

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday July 12, 2022, at 3:30pm –**
County Planning Board Meeting –July 13, 2022 at 7:00pm [Hybrid Meeting Click Join Meeting hyperlink below](#)
 Telephone: 585-396-4455

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

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

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There is no referral 140-2022

Wednesday, July 13, 2022

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



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

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

Call To Order/Roll Call: Len Wildman called the 7/13/22 CPB meeting to order at 7.00 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were (8) members present virtually and (5) members physically at 20 Ontario Street, meeting the quorum requirement.

Staff: Linda Phillips, Senior Planning and Erin Holley, Senior Clerk (until 7:30)

Guests: James Cretekos/BME for Commercial St. Partners/Woods @ Valentown and BRW/Southgate 3

Minutes –

- *Motion made* by AJ Magnan to approve the May 11, 2022 minutes, seconded by Roslyn Grammar **Motion carried**

116 -2022 Town of Farmington Town Board Class:2
 Type: *Map Amendment*

Related Referrals: 62-2022, 57-2019

Applicant: *Town of Farmington*

Property Owner: *Angelo Ingrassia*

Representative: *Mike Montalto, Costich Engineers*

Tax Map Parcel #: 29.00-1-39.000 29.00-1-40 29.00-1-41.1

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

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

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

These 3 properties were previously referred as an Incentive Zoning map amendment as 57-2019 in March 2019, and 62-2022 in April 2022. In 2019, the SR 96 endpoint of the SR 96/SR 332 through road via Mercier Boulevard was proposed at the eastern end of the subject property. At this time, the SR 96 endpoint of the through road is anticipated as part of development of the adjacent property to the east. Instead of a 2-story office building, the concept plan now proposes a 21,000 addition to the retail plaza with a drive up window, and 4 other uses along the SR 96 frontage for a total of 37,640 SF of new retail and services uses. The Town Board sent this IZ proposal to the planning board and received a favorable response. This application has been re-referred at the request of the applicant now that the project has been classified as Type I under SEQR and a long form EAF is required. The EAF indicates a total of 5.7 additional acres of impervious area for a total of 10.0 acres, 87 new parking spaces, a stormwater pond of 1.5 acres, and reduction of lawn area from 9 acres to 4 acres.

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

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

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

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

Prime Farmland if drained

Permeability: moderately high

Erodibility: high

Hydrological Group C/D

Partially Hydric

Somewhat poorly drained

Depth to Water Table 36"

The applicant is currently offering the following incentives:

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

The applicant is currently requesting the following incentives:

1. Relief from dimensional requirements of the MTOD regulations including
 - a. Reduce 50' setback from access road
 - b. Reduce 150' corner clearance from Mercier Boulevard for CNB

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

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

April 2022 Comments

1. The Town Board should ensure any building and parking coverage allowed reserves sufficient space for stormwater management and landscaping. The Town Board should consider identifying minimum open space requirements or maximum parking or impervious surface coverages.
2. The Town Board may also want to identify green infrastructure practices necessary to minimize impacts of stormwater quality and quantity to nearby Beaver Creek.
3. Will the proposed IZ allow fast food restaurants as a permitted use?
4. Will parking/stacking be sufficient if frontage lots with drive-thrus are developed with fast food uses?
5. How do the likely setbacks from the lease lines compare to required setbacks of the GB district?
6. As identified in plans and zoning for "Town Center" locations in other communities, to create a walkable pedestrian character it is desirable to encourage multi-story buildings, 4-6' of landscaped area between the road and sidewalk, and to locate parking to the rear or side of buildings and screen parking from the sidewalk. To create a desirable pedestrian environment, it is also important to provide pedestrian scale lighting (12'-14' poles) and features of visual interest such as 30 to 60 percent window transparency of adjacent buildings or pedestrian routes with landscaping on both sides. Pedestrian oriented development should provide not only pedestrian circulation along edge roadways, but also along site driveways and through parking areas to connect individual building entrances to the public sidewalk through landscaped parking medians and islands or along drainage swales. Typical pedestrian friendly design guidelines require landscaped islands or medians for every 20 to 40 spaces. See T. Canandaigua Uptown Plan and form-based code and comprehensive zoning code updates in the Town of Geneva and the Villages of Shortsville and Clifton Springs.
7. Should the incentive list include an advertising sign listing multiple site users?
8. The Town Board may want to consider inclusion of an amenity line item to fund site features such as light pole banners; enhanced internal signs; and enhanced bike racks, bus shelter, and other furnishings to help brand the area.
9. The Town Board should explore opportunities for a direct pedestrian and bicycle only connection across Beaver Creek to the townhouses to the south of the site and ultimately to the residential subdivision further south.
10. In accordance with the MTOD Site Design Guidelines, the Town Board should consider provision of a public pedestrian access corridor along Beaver Creek.
11. In accordance with the MTOD Site Design Guidelines, the Town Board may want to consider defining appropriate facade materials, massing, articulation, and roof forms to create a pedestrian friendly environment.
12. What provisions will be made for winter clearing of public sidewalks and on-site pedestrian walkways?
13. Is the fuel kiosk staffed? If not, how are cash transactions or service to individuals needing assistance handled?

