

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday July 11, 2023, at 3:30pm**
County Planning Board Meeting –July 12, 2023 at 7:00pm 20 Ontario St., Canandaigua
 Telephone: 585-396-4455

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

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Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action Other Results: I =incomplete *=use not allowed

Call To Order/Roll Call: Chair Passavant called the 7/12/23 CPB meeting to order at 7:02pm and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were thirteen (13) voting members present and two (2) alternate members present – making it fifteen (15) members present physically at 20 Ontario Street, meeting the quorum requirement.

Guests: Garth Winterkorn/4417 CR 16 Site Plan 134-2023

Minutes: Motion made by Stephen Groet to approve the June 14, 2023 minutes as revised to include a summary of housing assessment report deliver prior to the formal meeting and to correct the number of cubic yards of fill involved in referral 101-2023 seconded by Stephen High (abstentions by Jack Dailey and Bessie Tyrell). **Motion Carried.**

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

Alternate Members:			
	Jack Dailey	P	
	Bessie Tyrell	P	

118 -2023 Town of Victor Planning Board Class: *Exempt*
 Type: *Site Plan*

Applicant & property owner: *Jeffrey Cody*

Tax Map Parcel #: *38.00-1-10.1*

Brief Description: *Application for a 2,688-sf pole barn for personal storage at 7868 Parish Rd, to the south of CR 41, in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/39055/118-2023-Aerial-Barn>
<https://ontariocountyny.gov/DocumentCenter/View/39059/118-2023-Site-Plan-Barn>

119 -2023 Town of Geneva Zoning Board of Appeals Class: 2
 Type: *Text Amendment*

Applicant: *Town of Geneva Town Board*

Brief Description: *Local law amending regulations dealing with parking in Chapters 123 (Short-Term Rentals) and 165 (Zoning) of the Code of the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/39060/119-2023-Local-Law-STRs>

The proposed amendment requires documentation of permanent right to any proposed off site parking associated with any Short-term rental permit and includes off-site parking in any inspection pursuant to such permit. The amendment also requires any off-site parking for a short term rental to be within 200’ and includes all properties within 150’ of rental and any off-site parking in notice requirement.

Comments

1. While amending 165-55 D. regarding location of required parking spaces, the referring body should include amendment to address mixed use Town Center and Town Center Arterial districts.

Board Motion: To retain referral 119-2023 as class 2 and return it to the local board with recommendation for approval. **Motion made by:** Paul Passavant **Seconded by:** Stephen Groet
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

120 -2023 Town of Gorham Zoning Board of Appeals Class: *AR2*
 Type: *Area Variance*

Applicant & property owner: *James & Kristine Canessa*

Tax Map Parcel #: *141.17-2-18.000*

Brief Description: *Area variance for the construction of a single-family dwelling with side-yard setbacks of 5' and 10' when 15' is required, and a lot coverage of 37.6% where no greater than 25% is allowed at 4990 CR 11 in the Town of Gorham.*

<https://ontariocountyny.gov/DocumentCenter/View/39061/120-2023-Aerials-Canessa-Variance>
<https://ontariocountyny.gov/DocumentCenter/View/39064/120-2023-Site-Plan-Canessa-Variance>

**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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Inspector or the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. 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.

2023 CLCSD Comments

1. Based on the information from OnCor, much of the proposed development will be within the draft 2022 FEMA 100-year floodplain.
2. Unable to comment on Erosion and Sediment Control as plans did not have those details.

2023 CRC Comments

1. Is there work/disturbance going on in the floodplains? What is the finished floor elevation in relation to the draft flood elevation?
2. Is there any stormwater management proposed?
3. The cumulative impact of other nearby development. including proposed mobile home park to the south, should be considered.
4. Is this a two-story apartment? How many units?
5. Is the number of parking spots adequate for the proposed additions? Is a second entrance needed?

2023 CPB Comments

1. Ontario County anticipates FEMA hosted community meeting to review revised preliminary floodplains maps in mid August 2023. The CPB encourages the referring body to delay final action on this referral pending review of revised maps at this scheduled meeting.
2. The referring body should confirm connection capacity for the proposed number of units to the village water and sewer systems.

Board Motion: To retain referral 121-2023 as class 1 and return it to the local board with recommendation for approval with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar
Vote: 13 in favor including alternate member, 0 opposed, 1 abstentions (Paul Lambiase) **Motion carried.**

122- 2023 Town of East Bloomfield Town Board Class: 2
 Type: *Text Amendment*

Applicant: *Town of East Bloomfield Town Board*

Brief Description: *Text amendment and proposed new code for temporary and permanent farm stands, and agricultural tourism in the Town of East Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/39069/122-2023-Ag-Tourism-E-Bloomfield>
<https://ontariocountyny.gov/DocumentCenter/View/39070/122-2023-Farm-Stands-E-Bloomfield>

The proposed amendment adds definitions for Agricultural Tourism, Agriculturally Related Projects, Non-Agriculturally Related Products, Agriculturally Related Uses, Non-Agriculturally Related Uses, , Agriculture, and Farm Enterprise. The amendment also defines standards for permanent and non-permanent structures for display/sale of agricultural products

Comments

1. It is important to avoid overlapping definitions and to use defined terms consistently throughout a zoning code. The East Bloomfield Zoning Code currently has definitions for agribusiness, agricultural operations, agricultural products, and roadside stand. Only the agricultural products definition references Article 25-AA of the State Agricultural and Markets law regarding agricultural districts/agricultural exemptions. The referring body may need to make additional amendments to delete unneeded definitions and to use defined terms in district purpose statements and permitted and specially permitted use lists. Care must be taken in

changing definitions and use lists. For instance, Agricultural Operations is defined to include woodcutting and firewood sales; firewood cutting and sales is also listed as a special permit use in the AR-2 district. If the definition of Agricultural Operations is replaced by Farm Enterprise, then all instances of firewood cutting and sales would require a special use permit, though currently only those not operated as an agricultural operation require a special use permit.

