsibility for such future connection.

The DEIS also spells out the responsibilities of the HOA including:

1. Maintain trails, trees and shrubs, grass swales, and stormwater management facilities on HOA property.
2. Maintain undistributed natural areas of HOA lot E in accordance with recommendations of a horticultural specialist.
3. Mow the road ROW in areas without frontage lots such as at the primary entrance.
4. Maintain the gazebo and associated lawn area adjacent to the pond B.

The HOA also prohibits above ground pools and shrubs over 4' and restricts sheds to within 5' and 15' of the rear property line to preserve views to Canandaigua Lake.

The 2021 referral included an engineer's report with a traffic impact study. The report was based on a previously proposed 105-unit subdivision with single family and two-family homes. The traffic impact study concludes that the existing Level of Service (LOS) A will be retained for most movements at proposed project access and at Turner Road. Compared to existing conditions, the westbound movement from both side roads retains a LOS B with a pm evening peak hour delay increase of 1.6 seconds to 14.2 seconds at Turner Road following project development. The traffic report indicates the through traffic volumes on SR 364 meet the NYSDOT minimum volumes to allow a left turn lane at the project entrance. However, as the left turn delay into the project driveway is less than 10 seconds, the traffic impact study concludes that no turn lane is required and no by-pass lane is recommended.

Relevant October 2021 Comments

1. What development areas will be visible from Canandaigua Lake? The ridgeline development guidelines indicate the mass and height of homes should fit within the existing tree canopy. Does the project, especially the lots sited in the existing successional hardwood forest, conform with ridgeline development standards?
2. How many acres are in the drainage easements? Town of Gorham subdivision regulations require 30 percent permanent open space excluding stormwater management facilities.
3. What areas of the site will remain undisturbed? A limit of disturbance line should be added to the plans to indicate where existing vegetation will be maintained.
4. Where will visitors park? Is on-street parking allowed?

Updated NYSDOT Comment

1. Concept plan and Traffic Impact Study submitted for review. NYSDOT confirmed given low number of left turns and physical limits of roadway, no left turn lane or by-pass lane is recommended.

Relevant October 2021 CRC Comments

1. Commends applicant for provided enhanced phosphorus treatment as part of the stormwater system design and requests that constructions drawings and HOA documents call for the use of no phosphorus fertilizer in all site restoration and site maintenance activities.
2. The referring body should consider the impact of the proposed development on the views from Canandaigua Lake. The applicant provided a visual profile map indicating which portions of the development are visible from the Lake and from areas of the Town of Canandaigua and which lots have lake visibility. The referring body should have a clear understanding of how such views are impacted by the mature vegetation on adjacent undeveloped lands.

2023 Comments

1. Will a cross walk be painted connecting the site to the new sidewalk on the west side of SR 364 to Ontario Beach Park? Will a pedestrian activated flashing signs be installed to alert motorists to crossing pedestrians?
2. DEIS P. 16 indicates the 2-year storm post development flow rate in the SR 364 ditch at the northwest corner of the property till increase by 44 percent. Is this acceptable to NYSDOT?
3. The DEIS executive summary indicates the proposed project included 46 percent or 25.75 acres of open space including stormwater facilities, which are excluded from 30 open space required by Town Code. The DEIS page 32 indicates the proposed project has 40 percent or 22.42 acres of open space. The referring body should clarify provided open space and percent open space excluding stormwater management facilities.
4. Typical pedestrian scale street lights are 14 to 15’ in height. Do the proposed 18’ streetlights appropriate balance infrastructure efficiency and neighborhood character?
5. The DEIS materials do not clearly indicate the size and location of the proposed conservation easement or who will hold the easement.
6. The phases should be indicated on the subdivision plan.
7. The lot references in the description of HOA area C in DEIS Section A p. 13 appear to reference an earlier site plan. (Section A follows Section C in pdf version)
8. Section A and B are included two times in the pdf version of the EAF.

2023 OCSWCD Comments

1. Consider O P fertilizer unless need is indicated by soil test.
2. Sequence of Construction: Step 1 is out of order. Clear and grub for installation of interceptor swales is listed after installation of interceptor swales.
3. Additional silt fence needed in downslope areas.
4. Location of concrete truck washout not indicated.