April 2022 OCSWCD Comments

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

April 2022 CRC Comments

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

CPB Comment

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

Board Motion: To retain referral 116-2022 as a class 2 and return it to the local board with comments and a recommendation for approval. **Motion made by:** Len Wildman **Seconded by:** Steve Groet **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

117 -2022

Town of Geneva Town Board

Class: *Exempt*Type: *Text Amendment*Applicant: *Town Board*

Brief Description: *Text amendment to update town code to apply new NYS minimum standards for administration and enforcement of the Uniform code and the Energy code in the Town of Geneva.*

118 -2022

Town of Victor Planning Board

Class: *1*Type: *Site Plan*Applicant: *Benderson Development Co LLC*Property Owner: *Victor Square Retail LLC*Tax Map Parcel #: *6.01-2-47.100*

Brief Description: *Site plan for 4,000 SF building addition on the south end of Victor Square Shopping Center at 4-20 Commerce Drive in the Town of Victor. Applicant is*

also requesting a reduction in required parking from 270 to 202 spaces.

<https://ontariocountyny.gov/DocumentCenter/View/35115/118-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35130/118-2022-site-plan>

The site plan also shows installation of heavy-duty pavement at the entrance to the retail area.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

119 -2022

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Applicant & Property Owner: *Commercial Street Partners*

Tax Map Parcel #: *1.07-1-4.100*

Brief Description: *Site plan to modify approved site plan for Woods at Valentown on High Point Drive in the Town of Victor. The modified Section 1 site will reconfigure 8.1 acres to accommodate 84 apartments in two 42-unit buildings instead of four 21 unit buildings, increase impervious area by .57 acres, and provide related green infrastructure, parking, club house and utility connections to accommodate changed building layout.*

<https://ontariocountyny.gov/DocumentCenter/View/35131/119-2022-site-plan>

The overall project site includes 4 sections on 57 acres and was most recently reviewed as referral 1-2019 in January 2019 when the entire project was reconfigured as apartments instead of townhouses as proposed and reviewed in 2017 and 2018.

Submitted materials indicate the proposed site plan modifications will increase the impervious area by .57 acres when the previously approved plan involved significant disturbance and creation of steep slopes. The site plan currently proposed involves no change to access, or infringement on wetland or floodplain. Proposed parking includes 2 spaces per unit plus 29 spaces at the clubhouse; 1 space per unit will be an indoor parking space on the first level of the building. According to the letter of intent, proposed site plan continues to preserve .25 acres of woods and includes 36 additional trees.

Comments.

1. The ½ acre of mass tree planting area is outside the limit of disturbance.
2. The proposed site plan indicates a 0.10 acre smaller planting area. Where does balance (.47 acres) of additional impervious surface come from?
3. The last referred site plan included 91 surface parking spaces in Section 1, there are now 106 surface spaces proposed.
4. Are the reconfigured buildings within the 4 story/48' building envelope previously reviewed?
5. Are there any changes to steep slope disturbance or additional areas of site with proposed grade steeper than 1:4?

6. What is the impact of snow storage on steeply sloped area between buildings and will such storage impact proposed tree planting at edge of parking? No other snow storage areas are shown.

OCSWCD Comments

1. Consider no phosphorus fertilizer unless soil test indicates otherwise.
2. Consider biodegradable erosion control fabric on steep slopes.
3. Concrete truck washout not indicated on plans.
4. Current stockpile location shows it being placed directly over top of a proposed stormwater inlet.
5. Consider alternative snow storage location based on proximity to regulated stream and proposed tree plantings.