2. The proposed zoning code amendment includes cider mills, farm brewery, and wineries in the definition of agritourism. The referring body may want to consider whether to include distillery/farm distillery and whether to locally define farm and non-farm alcohol production or reference the definitions of farm brewery, farm cidery, farm distillery, and farm winery in the New York State Alcohol Beverage Control law.
3. In proposed code sections 135-42 C. (4) A. (4) and 135C. (4) B (2) consider specifying that no use of off-street parking space shall require backing onto any public street.
4. Typical parking standards for retail sales are one space per 250 to 400 SF of gross floor area. Unless the proposed standards of 1 parking space per 150 SF of gross floor area in permanent buildings and the minimum of 8 spaces required for temporary farm stands of less than 500 SF are based on analysis of actual parking demand at farm stands in East Bloomfield or the Finger Lakes Region, the referring body should consider lowering the parking requirement. The referring body should also consider why temporary farm stands of similar size on property with and without an agricultural exemption have different parking requirements and consider allowing the Planning Board to waive and landbank required parking for both permanent and temporary farm enterprises.

2023 CPB Comments

1. A moratorium could be considered to allow for more time to draft all the necessary amendments to appropriately regulate farm enterprises protected by NYS Department of Agricultural and Markets Article 25 AA and agritourism uses that can be regulated as the commercial uses they are irrespective of their operation by a farm or in Ontario County Agricultural District #1.
2. Text amendment adds definitions regarding Ag-tourism, but does not add newly defined uses to district permitted or allowed with special permit use lists..
3. Attention needs to be paid to site distance and not blocking visibility for cars entering/exiting the parking areas of roadside produce stands.

Findings

County Planning Board has an interest in Town of East Bloomfield adopting zoning amendments that avoid impermissible regulation of customary agricultural practices on farms in OC Agricultural District #1 and effectively regulate agritourism and other accessory commercial uses that contribute to farm viability.

Board Motion: To retain referral 122-2023 as class 2 and return it to the local board with recommendation for approval with comments. **Motion made by:** Paul Lambiase **Seconded by:** Ted Liddell

Vote: 9 in favor, 4 opposed, 0 abstentions **Motion does not carry.**

Board Motion: To retain referral 122-2023 as class 2 and return it to the local board with recommendation for denial with comments. **Motion made by:** Mike Crowley **Seconded by:** Roslyn Grammar

Vote: 10 in favor, 3 opposed, 0 abstentions **Motion carried.**

123 - 2023 Town of Richmond Zoning Board of Appeals Class: 1
 Type: *Special Use Permit*

Applicant: *Michelle and Robert Friedrich*

Property Owner: *same*

Tax Map Parcel #: *149.08-1-4.122*

Brief Description: *Special Use permit application for the construction of a 12' x 18' accessory structure (storage shed) before the primary residential structure has been built on Sandy Bottom Rd, just north of Honeoye Lake, in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/39072/123-2023-Aerials-Barndominium>

<https://ontariocountyny.gov/DocumentCenter/View/39074/123-2023-Sketch-Plan-Barndominium>

<https://ontariocountyny.gov/DocumentCenter/View/39073/123-2023-LOI-Barndominium>

The storage shed in the front yard is the only element proposed at this time. Submitted materials also outline plans for a ‘barndominium’ of 2 pole barns including a 2,000 SF building 20’ in height intended as living space and a 1,600 SF building 25’ in height with 500 SF of living space and 1,100 SF of storage space.

Comments

1. Is the “barndominium” intended for commercial or personal storage?
2. What is the Town of Richmond policy/procedure regarding construction of accessory use prior to construction of the primary use?
3. Special use permits are allowed to be granted only as specifically listed in the zoning code. The Town of Richmond Code allows storage structure up to 200 SF as a permitted accessory use, In the future, the referring body could consider similar requests as an area variance, subject to policy on accessory uses developed before primary use such as requiring site plan approval and an agreed upon timetable for constructions of the primary use.
4. How will the future buildings meet the energy code provision of the Uniform Fire and Building Code?
5. How much impervious driveway area is proposed? The Town of Richmond Code defines lot coverage as including principal and accessory structures. The A. Residential/Agricultural district (and the B Residential District mapped around Honeoye Lake) allow 25 % lot coverage which would be 6,428 SF for this 0.59-acre lot. To minimize stormwater impacts, the Town Board should consider amending code to reference building coverage and to add a definition and maximum lot coverage which identifies maximum impervious area including not only buildings, but also driveways, patios, sidewalks, retaining wall etc.

2023 CRC Comments

1. Will there be 1 or 2 dwelling units?
2. As recommended, in comments on a previous similar Town of Richmond referral, the associated site plan should show proposed primary use, and establish a time frame for establishment of primary use.

Board Motion: To retain referrals 123-2023, 124-2023, 129-2023, 131-2023, 132-2023, and 133-2023, as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Nina Tillman**
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

124 -2023 Town of Richmond Zoning Board of Appeals Class: 1
 Type: *Special Use Permit*

Applicant: *Norton Laundry Mill of Honeoye, LLC*

Property Owner: *same*

Tax Map Parcel #: *135.14-1-15.000*

Brief Description: *Special Use Permit to construct a 3 bay self-serve community car wash with a 2,100 SF commercial building, just north of Main St., at 4815 CR 37 in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/39076/124-2023-Aerial-Comm-Car-Wash>

<https://ontariocountyny.gov/DocumentCenter/View/39077/124-2023-LOI-Comm-Car-Wash>

The car/boat wash would be constructed initially, and the 2,2100 SF commercial building would be constructed for a specific tenant or when commercial space demand increases. According to OnCor, the 2.3-acre site is not constrained by wetlands, floodplains, or steep slopes and is not in OC Agricultural District #1.