2023 CLCSD Comments To date, we’ve only received electronic files of the revised plans – full size hard copies are required for our detailed review.

CPB Comments

- 1) Board was concerned with the cumulative traffic impacts with other proposed projects along SR 364. Town is encouraged to review 2020 corridor study and project related implementation opportunities, including adoption of no parking zones to preserve bike/pedestrian use of shoulder.
- 2) Town should explore the opportunity to integrate with future projects to provide access to Turner Road. .

Board Motion: To retain referral 79-2023 as class 1 and return to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Tammy Worden **Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

80 -2023 Town of Richmond Zoning Board of Appeals Class: 1

Type: *Special Use Permit*

Applicant: *David Briggs*

Tax Map Parcel #: *148.00-1-66.311*

Brief Description: *Special Use Permit to build an accessory structure (pole barn) prior to construction of a primary residence at 9530 Ace Rd Ext in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/38312/80-2023-Aerial>
<https://ontariocountyny.gov/DocumentCenter/View/38313/80-2023-Site-Plan-2-pages>

The proposed accessory building is intended for storage of materials and equipment while building a home as the principal use on the lot. The building is proposed to be located at the rear of a 13-acre lot with a 40' rear setback and 48' and 256' side setbacks. No site plan showing location of the future house has been referred. The Town of Richmond code requires a site plan for any special use permit.

The Town of Richmond Code does not address allowable development of accessory uses without a principal use. Other municipalities allow such uses and impose a size limit or, if associated with a future principal use require submission of a site plan showing both buildings.

Comments

1. The Richmond Code requires a site plan to be submitted in conjunction with any special use permit. In this case, it seems the preferred path to local approval is to review a site plan for both buildings rather than require a special use permit for the accessory building.
2. The Planning Board of the Town of Richmond is authorized to waive the requirement for a site plan prepared by a licensed surveyor or engineer. In such instances the Planning Board may accept a drawing prepared by the applicant or contractor, however, it is a violation of NYS Education Law to make changes to a signed survey.
3. The on-site wastewater treatment system design should be completed by a licensed professional and reviewed by a licensed professional of the Town.

CPB Comments

1. A special use permit is not the most appropriate procedure as the proposed use appears to be permitted with site plan review.

Board Motion: To retain referral 80-2023 as class 1 and return it to the local board with comments. **Motion made by:** Steve Groet **Seconded by:** Bessie Tyrrell.

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

81- 2023 Town of Richmond Zoning Board of Appeals Class: 2
Type: *Use Variance*

Applicant: *Susan & William Clark*

Property Owner: *Lynn & Larry Beatty*

Tax Map Parcel #: *150.17-1-46.100*

Brief Description: *Use Variance to change the use of existing detached garage into non-conforming use of a two (2) bedroom dwelling at 5346 Burns Pt (East side of lake) in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/38314/81-2023-Aerial-2-pages>

Town Zoning Code 200-56, only allows conversion to a different non-conforming use, if the existing use is a pre-existing non-conforming use of the property. An accessory storage building with a 5' setback is an allowable use in the Residential B district.

Many codes only allow only one single family dwelling per lot. The Richmond code lists single Family dwellings, suggesting more than 1 single family dwelling can be put on a single lot. The Richmond code also defines but does not use the term dwelling group as a lot with two or more single family or multiple family dwellings on a lot in one

ownership and having any yard in common. The code defines dwelling, multiple unit or apartment as applying to buildings designed for 3 or more families.

If CEO interprets the code as outlined above, the project would require a site plan (not required to be referred to CPB see exemption #9) and an area variance as the dwelling is less than 720 SF (see density schedule and 200-27). Project might also require an area variance for location of an accessory building in the front yard (see 200-30). Lot may already have the front yard variance, or it could have been allowed by a previous CEO as specified in the code.

Comment

This approach would set a precedent that more than one dwelling is allowed on any lot within the setback and lot coverage limits.

CPB Comments

- 1. Application does not address or meet the standards required to be granted a Use Variance.
- 2. It appears the applicant could apply for a site plan and area variance to authorize creation of a second dwelling on the property.