CRC Comments

1. What pedestrian circulation facilities will be provided in Section 1 and at full site development? In particular, residents should be able to safely and easily walk from homes to club house and Highpointe office buildings.
2. In response to staff and Board member comments, the applicant representative offered the following:
 - The approved site plan does include a trail network including shortcut trails from Section 1 entrances up to offices. The applicant is considering sidewalks or trails along private roads in future residential sections and would also consider extending them the short distances required to connect to the club house. The Town has not requested sidewalks along High Pointe Road; town does not want maintenance responsibility.
 - The previously approved buildings were 3 residential stories plus subgrade parking; the proposed buildings are 3 story including 1st floor indoor parking.
 - The Engineer only includes in area of disturbance land disturbances meeting the NYS DEC definition of disturbance that apply to lands for which sediment and erosion control are required. Tree planning activities, though they may disturb existing ground cover, are not covered by NYSDECs definition.
 - Steep slope disturbances/creation are concentrated in future phases.

Board Motion: To retain referral 119-2022 as a class 1 and return to the local board with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

120 -2022

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Applicant: *Timber Tree Top LLC*

Property Owner: *DST Associates LLC*

Tax Map Parcel #: *15.00-2-22.220*

Brief Description: *Site plan to add 10,000 SF of parking area on 1.6-acre site at 7355 SR 96/Hadley Circle in the Town of Victor. The expanded parking area will accommodate commercial vehicle and employee parking for Timber Top Tree.*

<https://ontariocountyny.gov/DocumentCenter/View/35132/120-2022-site-plan>

<https://ontariocountyny.gov/DocumentCenter/View/35116/120-2022-aerial>

The proposed site plan includes 9-10 spruce along the northwest and southeast property boundaries and 4 giant arborvitae to screen parking from SR 96 and foundation landscaping at front of building.

Comments

1. Is there sidewalk or green infrastructure along southeast side of expanded parking area

OCSWCD Comments

1. Stormwater management facilities not indicated on plans. Water from impervious surfaces should be managed before leaving the property.
2. Stabilized construction entrance not identified.
3. Will topsoil be removed from site during grading? Location of topsoil stockpile not indicated on plans.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

121 -2022

Town of Gorham Zoning Board of Appeals

Class: AR 2

Type: *Area Variance*Applicant & Owner: *Merit & Jean Wilkinson*Tax Map Parcel #: *113.07-1-6.100*

Brief Description: *Lot coverage and side setback variances to allow 35 percent lot coverage when 25 percent is allowed and for side setbacks of 11' when 15' setback is required at 3644 Dewey Cove in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/35133/121-2020-site-plan>

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

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

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.

7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

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

122 -2022 Village of Naples Town & Village of Naples Joint Class: 1

Type: *Site Plan*

Applicant: *David & Shanna Williams*

Tax Map Parcel #: 201.10-1-9.100

Brief Description: *Site plan to add two 3,300 SF buildings and one 2,200 SF building for a total of 8,800 SF of new construction to existing mini storage facility with three buildings and 9,900 SF on Toby Street in the Village of Naples.*

<https://ontariocountyny.gov/DocumentCenter/View/35117/122-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35134/122-2022-site-plan>

The project site encompasses 1.39 acres; the proposed buildings will disturb .57 acres. Stormwater will discharge to a grassed infiltration trench installed prior to building construction.

Comment

1. Are site soils suitable for intended infiltration or will imported media be required?

OCSWCD Comments

1. Silt fence should be installed upslope of grassed swale during construction until vegetation has established.
2. More detail needed regarding grassed swale (grading contours, infiltration medium).

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

123 -2022 Town of West Bloomfield Planning Board Class: 1

Type: *Area Variance*

Applicant: *James & Robie Schlenker*

Tax Map Parcel #: 66.00-1-49.000

Brief Description: *Area variance to locate garage in front of house at 2408 Elton Street in the Town of West Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/35135/123-2022>

Code only allows accessory structure in front yard if the house is 500' from the road and accessory use is 200' from road. The existing house is 405' from the road; the proposed garage location is near the house.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

124 -2022

Town of Victor Planning Board

Class: AR 1

Type: *Subdivision*Applicant: *Elizabeth Vandenberg*Tax Map Parcel #: *38.00-1-27.100*Brief Description: *Three lot subdivision of 22-acre parcel at 1657 Strong Road in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/35118/124-2022-aerial>

According to OnCor, the property and adjacent properties are in Ontario County Agricultural District #1. The property is not constrained by wetlands or floodplains. The site has areas of 16 to 30 and 31 to 60 percent slope. The EAF indicated 24% of the property has steep slopes.

The proposed lots include a 7 acre lot in the center of the frontage for the existing house, a lot to the north with 8.1 acres and a lot to the south with 6.2 acres.