Comments

1. Availability of a boat wash facility near Honeoye Lake aligns with region wide efforts to control the spread of invasive aquatic species by draining, cleaning, and drying watercraft before launching in a different body of water.

2023 HLCSD Comments

1. Drawings and anticipated wastewater flows shall be submitted for review and approval. Permit required prior to construction.

2023 OCDPW Comments

1. The Applicant (Owner of Record) is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <https://www.co.ontario.ny.us/1260/Highway-Work-Permits>. In addition, the Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.
2. Will project have a Stormwater Pollution Prevention Plan (SWPPP)? If so, County cannot issue a highway work permit until the following information is provided related to coverage under the current SPDES General Permit for Construction Activity:
 - o Complete Notice of Intent, signed by the owner; and
 - o Evidence that the applicant has received coverage under the current SPDES General Permit for Construction Activity; and
 - o A fully executed SWPPP with all certifications provided

3. Applicant’s engineer must provide a site plan and profile of the proposed access driveway within 50-feet of the CR 37 edge of pavement. The applicant shall demonstrate that the configuration of the driveway is suitable for proposed vehicles.

2023 CRC Comment

1. Does car wash re-use water and does that pose a potential threat for spreading invasive aquatic species?

Board Motion: To retain referrals 123-2023, 124-2023, 129-2023, 131-2023, 132-2023, and 133-2023, as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Nina Tillman**

Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

125 -2023 Town of Richmond Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Jeremy and Karen Malone*

Property Owner: *same*

Tax Map Parcel #: *150.38-1-1.000*

Brief Description: *Area variance for a lot coverage greater than maximum allowed of 25% and to extend front porch in line with the front of the house (4.8' from front parcel line) at 8522 W Buckingham St., in the Times Union Tract, in the Town of Richmond.*

- <https://ontariocountyny.gov/DocumentCenter/View/39079/125-2023-Aerial-Times-Union-Deck>
- <https://ontariocountyny.gov/DocumentCenter/View/39081/125-2023-Front-Setback-Times-Union-Deck>
- <https://ontariocountyny.gov/DocumentCenter/View/39083/125-2023-Wide-View-Times-Union-Deck>
- <https://ontariocountyny.gov/DocumentCenter/View/39082/125-2023-Sketch-Plan-Times-Union-Deck>

2023 CRC Comments

1. Does applicant have easement(s) for use of adjacent property?
2. Does the existing garage require front setback variance to Lake Drive? What is the setback?

2023 CPB Comment

1. Application is unclear on what is being asked for/what already exists. An adequate site plan is required to properly comment on the variance request.

Findings

NYS General Municipal Law 239 m requires a referring body to submit a full statement of proposed action. This standard does not preclude submission of hand drawn applicant prepared maps, however, submitted material must accurately show existing site conditions, proposed action, and relevant dimensions for County Planning Board members to be able to assess the potential impacts.

Board Motion: To retain referral 125-2023 as class 1 and return it to the local board as incomplete. **Motion made by: Paul Passavant Seconded by: Roslyn Grammar**

Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

126 -2023 Town of Richmond Zoning Board of Appeals Class: 2
 Type: *Special Use Permit*

Applicant & property owner: *Anthony Cassara*

Tax Map Parcel #: *136.00-1-82.111*

Brief Description: *Special Use Permit for the construction of an accessory structure on a parcel located on the north side of SR 20A, 8350 SR 20A, in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/39085/126-2023-Aerial-Honeoye-Ventures>

<https://ontariocountyny.gov/DocumentCenter/View/39086/126-2023-LOI-Honeoye-Ventures>

Comments

1. The proposed accessory building is not connected to the electric grid, water supply or a wastewater treatment system and is not suitable for overnight accommodation.
2. The proposed building could be considered a permitted accessory use not requiring a special use permit just required to meet rear setback of 5’ and a maximum size of 200 SF as specified in 200-12 (2). As a permitted accessory use, the building would not require site plan review (see 200-69 A.). If the accessory building is larger than 200 SF, it would require an area variance.

2023 CRC Comments

1. The referring body should be aware that other improperly-serviced buildings have been converted to short-term rentals (STRs) after construction.
2. This structure does not meet standards for a dwelling unit.

2023 CPB Comments

1. How big is the building? No details on square footage listed.

Findings

NYS General Municipal Law 239 m requires a referring body to submit a full statement of proposed action. This standard does not preclude submission of hand drawn applicant prepared maps, however, submitted material must accurately show existing site conditions, proposed action, and relevant dimensions for County Planning Board members to be able to assess the potential impacts.

