

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday September 13, 2022, at 3:30pm –
County Planning Board Meeting –September 14, 2022 at 7:00pm 74 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	3
General Procedures and Legal Obligations for Referring Agencies	21
Results Key - Recommended referring body action: A = approve, A-M =Approve with Modification, D = disapproval NA = No Action	

Referral #	Municipality	Applicant	Application Type	Class	Page
159	Town of Victor	Mitchell Design Build	Site Plan	1	3
160	Town of Victor	Chris Barber	Area Variance	AR1	3
161	Village of Manchester	Julie LeBrecque & Moe Khant	Area Variance	1	4
162	Town of Gorham	Gregory Guy	Special Use Permit	1	5
163	Town of Victor	Victor East Holding LLC	Site Plan	1	6
164	Town of Canandaigua	Liberty Restaurants Group	Site Plan	1	6
165	Town of Canandaigua	Liberty Restaurant Group	Area Variance	AR1	7
166	Town of Canandaigua	Liberty Restaurant Group	Area Variance	1	8
167	Town of Canandaigua	Marathon Engineering	Site Plan	1	8
168	Town of Canandaigua	Marathon Engineering	Area Variance	1	9
169	Town of Canandaigua	Meagher Engineering	Site Plan	Exempt	9
170	Town of Canandaigua	Meagher Engineering	Area Variance	AR2	9
171	Town of Naples	Town Board	Text Amendment	2/A	11
172	Town of Geneva	Joseph Bucklin	Area Variance	AR1	12
173	Town of Geneva	Ardennes Brewing LLC DBA Brewery Ardennes	Area Variance	1	114
174	Town of Geneva	Daniel R. Long RA	Area Variance	AR1	11
175	Town of Farmington	Electric Car Corner	Special Use Permit	1	12
176	Town of Farmington	Electric Car Corner	Special Use Permit	1	15
177	Town of Victor	Benderson Development Company LLC	Area Variance	1	15
178	Town of Victor	Benderson Development Company LLC	Area Variance	1	16
179	Town of Victor	Benderson Development Company, LLC	Site Plan	1	16
180	Town of Hopewell	Jeremy Fisher	Area Variance	1	16
181	City of Geneva	36 Middle St LLC	Site Plan	1	
182	City of Geneva	36 Middle St. LLC	Subdivision	1	17
183	City of Geneva	36 Middle St LLC	Use Variance	2/A	18
184	Town of Victor	Crown Castle/T Mobile	Special Use Permit	1	19
185	Town of Richmond	Joe Cassara	Area Variance	AR2 Late Referral	19
186	Town of Farmington	Town Board	Map Amendment	2/A Late Referral	20

Call To Order/Roll Call: Vice Chair Passavant called the 09/14 /22 CPB meeting to order at 7:00 and requested Ms. Phillips to do roll call. Ms. Phillips presented roll call and reported that there were twelve (12) members present physically at 74 Ontario Street meeting the quorum requirement.

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

Minutes: *Motion made by Steve Groet to approve the August 10, 2022 minutes, seconded by Steve High. Motion carried*

Staff: Linda Phillips, Senior Planne; Erin Holley, Senior clekr

Guests: Wendy Marsh/David Linger – 36 Middle St. LLC; 2 representatives of victor East Holding Company; and 1 other guest.

159 -2022 Town of Victor Planning Board Class: 1

Type: Site Plan

Applicant: Mitchell Design Build

Property Owner: Dennis Maguire

Tax Map Parcel #: 14.02-1-3.110

Brief Description: Site plan for 9,400 SF parking addition, creation of west façade entrance, and a modification of the loading dock on east façade at 8050 SR 251 in the Town of Victor.

https://ontariocountyny.gov/DocumentCenter/View/35657/159-2022-aerial
https://ontariocountyny.gov/DocumentCenter/View/35590/159-2022-site-plan

Modifications on the 17.25 acre site also include Planning Board waiver for reduction of parking lot setback from 80’ to 30’ from Old Dutch Road, streetscape and foundation plantings along Old Dutch Road, and an additional curb cut off Old Dutch Road. The site modifications are intended to accommodate occupancy of a portion of the exiting building by a future tenant. The disturbed area is .8 acres.

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

Comments

- 1. Site plan indicates 6 new and 2 relocated overhead doors; east elevation shows 4 new and 2 relocated overhead doors.

OCSWCD Comments

- 1. Plan indicates sidewalk slope to road. New pavement section does not indicate slope. Ensure new pavement is sloped to direct water to created drainage swale.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. Motion made by: Steve Groet Seconded by: Mike Woodruff Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried

160 -2022 Town of Victor Zoning Board of Appeals Class: AR1

Type: Area Variance

Applicant & Owner: Chris Barber

Tax Map Parcel #: 23.03-1-19.400

Brief Description: Area variance for pool and future deck at 1425 SR 444 in the Town of Victor.

Pool and future deck to be located 4’ to 6’ from the property line when 15’ is required. Rear/east 1/3 of site has 16-30 percent slope.