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

The intent of this policy is to:

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

Final Classification: Class 1

Findings

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

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

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing or co-locating driveways or providing cross access between the parcels.
2. The applicant and referring agency should review the Victor Access Management regulations and ensure that the sight distances and spacing for the future driveways can comply with local standards and standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.

125 -2022

Town of Richmond Planning Board

Class: AR 1

Type: *Lot Line Adjustment*

Related Referrals: 126-2022

Applicant: *Robert & Susan Shapiro*

Tax Map Parcel #: 175.05-1-4.110 175.05-1-5.110 175.05-1-7.111

Brief Description: *Site plan and lot line adjustments for 3 lots with 3 homes at 5730 and 5734 Beecher Lane and 5844 East Lake Road on Honeoye Lake in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/35119/125-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35136/125-2022-125-2022-site-plan-Shapiro-PLA-6-24-22>

The lot line adjustment/re-subdivision includes 3 existing developed lots. Following the proposed lot line adjustments, the lot sizes will be 1.2, 1.0 and .92 acres. The properties are zoned D Residential -Lakeside. The D Residential-Lakeside district requires 5,000 SF lots.

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

The intent of this policy is to:

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

Final Classification: Class 1

Findings

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

8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

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

126 -2022 Town of Richmond Planning Board Class: 1
Type: *Site Plan*

Related Referrals: 125-2022

Applicant: *Robert & Susan Shapiro*

Tax Map Parcel #: 175.05-1-4.110 175.05-1-5.110 175.05-1-7.111

Brief Description: *Site plan and lot line adjustments for 3 lots with 3 homes on Honeoye Lake in the Town of Richmond.*

See information at 125-2022.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

127 -2022 Town of Victor Zoning Board of Appeals Class: 2
Type: *Use Variance*

Applicant: *Cliff Anderson*

Property Owner: *6756 CR 41 LLC*

Tax Map Parcel #: 28.03-1-7.100

Brief Description: *Use variance to change use of building near the northwest corner of CR 41 and Brace Road, 6756 CR 41, in the Town of Victor from a 2-family to 3-family residence.*

<https://ontariocountyny.gov/DocumentCenter/View/35120/127-2022-aerial>

In 2021, the applicant bought the 4 acre property with 3,400 SF house built in 1904 thinking it was a 3 family dwelling based on the 3 entries and 3 meters. The Residential 2 district permits single-homes and duplexes and a range of health care and institutional uses by special use permit. If the variance is granted, site plan review would be required.

The referred materials indicate the building has been vacant for 5 years. No dollars and cents evidence of financial hardship is included in the referred materials.

Use Variance – Town Law 267-b, similar in City Law 81 B. Village Law 7-712-A

2. Use variances.

(a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

(1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

(2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

(3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and

(4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

Comments

1. The referring body should require the applicant to provide dollars and cents evidence of financial hardship as required by state and local laws.
2. The referring body should make the applicant aware of state and federal historic tax credits for income producing properties. <https://parks.ny.gov/documents/shpo/tax-credit-programs/NYSCommercialTaxCreditPrograms.pdf>

CPB Comments

1. If approving a use variance, the referring body should clearly define what is being allowed.

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. County Planning Board has an interest in ensuring local boards grant the minimum use variance necessary to alleviate identified hardship.
3. Granting a use variance represents a permanent legal entitlement. County Planning Board encourages local bodies to consider alternatives that preserve, to the maximum extent, the municipality's ability to adjust allowable uses over time.

Board Motion: To retain referral 127-2022 as a class 2 and return it to the local board with comments and a recommendation of denial. **Motion made by:** Steve Groet **Seconded by:** AJ Magnan **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

128 -2022 Town of Canandaigua Planning Board
Type: *Site Plan*

Class: *Exempt*

Related Referrals: 129-2022

Applicant & Property Owner: *Scott Hill*

Tax Map Parcel #: 126.12-2-4.00

Brief Description: *Site plan and area variance for 864 SF garage with 20' front setback when 60' is required on uphill side of 4220 CR 16 in the Town of Canandaigua.*

129 -2022 Town of Canandaigua Zoning Board of Appeals Class: AR 1
Type: *Area Variance*

Related Referrals: 128-2022

Applicant & Property Owner: *Scott Hill*

Tax Map Parcel #: 126.12-2-4.000

Brief Description: *Site plan and area variance for 864 SF garage with 20' front setback when 60' is required on uphill side of 4220 CR 16 in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/35121/129-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35137/128-2022-CR-16-4220-2022-06-17-1-page-Site-Plan>

A previous area variance was granted to allow 28' front setback when 60' is required. Variance limits width of garage to 40' and use of second story for storage only. The property has pre-existing non-conforming lot width of 100' when 125' required

No variance application provided, however, submitted site plan table indicates requested front setback is 20' when 60' is required. The project will disturb .17 of .63 acre site.

