

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**
County Planning Board Meeting – July 14, 2021 at 7:00pm @ 74 Ontario Street
 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

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153 - 2021	Town of Canandaigua	Town Board	Town of Canandaigua	Comprehensive Plan Update	2/NA late referral	
154 - 2021	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment	2/NA late referral	
155 - 2021	Town of Farmington	Town Board	Town of Farmington	Moratorium	2/NA late referral	

Due to technical difficulties there are no referrals with number 144-2021 or 146-2021.

CPB Special Meeting

There not being a quorum present at 6:40 pm, those present began a discussion of the Ad Hoc Committee report of countywide development trend concerns.

Once a quorum was present and roll call completed, Board members reviewed proposed modifications to the report to encourage preparation of an Ontario County Comprehensive Plan in bullet #2 of current observations and to combine and edit bullets #3 and #4 to provide a paragraph of observations and a paragraph of recommendations regarding enhanced communication between CPB and BOS.

Motion made by Len Wildman and seconded by AJ Magnan to approve the Ad Hoc Committee report as modified and to submit to the Planning and Environmental Quality Committee and BOS as an information item. **Motion passed.**

The Special Meeting was adjourned at 7:10. Motion made by Steve High and seconded by Christen Smith.

Call To Order/Roll Call: Chair **Wildman** called the 7/14/21 CPB Special Meeting to order at 7:02 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were ten (10) members present meeting the quorum requirement. Following adjournment of the Special Committee Meeting at 7:10, chair called the CPB to order.

Cities	Member name in bold if on local legislative, planning, or zoning board	P- Present, E – Excused Absence, A – Absent, V – Vacant		
		P	E / A	V
ndaigua	Christen Smith	P		
Geneva	Paul Passavant	P		
Towns				-
Bristol	AJ Magnan	P		
Canadice	Stephen Groet PB	P		
Canandaigua	David Wink		E	
East Bloomfield	Mike Woodruff PB		E	
Farmington	Patti Wirth	P		
Geneva	Steven High	P		
Gorham	Jack Dailey	P		
Hopewell	Bill Namestnik		E	
Manchester	Sue Kell		E	
Naples	Vacant			V
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Vacant			V
South Bristol	Bessie Tyrrell PB	P		
Victor	Marty Avila		A	
West Bloomfield	Vacant			V
Alternative member	Vacant			V

Steve Groet left the meeting at 9:45 pm following consideration of referrals 138-2021, 147-2021, 147.1-2021, 147.2-2017, 145-201, 151-2021, 151.1-2021 and 132-2021. There being no quorum present thereafter, the Board briefly discussed referrals 150-2021 and 151.1-2020 but took no action on this or other referrals, including acceptance of late referrals 153-2021, 154-2021, and 155-2021.

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

Guests: Robert Rotach/School Street variance; Jerry Goldman/Attorney & Matt Tomlinson/Engineer, G&A Development; Jerry Goldman/Attorney, Riedman-Southgate Hills; Martha Hilton/Smith Road resident; Meg Barnes/J Morgan Services Venue; James Cretekos/BME Engineers,2536 Rochester Road.

Minutes:

- Approval of June 9, 2021 minutes was postponed, there being no possibility of passing motion given required abstentions.

130 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Minor Subdivision	
Applicant:	Venezia Associates	
Property Owner:	Dawson, April & David	
Tax Map No(s):	126.00-1-16.200	
Brief Description:	Subdivision of 29 acre parcel into 2 lots of 21 and 7.6 acres at 4455 Middle Cheshire Road in the Town of Canandaigua.	

131 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Harter, Scott	
Property Owner:	Oostdyk, Tom & Shelia	
Tax Map No(s):	98.17-1-14.000	
Brief Description:	Site plan for demolition and replacement of single family home at 3551 CR 16 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/29714/131-2021-siteplan-with-landscapingCounty-Road-16-3551-2021-06-09-Site-Plan	

CLCSD Comments Plans need to be submitted to this office for review and comment. Renovation permit will be required.

132 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	BME Associates	
Property Owner:	Canandaigua Crossing LLC	
Tax Map No(s):	70.11-1-7.1100	
Brief Description:	Site plan and area variance for 8,000 SF building at 2536 SR 332 just north of Monro Auto Service. Variances required for 57' front setback when 150' is required, 33' rear setback when 40' is required, and 28.5 percent open space when 40 percent is required. https://www.co.ontario.ny.us/DocumentCenter/View/29711/132-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29712/132-2021-site-plan-w-landscaping-State-Route-332-2536-2021-06-21-Site-plan	

Due to triangular shape of the site, the developable portion of the 1.7 acre lot with the 150' front setback and 40' rear setback would be 5,000 SF. The applicant has proposed a 57' front setback when 150' is required. The applicant has indicated the proposed front and rear setback variances are similar to existing Tom Wahl's and Monro Auto Service buildings and closer to desired 10' minimum front setback in draft Uptown Canandaigua Form Based Code.

