

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting March 8 3:30 pm**  
**County Planning Board Meeting – March 9, 2022 at 7:00pm @ 74 Ontario Street & Virtual**  
 Telephone: 585-396-4455

Referral #	Municipality_2	Applicant	Application Type	Class	Page
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Action key of CPB recommendations: A=approval; D= Denial; A-M=Approval with Modification

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 Agenda Center for Ontario County Planning Board <https://ontariocountyny.gov/agendacenter>

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**Call To Order/Roll Call:** Len Wildman called the 3/9/22 CPB meeting to order at 7:02 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were seven (7) members present virtually and eight (8) members physically at 20 Ontario Street, meeting the quorum requirement.

**Guests:** Rita Dreimiller and Dave Spallina, Spallina Materials; Heidi Barends-Guerrie potential purchaser of the Holloway House (referral 45-2022) & Roslyn Grammar, incoming CPB representative from the Town of Seneca.

**OCPD:** Linda Phillips, Senior Planner; Erin Holley, Senior Clerk

<b>Cities</b>	<b>Member name in bold if on local legislative, planning, or zoning board</b>	<b>P-Present, E – Excused Absence, A – Absent, V – Virtual</b>		
Canandaigua	Doug Dello-Stritto	P		
Geneva	Paul Passavant	P		
<b>Towns</b>				
Bristol	AJ Magnan	P		
Canadice	<b>Stephen Groet PB</b>	P		
Canandaigua	Shawna Bonshak	V		
East Bloomfield	<b>Mike Woodruff PB</b>	V		
Farmington	Ted Liddell	V		
Geneva	Steven High	P		
Gorham	<b>Jack Dailey PB</b>	P		
Hopewell	VACANT	---	---	---
Manchester	VACANT	---	---	---
Naples	Marion Mueller	V		
Phelps	<b>Glen Wilkes PB</b>	P		
Richmond	<b>Leonard Wildman PB</b>	P		
Seneca	VACANT	---	---	---
South Bristol	<b>Bessie Tyrrell</b>	V		
Victor	Mike Crowley	V		
West Bloomfield	<b>Ruth Cahn</b>	V		

### Minutes

- *Motion made by Paul Passavant to approve the January 12, 2022 minutes revised to indicate both in table and text 10 members present virtually and 1 member present in person, seconded by Steve High, Steve Groet abstained. **Motion carried***

- *Motion made by Paul Passavant to approve the February 9, 2022 minutes revised to reflect Marks Engineering is not representing applicant of referral #23-2022, seconded by Mike Woodruff, Steve Groet Abstained* **Motion carried**

Wednesday, March 9, 2022

7:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 2 hrs 30 mins

[Start meeting](#)

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33 -2022      Town of West Bloomfield    Zoning Board of Appeals      Class: 1  
Type: *Area Variance*

Related Referrals: 34-2022

Applicant: *Spallina Materials*

Property Owner: *same*

Tax Map Parcel #: 66.00-1-18.211

Brief Description: *Area variance for zero setback along eastern boundary of 226 acre mine at 8222 SR 5/US 20 in the Town of West Bloomfield. Variance to allow expanded mining activities on site and on leased 50 acres of property to the east.*

<https://ontariocountyny.gov/DocumentCenter/View/33606/33-34-2022-aerial>

The subject property, 66.00-1-18.211 is coded as mine and zoned Surface Mining-Agricultural. Town of West Bloomfield code section 140-48 regulations for Surface Mining-Agriculture District require 75’ front setback, 25’ side/rear setbacks

According to OnCor, both large parcels that are the subject of this and following referral, and all adjacent parcels except a single-family residence surrounded by the mine property, are in OC Agricultural District #1. The pond near the road and several nearby small areas are identified on the NWI. There are steep slopes of 16 to 30 and 31 to 60 percent along the eastern and western property boundary of the mined site and in other locations. Mined lot is mostly mid yield unconfined aquifer.

buffer areas between the two properties?

**CRC Comment** What portion of the shared property line is in the leased area? The referring board should consider restricting area variance to area along shared property line within leased property.

**CPB Comments**

1. In response to questions the applicant offer the following information:
  - a. NYSDEC has approved a mine permit for the leased area.
  - b. Leased area to be in the center of the adjacent property approximately 1,500’ from SR 5 & US 20 and 1000’ from rear property line.
  - c. The leased area will be accessed from existing mine site. The zero area variance/removal of berm is only proposed in the area required to provide safe truck access between the properties.
2. The referring body is encouraged to ensure adequate buffers are maintained or replaced to ensure marketable use of adjacent property during/after mining activity.