Proposed garage construction results in creation of slopes steeper than 3H:1V which will be stabilized with an erosion control blanket. Site plan shows drainage areas to north and south of driveway. No information is provided regarding existing soils and whether drainage areas will be constructed to allow infiltration.

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

The intent of this policy is to:

5. Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
 6. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
 7. Address impacts to ground and surface waters
- C. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

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

standards are met

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

Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency 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.

130 -2022 Town of Canandaigua Planning Board

Class: 1

Type: *Site Plan*

Applicant: *Marks Engineering*

Property Owner: *Payne Avenue LLC*

Representative: *Joseph Cereo*

Tax Map Parcel #: *98.08-1-10.100*

Brief Description: *Site plan for 1,600 SF concrete patio, detached walk-in cooler, and parking area modifications at Finger Lakes Public House, 405 Lakeshore Drive at the corner of SR 364, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/35122/130-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35138/130-2022-1-page-site-plan-Lakeshore-Drive-405-2022-06-17-Revised-Site-Plan>

The 1.1 acre lot is occupied by the restaurant along the western property line and a gas station/convenience store at the corner of SR 364. The front portion of the lot is in the City of Canandaigua and the rear portion of the lot is in the Town of Canandaigua. Adjacent uses include Canandaigua Country Club to the west and a mobile home park to the south both of which are buffered from the restaurant by a fence.

The concrete patio, cooler, and expanded parking area were completed without site plan approval. Other modifications currently proposed include 6 concrete planters to create a barrier between the parking area and the concrete pad, replacement of 3 shade trees along the southern property line and relocation of the fence closer to the property line to accommodate such plantings; removal of storage trailer located south of the restaurant and replacement with lawn area.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

131 -2022 Town of Farmington Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: *132*

Applicant: *John Hotto Land Tech*

Property Owner: *Edward Samoel*

Tax Map Parcel #: *29.00-1-86.200*

Brief Description: *Area variance for 50' building setback to SR 332 when 100' is required and 30' building setback to Loomis Road when 80' is required to accommodate two 10,000 SF warehouse units on 2.5 acre site at the southwest corner of Loomis Road and Plastermill Road in the Town of Farmington.*

https://ontariocountyny.gov/DocumentCenter/View/35123/131-2022_2900-1-86200_Aerial-Photo-Map

<https://ontariocountyny.gov/DocumentCenter/View/35139/131-2022-132-2022-site-plan>

According to OnCor, there is a potential wetland area located in the southeast corner of the site. The property is not constrained by floodplains or steep slopes and is not in the agricultural district.

Comments

1. Is 50' setback sufficient to maintain undisturbed wooded buffer along SR 332?
2. Does the plan preserve any on-site woods?

Board Motion: To retain referrals 18-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022.as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed,0 abstentions **Motion carried**

132 -2022 Town of Farmington Zoning Board of Appeals Class: *1*
 Type: *Area Variance*

Related Referrals: *131*

Applicant: *John Hotto*

Property Owner: *Edward Samoel*

Tax Map Parcel #: *29.00-1-86.200*

Brief Description: *Area variance for MTOD standards to accommodate two 10,000 SF warehouse units on 2.5 acre site at the southwest corner of Loomis Road and Plastermill Road in the Town of Farmington.*

See information at 131-2022.

133 -2022 Town of Victor Planning Board Class: *1*
 Type: *Subdivision*

Applicant: *BRW of Greece LLC*

Tax Map Parcel #: *28.04-1-48.000*

Brief Description: *Subdivision for 10 clustered lots on 11 acres and 5.5 acres of preserved woods in Southgate Hills Phase 3 off East Victor Road in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/35124/133-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35140/133-2022-subdivision>

The proposed development, 3.8 acres of conservation easement, and a stormwater access/conservation area are located on the portion of the lot to the east of East Victor Road. The subdivision plan does not show the portion of the lot west of East Victor Road. The proposed lots are a minimum of 13,815 SF lots with 25' front setback and 80' width at setback line.

Project development requires upgrading downstream sewer pump station. Stormwater to discharge to on-site infiltration area of 0.05 acres. The project also involves development of a parking area and connection to Auburn Trail from the north end of property and a sidewalk along the west side of East Victor Road.