The applicant is proposing 28.5 percent open space when 40 percent is required in the Mixed Use Overlay. Draft code reportedly requires 15 percent open space. Building footprint reportedly reduced by 25 percent and second story added based on Planning

Board comments and draft Form Based Code. Proposed building coverage is 11 percent. Proposed building façade reportedly considers the spirit of the draft Form Based Code by incorporating a second floor with exterior patio and large glass windows.

Applicant proposing 2 small bio-retention areas totaling 3.5 percent of the lot for stormwater management. The site plan also shows proposed underground stormwater chamber. Stormwater system will discharge to existing NYSDOT storm sewer as under existing conditions.

Applicant retaining existing access point to northern portion of the site and a cross access easement to enter and exit the site via the Monro Auto Service property at 2544 SR 332/Rochester Road. A shared access easement is in place between the two properties.

The applicant is proposing 70 parking spaces when 78 are required by code. Applicant indicates proposed uses have different peak parking demands and is requesting the Planning Board to modify the number of required parking spaces as allowed by section 220.73.l(1) of the Town Code. Applicant also requesting Planning Board to allow 5’ buffer when 10’ is required based on the Planning Board authorization in section 220-76.D(15)(a)[3] . Building mounted and parking perimeter lighting will be dark sky compliant.

According to OnCor, the property has no wetlands or floodplains. Property was previously a gas station and remediation activities have been completed.

NYSDOT to reconcile apparent discrepancy regarding ROW record plans.

CLCSD Comments

1. Plans need to be submitted to this office for review and comment. Permit for new connection will be required.

OCSWDC Comments

- 1- Outlet of culvert under railway at 775.94 and grading plan shows created berm at 778.84. Alteration of stormwater drainage there may have negative impacts on flow.
- 2- Silt fence placed near railway culvert outlet. May be a problem based on stormwater volume.
- 3- Temporary soil stockpile should have silt fence distance 10’ from toe of slope steeper than 3H:1V. Winter conditions require 15’. This area seems too small for soil stockpile under those conditions.
- 4- Concrete washout must be 100’ from storm drain inlets (currently <50’).
- 5- Bio-retention area location on site of construction staging area. Compaction may be a problem.

CPB Comments

1. What landscaping will be provided around the building foundation or in the area between the sidewalk and the curb? Landscaping may include ground plants, planters, hanging baskets etc.
2. Applicant representative clarified
 - a. Drive lane around building is 20’ wide.
 - b. 20’ light poles with dark sky compliant fixtures will be installed.
 - c. The buffer area where the 5’ waiver is requested abuts the rail spur.
 - d. Indicated the open space requirement for this property under current regulations is 30 percent not 40 percent as stated in application materials.

Board Motion: To retain referral 132-2021 and 132.1-20211 as class 1 and return them to the local board with comments
Motion made by: AJ Magnan **Seconded by:** Christen Smith
Vote: 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

132.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	BME Associates	
Property Owner:	Canandaigua Crossing LLC	
Tax Map No(s):	70.11-1-7.1100	

Brief Description:	Site plan and area variance for 8,000 SF building at 2536 SR 332 just north of Monro Auto Service. Variances required for 57' front setback when 150' is required, 33' rear setback when 40' is required, and 28.5 percent open space when 40 percent is allowed.
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See information at 132-2021.

133 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Marathon Engineering	
Property Owner:	Steven Bloch	
Tax Map No(s):	154.06-2-1.200	
Brief Description:	Site plan for demolition of existing single family home and construction of a replacement home in the same footprint and elevated above the floodplain at 5481 Rochester Point Drive in the Town of Canandaigua.	