Board Motion: To retain referral 126-2023 as class 2 and return it to the local board as incomplete. **Motion made by:** Stephen Groet **Seconded by:** Mike Crowley
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

127 -2023 Town of Victor Planning Board Class: *Exempt*
 Type: *Site Plan*

Applicant: *Log & Timber Structures*

Property Owner: *Jessica Sullivan*

Tax Map Parcel #: *16.00-1-21.210*

Brief Description: *Site Plan for a 1,404 SF pole barn with 195 SF overhang for the storage of hay and equipment at 700 Brownsville Rd, just north of I-90, in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/39087/127-2023-Aerial-Sullivan-Pole-Barn>
<https://ontariocountyny.gov/DocumentCenter/View/39091/127-2023-Site-Plan-Sullivan-Pole-Barn>
<https://ontariocountyny.gov/DocumentCenter/View/39090/127-2023-LOI-Sullivan-Pole-Barn>

128 -2023 City of Canandaigua City Council Class: 2
 Type: *Text Amendment*

Applicant: *City of Canandaigua City Council*

Brief Description: *Zoning Law Amendment to add definitions and regulations to City Ordinance section 850-101 and 850-110.5 dealing with Tourist Homes and Bed-and-Breakfasts and Short-Term Rentals in the City of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39092/128-2023-STR-Text-Amendment>

The proposed zoning code amendments modify the definitions to indicate Short-Term Rentals provide lodging with no host present and Tourist Home/Bed-and -Breakfasts have a resident host. The change would make Tourist Home/Bed-and-Breakfast a use allowed by special use permit in the RO Residential-Office district and the MU Mixed Use district. The proposed amendments add to the special use permit requirements that the use shall involve rental of a portion of a single-family dwelling, that the resident of the dwelling be present during the rental, and that the use is limited to 2 non-resident employees. The proposed regulations also establish Tourist Homes/Bed-and-Breakfasts as lodging facility subject to applicable lodging tax, require record of permanent address of all renters and duration of stay, and limit occupancy to 10 guests.

The proposed special use permit regulations require any Short-Term Rental in a residential district to be the owner’s primary residence and rented for a maximum of 90 days each calendar year, be subject to the Rental Inspection Program, and that the special use permit shall be a temporary renewable non-transferable 3-year permit. Existing permitted Short-Term Rentals are subject to the last two provisions, but not initial residency requirement or limit on number of rental days.

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. While making changes to its zoning regulations, the referring body may want to consider amending the list of zoning districts to reflect previous amendment to consolidate 3 mixed use districts into the MU Mixed Use district.

Board Motion: To retain referral 128-2023 as class 2 and return it to the local board with recommendation for approval. **Motion made by:** Doug Dello Stritto **Seconded by:** AJ Magnan
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

129 -2023 Town of Farmington Planning Board Class: 1
 Type: *Subdivision*

Related Referrals: 58-2023; 59-2023

Applicant: *APD Engineering & Architecture*

Property Owner: *Fowler Family Trust*

Tax Map Parcel #: 29.13-1-5.100; 29.13-1-5.200

Brief Description: *Proposed subdivision application to divide 2 parcels totaling 12.1-acres into 3 separate parcels, along Pheasants Crossing in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/39093/129-2023-Aerial-Pheasants-Crossing-Subdivision>

<https://ontariocountyny.gov/DocumentCenter/View/39095/129-2023-Site-Plan-Pheasants-Crossing-Subdivision>

This subdivision was reviewed as referral 58-2023 and 59-2023 in April 2023. The subdivision with lot width variance should have been reviewed by the Planning Board prior to review by the Zoning Board of Appeals. This referral from the Planning Board remedies that omission.

The existing parcels 29.13-1-5.100 (north-most) and 29.13-1-5.200 (south-most) are 7.91 and 4.18 acres respectively. They are the only remaining undeveloped lots in the cul-de-sac. The rest of the surrounding parcels have residential use, with vacant land behind (west). There are some steep to extremely steep slopes (16-60%) on the eastern and western edges of the parcels. The western (rear) side of the parcel slopes down into Mud Creek (flood zone). Proposed Parcel A will be roughly 280,000 SF with a lot width of 135’, and Parcel C will be roughly 150,000 SF with 135’ lot width as well. Parcel B is proposed to be 150,000 SF and 30’ wide lot frontage width, requiring the area variance. Other than lot width for Parcel B, newly formed parcels would adhere to the required setbacks.

Comments

1. The referring body in considering the reasonableness of the re-subdivision with lot width variance of these two lots into three lots should consider what conditions or changes are required to avoid steep slope disturbance in conjunction with development of any principal and accessory uses.

Board Motion: To retain referrals 123-2023, 124-2023, 129-2023, 131-2023, 132-2023, and 133-2023, as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Nina Tillman**

Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

130 -2023 Town of Richmond Zoning Board of Appeals Class: *AR2*
 Type: *Area Variance*

Applicant: *Richard Dunne*

Property Owner: *same*

Tax Map Parcel #: 149.19-1-21.000

Brief Description: *Area variance for setback of 38' when 50' is required for a proposed covered deck and patio addition at 5381 CR 36, on the west side of Honeoye Lake in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/39096/130-2023-Aerial-Dunne-Addition>
<https://ontariocountyny.gov/DocumentCenter/View/39098/130-2023-Survey-Plan-Dunne-Addition>

**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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Inspector or the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. 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.

131 -2023 Village of Manchester Planning Board
 Type: *Site Plan*

Class: *1*

Related Referrals: *132-2023*

Applicant: *Angel Montanez*

Property Owner: *same*

Representative: *Marks Engineering*

Tax Map Parcel #: *44.05-1-14.000*

Brief Description: *Site Plan and Area variance (for a side setback of 9.3' when 20' is required) for the construction of a proposed restaurant at 114 S Main St, on the corner of S Main St and Lehigh Ave, in the Village of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/39100/131-2023-and-132-Aerial-Restaurant>
<https://ontariocountyny.gov/DocumentCenter/View/39103/131-2023-and-132-Site-Plan-Restaurant>

The project site is on the west side of SR 21 just north of Leigh Avenue. The property also fronts on a private road, Gilligan Drive to the west. The site was re-zoned from R-1 to C-1 at the request of the applicant in 2021 (referral 118-2021 in June 2021). Adjacent land uses include residential uses to the north, south, and west and a shopping center across South Main Street/SR 21 to the east. According to OnCor the 0.24-acre site is not constrained by floodplain, wetland, or steep slopes. The site’s Dunkirk fine sandy loam is well drained and highly erodible.