**Board Motion:** To retain referrals 33-2022 and 34-2022 as class 1s and return them to the local board with comments. **Motion made by:** AJ Magnan **Seconded by:** Mike Woodruff

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

34 -2022            Town of West Bloomfield    Zoning Board of Appeals            Class: 1  
Type: *Area Variance*

Related Referrals:33-2022

Applicant: *James Polvino*

Property Owner: *same*

Tax Map Parcel #: 66.00-1-23.000

Brief Description: *Area variance for zero setback along the western boundary of this 220-acre parcel at 8044 SR 5/US 20 in the Town of West Bloomfield for 50 acres of mining activity conducted by owner of*

*adjacent property to the west as leasee.*

Lot 66.00-1-23.00 is zoned Industrial on map though there are only zoning code standards for the M-1, General Industrial district in the Town code. In the M-1 district the required front setbacks is 20' and the required side and rear setback to non-residential uses is 15'.

According to OnCor, portions of a 52-acre NYSDEC regulated wetland are within the woods on the north and eastern sides of this property and there are areas of 16-30 percent slope running southwest to northeast through the shrub vegetation on the site. Other areas of the site are prime agricultural soils in agricultural production.

#### **Comments**

1. Does the Reclamation Plan re-establish a vegetated buffer areas between the two properties?
2. Town should update variance application form to direct applicants to provide evidence rated to differing criteria for granting area and use variances as outlined in Town code 140-153 and NYS Statute.
3. The Town Board may want to amend 140-151 regarding special permits and 140-153 regarding variances to require submission of site plan as part of special permit and variance applications.
4. The Town Board should amend its zoning code and/or map to use same district name for industrial district and applicable regulations. The district name, map, and purpose regulations should also clearly indicate whether the district is a general industrial or light industrial district.

#### **CRC Comments**

1. Will topsoil be stockpiled for use to return mined land to useable condition?
2. What portion of the shared property line is in the leased area? The referring board should consider restricting area variance to area along shared property line within leased property.
3. How does the mine owner/operator provide financial surety to guarantee reclamation of leased land?
4. How will mine expansion area be accessed? Directly from SR5/US 20 or via existing mine driveway?

#### **CPB Comments (see also additional project information provided by applicant at 33-2022)**

1. Mining activity on the industrial site requires a special use permit and an additional CPB referral.

**Board Motion:** To retain referrals 33-2022 and 34-2022 as class 1s and return them to the local board with comments. **Motion made by:** AJ Magnan **Seconded by:** Mike Woodruff

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

35 -2022 Town of Farmington Planning Board

Class: *1 Withdrawn*

Type: *Site Plan*

Related Referrals: *36-2022*

Applicant: *Martin & Megan Avila*

Property Owner: *same*

Tax Map Parcel #: *9.00-1-69.200*

Brief Description: *Site plan and special use permit for Major Home Occupation involving overnight storage of 2 trucks, two trailers, a chipper, a stump grinder, and a small wheel loader in a residential driveway at 354 Sheldon Road in the Town of Farmington.*

36. 2022 Town of Farmington Planning Board  
Type: *Special Use Permit*

Class: *1 Withdrawn*

Related Referrals: 35-2022

Applicant: *Martin & Megan Avila*

Property Owner: *same*

Tax Map Parcel #: 9.00-1-69.200

Brief Description: *Site plan and special use permit for a Major Home Occupation involving overnight storage of two trucks, two trailers, a chipper, a stump grinder, and a small wheel loader in a residential driveway at 354 Sheldon Road in the Town of Farmington.*

37 -2022 Town of Hopewell Town Board  
Type: *Map Amendment*

Class: 2

Related Referrals: 233-2021

Applicant: *Town of Hopewell*

Brief Description: *Map amendment to transition Town of Hopewell Zoning Map to a parcel based map and to rezone 12 properties from HDR - High Density Residential to C-2 Low Intensity Commercial and adjust the rear boundaries of the C-2 district and other districts to follow parcel boundaries and minimize lots partially in two or more districts.*

<https://ontariocountyny.gov/DocumentCenter/View/33607/37-2022-TPH--Draft-Zoning-Hopewell>

This zoning map amendment incorporates the rezoning of lands 1,700’ south of SR 5/US 20 from HDR High Density Residential to C-2 Low Intensity Commercial as previously reviewed as referral 233-2021 in December 2021. It also rezones portions of other properties from HDR to C-2 to minimize lots with split zoning.

The existing zoning map defines the C-2 district as 500’ from the road to provide sufficient depth for development/redevelopment of commercial uses. The proposed map retains that dimension for all but 2 lots on the north side of SR 5/US 20 resulting in some retained lots with split zoning and some C-2 lots with less than 500’ depth.

On the south side of SR 5&US 20 there are lots with depth greater than the depth of the C-2 district and portions of these lots remain in the HDR district.