134 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	ABDB Silver Springs LLC	
Tax Map No(s):	126.16-1-1.100	
Brief Description:	Site plan to move access point to CR 16 north of Foster Road and reconstruct the driveway while maintaining access to cottages at 4351 Ticher Point in the Town of Canandaigua. Site disturbance also includes razing existing tennis court. https://www.co.ontario.ny.us/DocumentCenter/View/29713/134-2021-Tichner-Point-4351-2021-06-09-ABDB-Site-Plan	

135 - 2021	Village of Clifton Springs Village Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Clifton Springs	
Representative:	Graff, Jeff	
Brief Description:	Village of Clifton Springs Zoning text amendment to definitions, use table, and parking regulations to allow for expansion of existing not-for-profit recreation facilities without need for additional parking if located within 500' of facility owned by same entity and located in the Village Center, Neighborhood Commercial, or Gateway Transitional district.	

136 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant & Owner:	Crown Castle/T-Mobile	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Special use permit for modification of cell tower equipment including replacement of 3 antennas and ancillary equipment and installation of 1 new microwave dish antenna without change in height or extent of base station of tower at 914 Brownsville Road in the Town of Victor.	

137 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	Lill Power Development	
Tax Map No(s):	14.02-1-6.200	
Brief Description:	Site plan for construction of a 2 acre outdoor storage yard for piping and fittings at the east end of the Lill Power Development property at 785 Old Dutch Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/29715/137-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29716/137-2021-site-plan	

The area of disturbance is 3.3 acres. Proposed screening includes a planted berm along the east property boundary. The northern half of the storage yard will be asphalt millings and the southern half will be gravel. The site plan indicates 2 bio-retention areas

sized to meet NYSDEC requirements for green infrastructure. One of the bio-retention areas will discharge to grade and then sheet flow to the pond. The other bio-retention area will discharge to an existing stormwater detention area with an outlet to a swale.

There is an existing wetland pond partially on the northeast corner of the property. No disturbance of this area is proposed.

OCSWDC Comments

- 1- No note on existing gravel drive specs. May need additional stone/sizing to meet construction entrance specs (see p.2.30 in NYS Standards and Specifications for Erosion and Sediment Control)
- 2- Temporary soil stockpile noted in SWPPP but not site plan.

No quorum, no vote taken

138 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant & Owner:	Rotach, Robert	
Tax Map No(s):	28.00-2-19.000	
Brief Description:	Area variance for 1,600 SF garage/barn located in the front yard of a house at 1373 School Road. The barn would be located 210' east of School Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/29717/138-2021-Rotach-1737-School-Rd-ZBA-13-Z-2021	

The 3.3 acre lot backs to Great Brook and borders Ganondagan to the east. The house is located 260' from the road, further back than homes on either side. The applicant indicates the building will not be visible from the road, as it will be located behind a wooded area, and that placement of the building in an existing open area minimizes disturbance of the woods behind and in front of the house. The barn site will require 3' of fill. The proposed building will match the color of the existing house and have gable eaves.

According to OnCor the property is not in OC Agricultural District #1 and is not constrained by steep slopes, wetlands, or floodplains.

Comments

- 1. What is the volume of fill to be placed on the lot?

Board Motion: To retain referral 138-2021 as class 1 and return it to the local board with comments

Motion made by: Christen Smith **Seconded by:** AJ Magnan

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

139 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant & Owner:	Logan, Joseph & Heidi	
Tax Map No(s):	27.02-1-99.000	
Brief Description:	Area variance to resubdivide two properties at 7061 and 7117 Dryer Road in the Town of Victor. Applicant wishes to move an existing horse barn and pasture from #7081 lot to #7117 lot. The applicant is requesting a shed setback of 14.3' when 40' is required at #7081 and a horse barn setback of 39.5' when 100' is required and a manure pile setback to a Ganondagon lot of 40' when 100' is required. https://www.co.ontario.ny.us/DocumentCenter/View/29718/139-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29719/139-2021-7117-and-7081-Dryer-survey-map-	

The 2 lots are a combined 8.7 acres and in common ownership with a house, public water supply, and septic system on each lot. The horse barn has an existing setback variance to allow the barn 15' from the western property line when 100' is required.

According to OnCor, the properties are not in OC Agricultural District #1 and are not constrained by floodplains or wetlands. Both properties have areas of 16 to 30 and 31 to 60 percent slope.

No quorum, no vote taken.