Comments

1. According to Village of Manchester Zoning Code Chapter 290-29 L., on corner lots and lots extending through between two parallel streets all portions of such lots which front on a public street shall be subject to the front yard requirements of the applicable zoning district. Therefore, the Main Street and Leigh Avenue frontages are subject to the 10’ front setback/yard requirement.

2023 OCSWD Comment

1. Locations of additional erosion and sediment control practices not included such as topsoil and concrete truck washout.

2023 CRC Comments

1. Is the building entrance on Main St.? Should ADA parking be moved closer to the entrance?
2. Is corner clearance for proposed driveway sufficient?

134 -2023 Town of Canandaigua Planning Board
 Type: *Site Plan*

Class: *I*

Applicant: *Sarah Costich King, Costich Engineering, DPC*

Property Owner: *Karen Kosten*

Tax Map Parcel #: *126.16-2-3.310*

Brief Description: *Site Plan to clear and grub approximately 3.6-acres for an open passive private recreation area at 4417 CR16, on the west side of CR16, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39107/134-2023-Aerial-CR16-Clearing>

<https://ontariocountyny.gov/DocumentCenter/View/39110/134-2023-Site-Plan-CR16-Clearing>

<https://ontariocountyny.gov/DocumentCenter/View/39111/134-2023-SWPP-CR16-Clearing>

<https://ontariocountyny.gov/DocumentCenter/View/39233/134-2023-Parcel-Detailed-Report-Clearing>

Proposed work in western (west of CR 16) portion of the 9.8-acre parcel. According to OnCor, the uphill portion of the site is approximately 600' from Canandaigua Lake. On the uphill portion of the lot there are areas of steep 16 to 30 percent slope in a u shape along the south, east, and north edge of the wooded area. There is an area of very steep 31 to 60 percent slope near the center the southern property line. The upland portion of the site is not constrained by wetlands or floodplains. OnCor and the 2018 Town of Canandaigua Open Space, Conservation, and Scenic Views Master Plan identify the uphill portion of the site as encompassing the Successional Northern Forest ecological community.

The proposed SWPPP indicates no stormwater management facilities are required because this is a residential lot and disturbance will be kept under 5 acres. The SWPPP also indicates the existing site drains to 18" and 30" culverts under West Lake Road/CR 16 and that the change in land cover from woods to meadow will increase peak flow rates (cf/s) from 54 to 70 percent.

The property is visible from Canandaigua Lake and therefore the Scenic Viewshed Overlay district provisions apply. The purpose and intent of the Scenic Viewshed Overlay regulations are to provide for use and development of properties while maintaining the existing landscape features to the greatest extent feasible and considering protection of elements and natural resources identified in Town planning documents. The property is not within the Strategic Forest Protection Area intended to conserve forest and wildlife habitat.

Representative stated at the 2023 July CPB meeting that three (3) silt fences are to be used, spanning latitudinally between the proposed work and CR 16, to mitigate erosion. Staging area is to be on the same parcel, across the road in the driveway of the property owner's home. Material will be moved off-site. A 10' strip of trees is to remain along the perimeter of the property (including along road frontage). Representative also indicated the area of vegetation/root removal will be hydroseeded.

Comments

1. NYS regulations may not require stormwater management, however, given the scale of the clearing and grubbing and the slope of the lands, the referring body should consider what is necessary to minimize erosion and preserve the scenic quality of the site.

2023 OCDPW Comment

1. The Applicant (Owner of Record) is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <https://www.co.ontario.ny.us/1260/Highway-Work-Permits>. In addition, the Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.

2023 OCSWD Comments

1. In terms of stormwater, there are concerns with the amount of open area created (all at once) on such a steep slope. Applicant could consider the installation of diversion channels rather than relying on just silt fence to break up the slope. Any channel that runs perpendicular to the slope will require stone check dams as well.
2. Will all grubbed material be removed from the site? Depending on if/where this material is staged on site could also alter surface water flows.
3. Due to its’ proximity to the lake, it is recommended to hydroseed the area to ensure quick and effective vegetation establishment.

2023 CRC Comment

1. What type of recreation is anticipated? Some recreational activities may have impacts beyond the removal of site natural features that should be considered.

2023 CPB Comments

1. Concerns with sediment/erosion control measures and flow of water after tree and root removal. Additional measures should be taken to mitigate the increased flow and to ensure the stability of the soil on the parcel. Potential erosion control measures could include: use of erosion control mats, phasing of vegetation removal from top of slope to allow re-establishment of vegetation before proceeding to removal of vegetation and roots in next area, conditions on timing of disturbance to ensure re-establishment of vegetation to hold soil in place before the end of the growing season.
2. Any screening proposed? What is the long-term re-vegetation plan? Does this project comply with the regulations set forth in the Scenic Viewshed Overlay District? Does it preserve natural features to the maximum extent feasible?