Findings:

- 1. County Planning Board has an interest in ensuring local boards carefully consider the implications of granting use variances and adhere to the four-prong unnecessary hardship test outlined in NYS statute.
- 2. The referred materials do not provide documentation that the subject project can't return a reasonable rate of return for any of the allowed uses.

Board Motion: To retain referral 81-2023 as class 2 and return it to the local board with recommendation for denial with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

82 -2023 Village of Victor Zoning Board of Appeals Class: I
Type: *Area Variance*

Applicant: *Christa Development Corp.*

Property Owner: *160 Victor LLC/Frank Spezio*

Representative: *Woods Oviatt Gilman LLP*

Tax Map Parcel #: *28.05-1-53.000*

Brief Description: *Seven area variances to allow development of a 5-story senior housing complex with 112 units in a single building & 41 units/acre with 68 percent lot coverage, 10,000 SF of recreation space, 1.5 parking space per unit, and parking and fire access road within the front setback in the Village of Victor. Code allows a maximum of 3 stories, 8 units/building, 32 units/acre, 40 percent lot coverage, 16,800 SF of recreation space, and 2 parking spaces for 2-bedroom units.*

<https://ontariocountyny.gov/DocumentCenter/View/38315/82-2023-site-plan>

<https://ontariocountyny.gov/DocumentCenter/View/38370/82-2023-Aerial>

The project site is a 3-acre corner lot with two front yards and no side yards. The site is currently developed with a 19,000 SF single story building at the northwest corner of School Street and Rawson Road/Framark Road. Existing lot

coverage is 66 percent. Adjacent land uses include Town Highway Garage to the north across Rawson Road, Town Court to south across School Street, a self-storage facility to the west and several residential and small non-residential uses and undeveloped lands to the east. The Auburn Trail crosses School Street between the self-storage facility and Roxbury Circle. The site was rezoned from I to SCR-3 to accommodate the proposed development.

The site will include a 60' tall 5 story building with 40,000 SF, 87 garage and 86 surface parking spaces including 18 spaces designated as visitor parking, a 5,400 SF patio/recreation space and 4,600 SF lawn area, and required storm water management facilities including use of existing stormwater pond and addition of a bio-retention area. The layout plan shows 5 trees to be planted along the Rawson Road/School Street frontages by the patio. The single building allows all tenants access to the required public assembly space. As allowed by the Village Code, the project will make a payment in lieu of providing 10 percent open space for dedication to the Village of Victor.

The project will continue to use the two existing School Street access points. There is an existing sidewalk along Rawson Street and proposed sidewalk along School Street. The traffic impact letter indicates the project is projected to generate 22 to 28 peak hour trips which will not change the unsignalized level of service at nearby intersections.

Comments

1. Is the public assembly area a minimum of 4,500 SF as required?
2. The project should provide buffer plantings between the street and sidewalk and/or between the sidewalk and parking area.
3. When submitted for site plan approval, a landscaping plan that shows fence or plantings to screen parking is required.

CRC Comments:

- 1) Are these units designed for below market rent housing?

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

83 -2023 Town of West Bloomfield

Class: I

Type: *Area Variance*

Applicant: *Douglas Hayes*

Property Owner: *same*

Tax Map Parcel #: *50.02-1-71.000*

Brief Description: *Area variance for addition to a pre-existing non-conforming garage with an eastern side setback of 3.7' when 10' is required at 1922 SR 65, just east of Honeoye Creek/Livingston County line, in the Town of West Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/38316/83-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38317/83-2023-Site-Plan>

The 0.2-acre project site is currently developed with a house and attached garage that date from the early 20th century. The garage is 3.7' or less from the east property line when 10' setback is now required. The proposed addition is to the nonconforming garage. The location of the addition is 10' from the property line as required.

