

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday September 12, 2023, at 3:30pm**  
**County Planning Board Meeting –September 13, 2023 at 7:00pm 20 Ontario St., Canandaigua**  
 Telephone: 585-396-4455

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There is no referral 181-2023

167 -2023                      Town of South Bristol   Zoning Board of Appeals                      Class: 1  
 Type: *Area Variance*

Related Referrals: 168-2023

Applicant: *R. John Schick*

Property Owner: *Robert W. Hurlbut & Sarah M. Hurlbut*

Tax Map Parcel #: *185.17-2-1.100*

Brief Description: *Site plan and area variance for demolition and new construction of a house at 6513 Longs Point in the Town of South Bristol. The new house increases the front (road) setback from 29' to 31' when 50' is required.*

<https://ontariocountyny.gov/DocumentCenter/View/39768/167-2023-and-168-Aerial-Longs-Point>

<https://ontariocountyny.gov/DocumentCenter/View/39769/167-2023-and-168-Cert-of-Nonconf-Longs-Point>

<https://ontariocountyny.gov/DocumentCenter/View/39770/167-2023-and-168-Full-Plans-Longs-Point>

Pre-existing non-conforming structure. The western third of the existing residence encroaches on the 50' required front setback from the road. The existing setback is 29.18'. The setback of the proposed structure will be 31.0'. Proposed structure meets the required side and rear (lake) setbacks. Existing lot coverage is 3,524 SF (21.04%). Proposed lot coverage is 3,328 SF (19.87%). The new house w/ covered porches will be a total of 1,915 SF. Most of existing utilities are to remain (leach fields, pump tank, retaining walls, leach field, fence). A proposed dry land stone retaining wall will replace the existing timber wall. Some trees to be removed on north side of home. Overhead utilities are to be buried underground/the road with sleeves. A silt fence will surround areas of construction, and a temporary construction staging area will be placed on the southern portion of the property. A super silt fence and straw bales will be placed on the lakeside portion of the site. The 0.39-acre parcel is zoned Lake Residential (LR). Land use (and surrounding) is all residential. Soil is predominantly Aurora Silt Loam with 3 to 8% slopes. It is not hydric, has moderately high permeability, high erodibility, is not prime farmland, and is in hydrologic group D. Some work to be done in the steep slope area (16-30% slope).

**Comments:**

1. What is the area of disturbance is the steep slope area?
2. Any proposed landscaping to replace removed trees?

168 -2023                      Town of South Bristol   Planning Board                      Class: *Exempt*  
 Type: *Site Plan*

Related Referrals: 167-2023

Applicant: *R. John Schick*

Property Owner: *Robert W. Hurlbut & Sarah M. Hurlbut*

Tax Map Parcel #: *185.17-2-1-1.100*

Brief Description: *Site plan and area variance for demolition and new construction of a house at 6513 Longs Point in the Town of South Bristol. The new house increases the front (road) setback from 29' to 31' when 50' is required.*

See information at 167-2023

169 -2023                      Town of South Bristol   Zoning Board of Appeals                      Class: AR2  
 Type: *Area Variance*

Related Referrals: *147-2023 &170-2023*

Applicant: *William Grove, PE*

Property Owner: *Denise K. Buchanan Trust*

Tax Map Parcel #: *191.17-1-20.110*

Brief Description: *Site plan and area variance for construction of an addition with a 40' front setback from SR 21 when 50' is required and resulting in a 23 percent lot coverage when 20 percent is allowed at 6985 SR 21 in the Town of South Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/39774/169-2023-and-170-Aerial-Buchanan-Trust-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/39776/169-2023-and-170-Cert-of-Nonconf-Buchanan-Trust-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/39781/169-2023-and-170-Site-Plan-Buchanan-Trust-Addition>

A certificate of non-conformity was submitted for the existing house not meeting the front setback from the road ROW (14.2' when 50' is required). The proposed addition (1 bedroom addition), although it is further back from the front yard line of the house, will be 39.5' from the ROW, requiring a 10.5' area variance. The lot coverage will be 23.34% when a max of 20% is allowed, also requiring a variance. A deck on the rear of the house is proposed as well. There is a proposed lot coverage is 11,699 SF.