The EAF indicates the project involves disturbance of 6.6 of the 11 acres site and .9 acres of impervious yet indicates 1.2 acres converted to boards and buildings and removal of 4.4 acres of forest and 1.4 acre of meadow.

According to OnCor, the property is in Ontario County Agricultural District #1 and has areas of 16 to 30 percent slope. The property is not constrained by wetlands or floodplains.

Comments

1. The subdivision plan shows provided and required sight and stopping distances but not compliance with connection spacing and intersection off-set requirements of Access Management regulations for street intersection, pond access, and trail parking.
2. How are proposed lots and the development/sidewalk on the west side of East Victor Road intended to access the Auburn Trail?
3. Will development involve disturbance of steep slope areas or creation of additional slopes of 15 percent or greater?
4. The referring body should clarify the acreage of preserved land; the letter of intents says 5.5 acres preserved, while the EAF indicates 5.8 acres preserved.

OCSWCD Comments

1. Concrete truck washout must be located greater than 100 feet from all stormwater inlets.
2. Silt fence should curve upslope at ends.
3. Silt fence needed in southern portion of work zone.
4. Consider no phosphorus fertilizer unless soil test indicates otherwise.

CRC Comments

In response to comments the applicant representative offered the following:

- The offset to Channing Court is 200' centerline to centerline and the subdivision now includes a single access point to increase compliance with access connection spacing standards and to preserve wooded area at north end of site. In the future, engineer will include documentation of required and proposed access connection spacing as required by Town of Victor Access Management regulations.
- Town of Victor code requires a minimum of 5.5 acres of preserved land; the applicant is proposing 5.8 acres of conserved land including access to stormwater management pond.
- There is an existing crosswalk at the East Victor Road Auburn Trail crossing to the north of the site.

Board Motion: To retain referral 133-2022 as a class 1 and return it to the local board with comments.

Motion made by: AJ Magnan **Seconded by:** Len Wildman **Vote:** 13 in favor, 0 opposed, 0 abstentions

Motion carried.

134 -2022 Town of Richmond Town Board Class: 2
 Type: *Moratorium*

Applicant: *Town Board*

Brief Description: *Second 12 month moratorium on development of large-scale battery energy storage system installations in the Town of Richmond.*

Board Motion: To retain referral 134-2022 as a class 2 and return to the local board with a recommendation for approval. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

135 -2022 Town of Geneva Zoning Board of Appeals Class: AR 2
 Type: *Area Variance*

Applicant & Property Owner: *John Balduzzi & Jessica Evangelista*

Tax Map Parcel #: *161.20-1-31.000*

Brief Description: *Area variance for 8' north setback when 12.5' is required and continuation of existing 6' south side setback when 12.5' is required for replacement home at 5395 Kashong Point in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/35142/135-2022-site-plan>

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

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

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

Final Classification: 2

Findings:

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

8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve 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.
3. The existing septic system is characterized as failed by the Ontario County Soil and Water Conservation District. The applicant and referring agency should consult with OCSWCD regarding requirements for removal of existing system components and design of new wastewater treatment system.

136 -2022 Town of Geneva Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Gary Phillip*

Property Owner: *GP Advisory Group LLC*

Tax Map Parcel #: *133.11-1-1.000*

Brief Description: *Area variance to locate 162 SF shed 6' from the south property line when 10' is required and to locate shed in front of the principal building at 7 Bayview Terrace in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/35125/136-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35143/136-2022-sketch>

Proposed location is adjacent to existing driveway turnaround.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

137 -2022 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Applicant: *Allen Weaver*

Property Owner: *3741 SR 5 & 20*

Tax Map Parcel #: *99.00-2-27.111*

Brief Description: *Site plan for 2,300 SF greenhouse at Lakeside Greenhouse, southwest of SR 5/US 20 and Mumby Road at 3500 Mumby Road in the Town of Hopewell.*

https://ontariocountyny.gov/DocumentCenter/View/35126/137-2022_9900-2-27111_Aerial-Photo-Map

<https://ontariocountyny.gov/DocumentCenter/View/35144/137-2022-site-plan>

According to OnCor, the 4.61 acre lot and neighboring properties are not in Ontario County Agricultural District #1. The commercially zoned property has a residence on-site and is not constrained by wetlands,

floodplains, or steep slopes. The property is already developed with 2 barns encompassing 1,400 SF, 2 greenhouses encompassing 4,600 SF, 2 garages, and a small shed.

Proposed lot disturbance includes the new greenhouse and 1,600 SF gravel pad for expanded and future parking areas.