**Comments**

1. The Town Board may want to consider extending the depth of the C-2 district on some properties on the south side of SR 5/US 20 to minimize the number of parcels with split zoning.
2. The Town Board may also want to consider a dimensional C-2 district depth along the east side of SR 247. While this will increase the number of parcels with split zoning, these lots only have depths of 200’ and lot widths of 100’ which may make them difficult to convert/redevelop as commercial uses, and even more difficult to provide lot interconnection to avoid multiple closely spaced access points.

**Board Motion:** To retain referrals 37-2022 as a class 2 and return it to the local board with comments and a

recommendation of approval. **Motion made by:** Paul Passavant **Seconded by** Shawna Bonshak  
**Vote:** 15 in favor, 0 opposed, 0 abstentions **Motion carried.**

38 -2022 Town of Canandaigua Planning Board

Class: *1 Withdrawn*

Type: *Subdivision*

Applicant: *Venezia Group*

Property Owner: *Venezia Group/Uptown Pointe*

Tax Map Parcel #: *70.00-1-67.111*

Brief Description: *Phase 1 of Uptown Pointe encompassing 5 lots along Airport Road in the Town of Canandaigua*

<https://ontariocountyny.gov/DocumentCenter/View/33609/38-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/33610/382022-area-zonin>

<https://ontariocountyny.gov/DocumentCenter/View/33611/38-2022-Airport-Road-0000-2022-02-01-Sub-Plat>

The property address is 2435 Brickyard Road, though the access to the proposed lots is off Airport Road. The property is zoned Industrial as are lands to the south, and west. Land to the east along Sumner Road and both sides of SR 332 are in the SR 332 Form Based Code District sub-area. The subject site and property to the north south, and west bounded by Thomas Road, North Road, and Brickyard are also in the Mixed-Use Overlay 1.

The applicant owns 58 acres and has mapped out a 24-lot clustered subdivision with 5 single family lots with direct access from Airport Road and 1 acre of conserved land in phase 1 currently under review, and future subdivision of 19 single family lots on a new public road off Airport Road with 3.3 acres of conserved land. The conceptual development plan does not include the central or western portions of the subject property. The property and the subdivision area are bisected by the Buckeye Gas pipeline. The Uptown Plan identified the pipeline property as a potential trail alignment and as a dividing line between residential and industrial character areas. The proposed subdivision includes lands to the west of the proposed future subdivision in a conservation area to buffer them from the Canandaigua Central School District bus facility to the west.

The applicant has indicated the 1 acre preserved in Phase 1 is 55 percent of that phase but has not provided information on the acres of development and percent preserved in the balance of the subdivision.

The referred subdivision indicates the layout is a cluster subdivision with 6,000 SF lots with minimum 50' width, 30' front setback, 8' side and rear setback, and maximum 40 percent building coverage when the existing zoning would require 60' front setback, 25' side setback, 50' rear setback, and 30 percent building coverage. The width of lots proposed in phase 1 include four 80' lots and one 200' lot.

The MUO Mixed Use Overlay zoning district establishes the eligibility of a parcel of land for consideration by the Town Board for development of a mix of uses. The MUO allows a range of uses including single-family and multi-family residential uses, uses allowed in Community Commercial, Neighborhood Commercial, and Industrial districts, however, each different use must be on a different lot though part of an overall site plan. The MUO regulations require 40 percent open space in addition to any constrained lands or drainage facilities.

According to Oncor, the property is in OC Agricultural District #1 and is not constrained by wetlands,

floodplains, or steep slopes.

### Comments

1. Has the applicant documented 40 percent open space requirement?
2. Is a 30' front setback from Airport Road sufficient on a road carrying traffic from existing and future area industrial uses?
3. The overall conceptual subdivision plan should show the road extending north to the property line to allow connection to residential development on adjacent properties.

39 -2022 Town of Canandaigua Planning Board

Class: 2

Type: *Subdivision*

Related Referrals: *89-2021 & 150-2021*

Applicant: *Angelo Liccairdello*

Property Owner: *same*

Tax Map Parcel #: *98.19-1-20.100*

Brief Description: *Subdivision of 33-acre site at 3535 SR 364 to accommodate 19 lots of 20,000 SF and 12 lots of 1 acre with 3 lots in each area on private drives and the remaining lots on public roads in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/33612/39-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/33613/39-2022-pp-extracted-SR--364-3535-2022-02-01-Site-Plan>

<https://ontariocountyny.gov/DocumentCenter/View/33614/39-2022-SR64-3535-2022-02-01-Rendering>

<https://ontariocountyny.gov/DocumentCenter/View/33678/SRF-map--Chapter-30-Access-Management>

This site was previously reviewed as referral 89-2021 in May 2021 and adjacent project property in the Town of Hopewell was previously reviewed as referral 150-2021 in July 2021. Rather than a through road from SR 364 to CR 18 in the Town of Hopewell as previously proposed, the current layout includes a serpentine cul-de-sac for 19 lots off SR 364 and another cul-de-sac off CR 18 serving lots the Town of Hopewell and the proposed larger lots in the Town of Canandaigua. Lot access is provided by 1,581 lf of public road and 400 lf of private road.