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

84 -2023 Town of Canandaigua Town Board Class: 2

Type: *Text Amendment*

Applicant: *Town Board*

Brief Description: *Zoning Law amendment to add definitions and regulations to Town Code section 220-9.1 regarding short-term rentals in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/38371/84-2023-STR-LLppt>

The proposed changes to the Short-Term Rental regulations appear intended to address the following:

1. Consistency and transparency regarding maximum occupancy in marketing and permit application materials and with on-site wastewater treatment system design, if applicable.
2. Provide standards for revocation of special use permit including but not limited to falsification of application information, violation of Town Code or NYS Penal Code, or creation of a public nuisance or disturbance of the peace or comfort of the neighborhood
3. Protection of CEO protection from personal liability by vesting discretionary permit revocation authority in the Planning Board, not town staff.

Comments

1. Town of Canandaigua is commended for continuing to amend their Short-term Rental regulations to address difficulties encountered.
2. The short -term rental regulations should be moved outside the zoning code. NYS zoning authority does not apply occupancy-based regulations. The Town’s general health and safety regulations allows regulations of short-term rental businesses. Since the proposed regulations use the special use permit process, the STR local law and the zoning code special use process and standards should be cross referenced.
3. Needs clarification re use of terms bedroom and sleeping area. given that sleeping area not bedroom is the defined term, use it unless permit holder doesn’t need to provide parking for occupants of all sleeping areas, just bedrooms shown on floor plans.
4. Add design to reference to on-site wastewater system capabilities to clarify occupancy limit without need to document actual failure of system.

CRC Comments

- 1) Does Special Use Permit expire upon transfer of property?
- 2) What penalties apply if requirements are not met?

Board Motion: To retain referral 84-2023 as class 2 and return it to the local board with recommendation for approval.

Motion made by: Tammy Worden **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

85 -2023 Town of Canandaigua Town Board Class: 2

Type: *Text Amendment*

Applicant: *Town Board*

Brief Description: *Zoning Law amendment to remove the word "private" in Town Code section 174-19(I) regarding lot size and arrangement for the subdivision of land in the Town of Canandaigua.*

Board Motion: To retain referral 85-2023 as class 2 and return it to the local board with recommendation for approval.
Motion made by: Tammy Worden **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

86 -2023 Town of Naples Town Board Class: 2
Type: *Text Amendment*
Applicant: *Town Board*

Brief Description: *Zoning Law amendment to amend Town Code Section 132-15 regarding the "preservation of natural resources" to reduce stream setback from 100' from the center of the creek, to 25' in the Town of Naples.*

<https://ontariocountyny.gov/DocumentCenter/View/38372/86-2022-T-naples-11>

Stream setback applies to location of structures from streams with water running at least 6 months per year. With applicability clarified to rely on determination by the CEO. The proposed change is in response to a number of variance requests that the ZBA granted as the detriment to the community from reducing the setbacks did not outweigh the benefits to the applicant.

Comments

1. If a stream is 10-20' bank to bank and area of disturbance around a building is 10' minimum, that allows disturbance within 5 to 10' of the stream bank. Is that sufficient to protect to protect stream water quality during and after construction in all topographic conditions?
2. It may be difficult for the CEO to make a timely determination regarding running water in a stream a minimum of 6-month during the year. The town may want to instead reference NYS DEC stream mapping or maps of Canandaigua Lake Watershed Manager.

OC SWCD Comments

Extensive work in stream corridors has given us experience with the changing nature of stream systems. Regardless if a stream is ephemeral or running 6+ months of the year, flood conditions, stream channel migration and a variety of other factors make it necessary that adequate setbacks are established and maintained. Reducing the setbacks required for development will have serious impacts on both construction and the stream itself. As a Soil & Water Conservation District, we frequently respond to landowner issues where homes, structures and infrastructure such as water and septic have been historically built too close to streams or streams have migrated toward structures or floodplains have been modified through development, infrastructure modifications and changing weather patterns. Reducing the setbacks that are established to protect property, infrastructure, and provide needed flood corridors would have serious consequences.

CRC Comments

- 1) Width (distance from center of stream) varies. Consider measuring setback from top of bank to avoid smaller setback to wider stream segments.
- 2) Proposed code change would reduce building stream setback to 25' from stream centerline throughout the Town. The topography, width of stream, and potential for stream channel migration, bank erosion, and flood risk vary from stream segment to stream segment. The referring body should consider whether the existing regulations provide the necessary flexibility to require 100' setback when warranted while using the variance procedure to reduce the setback as warranted based on site conditions. The referring body is encouraged to contact NYS DEC, Canandaigua Lake Watershed Manager, and/or OCSWCD for guidance on the appropriate building setback under different site circumstances.