Septic system to be replaced (just north of the existing). Water service will from lake intake. Two existing 1,000-gallon septic tanks to remain.

House is zoned Lake Residential (LR), and is a 0.96-acre parcel. Home is single-family residential with surrounding uses being residential or vacant. Proposed development is in the FEMA 100-year floodplain. A stream runs along the northern edge of the property. Soil is Guyanoga Channery Silt Loam (0-3% slopes). It is not hydric, has high permeability, medium erodibility, an area of prime farmland, and is in hydrologic group B.

**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 leads to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

**Final Recommendation:** Denial

**Comments**

1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Canandaigua Lake Watershed Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.

Related Site Plan 170-2023 is exempt from County Planning Board Review.

**Comment:**

1. Site plan says existing lot coverage is 11,393 SF (25.54%). Proposed lot coverage increases to 11,699 SF, but it says the lot coverage decreases 23.34%.

170 -2023                      Town of South Bristol   Planning Board

Class: *Exempt*

Type: *Site Plan*

Related Referrals: *147-2023 & 169-2023*

Applicant: *William Grove, PE*

Property Owner: *Denise K. Buchanan Trust*

Tax Map Parcel #: *191.17-1-20.110*

Brief Description: *Site plan and area variance for construction of an addition with a 40' front setback from SR 21 when 50' is required and resulting in a 23 percent lot coverage when 20 percent is allowed at 6985 SR 21 in the Town of South Bristol.*

See information at 169-2023

171 -2023 City of Canandaigua City Council

Class: 2

Type: *Other*Applicant: *Costich Engineers*Property Owner: *Chrisantha, Inc.*Tax Map Parcel #: *71.09-3-37.111*

Brief Description: *Application for the rezoning of a 27.57-acre from a single-family district (R1-1B) to a Planned Unit Development (PUD) for a 134-unit for-sale townhouse community, west of Canandaigua Academy, at 156 Stewart Pl. in the City of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39783/171-2023-Aerial-PUD-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/39787/171-2023-LOI-PUD-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/39789/171-2023-Site-Plan-PUD-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/39784/171-2023-Engineer-Report-PUD-Rezoning>

This subdivision/Planned Unit Development (PUD) includes a number of previously subdivided but not developed lots and additional acreage totaling 27 acres behind homes on North Road between Cayuga Street on the west and Tamarack Drive on the east and connecting to Stewart Place and Kennedy Street to the west and south. The City of Canandaigua PUD process establishes the City Council as the SEQR lead agency and source of final approval of extent and development density of PUD area. The process also requires review and recommendation of a sketch plan by the City Planning Commission, city staff, and County Planning Board. Following approval of the sketch plan by City Council and related change to the City Zoning Map, the project requires preliminary and final site plan approval by the Planning Commission and a statement of consistency with the approved sketch plan by City Council. The PUD process includes provisions that a subdivision plat for filing in the office of the Ontario County Clerk shall be prepared and filed without need for separate subdivision plat review.

Referral 23-2021 proposed a 72 lot single family neighborhood in this area with 3,400 LF of roadway.

The project currently proposed will include 34 duplexes with the remaining 66 units in buildings of 4 to 6 units. The project will include 3 points of access to the existing street system: North Road, Kennedy Road, and Stewart Place. The development will connect to the public water and sewer system, provide sidewalks along 1 side of each proposed road, and full cut off street lighting. Application materials indicate the project scale does not reach the 190 townhouse style units size that would meet the commonly accepted 100 peak hour trip threshold used to require a formal traffic analysis.

The proposed project will disturb 22 of the 27 site acres and create 8.4 acres of impervious surface. The EAF indicates the site soils are poorly drained with slope of 0 to 10 % and that there are no wetlands on the project site; there is a wetland to the south. The EAF also indicates the property is in Ontario County Agricultural District #1.

Existing drainage sheet flows to a swale in the center of the property. This basic flow pattern will be maintained with the addition of 1.1 acres of bioretention /stormwater management facility to control water quality and quantity impact of development.

A SWPPP will be prepared as part of the subdivision and site plan review process. The applicant has deferred analysis and design of water, sewer, and electric connections to the subdivision/site plan review process.