The Engineer's report submitted with the current subdivision application includes a SWPPP and Wetland Delineation Report. The Wetland Delineation report identifies 2 small wetland resources. No final Army Corps of Engineers (ACOE) wetland determination has been made. Filling .08 acres of Wetland A is likely allowable with notice to Army Corps of Engineers under nationwide permit #29 and does not require any compensating mitigation. Filling .18 acres of an intermittent on-site stream is likely allowable with notice to ACOE and plan for compensatory wetland mitigation under nationwide permit #29. The report indicates sidewalks will be provided along both sides of all public roads and dark sky compliant solar powered LED streetlights will be installed. The stormwater management plan includes open swales and 2 stormwater management ponds totaling .89 acres. The 5 eastern most lots are at an elevation too high to be served from the waterline along SR 364. These lots are proposed to rely on wells or be connected as out of district users to the Town of Hopewell water system. Projected peak hour project trip generation is approximately 20 trips at each of the 2 new intersections on SR 364 and CR 18 and this level of trip generation does not indicate a need



for a traffic impact study based on NYSDOT permit requirements.

The landscaping plan indicates at least one native street tree on each lot and a double row of white fir and white pines along the SR 364 frontage and along the lot line of a single-family home to the south. The lot sizes range from 20,000 to 50,000 SF in the R-1-20 zoned area and from 1-2 acres in the scenic overlay area. The applicant has located a stormwater management pond on one 50,000 lot in each area and indicated the maintenance of these ponds will be the responsibility of the lot owners.

The site context and relevant comments from previous referrals are repeated below followed by comments on the subdivision currently proposed.

This parcel borders undeveloped land in the Town of Hopewell to the east and agricultural land in the Town of Gorham to the south. To the north along SR 364 is a single-family home and a mobile home park and to the west across SR 364 is developed lakefront front residential. According to OnCor, there are no floodplains or wetlands on the property and the lot is not in OC Agricultural District #1. There is a north-south band of 16 to 30 percent slopes in the middle of the site, similar areas of moderately steep slopes along what appears to be a drainage way crossing the northeast corner of the site, and small areas along the SR 364 frontage and at the rear property line. The existing land cover is successional old farm along SR 364 and successional northern hardwood for most of the site.

Areas with slopes of 8 to 15 percent are classified as farmland of statewide importance; other areas are classified as prime farmland if drained. Darien silt loam soils are partially hydric, highly erodible, of moderately high permeability, and in hydrologic soil group C/D. Kendaia loam is partially hydric, medium erodibility, moderately high permeability, and in hydrologic soil Group B/D.

Soil type	Percent of Parcel	Acres
Darien silt loam, 8 to 15 percent slopes	37.7%	12.54
Darien silt loam, 3 to 8 percent slopes	31.5%	10.48
Kendaia loam 0 to 3 percent slopes	25.5%	8.49

### May 2021 Comments

1. The 2006 SR 364 (CR 18 to CR 11) Access Management Plan provides a conceptual layout of internal roads to access undeveloped lands bounded by CR 18, SR 264, and Turner Road. The conceptual plan indicates an east-west road in the area of this development as well as a north-south cross street to further expand travel routes through the area and minimize the number of new access points on SR 332 and CR 18.

### CLCSD May 2021 Comments

To date, we have only received preliminary/conceptual drawings for the referral. The site is currently outside the boundaries of an existing sewer district - detailed plans of the entire development need to be provided to our office for review and approval.

### March 2022 Comment

1. The proposed private drives extend north and south towards adjacent properties, but not all the way to the lot line. Are these private drives going to be built to Town standards to allow potential future dedication and entry/exit from both SR 364 and CR 18 for area residents as adjacent properties are developed?
2. Location and maintenance of stormwater management ponds on individual lots is likely not adequate. The referring body should require dedication or easements for stormwater ponds and swales. If facilities are not dedicated to the town, a homeowner's association should be established to fund and undertake required

maintenance and an access easement should be established to allow town access for emergency maintenance or repair.

3. Has the Town considered the desirability of a pedestrian and/or bicycle connection between the two portions of the project?
4. Is the retained vegetation sufficient to buffer properties to the north from proposed development?
5. The concept plan for the SR 364-CR 18 Access Management Plan indicates a conceptual interconnected roadway network in this area to minimize access connections to SR 364 and provide an indirect new interconnection between SR 364 and CR 18.