- 3) See DEC website for information on best management practices for stream buffers.
<https://ontariocountyny.gov/DocumentCenter/View/38419/NYSDEC-brocure-re-stream-buffers>
- 4) See Honeoye Lake Watershed Taskforce Stormwater Toolkit for information on required permits and best management practices for disturbance in wetlands and flood plains, soil erosion and sedimentation control, and agricultural and forestry practices.
https://www.honeoyelakewatershed.org/files/ugd/e6fc30_63844f11326940518986a2e8c32f27b0.pdf

OCPB Comments

1) The referring body should refrain from reducing setbacks without consulting with the NYSDEC, ACOE, and/or OC Water Resources Council.

Findings

- 1. The County Planning Board is charged with ensuring best management practices for minimizing water quality and quantity impacts during and post-constructions and reducing the risk of flooding.
- 2. There are a number of streams in the Town of Naples that cross municipal boundaries. Allowing buildings and related disturbance in close proximity to streams in the Town of Naples could decrease width and efficiency of vegetative buffer strips that promote infiltration and filter site sheet flow drainage, increase potential for sedimentation and erosion which degrade water quality, and potential for on-site or downstream flooding as streams handle higher intensity rainfall and as stream channels shift in response to the natural process of stream migration

Board Motion: To retain referral 86-2023 as class 2 and return it to the local boards with recommendation for denial with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff

Vote: 12 in favor including alternate member, 0 opposed, 1 abstention Paul Lambiase. **Motion carried.**

87 -2023 Town of Victor Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Brian Ridley*

Property Owner: *same*

Tax Map Parcel #: *38.00-1-8.160*

Brief Description: *Area variance to build an accessory structure forward of the front-line of the primary structure at 7896 CR 41, just west of the intersection of CR 41 and Strong Rd in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38318/87-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38319/87-2023-Site-Plan>

The proposed accessory would be located behind the front setback required for principal buildings.

According to OnCor, the property and adjacent properties are in the agricultural district and were cultivated as recently as 2021. The property is not constrained by wetlands or floodplains. There are some areas of 16 to 30 percent slope in the center of the property and immediately south of the proposed building location.

Comment

- 1. The boundary of the 50 percent conservation easement is difficult to discern. Is a portion of the proposed on-site wastewater treatment system and/or associated grading within the conservation easement? Is this an allowable

- activity?
2. What is the size of the proposed building to be allowed in the front yard? What is the distance of the building from the road?
 3. Is any vegetation proposed to screen the building from the road?
 4. Does the driveway placement comply with Chapter 55 Access Management spacing standards? Does it allow undeveloped properties to the west and across CR 41 to comply?

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

88 -2023 Town of Victor Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Applicant: *Darwin and Tammy Wood*

Property Owner: *Tammy Wood*

Tax Map Parcel #: *40.00-1-9.100*

Brief Description: *Area variance to subdivide 2.61-acre parcel with an existing single-family home into 2 parcels of 1.45 acres (w/ home) and 1.16 acres (vacant), respectively, when 2-acres per parcel is required. Parcel is at 6721 CR 41 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/38321/88-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38322/88-2023-Site-Plan>

The existing zoning requires 2 acre lots. The existing and proposed lot would be served with public water and sewer. The single-family home lot to the west at the corner CR 41 and Brace Road is 4 acres. The single-family home lot to the east is 0.8 acres.

The proposed undeveloped lot would have frontage of 130’.

Comments

1. The proposed lot is unlikely to be able to meet access spacing standards in Chapter 55 of the Town code.
2. Will screen vegetation be retained/replanted to minimize the impact of the smaller lot on the adjacent property to the east?

CPB Comments

1. Town should follow access spacing requirements.
2. It is a violation of NYS education law to amend a signed plan or survey stamped by a license professional. Applicants submitting hand drawn materials should use an aerial or other base and the referring body should explicitly waive its requirement for a stamped plan based on the particular circumstances of the application. .