140 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	Wallace, Tracey	
Tax Map No(s):	90.00-1-73	
Brief Description:	Subdivision/site plan modification and height variance for Solar Village at 212 Carter Street in the Town of Geneva to reduce the number of units from 101 to 96 and modify the lot sizes and building locations to accommodate on-site wastewater treatment if the Town and City cannot come to an agreement about provision of sewer service. https://www.co.ontario.ny.us/DocumentCenter/View/29720/140-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29721/140-2021overall-siteplan-on-aerial- https://www.co.ontario.ny.us/DocumentCenter/View/29722/140-2021-site-plan https://www.co.ontario.ny.us/DocumentCenter/View/29723/140-2021--subdivision-	

A subdivision plan for the Solar Village project was referred to CPB as 80-2020 in June 2020. The original development site included 50.7 acres on two parcels: a 32.7 acre rural residential parcel with access off Rosewood Drive and undeveloped land to the west and an 18.7 acre parcel with access off Rosewood Drive and Carter Street developed with 2 areas of solar panels. The Planning Board approved a subdivision and the applicant filed for tax parcel numbers for 10 single family home lots and a building permit for the 12 unit apartment complex. Instead of the originally proposed 12 apartments, 50 rental townhouses, and 23 single family homes on sewers or the 101 units approved, the proposed modified site plan includes 90 apartments and 6 single family homes with potential for on-site waste disposal. The 3 proposed apartment buildings require a height variance to allow 33' height when 30' is allowed.

The current subdivision plan creates 5 lots: 4 west of the private drive including lot 2 with .31 acres for the 12 unit apartment building, lot 3 with .11 acres for related stormwater management facilities along the public road, lot 4 with .45 acres for two 11 space garage buildings, and lot 1, a 6.5 acres remainder lot with the existing home and workshop to be repurposed for use of project residents. Lot 4 located east of the private drive with 3.2 acres is proposed for development with three 3-story, 26 unit apartment buildings, two 7 space garage buildings, a rental office, two garbage/recycling dumpsters and a number of stormwater management facilities. The subdivision plan also shows an additional private road segment with hammerhead to serve the 6 previously subdivided single-family lots that are to be retained.

The development site borders the Boys & Girls Club property and a 1.5 mile ROW owned by and connected to the Cornell Agricultural Station lands east and west of CR 6.

The northern portion of the site is zoned R-5 High Density Residential which allows single family, two-family, and townhouse uses at a maximum density of 12 units/acre and maximum building, parking, and road coverage of 70 percent. The remaining lands are zoned R-1 Suburban Residential which allows single family, two-family, and townhouse uses at a maximum density of 4 units/acres and public utility uses. There are also a variety of community uses allowed by special use permit in both districts.

The revised EAF indicate total site disturbance of 14.5 acres and 128 parking spaces. The buildings and parking cover approximately 4 acres and stormwater management facilities over approximately 1.2 acres. Site development replaces most of 5.8 acres of forest. Current application materials make no mention of lighting and include a schedule of plant materials and installation details, but no location plan.

According to OnCor the properties are not in the agricultural district, though 92 % are prime soils, and not subject to wetland, floodplain, or steep slope development constraints. The EAF, though not OnCor, indicate the properties are located over a principal aquifer.

Comments

1. The applicant should be required to show the full allowable development potential of the property and potential road and trail linkages to adjacent sites.
2. Is Solstice Lane public or private?
3. Both the existing pond and the pond east of the apartment buildings are labeled stormwater pond #1.

4. Lot 2 is .31 acres and developed with 12 units. Lot 4 is proposed for development with 78 apartment buildings. Where is associated permanent open space to reduce development density to 12 units per acre as required by underlying zoning?
5. The site plan key includes C, a 6' fence around the pool area; however, no pool is shown on the site plan.
6. Are cross access easements and private road maintenance agreements in place to provide permanent access to all lots and maintenance of shared private road?
7. Revised submitted EAF incorrectly references previous parcel numbers, 14 new lots when the current subdivision appears to retain 6 of the lots previously created and 5 new lots from re-subdividing the previous remainder lot and 3 recently subdivided single family lots, maximum building height of 20', and indicates the development will be on public sewers.
8. The subdivision lists lot 16 at 16 Eclipse Lane which is not shown on the subdivision plan.

OCSWDC Comments

1. Stormwater management facility is shown in separate location from proposed leach lines and proposed secondary leach lines.
2. Not enough detail provided regarding proposed septic system to be able to make comments.

No quorum, no vote taken.

140.1 - 2021	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant & Owner:	Wallace, Tracey	
Tax Map No(s):	90.00-1-73	
Brief Description:	Subdivision/site plan modification and height variance for Solar Village at 212 Carter Street in the Town of Geneva to reduce the number of units from 101 to 96 and modify the lot sizes and building locations to accommodate on-site wastewater treatment if the Town and City cannot come to an agreement about provision of sewer service.	

See info at 140-2021.