Board Motion: To elevate referral 134-2023 as class 2 and return it to the local board with recommendation for approval with comments. **Motion made by:** Steve Groet **Seconded by:** Kevin Stahl

Vote: 7 in favor, 6 opposed, 0 abstentions **Motion does not carry.**

Board Motion: To retain referral 1342023 as class 1 and return it to the local board with recommendation for approval with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar

Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

135 -2023

Town of Canandaigua Planning Board

Class: *Exempt*

Type: *Site Plan*

Related Referrals: *143-2023*

Applicant: *Logan Rockcastle, Marks Engineering, PC*
 Property Owner: *Walter Turek*
 Representative: *Andrew Ramsgard, Ramsgard Architectural Design*
 Tax Map Parcel #: *154.09-1-9.000*
 Brief Description: *Site Plan and Area Variance (height over 25' in RLD) to tear-down existing homes, lot line adjustment turning 3 parcels (5051, 5055, 5057 CR 16) into 2, and the construction of 2 dwellings on separate parcels w/ shared driveway & improvements.*

See information at 143-2023

136 -2023 Town of Canandaigua Planning Board Class: AR2
 Type: *Area Variance*
 Applicant: *Natalee Kiesling, Marathon Engineering*
 Property Owner: *Tim Ashe*
 Representative: *Peter Gorman, Marathon Engineering*
 Tax Map Parcel #: *140.11-1-9.000*
 Brief Description: *Area variance for: (1) Side-yard setback, (2) Rear (lake) setback, and (3) accessory structure greater than 100 SF for the installation of a 150' tram spanning from the upper patio down to the lakeside-deck at 4629 CR16 in the Town of Canandaigua.*
<https://ontariocountyny.gov/DocumentCenter/View/39125/136-2023-Aerial-Tram-Ashe>
<https://ontariocountyny.gov/DocumentCenter/View/39126/136-2023-Site-Plan-Tram-Ashe>

The site plan shows installation of a 150' tram track along the cliff face at 4629 CR16 in the Town of Canandaigua. One tree is to be removed to make way for the tram, along with one to be transplanted or replaced (if removed). The rest of the surrounding trees are to be protected. Some minor vegetation, saplings, and brush are to be removed if necessary. A silt fence is to surround the area of disturbance, along with a sediment control log at the bottom of the tram (@ Mean High Water Line). The upper landing will be near the existing patio at the rear (lakeside) of the residence. At the bottom, the tram ends near the lake at a new 4'x4' landing area with stairs, just north of existing lakeside dock. Installation of the tram will require three (3) area variances. The first is for an accessory structure (in the RLD) greater than 100 SF. The second is for the lower section of the tram breaching the mean-high water line when "any structure, including but not limited to gazebos, decks, porches and shelters, not related to docking and mooring or providing reasonable navigational access is prohibited waterside of the mean high-water mark". The rear (lake) setback requirement is 15' for accessory structures in the RLD. The final (3rd) area variance is for the trams side setback of 2.68' when 12' is required. 0.70-acre parcel is single-family residential; all surrounding parcels are residential use. Parcel has a mowed lawn cover type with steep slopes (16-30%) to excessively steep slopes (greater than 60%), the closer you get to the lake. Area of disturbance is in Lansing silt loam (15-25% slope) and Lordstown-Manlius-Towerville complex (35-80% slope). Lansing silt loam is not hydric, has moderately high permeability, high erodibility,

is not prime farmland, and is in hydrologic soil group B. Lordstown-Manlius-Towerville is not hydric, has moderately high permeability, medium erodibility, not prime farmland, and is hydrologic soil group C.

Comments

1. How much steep slope disturbed? How much disturbance in general?

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.

137 -2023

Town of Canandaigua Planning Board

Class: *Exempt*

Type: *Subdivision*

Applicant: *Rocco Venezia*

Property Owner: *same*

Representative: *Patricia Venezia*

Tax Map Parcel #: *70.00-1-78.500*

Brief Description: *Proposed subdivision of a 44.3-acre parent parcel into Lot A (2.275 acres) and Lot B (41.971 acres), along the north side of Airport Rd. in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39128/137-2023-Aerial-Venezia-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/39130/137-2023-Subdiv-Plat-Venezia-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/39129/137-2023-Statement-of-Operations-Venezia-Subdiv>

Proposed subdivision of a 44.3-acre parent parcel into Lot A (2.275 acres) and Lot B (41.971 acres), along the north side of Airport Rd. in the Town of Canandaigua. Lot A is along Brickyard Road, with the remaining land (Lot B) directly to the east.

Parcel is vacant and zoned industrial, and is in the Mixed-Use Overlay Sub Area 1. Surrounding parcels are also zoned industrial in Mixed Use Overlay Sub Area 1. Surrounding land uses predominantly vacant with some commercial. According to OnCor, parcel has gentle to no slope (0-9%). Subject parcel contains mostly vacant farmland, with Silver-Maple Ash Swamp in the proposed location of Lot A. Subject Parcel and adjacent parcels to the west are in the Agricultural District. A gas line easement runs through the eastern section of what is to be Lot B.

The submitted statement of operations on behalf of Mercy Flight Central states that the intent is to construct a building with administrative offices and training facilities in the next 2-5 years. At this time, Mercy Flight Central does not own the property, but is considering the purchase, and is determining whether the potential development is feasible. The parcel is currently owned by Uptowne Pointe, LLC.

Comment

1. Where is the proposed location of this office/training facility?

138 -2023 Town of Canandaigua Planning Board
Type: *Site Plan*

Class: *Exempt*

Applicant: *Natalee Kiesling, Marathon Engineering*

Property Owner: *Gregg Lederman*

Representative: *Peter Gorman, Marathon Engineering*

Tax Map Parcel #: *140.07-1-30.120*

Brief Description: *Site Plan for tram with an upper loading station adjacent to an existing stairway and lower loading station at water-side dock, at 4606 Cedar Cliff Dr, just east of CR16, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39132/138-2023-Aerial-Tram-Lederman>

<https://ontariocountyny.gov/DocumentCenter/View/39133/138-2023-Site-Plan-Tram-Lederman>

The site plan shows installation of a 116’ tram track with .002-acres to be disturbed at 4606 Cedar Cliff Dr, just east of CR16, in the Town of Canandaigua. Existing trees are to be protected, with one to be removed. Minor vegetation, saplings and brush to be cleared if necessary. A silt fence will surround the area of

disturbance, an erosion control blanket on disturbed steep slope areas, and with a sediment control log placed at the bottom of the work area, near the lake. An existing storage structure (just south of the deck) in the area of proposed work is to be removed or relocated. The upper loading station will be located adjacent to an existing stairway, just off to the east (lakeside) of Cedar Cliff Drive (private drive). The tram will extend to the lower loading station at the existing lakeside dock.