OCSWCD Comments

1. More information needed to show how runoff from greenhouse structure will be managed.
2. Indicate where topsoil stockpile will be located/ where topsoil will be spread following grading for gravel parking area.
3. All disturbed areas should be seeded or covered with gravel following construction.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

138 -2022

Town of Bristol Planning Board

Class: TR

Type: *Subdivision*

Applicant: *Priscilla Muller*

Representative: *Venezia and Associates Land Surveyors*

Tax Map Parcel #: *109.00-1-83.110*

Brief Description: *Two lot subdivision of 117 acre parcel between Weiland Road and Oakmont Road in the Town of Bristol just south of the East Bloomfield town line.*

<https://ontariocountyny.gov/DocumentCenter/View/35145/138-2-22-subdivision-plat>

According to OnCor, the property is in Agricultural District #1. The property is not constrained by floodplains or NYS DEC wetlands. There is a small area of 16 to 30 percent slope in the northwest corner of Lot 2 and significant portions of Lot 1 south of the driveway have areas of 16 to 30 or 31 to 60 percent slope. The pond that straddles the lots is identified on the NWI as a potential wetland.

Lot 1 has access to Oakmont Road and the driveway through the lot to the adjacent existing residence appears to be subject to an access easement. Lot 2 appears to have access via easement to the undedicated extension of Weiland Road in the Town of West Bloomfield.

Comments

1. If classified as a minor subdivision, will the referring body require percolation test or groundwater information to ensure proper provision for potable water supply and sewage?
2. If classified as a major subdivision will the referring body require above information and documentation of easements and rights-of-way and their purpose, site topography, and additional natural features?
3. The referring body should confirm the property owner has given the applicant permission for the proposed subdivision.

139 -2022

Town of Bristol Planning Board

Class: I

Type: *Subdivision*

Applicant & Property Owner: *John & Sharon Lee Karle*

Representative: *Venezia & Associates Land Surveyors*

Tax Map Parcel #: *122.00-3-2.420*

Brief Description: *Three lot subdivision of 120 acre property east and west of Green Road at Buckelew Road in the Town of Bristol adjacent to the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/35127/139-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35146/139-2022-subdivision>

The property includes a mix of wooded and open areas. Property is home to threatened or endangered short-eared owl as per EAF mapper. According to OnCor, the property is in Ontario County Agricultural District #1 and is not constrained by floodplains. A portion of an 86 acre wetland regulated by NYSDEC is located in the northwest portion of proposed Lot 3. Areas along the unmarked stream corridor on proposed Lot 2, the marked stream corridor on proposed Lot 1 and significant areas of proposed Lot 4 are slopes of 16 to 30 percent.

Proposed lots will be 30, 41, and 48 acres each with frontage on one or more public roads.

Comments

1. The stream shown on OnCor through lots 3 and 4 should be shown on the survey.

CPB Comment

1. When reviewing any proposed development on these properties, the referring body should confirm continued presence of the endangered or threatened short-eared owl and consult with NYSDEC regarding mitigation to preserve the owl's habitat.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried**

There is no referral 140-2022

Board Motion: To accept late referrals 141-2022 and 142--2022. **Motion made by:** Steve High **Seconded by:** AJ Magnan **Vote:** 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

141 -2022 Town of Geneva Zoning Board of Appeals Class: AR 2 Late Referral

Type: *Area Variance*

Applicant: *Elliot Garcia*

Property Owner: *Robin Goldstone Garcia*

Tax Map Parcel #: *147.08-1-18.000*

Brief Description: *Area variance for existing building front setback of 15' from centerline of private road when 20' is required and side setback of 5' when 12.5' is required at 4637 Whites Point in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/35128/141-2022-aerial>

The applicant proposes to convert an existing garage into residential space instead of building a larger home intended for use as a short-term rental.

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

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

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

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

Final Classification: 2**Findings:**

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

Final Recommendation: Denial**Comments:**

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve the 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.

142 -2022

Town of Richmond Town Board

Class: 1 Late

Referral

Type: Area Variance

Applicant & Owner: Flavia & William Frost

Tax Map Parcel #: 150.05-1-77.110 & 150.50-1-79.100

Brief Description: Area variance to allow lot line adjustment to remove portion of 1.1 acre lot at 4466 CR 33 and add it to a lot at 4446 CR 33. The lots are on the south side of CR 33 at East Lake Road in the Town of Richmond. There is a 3,000 SF pole barn/former shop on the portion of the lot to be transferred.