Board Motion: To retain referral 88-2023 as class 1 and return them to the local board with comments. **Motion made by:** Tammy Worden **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

89 -2023

Town of Victor Zoning Board of Appeals

Class: 2

Type: *Use Variance*

Related Referrals: 90-2023

Applicant: *Rhonda Bailey*

Property Owner: *Lane Road Properties LLC*

Tax Map Parcel #: *15.00-2-54.121*

Brief Description: *Site Plan and use variance modification application to modify use variance previously granted by ZBA to allow the operation of a graphic arts design business. Modifications include constructing 7,488 SF building w/ storage, vehicle install, future growth, with attached apartment.*

<https://ontariocountyny.gov/DocumentCenter/View/38323/89-2023-Aerial-and-90-2023>

The 1.8-acre property is mostly zoned Residential 2 with a small area along the western property boundary in the R-1 district. Adjacent land uses include single family homes to the east and west along Lane Road, I-90 to the north, and the Victor Central School campus to the south across Lane Road.

Application materials indicate the existing use variance was granted in 1992. OnCor indicates the existing 7,200 SF was built in 2007. The conditions of the 2007 use variance modification limits the use to 7 employees. The applicant has indicated with the proposed building expansion, the business would increase to 9 employees.

The proposed site modifications involve demolition on an existing 2,421 SF building, a new 7,488 SF building with 2 one-bedroom accessory apartments, and an overall increase in impervious area by 18,731 SF. The existing stormwater pond will be expanded to provide 1,159 sf additional storage area.

Proposed landscaping plan shows 3 trees along the west property boundary and frontage landscaping. Proposed lighting is dark sky compliant. Following construction of the proposed building, the building coverage will be 23 percent when 40 percent is allowed in residential districts. The lot would to provide 46 percent greenspace.

Comments

1. What level of customer/delivery traffic is anticipated for the expanded business and will it change the essential character of the neighborhood?
2. What is the rationale for adding two accessory apartments and how does such modification of the previously allowed retail use meet the use variance hardship standard?
3. The plant list table indicates greater quantities of planting materials than are shown on the site plan.

OCSWCD Comments

1. Detail for concrete truck washout not provided in design
2. Additional detail needed regarding Stormwater management facility in order to make comment
3. How will roof water runoff be managed?

CRC Comments

- 1) Has the use outgrown the neighborhood? Is the proposed expansion to the use variance for a commercial use too large for the residential district?
- 2) What is the Town of Victor’s vision for this section of the Town?

- 3) What is the purpose of the proposed apartments? Owner? Employees? General public? STR? Does modification of use variance to include non-commercial use require documentation of how inclusion of such use meets the use variance hardship criteria?

<https://ontariocountyny.gov/DocumentCenter/View/34361/Use-Variance-standards>

CPB Comments

- 1) Additional landscaping may be needed on the west side of the building to minimize potential audio and visual Impacts.
- 2) Is proposed parking sufficient for the proposed use.\?
- 3) The referring body should carefully consider if the 4 use variance criteria have been met.
- 4) How will this increase in impervious surface affect stormwater runoff?

Findings:

- 1. County Planning Board has an interest in ensuring local boards carefully consider the implications of granting use variances and adhere to the four-prong unnecessary hardship test outlined in NYS statute.
- 2. The referred materials do not provide dollars and cents financial evidence, regarding expansion of the commercial use or inclusion of residential use.

Board Motion: To retain referral 89-2023 as class 2 and return it to the local board with recommendation for denial with comments. **Motion made by:** AJ Magnan **Seconded by:** Ruth Cahn

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

90 -2023

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 89-2023

Applicant: *DDS Construction LLC*

Property Owner: *Lane Road Properties, LLC*

Tax Map Parcel #: *15.00-2-54.121*

Brief Description: *Site Plan & application to modify use variance previously granted by ZBA to allow the operation of a graphic arts design business. Modifications include constructing 7,488 SF building w/ storage, vehicle install, future growth, with attached apartment.*

See information at 89-2023

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and 93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