1.30-acre parcel is single-family residential; all surrounding parcels are residential use. Parcel has a mowed lawn cover type with steep slopes (16-30%) to excessively steep slopes (greater than 60%), the closer you get to the lake. Area of disturbance is in Lansing silt loam (15-25% slope), and Ontario/Honeoye/Lansing soils (35-55% slopes). Lansing silt loam is not hydric, has moderately high permeability, high erodibility, is not prime farmland, and is in hydrologic soil group B. Ontario/Honeoye/Lansing soils not hydric, has moderately high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group C.

139 -2023 Town of Canandaigua Planning Board Class: *Exempt*
 Type: *Site Plan*

Applicant: *Scott Harter*

Property Owner: *Michael Baker*

Representative: *Paul Morabito*

Tax Map Parcel #: *98.09-1-24.000*

Brief Description: *Site plan to reconstruct/rebuild 3,212 SF single-family dwelling damaged by fire, at 4952 Adams Dr., east of CR 16, in the Town of Canandaigua.*

<https://ontariocountyny.gov/DocumentCenter/View/39135/139-2023-Aerial-Baker-Rebuild>

<https://ontariocountyny.gov/DocumentCenter/View/39138/139-2023-Site-Plan-Baker-Rebuild>

<https://ontariocountyny.gov/DocumentCenter/View/39139/139-2023-Survey-Baker-Rebuild>

Site plan to reconstruct/rebuild 3,212 SF single-family dwelling damaged by fire, at 4952 Adams Dr., east of CR 16, in the Town of Canandaigua. The replacement house is to agree with prior house dimensions and placement. Disturbance is 0.10-acres, some of which is within the FEMA 100-year floodplain. Existing public sewer and water to be used, overhead electric present. For erosion control, a silt fence will surround the area of disturbance, and temporary swales will be implemented to intercept surface water and direct it away from the work area. Property contains a sanitary sewer easement, a gas easement, and a watermain easement to the front (road-side) of the proposed house.

0.38-acre subject parcel is located in the Residential Lake District. Subject parcel is residential use, with surrounding land uses predominately residential with a few vacant. All parcels in area have mowed lawn cover type. Area of disturbance is in Ovid Silty Clay Loam soil type 8-15% slope. This soil type is partially hydric, has moderately high permeability, high erodibility, is farmland of statewide importance, and is in hydrologic soil group C/D.

2023 CLCSD Comment

1. Renovation permit will be required.
2. Drawings to be submitted for review and approval.

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 should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Inspector or the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. 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.

142 -2023

Town of Bristol Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Applicant: *Robert & Linda Green*

Property Owner: *same*

Tax Map Parcel #: *124.00-2-8.111*

Brief Description: *Subdivision of parent parcel into 2 parcels, with the 1.5-acre parcel requiring area variances for front setback for (1) principal structure and (2 & 3) 2 separate accessory structures, and (4) lot size variance, at 6557 CR 32 in Town of Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/39147/142-2023-Aerial-Green-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/39149/142-2023-Subdiv-Plan-Green-Subdiv>

The 57-acre property is located at the northwest corner of CR 32 and Montanye Road. The leach field for the existing home is located north of the house and both the house and the leach field are approximately 85' from the proposed lot line. The existing 1,350 SF metal pole barn is 145' east of the proposed lot line.

The required front setback to CR 32 and Montanye Road is 75'. The existing home is located 66' from CR 32 and 38' from Montanye Road. The accessory buildings are located 10' and .3' from Montanye Road. The garage is 31' from the lot line near the SW corner of the lot. The existing driveway is from Montanye Road between the accessory buildings.

According to OnCor there are areas of 16 to 30 percent slope in the southwest corner of the parent lot/along the proposed lot line and in the wooded area across the rear 1/3 of the property.

Comments

1. Before any action on the subdivision, the local board must address the size of the proposed lot for the existing home.

Board Motion: To retain referral 142-2023 as class 1 and return it to the local board with recommendation for approval. **Motion made by:** Doug Dello Stritto **Seconded by:** Roslyn Grammar
Vote: 13 in favor including alternate member, 0 opposed, 1 abstentions (AJ Magnan) **Motion carried.**

143 -2023 Town of Canandaigua Planning Board Class: 1 (Late Referral)

Type: *Area Variance*

Related Referrals: *135-2023*

Applicant: *Logan Rockcastle, Marks Engineering, PC*

Property Owner: *Walter Turek*

Representative: *Andrew Ramsgard, Ramsgard Architectural Design*

Tax Map Parcel #: *154.09-1-9.000*

Brief Description: *Site Plan and Area Variance (height over 25' in RLD) to tear-down existing homes, lot line adjustment turning 3 parcels (5051, 5055, 5057 CR 16) into 2, and the construction of 2 dwellings on separate parcels w/ shared driveway & improvements.*

<https://ontariocountyny.gov/DocumentCenter/View/39116/135-2023-Aerial-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/39118/135-2023-Main-House-Elevation-Drawings-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/39122/135-2023-Steep-Slope-Map-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/39121/135-2023-Site-Plan-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/39124/135-2023-ZLD-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/39123/135-2023-SWPP-Turek>

Site Plan application for tear-down existing single-family dwelling, a lot line adjustment turning 3 parcels (5051, 5055, and 5057 CR 16) into 2, and the construction of 2 dwellings on separate parcels w/ shared driveway, regrading, and improvements. Proposed work to have 10,000 SF of disturbance and is within 500 ft. of an Ag. District. Also, an area variance for chimney height of 25 ft. is required. The area of the total project is 3.2 acres. Lands across CR16 are primarily residential and agricultural uses. Soil is predominantly Lansing silt loam, either 8-15% or 15-25% slope. Both are not hydric, have moderately high

permeability, high erodibility, and are in hydrologic soil group B. 15-25% is considered not prime farmland, while 8-15% is considered farmland of statewide importance. The only area of extremely steep slope to be disturbed is for the proposed house located at 5051 CR16.