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

The intent of this policy is to:

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

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-way 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.

161 -2022 Village of Manchester Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Julie LeBrecque & Moe Khant*

Property Owner: *Julie LaBrecque*

Tax Map Parcel #: *32.13-2-42.100*

Brief Description: *Area variance for shed to temporarily house dental milling equipment to fabricate prosthetics at Grape Lakes Dental, 2 South Main Street in the Village of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/35628/161-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35591/161-2022-sketch>

The .37 acre property is zoned C-1 Commercial. The adjacent property on the shed side is a residence partially zoned C-1 and partially zoned R-1 Residential. The adjacent property to the rear is a 3-family residential use zoned C-1. The proposed 200 SF shed to be located 4’ from side property line at the closest point and 6’ from rear property line when 10’ side and 25’ rear setbacks are required. The existing 3,600 SF building has a conforming side setback of 13.7 ‘and a non-conforming rear setback of 10’.

Comment

1. If waiving requirement for preparation of a site plan by a licensed professional, the referring body should direct applicants to sketch proposed site modifications on aerial. It is a violation of NYS Education Law for anyone other than the individual who signed and stamped a survey, subdivision plat, or site plan to modify the map.
2. Is there room on the site to accommodate a future addition to house the equipment and required parking?

CRC Comment

1. What is the time frame associated with the temporary shed placement?

CPB Comments

1. The referring body should include a timeframe in any approval of the requested temporary use.
2. The CEO to confirm no 5’ separation is required.

Board Motion: To retain referral 161-2022 as a class 1 and return it to the local board with comments. **Motion made by:** Mike Woodruff **Seconded by:** Roslyn Grammar **Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

162 - 2022 Town of Gorham Planning Board Class: 1

Type: *Special Use Permit*

Applicant & Owner: *Gregory Guy*

Representative: *McMahon Larue*

Tax Map Parcel #: *113.00-1-3.110*

Brief Description: *Special use permit to convert existing barn on 28 acre property into an event center and add additional parking at 4272 CR 18 in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/35627/162-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35592/162-2022-partial-deve-plan>

The existing barn to be renovated is approximately 3,000 SF. The proposed site modifications would add a 500 SF entrance to the front of the barn, 4,500 SF of event space and 1,200 SF of outdoor space to the rear, remove the existing 4,300 SF stable, and add 150 parking spaces. The disturbed area is 1.3 acres. The house and semi-circular driveway at the front of the site, the garage on the way to the parking area, and the pond and pergola are to remain. The proposed concept plan indicates a 20' landscaped buffer along the portion of the southern property line adjacent to the proposed parking area.

According to OnCor, the site is in the Canandaigua Lake watershed, in OC Agricultural district #1, and is not constrained by wetlands, floodplains, or areas of steep slope.

The site is zoned Planned Development though there is not an approved development plan for the site. Adjacent properties are also zoned PD and in OC Agricultural District #1.

Comments

1. The referring body should require the applicant to layout a concept plan for the entire site to ensure the proposed development also allows adequate circulation and other elements for the overall site.
2. The referring body should require percolation tests or other evidence of site suitability for construction of septic system(s) for full site development.
3. What is the intended capacity of the event space? The floor plan indicates 114 seated guests.
4. Will outdoor live and/or amplified music be allowed?
5. What is the material of the proposed driveway extension and parking area?
6. What are provisions for management of stormwater from proposed driveway, parking, and building additions?

OCSWCD Comments

1. No indication of stormwater management facilities or SWPPP provided with 1.3 acres of disturbance.
2. Please indicate parking area surface.

CRC Comments

1. Will this proposed development be consistent the previously approved SF subdivision on the east side of CR 18 at the Hopewell-Gorham town line, tax parcel 99.-1-43.120 referral 150-2021?
2. Any traffic concerns on CR 18?
3. Would retained farmland still be viable?

CPB Comments

1. OCSWCD to review SWPPP before referring body approves site plan.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff **Vote:** 12 in favor, 0 opposed, 0

abstentions Motion carried

163 -2022 Town of Victor Planning Board Class: 1

Type: *Site Plan*

Applicant & Owner: *Victor East Holding LLC*

Tax Map Parcel #: *28.12-1-36.100*

Brief Description: *Site plan for 1,880 SF free standing car wash to replace the internal car wash stations that were approved as part of Dodge/Jeep/Chrysler/Ram dealership at 6484 SR 96 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/35593/163-2022-site-plan>

The proposed car wash is for employee use only. The entrance to the 2 bay carwash is on the south side of the building closest to the sales and repair building.
--

Comments

1. The car wash entrance is adjacent to the fire lane. How will applicant avoid car stacking in the fire lane?
--

Board Motion: To retain referral 163-2022 as a class 1 and return it to the local board with comments. Motion made by: Steve Groet Seconded by: Mike Woodruff Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.
--