#### **Relevant February 2021 Comments**

1. The intent statement and objectives of the Planned Unit Development article of the city of Canandaigua zoning code indicate the flexible standards are intended so that neighborhoods can incorporate of variety of residential types and tenure and encourage innovation to meet the demand for housing at all economic levels. All the units proposed in this PUD are single family homes on similar sized lots.
2. Any City Council authorizing resolution should include a timeframe for starting and completing the project as proposed and a provision that the property will revert to the current R-1-B zoning if not undertaken.
- 3.

**September 2023 Comments**

1. Are all lands outside the building foot print owned by the HOA?
2. What is estimated acres of recreation space in area west of proposed road C? Are any improvements planned
3. Will the project incorporate provision for collection of household and common area organic waste?
4. If the property has been receiving an agricultural value exemption, conversion penalties will apply.

172 -2023                      Town of Canandaigua   Zoning Board of Appeals                      Class: 1  
 Type: *Area Variance*

Related Referrals: 173-2023

Applicant: *Charles Smith, Design Works Architecture*

Property Owner: *Kathy Hoff*

Tax Map Parcel #: 98.15-1-15.110

Brief Description: *Site Plan and Area Variance(s) for primary building front setback, accessory building front setback, and building coverage for an addition to an existing home and new detached-garage at 3444 Poplar Beach Rd. in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39791/172-2023-and-173-Aerial-Hoff-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/39797/172-2023-and-173-Site-Plan-Hoff-Addition>

Prior Planning Board approval (2017) expired and a new application must be made. The project description is to add a second-floor addition to the attached garage, to add a 51 SF front-porch addition, and a detached garage on the portion of the (same) parcel across the road. Proposed construction will increase the existing non-conformity of the front setback of the existing frame house. A 55' front setback is required. Existing frame house is 42'1'' from the front setback while the proposed addition will be 40'7.5'' from front setback (requiring 14'4.5', front setback variance). The proposed garage will be 14'8.75'' from front (road) setback and will require a 45'3.25'' front setback variance as well. Proposed building coverage of 20.3% when a no more than 20% is allowed (requires a 0.3% building coverage area variance). Proposed lot coverage of 29.9% meets zoning requirements.

The 0.38-acre parcel is in the Residential Lake District. Subject Parcel and surrounding parcels are residential. Area of disturbance is within the Draft 2022 100-Year Floodplain and the National Wetland Inventory. Soil is Collamer silt loam, 0 to 3 percent slopes. It is not hydric, has moderately high permeability and very high erodibility, is an area of prime farmland, and is in hydro. Group C/D.

Landscaping to remain unchanged. The current planting behind the garage may be substituted for new planting due to destruction of plantings during construction.

**Comments:**

1. What is the total area of disturbance?
2. Any landscaping along the new detached garage?

**OCDPW Comment:**

1. Provided the construction of the new addition does not impact the existing sanitary lateral, the district offers no comment(s).



173 -2023                      Town of Canandaigua   Planning Board    Class: *Exempt*  
Type: *Site Plan*

Related Referrals: *172-2023*

Applicant: *Charles Smith, Design Works Architecture*

Property Owner: *Kathy Hoff*

Tax Map Parcel #: *98.15-1-15.110*

Brief Description: *Site Plan and Area Variance(s) for primary building front setback, accessory building front setback, and building coverage for an addition to an existing home and new detached-garage at 3444 Poplar Beach Rd. in the Town of Canandaigua.*

See information at 172-2023

174 -2023                      Town of Canandaigua   Zoning Board of Appeals    Class: *AR2*  
Type: *Area Variance*

Related Referrals: *175-2023*

Applicant: *Logan Rockcastle, Marks Engineering*

Property Owner: *Robert Updike*

Tax Map Parcel #: *98.15-1-21.200*

Brief Description: *Site Plan & Area Variance(s) for side setback (retaining wall & home) and front setback relief (home & detached garage) for the tear-down/rebuild of a home and new garage @ 3464 Sandy Beach Drive in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39801/174-2023-and-175-Aerial-Updike-Home-Rebuild>

<https://ontariocountyny.gov/DocumentCenter/View/39805/174-2023-and-175-Full-Plans-Updike-Home-Rebuild>

<https://ontariocountyny.gov/DocumentCenter/View/39812/174-2023-and-175-ZBA-App-Updike-Home-Rebuild>

An easement agreement was proposed by the property owners with the Village of Palmyra for a 15 ft. +/- wide easement to accommodate an existing water main. Motion was accepted and carried in a February 2023 Board of Trustees Resolution.