<https://ontariocountyny.gov/DocumentCenter/View/35114/142-2022-aerial>

The application materials erroneously indicate that the properties are zoned C Residential-Recreation and that a 2 acre lot is required. A small portion of the existing 1.2 acre lot is zoned C Residential-Recreation. The remainder of both properties are zoned E Business as are

adjacent lots on the east side of East Lake Road. The E Business district require a 5,000 SF lot or a 2 acre lot if not connected to public sewer. The east side of East Lake Road is not in the sewer district and these properties are not connected to public sewers.

Comments

1. The referring body should clarify with the Town Engineer whether the properties could be added to the sewer district in the future and consider any requirement for such future connection.

Board Motion: To retain referrals 118-2022, 120-2022, 122-2022, 123-2022, 126-2022, 130-2022, 131-2022, 132-2022, 136-2022, 137-2022, 139-2022 and 142-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High **Vote:** 13 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: I, (d), and (e) refer to the county comprehensive plan.

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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

- Report on Ontario County Planning Department response to discussion of CPB Ad Hoc committee report at 5/2/22 Planning & Environmental Quality Committee (PEQ) of BOS See attached memo for full text of response.

Ad Hoc Committee report Issue	OCPD Recommendations (many completed or in process)
1. BOS/CPB communication	A email to BOS B. ongoing CPB member recognition OCPB workplan/budget
2. Is market producing needed housing & jobs	A. OCPD reviewing proposals for County wide housing study
3. Intermunicipal cooperation to protect character of gateways	A. Completed corridor plans/grants to plan for SR 14, 332, 444, 14A & 245 B. Completed and pending rail corridor plans
4. BOS funds for PDR	A. Cooperate with Finger Lakes Land Trust and Genesee Land Trust re PDRs B. OC Ag Enhancement Board has process to prioritize PDRs; PDRs demand has not exceeded limit of 3 applications per year C. Farmland Protection Plan policy to ensure farming is economically viable to protect rural character and farmland D. Cooperating with municipalities re state funding for other land acquisitions

- Brainstormed about reducing green house gas emissions of Ontario County transportation system
 - Concern about aligning EV production and charging infrastructure to provide long-term compatibility and minimize cost and disposal impacts of obsolete products and infrastructure
 - Younger people support green initiatives but cannot afford current EVs
 - Increase awareness of available EV charging locations
 - Municipalities need funding to install EV charging stations
 - Transition to EVs needs to be accompanied by reuse/recycle/disposal plan for lithium & other batteries
 - EVs more suitable for cities than rural areas
 - OC needs public transit
 - Need for transportation for non-driving seniors
 - Need for active transportation/bicycle and pedestrian planning and investments
 - Transition school buses & county and municipal passenger vehicles to EVs
 - Schools to match service with need to reduce vehicle miles traveled
 - Members also provided information on recent or planned EV charging stations in T. Geneva, Beaver Creek Park/T.Farmington; regular use of V. Victor charging station; and observation of plug/charger incompatibility at FL Visitor Center charging station
 - In the scope of human history, the combustion engine occupies a mere 100 years; what lessons can previous transportation system provide for future?
 - Need for OC and municipalities to have pro-active can do perspective on climate adaption
 - Opportunity for Genesee Transportation Council to coordinate planning for rural low carbon transportation

Members also provided the following comments about transition to low carbon agricultural systems:

- Don't rush transition to low carbon ag – counties like Netherlands and Sri Lanka have encountered resistance to mandates
- Upcoming Training

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

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

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

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

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

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

New York Planning Federation trainings are free if your municipality is a member.

Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email nypf@nypf.org

NYPF Recorded Webinars THE ESSENTIALS OF PLANNING AND ZONING

Introduction to Planning, Zoning and Land Use

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

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

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

MEETING PROCESS AND COMMUNITCATION

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

Working with Elected Officials and Understanding Everyone’s Role in Planning

The Open Meetings Law for Zoning and Planning Boards, Part 2

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

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

NYSCOM Annual Convention Sagamore Hotel May 4-6, 2022

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

NYSCOM Recorded webinars

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

Security and Emergency Services; Janet Plarr, Village Administrator, Village of Blasdell; and Donna Lyudmer, Village of Saltaire

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

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

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

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

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

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

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

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

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

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

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

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

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 7/13/22 County Planning Board meeting. ***Motion to adjourn made by AJ Magnan seconded by Roslyn Grammer Motion carried.*** 7/13/22 CPB meeting adjourned at 8:45.

Respectfully submitted by Linda Phillips, Senior Planner