164 -2022 Town of Canandaigua Planning Board Class: 1

Type: *Site Plan*

Related Referrals: *165-2022 & 166-2022*

Applicant: *Liberty Restaurants Group*

Property Owner: *Widewaters Roseland Center*

Representative: *Brett Steenburg PE LLC*

Tax Map Parcel #: *98.00-1-46.10*

Brief Description: *Site plan and 2 area variances for demolition of existing building and construction of a Popeye's restaurant with 2 lane drive thru at 3225 SR 364 in the Town of Canandaigua. Project requires a special use permit for fast food restaurant and 2 area variances for 80' front setback when 100' is required and a sign variance for 3 building signs when 2 are allowed.*

<https://ontariocountyny.gov/DocumentCenter/View/35626/164-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35594/164-165-166-popeyes--single-page-site-plan>

<https://ontariocountyny.gov/DocumentCenter/View/35595/165-165-166-2022-SR-364-3225-2022-08-16-Color-Landscaping-Plan>

The proposed development is as the southwest corner of SR 5/US 20 and CR 10 on a 20 acre site currently occupied by TJ Maxx, Homegoods, and Joann Fabrics and Crafts. Site redevelopment involves demolition of the vacant bank building with 2 drive thru teller lanes and retention of existing landscaping and berms on the east, south, and west sides. The use will retain indirect access from SR 5/US 20 via the plaza entrances from CR 10 to the south and SR 364 to the west.

The proposed development includes 304 SF of signage when 525 SF is allowed. The code allows 2 signs, 3 signs proposed.

Comments

1. Fast food restaurants require a special use permit which was not referred at this time.

CLCSD Comments

1. Plans have been received and are under review. Comments will be provided directly to the engineer.
2. A renovation permit will be required prior to the beginning of work and upon plan approval.

CRC Comments

1. The referring body should direct the applicant to recycle materials if facilities exist or to dispose of demolition debris in appropriate facilities.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff **Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

165 - 2022 Town of Canandaigua Zoning Board of Appeals Class: AR2
 Type: *Area Variance*

Related Referrals: *164-2022 & 166-2022*

Applicant: *Liberty Restaurant Group*

Property Owner: *Widewaters Roseland Center*

Representative: *Brett Steenburg*

Tax Map Parcel #: *98.00-1-46.10*

Brief Description: *Site plan and 2 area variances for demolition of existing building and construction of a Popeye's restaurant with 2 lane drive thru at 3225 SR 364 in the Town of Canandaigua. Project requires a special use permit for fast food restaurant and area variances for 80' front setback when 100' is required and a sign variance for 3 building signs when 2 are allowed.*

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 some letter heights are 25” which are readable at 1,000’ and the sign company characterizes as having high impact at 240’.
<https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>.

166 -2022 Town of Canandaigua Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 164-2022 & 165-2022

Applicant: *Liberty Restaurant Group*

Property Owner: *Widewaters Roseland Center*

Representative: *Brett Steenburg*

Tax Map Parcel #: 98.00-1-46.10

Brief Description: *Site plan and 2 area variances for demolition of existing building and construction of a Popeye's restaurant with 2 lane drive thru at 3225 SR 364 in the Town of Canandaigua. Project requires a special use permit for fast food restaurant and area variances for 80' front setback when 100' is required and a sign variance for 3 building signs when 2 are allowed*

See information at 164-2022.

167 -2022 Town of Canandaigua Planning Board Class: 1
 Type: *Site Plan*

Related Referrals: 168-2022

Applicant: *Marathon Engineering*

Property Owner: *James J. Volpe*

Representative: *Matt Tomlinson*

Tax Map Parcel #: 70.11-1-30.000

Brief Description: *Site plan and area variance for 48 apartments on 1.6 acres on Parkside Drive north of Trolley Station Apartments in the Town of Canandaigua. Area variance for average transparency of 25 percent when the code requires 50 percent on the ground floor and 40 percent on upper floors.*

<https://ontariocountyny.gov/DocumentCenter/View/35624/167-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35596/167-168-layout-plan>

<https://ontariocountyny.gov/DocumentCenter/View/35666/167-2022-2022-09-08-PB---22096-Landscape-Plan>

The proposed one and two-bedroom apartments will be located in a 4 story building with 13,500 SF footprint. The site will also accommodate 42 parking spaces, community space, and associated site improvements. The proposed

apartments require a variance from the Uptown- Mixed Use Subarea form based code requirements; the code requires 50 percent transparency on the ground floor and 40 percent on the upper floors while the proposal building provides 25 percent transparency.

The project also requires a variance from the build to zone. The form based code requires 75 percent of the building to be 5' to 20' from the ROW. Due to the curve of Parkside Drive and the existence of a 15' RGE easement consuming much of the allowable setback from the ROW, the variance is necessary to allow installation of the building footers adequately spaced from RGE facilities; 56 percent of the building will be within the required distance of the ROW.

According to OnCor, the site is not constrained by wetlands, floodplains, or steep slopes and is not in Ontario County Agricultural District #1. Nearly 90 percent of the site soils are Ovid silt loam with area of 0 to 3 and 3 to 8 percent slope. Ovid silt loam is characterized as highly erodible, somewhat poorly drained, partially hydric soil with moderately high permeability.