Multiple area variances are requested. A primary structure (south) side setback of 5' when 10' is required, an accessory structure side setback of 2.4' when 10' is required for the block wall (south side of parcel), a front setback of 29.7' for the proposed detached garage (across street) when 60' is required, and a front setback of 12' (house) when 55' is required.

0.34-acre parcel is zoned in the Residential Lake district (RLD). Use and surrounding uses are residential and vacant. Proposed work is in the FEMA 100-Year floodplain. Soil is a split of Lakemont silty clay loam and Rhinebeck silty clay loam (both 0-3% slope). Both are partially hydric, very high erodibility. Lakemont silty clay loam has moderately low permeability, is farmland of statewide importance, and is in hydrologic Group D. Rhinebeck silty clay loam has moderately high permeability, is prime farmland if drained, and is in hydrologic Group C/D.







178 -2023                      Town of South Bristol   Planning Board                                      Class: *Exempt*  
Type: *Site Plan*

Applicant: *Sharon & Michael Kubinieć*

Property Owner: *same*

Tax Map Parcel #: *191.17-1-22.111*

Brief Description: *Site Plan for a proposed permanent dock at 6989 Coye Point Dr. in the Town of South Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/39884/178-2023-Aerial-Kubinieć-Dock>  
<https://ontariocountyny.gov/DocumentCenter/View/39885/178-2023-Survey-Kubinieć-Dock->

179 -2023                      Town of Richmond   Zoning Board of Appeals                                      Class: *1*  
Type: *Area Variance*

Related Referrals: *187-2023*

Applicant: *Gregory Norsen*

Tax Map Parcel #: *107.00-1-31.110*

Brief Description: *Subdivision of an existing 159.25-acre parcel into two (2) lots and a front setback area variance for existing structures; creating a 17.99-acre and 141.25-acre parcel, along the corner of CR 37 and Shelter Rd., at 3985 CR37 in the Town of Richmond.*

See information at 187-2023

180 -2023                      Town of Victor   Zoning Board of Appeals                                      Class: *1*  
Type: *Area Variance*

Applicant: *Scott Hellinger*

Tax Map Parcel #: *28.03-1-3.120*

Brief Description: *Area variance for the construction of a 1,500 SF pole-barn forward of the front-line of the existing principal structure (house) at 6850 CR41, just south of Victor Hills Golf Club, in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/39891/180-2023-Aerial-Hellinger-Pole-Barn>  
<https://ontariocountyny.gov/DocumentCenter/View/39892/180-2023-Criteria-Hellinger-Pole-Barn>  
<https://ontariocountyny.gov/DocumentCenter/View/39893/180-2023-Full-Plans-Hellinger-Pole-Barn>  
<https://ontariocountyny.gov/DocumentCenter/View/39896/180-2023-ZBA-App-Hellinger-Pole-Barn>

The pole barn will be 30' x 50' with 0.25-acres to be disturbed. An area variance is required to build it ahead of the front-yard line of the home on the parcel. The parcel is in the Residential-2 zoning district. Surrounding land use is vacant, residential, or recreation/entertainment (golf course). Percent slope is zero to moderate (0-15%).

Applicant claims reason for variance (pole barn ahead of primary structure) is that their house sits far back on the property and their septic system is on the east side of the property, so placing the pole barn behind the house is not an

option (not accessible). The pole barn will be used for the owner’s cars and trailers, yard equipment, and personal property.