91 -2023

Town of Manchester Planning Board

Class: 1

Type: *Site Plan*

Applicant: *PalloT Solutions*

Property Owner: *Cabbage Patch Lane, LLC*

Tax Map Parcel #: 44.00-2-65.100; 44.06-1-20.000

Brief Description: *Site Plan for Pallot Solutions, LLC to occupy and renovate existing building with minor exterior disturbance. Building lies on two parcels - 13 Clark St in the Village of Shortsville and 20 Cabbage Patch Ln in the Town of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/38324/91-2023-Aerial-2-pages>

<https://ontariocountyny.gov/DocumentCenter/View/38325/91-2023-Site-Plan>

This application involves minor site modifications to accommodate a new pallet manufacturer in 100,000 square feet of space in the former Finger Lake Kraut building now owned by Cabbage Patch Lane LLC and most recently used by Leonard’s Express.

The company is initially expected to manufacture 650 – 700 million pallet per year and ultimately 1.3 million pallets per year with 96 employees working 3 shifts. Material shipments are indicated as 25 inbound trucks per week, with outbound trips likely similar, but unspecified. The pallets will weigh less than typical pallets; include radio frequency tracking devices for temperature, humidity and movement; and specialized coating anti-fungal/antimicrobial coatings to make them especially desirable for food products.

Exterior modifications to accommodate the pallet manufacturer include one 16’ overhead door on the southside of the building in the Village of Shortsville and one 16’ overhead door on the north side of the building in the Town of Manchester. There will also be dust vents and a dust collector silo located in an alcove outside of the west side of the building and two exhaust ducts visible from the east side of the building. Other permits and infrastructure needed to accommodate the use include an independent water treatment facility capable of maintaining an appropriate pH and an air facility registration from NYS.

Board Motion: To retain referral 91-2023 as a class 1 and to return it to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Nina Tilman

Vote: 12 in favor including alternate member, 0 opposed, 1 abstention by Tammy Worden. **Motion carried.**

92 -2023 Town of Bristol Zoning Board of Appeals Class: 1
Type: *Area Variance*

Applicant: *Richard B. Parsons, Bristol Valley Properties, LLC*

Property Owner: *same*

Tax Map Parcel #: *138.00-1-53.211*

Brief Description: *Area Variances requested to construct a (1) 24' tall pole barn when a maximum height of 22' is allowed, and (2) with a side lot line reduction the 50' requirement to 14.5' at 8420 SR 64 in the Town of Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/38326/92-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38327/92-2023-Site-Plan>

This project was previously reviewed as 53-2023 and 54-2023 in April 2023 for site plan and special use permit applications. Applications are associated with a 3,840 SF accessory commercial storage structure.

April 2023 Comments:

- 1) The Town Board may want to consider re-zoning this property to make it a conforming use. Such action, when part of a well-considered purpose, is not spot zoning.
- 2) Is there any proposed landscaping screening from the parcel to the north?

- 3) Impermeable surface is increasing, is there any additional stormwater management area that need to be added?
- 4) The applicant should be required to protect and repair any agricultural drainage infrastructure serving adjacent land with important agricultural soils.

OCSWCD Has any stormwater management been considered for increased roof area on lot?

Board Motion: To retain referral 92-2023 as a class 1 and to return it to the local board with comments.

Motion made by: Steve High **Seconded by:** Paul Passavant

Vote: 12 in favor with alternative member, 0 opposed, 1 abstention by AJ Magnan. **Motion carried.**

93 -2023

City of Geneva Planning Board

Class: 1

Type: *Site Plan*

Applicant: *James Nardozzi - Nardozzi Companies*

Property Owner: *City of Geneva IDA*

Tax Map Parcel #: *90.16-3-11.100*

Brief Description: *Site plan for the construction of a 20,000 SF construction facility with outdoor equipment storage and staging area, and associated parking located on a parcel at the intersection of Doran and Forge Ave in the City of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/38328/93-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38329/93-2023-Site-Plan>

The proposed building will include a 5-bay shop and office areas for the Nardozzi Companies, a heavy highway and construction contractor.