**Board Motion:** To retain referral 39-2022 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Paul Passavant **Seconded by** Mike Woodruff

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

40 -2022

Town of Farmington Town Board

Class: 2

Type: *Text Amendment*

Related Referrals: *n/a*

Applicant: *Town of Farmington*

Brief Description: *Text amendment to add accessory Agricultural/Construction Equipment Repair and Painting use as a specially permitted use in 4 town zoning districts in the Town of Farmington and to add standards for such uses.*

<https://ontariocountyny.gov/DocumentCenter/View/33615/40-2022--of-2022-Special-Use-Permit-Agricultural--Construction-Equipment-Repairs-and-Painting-Operations-3>

The proposed standards formalize exiting standards included in temporary Special Use Permit granted for agricultural/construction equipment repairs and painting use.

The proposed amendment adds Agricultural/Construction Equipment Repair and Painting Operations as an allowable accessory specially permitted use in the A-80 Agricultural , RR-80 Rural Residential, LI Limited Industrial, and GI General Industrial districts provided such service is offered only to customers not the general public, performed within an enclosed facility located in the rear yard, and allowing outdoor storage of such equipment within a bermed and/or landscaped area providing a visual buffer to any adjacent residential properties or public roads.

The standards establish minimum 5-acre lot sizes for businesses performing such work in A-80 and RR-80 districts and maximum 50 percent lot coverage. Existing district standards apply in LI and GI districts. The standards also require storage of petroleum products in containers approved by the Fire Marshal, town dark sky compliant lighting, enclosed dumpster on a concrete pad, dust free driveway and storage area, and to the

maximum extent practical, location of use in a retrofitted agricultural building or a building designed in keeping with such agricultural buildings.

**Comment**

1. Do residential properties triggering buffer standards include both existing residential use and undeveloped residentially zoned land?
2. Section 3 indicates the intention is to add the accessory agricultural/construction equipment repair and painting as a special permit use to the LI districts, however, section 2 does not include edits to the special permit use list of the LI districts, 165-29.

**Board Motion:** To retain referrals 40-2022 and 41-2022 as a class 2s and return them to the local board with comments and a recommendation of approval. **Motion made by:** Steve High **Seconded by** AJ Magnan  
**Vote:** 15 in favor, 0 opposed, 0 abstentions **Motion carried.**

41 -2022 Village of Phelps Village Board Class: 2

Type: *Text Amendment*

Applicant: Village Board

Brief Description: *Code text amendment to make minor changes to the zoning and other code definitions, to locate them all in Code Article 1, and to recodify the entire code of the Village of Phelps.*

<https://ontariocountyny.gov/DocumentCenter/View/33616/41-2-22-Phelps-Schedule-A>

<https://ontariocountyny.gov/DocumentCenter/View/33617/41-2022-LL-Amending-New-Village-Code>

**Board Motion:** To retain referrals 40-2022 and 41-2022 as a class 2s and return them to the local board with comments and a recommendation of approval. **Motion made by:** Steve High **Seconded by** AJ Magnan  
**Vote:** 15 in favor, 0 opposed, 0 abstentions **Motion carried.**

42 -2022 Town of West Bloomfield Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Bell Atlantic Mobile Systems LLC*

Property Owner: *Gary P Evans*

Representative: *Nixon-Peabody LLC*

Tax Map Parcel #: *52.00-1-19.00*

Brief Description: *Area variance for 191' telecommunications tower with 4' lighting rod at 2000 Strong Road in the Town of West Bloomfield. Maximum allowable height is 100'.*

<https://ontariocountyny.gov/DocumentCenter/View/33618/42-2022-aerial>

[https://ontariocountyny.gov/DocumentCenter/View/33619/42-2022-Ionia\\_single-page-site-plan-pZDs\\_rev0\\_20211203-map](https://ontariocountyny.gov/DocumentCenter/View/33619/42-2022-Ionia_single-page-site-plan-pZDs_rev0_20211203-map)

Application materials indicate the leased area is 242' to Dolomite owned property to the west, 381' to property to the east, and 2,700' to property to the north. The tower is 304' from closest property line. There are no

airports within 5 miles of the tower site, and no FAA registration required.

The proposed tower height is intended to accommodate space for 3 additional carriers. The Town zoning code requires new towers to accommodate at least 2 carriers. The property owner will receive additional rental payment if other carriers locate equipment on the tower.

The proposed project will include a 1,770 lf 12' wide gravel driveway along an existing 8' dirt farm road with access from Strong Road. To comply with the NYSDEC SPDES Storm Water Permit, the project will include 5 stormwater management areas. The 100'x100' leased area will be surrounded by a 6' fence including the tower, 4'x11.5' concrete slab for equipment cabinets, and 4'x8' concrete pad for generator. The access road and transformer will be located outside the fenced/leased area.