The site plan shows a 1,200 SF bioretention area, deciduous trees along the western property boundary; ornamental streets and shrubs around the Parkside Drive streetscape, building foundation, and adjacent green space; and screening vegetation along the southern property boundary by the parking area.

Comments

1. Is parking an allowable use in the pipeline easement?
2. Do the first floor units have direct entry doors? Will these units be ADA compliant? Will these units be visitable by those with mobility impairments by providing a step less entry and path from parking area and 36" entry and bathroom doorways?
3. Item 3 on the variance test narrative appears to be related to a different project and does not address whether requested variance in transparency requirements is substantial.
4. What on-site landscaping will be provided?

OCSWCD Comments

1. No stormwater volume calculations indicated. Confirm roadside swale and regional stormwater management facilities have capacity to manage increased volumes of stormwater.
2. Roof runoff location is not indicated; will this be connected to piped stormwater infrastructure?
3. Bioretention area is managing a small portion of water.

CLCSD Comments

1. Preliminary plans have been electronically submitted.
2. Discussions have begun among the developer, engineer and District staff.
3. District has concerns regarding hydraulic capacity of Parkside Drive sanitary sewer – developer has provided the County with apartment size breakdown and anticipated laundry facilities. Investigation currently underway exploring design and peak hourly flows as well as timing for required flow monitoring.

CRC Comments

1. In response to questions the applicant offered the following information:
 - a. Parking is an allowable use in the pipeline easement
 - b. All units are accessed off the internal corridor. As required by funder, NYS Housing & Community Renewal, 10 % of units are ADA compliant and all units could be converted to ADA compliant.
 - c. Parking demand ratios of .5 to .7 spaces per unit are typical for this type of development; the referring body is encouraging applicant to explore shared parking easements with Liberty Apartments to the west or Trolley Station Apartment to the south, and/or Candlewood apartments to the north across Parkside Drive, to address special events. The project will also incorporate bike parking by the Parkside and internal to site building entrances.
 - d. Stormwater quantity impacts will be mitigated by a regional stormwater management facility in Blue Heron Park approximately 1,000 feet to the west along Parkside Drive
 - e. NYS HCR requires balcony or walkout patio with privacy fence for each unit. There will also be an outdoor patio area by the building entrance near the parking area, and potentially playground equipment if the project of 1 and 2 bedroom units attracts families with young children.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff **Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

168 -2022 Town of Canandaigua Zoning Board of Appeals Class: 1
Type: *Area Variance*

Related Referrals: 167-2022

Applicant: *Marathon Engineering*

Property Owner: *James J. Volpe*

Representative: *Matt Tomlinson*

Tax Map Parcel #: 70.11-1-30.000

Brief Description: *Site plan and area variance for 48 apartments on 1.6 acres on Parkside Drive north of Trolley Station Apartments in the Town of Canandaigua. Area variance for average transparency of 25 percent when the code requires 50 percent on the ground floor and 40 percent on upper floors.*

See information at 167-2022.

169 -2022 Town of Canandaigua Planning Board Class: Exempt
Type: *Site Plan*

Related Referrals: 170-2022

Applicant: *Meagher Engineering*

Property Owner: *Lisa Roberts & Larry Joslyn*

Tax Map Parcel #: 98.17-1-32.000

Brief Description: *Site plan and area variance for residence at 3611 CR 16 in the Town of Canandaigua*

170 -2022 Town of Canandaigua Zoning Board of Appeals Class: AR2
Type: *Area Variance*

Related Referrals: 169-2022

Applicant: *Meagher Engineering*

Property Owner: *Lisa Roberts/Larry Joslyn*

Tax Map Parcel #: 98.17-1-32.000

Brief Description: *Site plan and area variance for residence at 3611 CR 16 in the Town of Canandaigua*

The applicant is proposing to demolish an existing home on a 0.076 acre site and construct a home that retains pre-existing non-conforming building coverage of 38.5 percent when 25 percent is allowed and lot coverage of 65.7 when 40 percent is allowed. The applicant proposes a 22.7' rear (lake) setback when 30' is required. Existing house porch encroaches into CR 16 ROW, proposed house will have 3.36' road setback which balances out building footprint location 2.2' closer to the Lake.

The application states no change to existing drainage patterns and shows the driveway in approximately the same location.

**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.
3. No landscaping plan is provided at this time though a letter describes compliance with shoreline development requirements.

CLCSD Comments

1. Plans have been received and are under review. Comments will be provided directly to the engineer.
2. A renovation permit will be required prior to the beginning of work and upon plan approval.

171 -2022

Town of Naples Town Board

Class: 2

Type: *Text Amendment*

Applicant: *Town Board*

Brief Description: *Text amendment to remove existing regulations for lots in more than 1 zoning district from the Code of the Town of Naples.*

<https://ontariocountyny.gov/DocumentCenter/View/35597/171-2022>

The Town of Naples recently transitioned to a parcel based zoning map drastically reducing the number of parcels with area in 2 or more zoning districts. The existing regulations are needlessly complex and may have unintended

consequences for the few remaining split parcels.