In terms of the lot line adjustment, what is currently addressed 5055 CR 16, is to be added to acreage in 5051 and 5057. 0.672-acres are to be added to 5051 (totaling 1.348-acres after lot-line adjustment), and 1.420-acres are to be added to 5057 (totaling 1.862-acres after the adjustment).

Behind (to the west) of the houses, a portion of the private driveway lying on what is now 5055 CR 16 is to be removed. The existing driveway provides access to five properties [5049, 5051, (5055 – to be absorbed), 5057, and 5059], all of which are owned by the Turek's except for 5059 – which is owned by the McAuliffe family. The proposed driveway will provide new access (via access easement) to 5059, separate from the rest of the properties, in an attempt to avoid confusion on maintenance, liabilities, and responsibilities. In addition, the existing driveway is to be re-aligned to provide access to the remaining parcels: 5049, 5051, and 5057 (REMINDER: no longer a 5055 CR16). The garage/timber wall behind the house on 5051 is to be removed and replaced. The boathouse on 5057 is to be reconstructed. The total area of all new impervious surfaces is 24,400 SF (currently at 21,780 SF). The remaining lands will be used for stormwater management, new on-site wastewater treatment facilities and/or maintained as lawn.

5051 will be built within existing footprint and 5057 will be relocated further away from the shoreline than the existing structure. Cottage on 5057 currently 27.6' from MHWL, will be moved to 40.6' away. Structure on 5051 is currently 4' from MHWL, proposed will be 8.5' away. Both will have earth tone colors. Houses are on public water. New septic treatment system proposed for both houses. A new overhead electric service to be put in. For water mitigation, 2' wide infiltration trenches are to be placed along the driveways, along with other basins/catches that feed through HDPE pipes to a storm manhole. During construction, erosion control measures include: a double row silt fence surrounding the property, four separate sediment traps, stone check dams, and areas of steep slope to be covered by erosion control fabric. For Landscaping, about 30 Shade trees, 16 ornamental trees, and about 13 evergreen trees are to be planted on the two parcels.

Comments

1. How big is square footage of the house, cottage, new garage?
2. How much disturbance in the steep slope area?
3. An area variance needs to be submitted for the height of the primary structure (chimney) being over the maximum allowed height of 25' in the Residential Lake District.
4. What is the actual height of the chimney? The elevation drawings show it is above 25' but doesn't say how much above the maximum it is.
5. Though site plan is exempt, informed Canandaigua Lake manager of project. No site plan comments received.

2023 CPB Comments

1. What is the height of the guest house? Does the chimney also require an area variance?
2. Does the project comply with the Shoreline Development Guidelines? The shoreline elevation provided in the application shows little vegetation screening views to the proposed house from Canandaigua Lake.
3. All demolition debris should be recycled if facilities are available or disposed of properly

Board Motion: To accept referral 143-2023 as a late referral. **Motion made by:** Doug Dello Stritto

Seconded by: Roslyn Grammar

Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

Board Motion: To retain referral 143-2023 as class 1 and return it to the local board with recommendation for approval. **Motion made by:** Paul Passavant **Seconded by:** Roslyn Grammar
Vote: 12 in favor, 1 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)

- Board Vacancies –T. Hopewell, T. Canandaigua -press release issued 6/27. 3 interested T. Canandaigua residents referred to the town.

- Upcoming Training See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities.
Thursday August 3, 2023 New York State Planning Federation's Canandaigua Summer Planning & Zoning School - \$130 entry fee - 10:00 AM to 3:00 PM at Finger Lakes Community College (Room TBD), 3325 Marvin Sands Dr., Canandaigua, NY 14424. Registration link [Here](#)
 - 10:00 AM to 11:00 AM - Don Young - Introduction to Planning, Zoning, and Land Use
 - 11:15 AM to 12:15 PM - Diana Smith (MRB) - Public Engagement Tools
 - 12:45 PM to 1:45 PM - Patricia Burke - Site Plan Review
 - 2:00 pm to 3:00 PM - Tom Robinson and Hanna Quigley - Designing for Resiliency

Wednesday August 17, 2023 from 5:30 PM to 7:30 PM. Cornell Cooperative Extension of Broome County & Broome County Department of Planning virtual series. This session will provide an overview of a community's farm friendly scorecard and how to interpret the results. The presenters will also discuss the role special districts can play in supporting agriculture. Will wrap up with an overview of town profiles and how they can be a tool in understanding the role agriculture plays in your community and accessing resources. Registration link [Here](#)

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

- Thursday, July 27, 2023 from 6 to 7 pm Local Regulation of Cannabis
- Thursday, September 28, 2023 from 6 to 7 pm Transforming Former Industrial Properties
- Thursday, October 26, 2023 from 6 to 7 pm Preventing Sexual Harassment
- Thursday, December 14, 2023 from 6 to 7 pm Case Studies – good and bad of 2023

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

- **Privilege of the Floor -none**
- **Adjournment:** Being no further business for discussion, Chair Passavant requested a motion to adjourn. **Motion to adjourn** made by Paul Lambiase seconded by Roslyn Grammar. **Motion Carried** 6/14/23 CPB meeting adjourned at 9:38 PM.