SEQR documentation indicates the project will disturb 2 acres of the 79-acre property removing 1.6 acres of forest and creating .57 acres of impervious area. The EAF indicates one-quarter of the property has slopes of greater than 15 percent and portions of the property are in Ontario and Monroe County agricultural districts. There are 59 acres of forest and 18 acres of meadow with neither currently used in agriculture, through 31 acres are highly productive soils. The EAF also indicates the site is home to a locally unique geologic feature known as Hopper Hills. The property includes a .29 acre federally regulated wetland and a class C stream. The stream is tributary to Great Brook which is an impaired waterbody as defined by NYS due to nutrients, low dissolved oxygen, and silt and sediment that impair recreation use and use by aquatic life. The project is over or adjacent to a principal aquifer and .03 miles to historic barns on adjacent properties

The EAF appendix B includes a Visual EAF Addendum which characterizes the site as not visible from parks or site listed on the State or National Historic Register. The tower is visible from County Road 14 which is .3 miles from the project site and CRs 38 and 39 extending from .5 to 1.5 miles from the project site. The project site is also within .3 to .9 miles of SR 64 and visible from local roads: Strong Road, Bennett Road, and Cox Road. The annual number of likely viewers, primarily from area roadways but also area homes and workplaces, is estimated at 52,560.

The visual character of the area within 1 mile of the project site is characterized as primarily undeveloped with flat and hilly agricultural and forest land and some commercial use. There are other visually similar projects within 3 miles.

### **Comments**

1. Will the tower be visible from Mendon Foundation owned open space? The Foundation owns property within 500' of the project site (131.03-1-2.22) identified in Exhibit J the Agricultural Data Statement. The Foundation website indicates the view from higher elevations of the Sibleyville Nature Reserve extend 30 miles to the south.
2. Vacant area within fenced area appears insufficient to house necessary equipment for 3 additional carriers.
3. The site plan should include a directional arrow.

### **OCSWCD Comments**

1. Consider diverting stormwater from upper portion of access road/ old trail to stormwater management facility.
2. Silt fence should be sloped upslope at ends.
3. Extend silt fence around area of disturbance at the cell tower pad.



The entire property is in the 100-year floodplain and within the draft revised flood plain. No flood elevations are provided for existing floodplain areas north of SR 20 A. The draft FEMA Flood Insurance Rate Map (FIRM) for this area includes flood elevations.

#### Comment

1. Based on the estimated travel lane width, it appears traffic travel between the east and middle entrance is one-way and requires associated signage.
2. The walk-in cooler and stage should be appropriately anchored to prevent damaged caused by their movement during a flood event.
3. What is the size of the proposed pergola?
4. The applicant should compare the land and finished floor elevation to the 100-year floodplain elevations shown on the attached draft FIRM to evaluate damage risk associated with current projected elevation of a 100-year flood.

#### CRC Comments

1. The referred site plan includes activities on adjacent property. Unless the applicant has requested a lot line adjustment or combined their two properties, these activities are subject to district side setback requirements.

**Board Motion:** To retain referrals 43-2022, 44-2022, 46-2022 and 50-2022 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Len Wildman

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

45 -2022 Village of Bloomfield Zoning Board of Appeals Class: 2  
Type: *Use Variance*

Applicant: *Heidi Barends-Guerrie*

Property Owner: *Steve Wayne*

Tax Map Parcel #: *80.07-1-9.000*

Brief Description: *Use variance to allow overnight retreat accommodations in conjunction with café and quilt shop in the former Holloway House restaurant at 29 State Street in the Village of Bloomfield,*

<https://ontariocountyny.gov/DocumentCenter/View/33622/45-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/33624/45-2022-variance-application>

The applicant is interested in purchasing the long vacant former Holloway House Restaurant. The building is zoned for community commercial use and is listed on the National Register of Historic Places. The owner has documented an average annual tax loss of \$21,000 over the last 3 years. The applicant has indicated the quilt shop/ sandwich shop uses allowed by code are not sufficient to warrant purchasing the building. The additional rental from hosting overnight retreats and additional quilt shop sales by retreat participants are necessary to make the project feasible. With retreat overnight accommodations and additional fabric sales, the rate of return is estimated at 10 percent; without these activities, the rate of return is estimated at 7.5 percent.

#### CRC Comments

1. The referring body should document availability of parking for proposed uses as required by code.

**CPB Comments**

1. Any use variance granted by the referring body should appropriately define the scale and type of overnight accommodations allowed and may want to restrict allowable overnight accommodations to retreat guest not lodging for the general public.