Board Motion: To retain referral 171-2022 as a class 2 and return it to the local board with a recommendation for approval. **Motion made by:** Mike Woodruff **Seconded by:** Roslyn Grammar **Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

172 -2022 Town of Geneva Zoning Board of Appeals Class: *AR1*

Type: *Area Variance*

Applicant: *Joseph Bucklin*

Tax Map Parcel #: *119.11-1-20.000*

Brief Description: *Area variance for installation of above ground pool and deck with 5' south side setback and 8' rear setback when 15' is required for accessory uses not in an enclosed building at 410 White Springs Road in the Town of*

The application materials the proposed location is intended to retain mature trees on the property and to separate the pool from existing patio and play structure to ensure safety of household children.

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

The intent of this policy is to:

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

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 rights-of-way 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.

173 -2022 Town of Geneva Zoning Board of Appeals Class: *I*

Type: *Area Variance*

Applicant & Owner: *Ardennes Brewing LLC DBA Brewery Ardennes*

Tax Map Parcel #: *119-00-1-75.100*

Brief Description: *Area variance from a recently adopted amendment to zoning code chapter*

165-15 that has been interpreted to require 15' vegetated buffer between agricultural tourism and agricultural commerce uses and adjacent residential uses or districts including those across a road.

<https://ontariocountyny.gov/DocumentCenter/View/35623/173-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/35598/173-2022>

The applicant indicates the nearest residence is 800' from the property line and the distance combined with the existing vegetation, use of the site, impact on the visual setting of the historic building, and cost warrant a variance from the 15' landscaped buffer requirement along 300' of Snell Road as required by recently passed text amendment to section 165-15. The applicant also indicates the screening requirement is a violation of NYS Ag and Markets Law.

Comments

1. Agricultural tourism and agricultural commerce are defined terms in the Town of Geneva zoning code that allow agricultural related businesses in certain zoning districts. Unless agricultural tourism and commerce uses meet the NYS Ag and Markets law definition of a farm operation, such uses are not protected from regulation based on their location in Ontario County Agricultural District #1.

CPB Comment: Unscreened view to the historic sheep barn contributes to the neighborhood character; screen vegetation along Snell Road would have a negative impact on neighborhood character.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by: Steve Groet Seconded by: Mike Woodruff Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

174 - 2022 Town of Geneva Zoning Board of Appeals Class: *ARI*

Type: *Area Variance*

Applicant: *Daniel R. Long RA*

Property Owner: *Terry & Heather Hedworth*

Tax Map Parcel #: *147.16-1-5.000*

Brief Description: *Area variances for redevelopment of vacant lot undersized with regard to area, road frontage, and depth at 4777 Harmony Beach Road in the Town of Geneva. Proposed development meets required lot coverage and setbacks.*

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
 - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
 - Address impacts to ground and surface waters
1. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County rights-of-way___0.

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 rights-of-way___0 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.

OCSWCD Comments

1. No septic, grading, erosion and sediment control plans or stormwater management plans provided.

175 -2022 Town of Farmington Planning Board Class: 1
 Type: *Special Use Permit*

Related Referrals: 176-2022

Applicant: *Electric Car Corner*

Property Owner: *Auto Outlet USA & 6162 SR 96 LLC*

Tax Map Parcel #: 29.00-1-73.110

Brief Description: *Special use permits and site plan for new and used electric vehicle sales and service business at former site of Create-a-Scape at 6162 SR 96 in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/35622/175-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/35632/175-2022-color-site-plan->

The proposed special use permits would allow sales and repair of automotive vehicles. The site plan shows an inventory of 40 to 100 vehicles parked behind the existing building and 12 display vehicles and 8 parking space for 6 dual head public access electric vehicle chargers along 4,444 SF of additional asphalt adjacent to the 200’ site driveway.

Additional site modifications to accommodate the uses include adding a floor drain and oil-water separator in the portion of the existing building to be used for vehicle repair, restriping area adjacent to the building for 13 customer parking spaces, adding landscaping along the SR 96 frontage, repaving existing asphalt areas, covering crushed stone parking area to the rear of the building with asphalt millings, and installing a new sign at previous sign location.

The site plan submitted shows 95 parking spaces to the rear of the building, 10 regular spaces and 2 accessible spaces to the west of the existing buildings, and 20 spaces along the entry drive. The applicant has indicated site modifications are disturbing .15 acres of the 12.5 acre site. The site plan includes a bio-retention basin to the west of the entry drive.

The applicant also indicated they intend to sell and service electric and hybrid vehicles and that the repair services are for their retail customers.

According to OnCor, the wooded area on the back one-third of the site has slopes of 15 to 30 percent. The site is not constrained by wetlands or floodplains.