141 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Seneca Building Co. Inc	
Property Owner:	Hurst, Kyle	
Tax Map No(s):	133.00-1-18.111	
Brief Description:	Site plan for addition of a 2,000 SF insulated pole barn on the west side of the 2,520 SF existing building, an 880 SF pergola on the south side of the building, a 120 SF band stand off the patio on the east side of the building, and a 1,120 SF deck to the north of the building at Big Alice Brewing, 4280 West Lake Road/SR 14 in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/29724/141-2021-proposed-on-aerial	

The project site is on the west side of the road between Pumping Station Road and Bay Heights Circle.

Comment

1. Is existing parking sufficient to accommodate additional patrons seated on the deck, in the pergola, or on the grass by the bandstand?
2. Will any frontage, foundation, or perimeter landscaping be added to the site?
3. Will any noise, hours, or other operating conditions be needed to ensure expanded entertainment use of the site does not negatively impact adjacent residents?

No quorum, no vote taken.

142 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Arnold, Jeff	
Property Owner:	Indus Real Estate II, LLC	
Tax Map No(s):	103.04-1-25.200	
Brief Description:	Site plan to convert the former Ponderosa Restaurant at the northwest corner of CR 6/Pre-Emption Road and SR 5/US 20 (#780) in the Town of Geneva into an automatic car wash and vacuum center.	

<https://www.co.ontario.ny.us/DocumentCenter/View/29725/142-21-Aerial>
<https://www.co.ontario.ny.us/DocumentCenter/View/29726/142-2021siteplan->

The proposed car wash would continue to use the SR 5/US 20 access point. The use would entail a 20' x 45' addition to the front of the building, 17 vacuum stations installed on either side of the existing building, replacement of the screened dumpster area in the northwest corner of the site, removal of existing shed, and construction of 3 pay stations. Other site modifications include conversion of the divided access drive to accommodate 2 exit lanes and 1 entrance lane, arrows to define queuing for 3 pay stations, new landscaped area at the rear of the site by the tunnel entrance, and a 6 foot privacy fence to screen the adjacent single family residential use to the north. The site plan also shows 4 parking spaces including 1 accessible space and replacement of asphalt with concrete at the wash entrance and exit. The site plan and lighting plan each show 6 light poles. It is not clear whether all existing poles will be replaced with 20' poles or relamped.

The catch basin in the northwest corner of the site will remain. There is a monument sign proposed at the intersection corner with a 40' flagpole. The existing pole sign will be removed.

Comments

1. The referring board should review a detail of the proposed privacy fence.
2. Will any plantings be added to the greenspace along road frontages?
3. It appears the restaurant entry vestibule will be removed. Will the building retain a peaked roof? A side gable?
4. Project documentation should clarify height of existing and proposed light poles and that all fixtures will be dark sky compliant.

No quorum, no vote taken.

143 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Target	
Property Owner:	Dayton Hudson Corp	
Tax Map No(s):	6.00-1-3.410	
Brief Description:	Site plan for relocation and expansion of drive up-pick up area at Target 7500 Commons Boulevard in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/29727/143-2021-06-23--1-page-Site-Plans-2	

The proposed drive up expansion will return the existing six space drive up area to regular parking spaces and install 24 drive up spaces with 6' access aisles in an area of 32 existing parking spaces further east. The change will result in a net loss of 6 parking spaces while retaining 609 parking spaces when 556 spaces are required. The change will also involve approximately 170 SF of additional sign area, relocation of existing drive up beacon and additional of a 2nd beacon sign, and expansion of the hatched area at the front of the store near the proposed pick up area and movement of stop bar and stop sign to allow safe crossing for Target employees.

Comments

1. Is the square footage of proposed signage within limit allowed by zoning?

No quorum, no vote taken.

Due to technical difficulties there is no 144-2021

145 - 2021	Town of Victor Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Victor	
Tax Map No(s):	28.04-1-44.110	
Brief Description:	Re-classifying 4 properties with 59 acres north of CR 41 and east and west of East Victor Road from Residential Overlay District A, limiting density to .33 units per acre, to Residential Overlay District B, allowing .5 units per acre in the Town of Victor.	

The Town of Victor recently completed a Sewer Master Plan and added it as an amendment to the 2015 Comprehensive Plan. This action was reviewed as CPB referral 80-2021 in April 2021. The Sewer Master Plan maps confirm changing the lots in the current referral from the least dense Rural Conservation Density future land use classification to the Medium Density Residential Future Land Use classification.