**Board Motion:** To accept late referral 45-2022. **Motion made by:** Paul Passavant **Seconded by:** Glen Wilkes  
**Vote:** 15 in favor, 0 opposed, 0 abstentions **Motion carried.**

**Board Motion:** To retain referral 45-2022 as a class 2 and return it to the local board with a recommendation of approval. **Motion made by:** Len Wildman **Seconded by:** Glen Wilkes  
**Vote:** 11 in favor, 4 opposed, 0 abstentions **Motion carried.**

46 -2022                                      Town of Victor Planning Board                                      Class: 1  
Type: *Special Use Permit*

Applicant: *Crown Castle USA Inc. DISH wireless*

Property Owner: *Pinnacle Towers*

Tax Map Parcel #: *1.02-1-24.000*

Brief Description: *Special use permit to install antennas, ancillary tower, and ground equipment at an existing wireless facility with no change to height or ground space at 90 Baker Road in the Town of Victor. The site is approximately 100' south of the Monroe County line.*

**Board Motion:** To accept late referrals 46-2022, 48-2022, and 49-2022. **Motion made by:** Doug Dello Stritto  
**Seconded by:** Mike Woodruff

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

**Board Motion:** To retain referrals 43-2022, 44-2022, 46-2022 and 50-2022 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Len Wildman

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

47 -2022                                      Town of Livonia Town Board                                      Class: *exempt*  
Type: *Text Amendment*

Related Referrals: *191-2021 & 191.1-2021*

Applicant: *Town of Livonia*

Brief Description: *Text amendment to restrict large scale solar energy and battery energy storage in the Town of Livonia.*

<https://www.ontariocountyny.gov/DocumentCenter/View/33686/47-2022-Solar-Regulation-Local-Law-1-2022-Final-002>

The Town of Livonia referred local law prohibits solar energy and battery storage facilities intended primarily to serve needs of off-site users. This local law is more restrictive than the local law previously reviewed and described below.

The proposed solar energy system regulations define building integrated and roof, building, and ground mounted systems with additional regulations for commercial systems selling power off-site. Regulations include requiring a Conditional (Special) Use Permit from the ZBA, limiting coverage to 30 acres for lots over 150 acres or 20 % for other lots, and doubling of district setbacks with minimum 400' setback to any dwelling. The commercial solar energy system regulations also require Road Use, Payment in Lieu of Tax, and Community Benefit agreements.

### Comments

1. Initial owner – defined as at time of construction, should this be time of approval?
2. 150-163 D. (2) (l) p. 10 and L. p. 31 I believe both should be conditional use permit, not special use permit.
3. Why differentiate roof and building mounted systems?
4. P. 23 150-163 G. (1) (m) regarding Type 2 (commercial ground mounted systems) uses the phrase land that could be in ag production. How is this defined?
5. p. 24 150-163 G. (2) (d) Type 2 (commercial ground mounted) systems conditional use permit and site plan approval standards define solar energy system coverage area as area covered by the perimeter of the Solar Energy System at minimum tilt excluding access road and fencing. Considering moving this definition to 150-162 so it also applies to 150-163 F (4) p. 13 for Type 1 ground mounted accessory uses. If this definition is intended to include panel coverage and aisles between panels it is recommended that the text delete the phrase at minimum tilt as the tilt of the panel would only change the calculation if coverage area referred to panel area.
6. p. 25 (f) authorize PB and/or ZBA to approve landscaping - lack of clarity regarding this responsibility may lead to conflict or confusion in communicating with applicant.

Proposed regulation allows non-commercial battery energy storage systems providing aggregate energy capacity of less than 600kWh in all districts and prohibits large scale (commercial) battery energy storage systems with aggregate energy capacity of 600kWh or more in all districts.

48 - 2022 Town of Naples Town Board Class: 2  
Type: *Text and Map Amendment*

Related Referrals: 11-2021 & 21-2021

Applicant: *Town Board*

Brief Description: *Text and map amendment to the Town of Naples zoning code and map to extend the Cohocton Street SR 53 Multiple Use district to all of 2 properties previously partially in the district, to delete clustered subdivision as a use allowed by special use permit, and to revise the required setbacks, minimum frontage, and lot coverage.*

In January and February 2021 Town referred text and map amendments for the Multiple Use District as referrals 11-2021 and 21-2021. A text amendment was adopted on March 15, 2021. The following summarizes changes to the text and map and repeats relevant comments from the previous review.

The proposed text amendment requires 60' for frontage when currently 125' lot width is required. Proposed standards also reduce front setback from 50' to 30', reduce side setbacks from 35' to 15', and increase



allowable lot coverage from 35 percent to 40 percent.

The proposed map amendment addresses split zoning for lots referenced in the comments to previous referral.

**Comments**

1. Neither the March 15, 2021 adopted regulations nor the proposed amendment reconciles use of same defined term in use list for mobile home parks/manufactured home parks.
2. Neither the March 15, 2021 adopted regulations nor the proposed amendment provides a clear and consistent definition of Retail, small scale with to reference number of employees accounting for different in impacts of on-site and off-site employees and full-time and part-time employees.
3. Neither the March 15, 2021 adopted regulations nor the proposed amendments include design standards for building and parking placement; frontage and site landscaping and lighting, and access management to protect the visual character of safety of this highway segment.