Comments

1. Is the applicant requesting a lot line adjustment to locate all business activities of Advent Automotive on one parcel?
2. Will owners of electric and hybrid vehicles not purchased at Electric Car Corner be able to access the repair/service department?

3. What is the distance of the EV charging station parking spaces from the road? Is the space sufficient to allow safe maneuvering of charging station users and business customers?
4. What is the height of the proposed sign?

OCSWCD Comments

1. Consider using phosphorus free fertilizer unless soil test indicates required.
2. Please indicate area for concrete washout.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by: Steve Groet Secoded by: Mike Woodruff Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

176 -2022 Town of Farmington Planning Board Class: 1
 Type: *Site Plan*

Related Referrals: 175-2022

Applicant: *Electric Car Corner*

Property Owner: *Auto Outlet USA & 6162 SR 96 LLC*

Tax Map Parcel #: 29.00-1-73.100

Brief Description: *Special use permits and site plan for new and used electric vehicle sales and service business at former Create-a-Scape site, 6162 SR 96 in the Town of Farmington.*

See information at 175-2022.

177 -2022 Town of Victor Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 178-2022

Applicant: *Benderson Development Company LLC*

Property Owner: *Victor Square Retail LLC*

Tax Map Parcel #: 6.02-2-47.100

Brief Description: *Area variance to construct parking for a 4,000 SF addition to Victor Square, 4-20 Commerce Drive in the Town of Victor, partially on Victor Crossing property, 400-441 Commerce Drive, with no required 5' setbacks from the shared property line.*

<https://ontariocountyny.gov/DocumentCenter/View/35600/177-178-179-16-Z-22-Map-1>
<https://ontariocountyny.gov/DocumentCenter/View/35601/177-178-179-16-Z-22-Map-2>

The Town of Victor Planning Board is expected to require the applicant to record a reciprocal access and parking easement.

The modification to add right-in-right-out direct site access from SR 96 where previously only emergency access was allowed has been completed.

Comments

1. The recorded easement should also address allocation of annual and long term maintenance costs for the shared access and parking facilities.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by: Steve Groet Seconded by: Mike Woodruff Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

178 -2022 Town of Victor Zoning Board of Appeals Class: 1
Type: *Area Variance*

Related Referrals: *177-2022*
Applicant: *Benderson Development Company LL*
Property Owner: *Main Street Shop LLC:*
Tax Map Parcel #: *6.04-1-78.000*

Brief Description: *Area variance to construct parking for a 4,000 SF addition to Victor Square, 4-20 Commerce Drive in the Town of Victor, partially on Victor Crossing property, 400-441 Commerce Drive, with no required 5' setbacks from the shared property line.*

See information at 177-2022.

179 -2022 Town of Victor Planning Board Class: 1
Type: *Site Plan*

Related Referrals: *177-2022, 178-2022*
Applicant: *Benderson Development Company, LLC*
Property Owner: *Main Street Shop LLC*
Tax Map Parcel #: *6.034-1-89.000*

Brief Description: *Site plan for addition of 4,000 SF of retail space and 13 parking spaces at Victor Square 4-20 Commerce Drive in the Town of Victor. Parking spaces are partially on the adjacent Victor Crossing site, 440-441 Commerce Drive.*

See information at 177-2022.

180 -2022 Town of Hopewell Zoning Board of Appeals Class: 1
Type: *Area Variance*

Applicant: *Jeremy Fisher*
Representative: *Freeland Parrinello Land Surveyors*
Tax Map Parcel #: *99.00-2-36.210*

Brief Description: *Area variance for 100 percent expansion of pre-existing non-conforming mini-storage use at 3849 SR 5/US 20 in the Town of Hopewell. Code limits expansion to 30 percent of gross floor area.*

<https://ontariocountyny.gov/DocumentCenter/View/35625/180-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/35629/180-2022-sketch-plan>

The 3.2 acre project site is located on the southside of the road east of the Finger Lakes Livestock Exchange. The existing 4,500 SF building was constructed in 2001 and is a pre-existing nonconforming use. The Hopewell Town Code allows expansion by 30 percent which would be 1,350 SF. The proposed expansion is for another 4,500 SF building. The application indicates the project would disturb .03 acres; however, the building footprint alone is more than 0.1 acre.

According to OnCor there are areas of steep slope along the stream corridor in the northeast corner of the site. The site's Darian silt loam soils are somewhat poorly drained and partially hydric soils with moderately high permeability and high erodibility. Site soils are characterized as prime farmland if drained.

Comments

1. The referring body should direct applicants to sketch proposed site modifications on an aerial. It is a violation of NYS Education Law for anyone other than the individual who signed and stamped a survey, subdivision plat, or site plan to modify the map.
2. The applicant should be made aware that the draft FEMA floodplain map shows the areas within 50' to 100' of the stream corridor in the northeast corner of the site in 100 year floodplain. To minimize business loss and future insurance costs, the applicant should avoid building in the floodplain area.
3. Submitted materials do not indicate any site landscaping or stormwater management facilities.
4. There appears to be a vehicle connection to the bar to the west. If this cross access arrangement is desirable, it should be formalized in an easement that includes allocation of maintenance costs. Consideration should also be given to requiring use of this shared access point and elimination of the other site access point as it is only 80' from the access connection on the lot to the east. This segment of NYS 5/US 20 is classified as a principal arterial. Desirable access connection spacing on arterial roadways is 660'.