**Comments:**

1. Does the home exist currently? There is nothing indicated on aerial photos.
2. What is distance of house from road?

**There is no referral 181-2023.**

182 -2023                      Town of West Bloomfield    Zoning Board of Appeals                      Class: 1

Type: *Area Variance*

Applicant: *Kathryn Holevinski*

Property Owner: *same*

Tax Map Parcel #: *52.00-1-56.000*

Brief Description: *Area Variance to construct an attached deck with a front setback of approximately 36.4 ft. when 75 ft. is required, at 8338 Baker Rd. in the Town of West Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/39897/182-2023-Aerial-Holevinski-Deck>

<https://ontariocountyny.gov/DocumentCenter/View/39898/182-2023-Full-Plans-Holevinski-Deck>

<https://ontariocountyny.gov/DocumentCenter/View/39900/182-2023-ZBA-App-Holevinski-Deck>

Proposed deck is 23’ x 14’ (322 SF). Previous front porch was removed and applicant claims they cannot access their front door. A new front porch/deck requires an area variance as it is within the 75 ft required setback. Applicant claims front door is 10’ above street level, so deck will not be highly visible from the road. Parcel is zoned Agricultural (AG), is in OC Ag District #1, and land use is residential. Surrounding parcels are residential, agricultural, or vacant.

183 -2023                      Town of Hopewell    Planning Board                      Class: 1

Type: *Special Use Permit*

Related Referrals: *184-2023*

Applicant: *JBC Properties, LLC (Joe Burke)*

Property Owner: *same*

Representative: *Marks Engineering, PC*

Tax Map Parcel #: *99.00-2-55.310*

Brief Description: *Special Use Permit and Site Plan to construct a 7,920 SF commercial structure with improvements for a pool contracting business, just across from SR 247, located at 3890 SR 5&20 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/39923/183-2023-and-184-Aerial-JBC-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/39924/183-2023-and-184-Full-Plans-JBC-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/39925/183-2023-and-184-LOI-JBC-SUP>

The project site is 5.5 acres with 220’ of road frontage. The site includes an existing 3,300 SF building, an asphalt access driveway off SR 5/US 20 and gravel parking east of the building, and a stone area north of the building. Proposed site modifications include stripping of 8 parking space off the existing driveway, a new access driveway, 20

stripped parking spaces to the north of the existing building, and expanded cleared area for storage between new parking and the proposed new shop building. Site modifications will also include a new septic system serving both buildings and a stormwater management facility connected to new parking/storage area.

The statement of operations indicates the fiberglass pool installer will have 12 employees and the site will include fenced/gated area with dark sky compliant lighting but these site elements are not shown on the site plan.

The front half of the site is zoning C-2 Low Intensity commercial. Contractor yards are an allowed special permit use. The rear of the site and the properties on the west side of Freshour Road are zoned HDR High Density Residential

**Comments**

1. What is the acreage of impervious area proposed for the site? What is the area of disturbance? How much woodlot will be removed/retained?
2. What is the surface treatment of the proposed driveway, parking and storage area?
3. The referring body should consider whether the second access point is warranted given posted and operating speeds, narrow lot width, and potential turning moving overlay with other existing commercial driveways on south side of road in this area.
4. The referring body should consider whether any on-site retained vegetation is necessary to minimize impact to adjacent residential uses fronting on Freshour Road.
5. The applicant should consider retaining/adding landscaping along the western property boundary to protect the display area from windblown dust and dirt and pollens from agricultural operations to the west.
6. What frontage, foundation, parking area landscaping is proposed?
7. It appears the rear portion of the property is in the HDR zoning. The zoning boundary should be shown on the site plan to ensure all proposed site facilities, yards and open space are in the C-2 district as required by 705 A.
8. Referred materials no not include required narrative of how the contractors yard meets the special use permit standards of 305 D.
9. What areas of the site are allowed to be used for outdoor storage of materials? Commercial vehicles? What area will be fenced? Lighted? Will display area be lighted?

184 -2023

Town of Hopewell Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 183-2023

Applicant: *JBC Properties, LLC (Joe Burke)*

Property Owner: *same*

Representative: *Marks Engineering, PC*

Tax Map Parcel #: 99.00-2-55.310

Brief Description: *Special Use Permit and Site Plan to construct a 7,920 SF commercial structure with improvements for a pool contracting business, just across from SR 247, located at 3890 SR 5&20 in the Town of Hopewell.*

See information at 183-2023



187 -2023                      Town of Richmond   Planning Board                      Class: 1  
 Type: *Subdivision*