**Board Motion:** To accept late referrals 46-2022, 48-2022, and 49-2022. **Motion made by:** Doug Dello Stritto  
**Seconded by:** Mike Woodruff

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

**Board Motion:** To retain referral 48-2022, as class 2 and return it to the local board with comments and recommendation for approval. **Motion made by:** AJ Magnan **Seconded by:** Glen Wilkes

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

49 -2022                      Village of Bloomfield   Village Board    Class: 2  
 Type: *Text Amendment*  
 Applicant: *Village Board*

Brief Description: *Text amendment to the Village of Bloomfield code including changes to zoning definitions for critical environmental area, excavation site, and kennel and updating other terms and cross references.*

<https://www.ontariocountyny.gov/DocumentCenter/View/33687/49-2022-V-bloomfield-code-revisions>

Code edits suggest the Zoning Board of Appeals has discretion to delegate review of variances to the Planning Board.

**Board Motion:** To accept late referrals 46-2022, 48-2022, and 49-2022. **Motion made by:** Doug Dello Stritto  
**Seconded by:** Mike Woodruff

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

**Board Motion:** To retain referral 49-2022 as class 2 and return it to the local board. **Motion made by:** Doug Dello Stritto **Seconded by:** Glen Wilkes

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

50 -2022                      Town of Canandaigua   Planning Board    Class: 1  
 Type: *Subdivision*

Related Referrals: 38-2022

Applicant: *Venezia Group*

Property Owner: *Venezia Group/Uptowne Pointe*

Tax Map Parcel #: *70.00-1-67.111*

Brief Description: *Subdivision of four 1.8 acres industrial lots along Brickyard Road in the Town of Canandaigua.*

<https://www.ontariocountyny.gov/DocumentCenter/View/33688/50-2022--aerial->

<https://ontariocountyny.gov/DocumentCenter/View/33610/382022-area-zonin>

<https://www.ontariocountyny.gov/DocumentCenter/View/33689/50-2022-Brickyard-Road-0000-2022-01-31-Sub-plat>

This subdivision is of the western portion of a lot also referred as a residential subdivision referral 38-2022 that was withdrawn.

**Comment**

1. The referring body should require an overall conceptual development plan for the entire 58-acre parcel to ensure harmonious arrangement of envisioned residential and industrial uses and appropriate access.

**Board Motion:** To retain referrals 43-2022, 44-2022, 46-2022 and 50-2022 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Len Wildman

**Vote:** 15 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 500 feet from any:

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

## General Procedures

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

### Legal Obligations for Referring Agencies

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

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

### Incomplete Applications

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

### Reporting back to the CPB

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

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

### Administrative Reviews

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

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

### ***Upcoming Training***

Tues April 12, 6 to 7:30 Large Scale Agrivoltaics, Beekeeping & Pollinators at 1,000-acre solar farm in Mt. Morris

### **4<sup>th</sup> Thursday 2022 Monthly Municipal Boot Camp Program presented by MRB Group and Hancock Estabrook**

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

March 24, 3030-6:00 to 7:00 pm How Appealing- the role of the ZBA in community development

April 28, 2022 – 6:00-7:00 pm Here Comes the Sun – shaping solar and battery storage projects

May 19, 2022 – 6:00 to 7:00 pm Keep the Grass Green and the Water Clean – SEQR review

June 23, 2022 – 6:00-7:00 pm How it All Fits Together – long-range plans and near-term challenges

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

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

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

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

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

*Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email [nypf@nypf.org](mailto:nypf@nypf.org)*

### **NYPF Recorded Webinars *THE ESSENTIALS OF PLANNING AND ZONING***

Introduction to Planning, Zoning and Land Use

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

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

The What, Why, and How of Site Plan Review

Common Mistakes and Mishaps in Site Plan Review

### **MEETING PROCESS AND COMMUNITCATION**

Enhancing Transparency Effectiveness in Planning Proceedings

Innovations and Best Practices for Planning/Zoning Boards

Engaging Diverse Communities and Dealing with Difficult People

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

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

Working with Developers to Foster Investment in the Community

Communication, the Media and Social Media

Open Government and Planning and Zoning Decision Making

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

**NYSCOM Annual Convention Sagamore Hotel May 4-6, 2022**

**NYSCOM Fall Village and City Officials Training School**

**September 12-16, 2022 Saratoga Hilton,**

**Saratoga Springs**

***NYSCOM Recorded webinars***

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Privilege of the Floor**
- **Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn. ***Motion to adjourn made by Glen Wilkes seconded by Len Wildman Motion Carried .3/9/22 CPB meeting adjourned at 9:10 PM.***