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by: Steve Groet Secoded by: Mike Woodruff Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried**

181 -2022 City of Geneva Planning Board Class: 1
 Type: *Site Plan*

Related Referrals: 182-2022 & 183-2022

Applicant & Owner: 36 Middle St LLC

Representative: Andrew Hintenaach III

Tax Map Parcel #: 104.8-3-8.1 & 104.8-3-4.000

Brief Description: *Site plan, subdivision, and use variance to convert vacant commercial building at 36 Middle Street at the southwest corner of Wadsworth Street in the City of Geneva to 9 apartments. Subdivision includes consolidation of lot at 7 Wadsworth Street to provide 10 parking spaces.*

<https://ontariocountyny.gov/DocumentCenter/View/35656/181-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/35630/181-2020-single-page-site-plan>

The former granary building and other lots on Middle Street are currently zoned Industrial. Residential units are not allowed on the first floor of a building in the Industrial district. The proposed development includes 3 upper story units and 6 1st floor units. there will be 1 two-bedroom unit and the remainder are one-bedroom units; there will be 4 affordable units. The building immediately to the east of the granary is characterized by the assessor as a storage building. Other lots on Middle Street east and west of the project site and across the street are 1 and 2 family residential uses.

The City of Geneva May 2021 proposed zoning map designates the Middle Street Industrial district for Mixed Residential (MR). The MR district is intended to accommodate 1, 2, and multi-family residential buildings, offices, and some institutional uses in a pedestrian oriented neighborhood.

According to OnCor, the project site and the entire area north of the railroad between Wadsworth Street and Hallenbeck Avenue in the 100. Year floodplain. The draft FEMA maps indicate, a portion of the neighborhood will be in the 500 year floodplain.

On October 11, 2022, the City of Geneva is submitting a Restore NY Round 6 grant application to re-develop this vacant building for apartments.

Board Motion: To retain referrals 181-2022 and 182-2022 as class 1s and return them to the local board **Motion made by:**Mike Woodruff **Seconded by:** Rosyln Grammer**Vote:** 11 in favor, 1 opposed,0 abstentions **Motion carried**

182 -2022 City of Geneva Planning Board Class: 1
Type: *Subdivision*

Related Referrals: 181-2022 & 183-2022

Applicant & Applicant: 36 Middle St. LLC

Representative: Andrew Hintenaach III

Tax Map Parcel #: 104.8-3-8.1 & 104.9-3-4.000

Brief Description: *Site plan, subdivision, and use variance to convert vacant Industrially zoned commercial building at 36 Middle Street at the southwest corner of Wadsworth Street in the City of Geneva to 9 apartments. Subdivision includes consolidation of lot at 7 Wadsworth Street to provide 10 parking spaces*

See information at 181-2022.

183 -2022 City of Geneva Zoning Board of Appeals Class: 2
Type: *Use Variance*

Related Referrals: 181-2022 & 182-2022

Applicant & Owner: 36 Middle St. LLC

Representative: Andrew Hintenaach III

Tax Map Parcel #: 104.8-3-8.1 & 104.8-3-4.000

Brief Description: *Site plan, subdivision, and use variance to convert vacant Industrial zoned commercial building at 36 Middle Street at the southwest corner of Wadsworth Street in the City of Geneva to 9 apartments. Subdivision includes consolidation of lot at 7 Wadsworth Street to provide 10 parking spaces.*

See information at 181-2022.

The use variance documentation includes contractor estimates for renovation of the 6,750 SF building for Manufacturing, Office, and Restaurant Use as allowed by existing Industrial zoning. The rate of return analysis completed by the applicant indicates based on achievable market rents, such expenditures would have a negative rate of return. The documentation also includes a letter from the listing real estate broker indicating lack of property interest for the currently allowed uses. Even if such uses were financially viable, such investment is unlikely given the pending rezoning to Mixed Residential in accordance with the City of Geneva’s 2019 Comprehensive Plan.

CPB Comments

1. The proposed project provides rental housing/affordable housing needed in Ontario County.
2. The project improves the visual character of the SR 5 & US 20 gateway by renovating a vacant blighted building.
3. If a use variance is granted, the referring body should take care to craft use variance with an eye to proposed Mixed Residential zoning for the surrounding area.
4. City of Geneva is commended for their efforts to align their zoning map and regulations with their Comprehensive

Plan and encouraged to proceed with referral and adoption of draft documents

5. City of Geneva is encouraged to fill vacancies on its Zoning Board of Appeals. Referring body is encouraged to requires and carefully review documentation of hardship as required by NYS law. The applicant must show all of the following:

- That the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the districts (actual “dollars and centers” proof must be submitted);
- That the property is being affected by unique, or at least highly uncommon circumstances;
- That the variance, if granted, will not alter the essential character of the neighborhood;
- That the hardship is not self-created.