Related Referrals: 179-2023

Applicant: *Gregory Norsen*

Property Owner: *same*

Tax Map Parcel #: 107.00-1-31.110

Brief Description: *Subdivision of an existing 159.25-acre parcel into two (2) lots and a front setback area variance for existing structures; creating a 17.99-acre and 141.25-acre parcel, along the corner of CR 37 and Shelter Rd., at 3985 CR37 in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/39886/179-2023-Aerial-Norsen-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/39890/179-2023-Survey-Norsen-Subdiv>

According to the August 2023 Planning Board Minutes, the plan is for the owner to split off the 159.25-acre parcel to sell, and to keep the 17.99-acre parcel for their house, barns, and some land. The house is one side of the road (west), the barn is on the other (east). An area variance is required for the front setback of the barn from the road. It is 34' from the ROW when the front setback shall be no less than 50'.

Subject parcels and surrounding parcels are in OC Ag. District #1. Land use is agricultural and the parcel is zoned A (residential – agricultural). Hemlock outlet runs through the middle of the current parcel, and a large portion of the parcel is within the FEMA floodway and FEMA 100-Year floodplain. There are also national wetlands and NYS DEC wetlands on the parcel.

**Comment:**

1. What is the actual front setback of the barn (how big is the variance)? The 34' setback listed above was approximated with OnCor measuring tool.

188 -2023                      Town of Manchester   Town Board                      Class: 2 *Late Referral*  
 Type: *Map Amendment*

Applicant: *Town of Manchester*

Property Owner: *Mary Lou Abbott*

Tax Map Parcel #: 32.00-1-24.100

Brief Description: *Map amendment to correct unintentional rezoning of the above referenced property on SR 96 in the Town of Manchester to A Agricultural and to returned it to GC General Commercial zoning.*

<https://ontariocountyny.gov/DocumentCenter/View/39939/188-2023-T-Manchester-August-2023-Minutes>

<https://ontariocountyny.gov/DocumentCenter/View/39940/188-2023-T-Manchester-Authority-to-file>

The parcel in questions encompasses 26 acres, primarily north of SR 96 just west of the Village of Manchester. The adjacent site to the west in the Village of Manchester is zoning Commercial and developed with a McDonalds Restaurant. There is also a small triangle of land with maximum depth of 165' on the south side of SR 96 and bordering the northern boundary of the Village of Manchester. Property to the west on the south side of SR 96 is vacant commercially zoning land and property to the south is vacant residential land.



The zoning map adopted in 2006 showed the property in question as C-1 Commercial. The 2017 Comprehensive Plan identified the area for General Commercial land use. The new zoning map adopted in June 2023 inadvertently showed the property zoned A-1 Agriculture, though it is not farmed, not in Ontario County Agricultural District #1 and includes a substantial area of wooded wetland. The 2023 zoning map.

189 -2023                      City of Canandaigua   Canandaigua City Council      Class2   *Late Referral*  
 Type: *Text Amendment*

Related Referrals: 128-2023

Applicant: *Canandaigua City Council*

Brief Description:      *Text Amendment to City Zoning Code regarding hosted bed and breakfast lodging and un-hosted short term rental special permit uses.*

<https://ontariocountyny.gov/DocumentCenter/View/40032/189-2023-2-Ord-2023-05-Amending-STR-SEPT-Draft>

Proposed text amendment related to definition of bed and breakfast and short-term rentals was recently reviewed as referral 128-2023 in July 2023.

The text amendment now proposed prohibits short-term rentals in single family residential districts and limits short-term rentals in higher density residential districts to an owners’ primary residence with a minimum 2 night stay and maximum of 60 days per calendar year.

**Comments**

1. Regulation based on occupancy is not an allowable zoning authority. Regulation of Short-Term Rentals is allowable by authority of Section 10 of NYS Municipal Home Rule Law regarding regulation or licensing of occupations or business and likely also City Law related to housing code regulations and other regulation of peace, good order, safety, and preservation of property. The Short-Term Rental regulations should be moved out of the zoning chapter and adopted as a separate chapter with a permitting procedure, enforcement, and appeal process separate from the zoning chapter.
2. As drafted, the proposed regulations would allow unlimited short term rental use of units in a PUD such as that proposed at Kennedy Street and Steward Place.