The EAF characterizes the disturbed area as 0.6 acres. Portions of the site are currently and will continue to be used for material and equipment storage/staging. There is some existing impervious gravel area in the area to be transformed to medium duty asphalt pavement. Application materials indicate no additional impervious area will be added. There is a bioretention infiltration basin proposed along the road frontage and a vegetated infiltration basin proposed along the southern property boundary.

Adjacent land use includes storage to the west, a mostly vacant property to the north, Guardian Glass facility across Forge Avenue to the east, and a truck terminal to the south. The proposed access drive is opposite Forge Avenue at the bend

According to OnCor, the dominant soil type is Odessa Silt loam with 0 to 3 percent slope

Board Motion: To retain referrals 72-2023, 74-2023, 75-2023, 76-2023, 82-2023, 83-2023, 87-2023, 90-2023, and

93-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:**

Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

94 -2023

Town of Hopewell Zoning Board of Appeals

Class: AR2

Type: *Area Variance*

Related Referrals: *28-2023; 29-2023*

Applicant: *Christian Brunelle / Sonbyrne Sales / Byrne Dairy*

Property Owner: *FLCC Foundation*

Tax Map Parcel #: *85.03-1-8.000*

Brief Description: *Area variances proposed for 8 identification signs (when a maximum of 1 is allowed) and a total sign area of 62.5 SF (max allowed is 40 SF) for a two-sided ground sign at the corner of Lakeshore Dr & SR 5&20 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/38330/94-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38331/94-2023-Previous-Site-Plan-from-Feb-2023-App>

<https://ontariocountyny.gov/DocumentCenter/View/38332/94-2023-Sign-Images>

Proposed signage includes roof mounted building sign, canopy signage on 3 sides, 6' monument sign, and signage on fuel dispensers.

Policy AR-7 Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land within 500' of a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.
2. What are the letter heights on the proposed sign? As outlined on this sign company website, 3" letters have high visibility at 30' and are readable at 100'. Based on the information provided it is estimated letter heights on building and monument signs are 10" to 12" which are readable at 450' and the sign company characterizes as having high impact at 100'. The pump sign letters appear to be 2.5 to 4.5". This size is readable at 100 to 150' and has maximum impact at 30'-40'. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>.

General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1s are applications that the CPB has formally decided have

little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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

- Board Vacancies –T. Hopewell, T. Canandaigua, T South Bristol (has candidate)
- Upcoming Training See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities.

Wed June 14, 2023 at 6:30 before CPB- OC Housing Study update

Thursday May 18, 2023 from 8:30 to 5 pm GFLRPC Spring workshop, Batavia register here [our eventbrite page](#)

Topics include : Planning for the 2024 Total Solar Eclipse, Smart Growth Planning and Zoning, Implementing Complete Streets, Watershed and Floodplain Management, Navigating Solar Development with Partnerships, Laying the Groundwork for Farmland Protection, ConnectALL Broadband, NYS DOS Geospatial Information Gateway Evolves, State and Federal Funding: Financing and Resources for Municipalities, Water and Coastal Management (earn credit for Climate Smart Communities.), NYS DOS ZBA Overview, Site Plan Review, Special Use Permits

Hancock Estabrook.Municipal Bootcamp registration link, dates and topics listed below <https://www.hancocklaw.com/events/2023-municipal-bootcamp/>

Thursday, May 25, 2023 from 6 to 7 pm Financing Your Future
Thursday, June 22, 2023 from 6 to 7 pm Specialized Zoning Tools
Thursday, July 27, 2023 from 6 to 7 pm Local Regulation of Cannabis
Thursday, September 28, 2023 from 6 to 7 pm Transforming Former Industrial Properties
Thursday, October 26, 2023 from 6 to 7 pm Preventing Sexual Harassment
Thursday, December 14, 2023 from 6 to 7 pm Case Studies – good and bad of 2023

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

- **Privilege of the Floor**
- **Adjournment:** Being no further business for discussion, Chair Passavant requested a motion to adjourn. **Motion to adjourn** made by Mike Woodruff seconded by Ted Liddell. **Motion Carried** 5/10/23 CPB meeting adjourned at 9:33 PM.