Board Motion: To retain referral 183-2022 as a class 2 and return it to the local board with a recommendation for approval. **Motion made by:** Roslyn Grammar **Seconded by:** Mike Woodruff **Vote:** 11 in favor, 1 opposed,0 abstentions **Motion carried.**

184 -2022 Town of Victor Planning Board Class: 1

Type: *Special Use Permit*

Applicant: *Crown Castle for T Mobile*

Property Owner: *Global Signal Acquisitions LLC*

Tax Map Parcel #: *14.02-1-6.200*

Brief Description: *Special use permit to upgrade antennae and cabling on existing cell tower at 785 Old Dutch Road in the Town of Victor.*

Board Motion: To retain referrals 159-2022, 162-2022, 164-2022, 166-2022, 167-2022, 168-2022, 173-2022, 175-2022, 176-2022, 177-2022, 178-2022, 179-2022, 180-2022, and 184-2022 as class 1s and return them to the respective local boards with comments. **Motion made by:** Steve Groet **Seconded by:** Mike Woodruff **Vote:** 12 in favor, 0 opposed,0 abstentions **Motion carried**

185 -2022 Town of Richmond Zoning Board of Appeals Class:AR1 *Late Referral*

Type: *Area Variance*

Applicant & Owner: *Joe Cassara*

Tax Map Parcel #: *149.19-1-11.000*

Brief Description: *Area variance for replacement deck at 5341 CR 36 with 33’ setback from Honeoye Lake when 50’ is required.*

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

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

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

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

makers to do the same.

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments:

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

186 -2022 Town of Farmington Town Board Class: 2 Late Referral
 Type: *Map Amendment*
 Applicant: *Town Board*

Brief Description: *Map amendment to re-zone 2.5 acrs property southeast of SR 332/and Loomis Road in the Town of Farmington from General Business GB to General Industrial GI.*

<https://ontariocountyny.gov/DocumentCenter/View/35668/186-2022-8-03-22-Hunts-Park-Warehouse-Site-Plan>
<https://ontariocountyny.gov/DocumentCenter/View/35667/186-2022-11-only>

This property was previously reviewed as referral 131-2022 in July 2022 for an area variance to reduce the required building setback from SR 332.

The Town of Farmington Planning Board review of the proposed re-zoning indicates other properties on the southside of Loomis Road and on Loomis Road opposite the project site are already zoned GI. Based on zoning of adjacent lands, the indirect access from the park and ride lot, traffic volumes lower than many allowable GB uses, and the applicant’s willingness to work with the town to ensure the site is developed as an asset not liability to this gateway location, the Planning Board recommends Town Board consideration of the re-zoning request.

Uses permitted in the GI that are not permitted in the GB district include warehouse for enclosed storage, research and development laboratories, essential services, production/fabrication/assembly operations within enclosed buildings, health care facilities, stables, and contractors’ storage yards. The GI district also allows by special use permit excavation operations, and agricultural/construction equipment repairs and painting operations,

Board Motion: To accept late referral 186-2022 **Motion made by: Mike Woodruff Seconded by: Rosyln Grammar Vote:** 12 in favor, 0 opposed,0 abstentions **Motion carried.**

Board Motion: To retain referral 186-2022 as a class 2 and return it to the local board with a recommendation for approval. **Motion made by: Doug Dello Stritto Seconded by: Steve High Vote:** 12 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	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)

- Upcoming Training
 - Wednesday, September 28th, from 5:30pm-7:00pm.** United Solar Energy Supporter and La Bella present-How the Electric Grid Works: Building Energy Independence and Resilience with Solar
The webinar will take place via Zoom [Register here](#).
 - Thurs. November 3, 2022** G/FLRPC Training day 8:30 to 5 at Del Largo Resort in Waterloo. *Please register at [the eventbrite page here](#).*
 - Wed November 30, 2022** NYSEDA Clean Energy Community training:
 - 3-5 pm Battery Storage for 1st Responders (also eligible for CEO in-service training credit)
 - 5:30 to 7:30 Battery Storage local law
 - Tentative dates for 3 other topic in the series are October 24 and November 2.** All 5 trainings are eligible for PB/ZBA/CPB training credit. Solar Permitting and Inspecting and Clean Energy and your Comprehensive Plan will likely be scheduled back to back. Solar Permitting and Inspecting is eligible for CEO in service.
Ontario County will receive **points towards Clean Energy Community Certification for each training that includes elected or appointed board members or staff from 10 Ontario County communities.** Registration link and confirmation of times and topics will be available by September 23, 2022.
- **Privilege of the Floor**
- **Adjournment:** Being no further business for discussion, Vice Chair Passavant requested a motion to adjourn.
Motion to adjourn made by Glen Wilkes, seconded by Roslyn Grammar. Motion carried .9/14/22 CPB meeting adjourned at 9:05 PM.