CPB Comments

1. The referring body should consider traffic impacts on CR 41.

Board Motion: To retain referral 145-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** AJ Magnan **Seconded by:** Patti Wirth
Vote: 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

Due to technical difficulties there is no 146-2021.

147 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	G&A Development & Construction Corp	
Tax Map No(s):	29.00-1-20.11 29.00-1-10.11	
Brief Description:	Area variance, site plan, and re-subdivision at Farmington Commons Plaza on the southwest corner of SR 332/SR 96 in the Town of Farmington. The 2,600 SF credit union with 3 drive-thru banking lanes requires variances for a 78' front setback when 100' is required, an 18' side setback for the drive-thru overhang when 30' is required, and a 25.9' access road setback when 50' is required. https://www.co.ontario.ny.us/DocumentCenter/View/29730/147-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29731/147-2021-Overall-Site-Plan- https://www.co.ontario.ny.us/DocumentCenter/View/29732/147-2021-landscaping https://www.co.ontario.ny.us/DocumentCenter/View/29733/147-2021-subdivisin	

The proposed development site is on 2 separate tax parcels. The future tenant is interested in the ability to purchase their development site. The applicant submitted a subdivision plan for the 1 acre development site, an overall site plan showing conceptual development and access for the entire area, and a site plan for currently proposed development. The created lot developed as proposed would require 3 setback area variances related to the site plan and an area variance to allow access to the site via a private road.

The overall site plan shows a small building with drive-thru between the proposed development site and the existing plaza and a 72,000 SF three-story commercial building to the rear of the development site. It also shows modification of the SR 96 access connection to provide additional throat/queuing distance between SR 96 and the access point to the plaza, a connection to the extension of Mercier Boulevard, and a through connection from the SR 96 and Mercier Boulevard access points through the Burger King site to the shared driveway off SR 332. The overall site plan but not the subdivision plan also indicates a cross operating easement to Mercier Boulevard from this driveway.

The existing frontage access road has a variance to allow 30' setback when 50' is required. The existing Burger King property has a parking variance.

Comments

1. Any subdivision/site plan approval should require cross access easements and maintenance agreement for the shared driveway/access road(s).
2. Where is the discharge point for the stormwater system on the proposed development site and is there sufficient capacity for projected stormwater?
3. The overall concept plan shows a cross access connection from the existing Burger King/Aldi’s driveway to Mercier Boulevard and SR 96, though this access connection is not shown on the subdivision plan. A traffic engineer should analyze this connection and related changes in traffic and turning movements at the Aldi’s/Burger King and SR 96 driveways and recommend any turning movement restrictions, traffic calming devices, or redesign of parking areas that should be in place in conjunction with proposed or future site development to avoid excessive through traffic and maintain safe operation of driveway intersections with SR 96 and SR 332.
4. Will the Burger King property provide parking in accordance with the approved variance in the future when parking is reduced to accommodate parking lot inter-connections?
5. The referring body should grant the minimum variance(s) necessary to allow reasonable use of the lot.

OCSWDC Comments

1. Concrete truck washout is located less than 100 feet from stormwater inlet and bio-retention facility. Refer to page 2.24 of New York State standards for concrete truck washout details.

CPB Comments

1. The referring body should ensure internal sidewalk systems make it desirable for pedestrians to walk from use to use.
2. Does the proposed landscaping comply with Town of Farmington MTOD/MSOD requirements?
3. The referring body should consult with NYSDOT regarding whether speed limit adjustments are needed to safely accommodate additional vehicle traffic exiting Aldi’s/Burger King driveway.
4. The referring body should have a clear understanding of whether/when the SR 332/Mercier Boulevard through road will meet the NYSDOT signal warrant.

Board Motion: To retain referrals 147-2021, 147.1-2021, 147.2-2021 as class 2 and return them to the local board with comments and a recommendation of approval. **Motion made by:** AJ Magnan **Seconded by:** Bessie Tyrrell.
Vote: 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

147.1 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant & Owner:	G&A Development & Construction Corp	
Tax Map No(s):	29.00-1-20.11 29.00-1-10.11	
Brief Description:	Area variance, site plan, and re-subdivision at Farminton Commons Plaza on the southwest corner of SR 332/SR 96 in the Town of Farmington. The 2,600 SF credit union with 3 drive-thru banking lanes requires variances for a 78' front setback when 100' is required, an 18' side setback for the drive-thru overhang when 30' is required, and a 25.9' access road setback when 50' is required.	

See Information at 147-2021.

147.2 - 2021	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant & Owner:	G&A Development & Construction Corp	
Tax Map No(s):	29.00-1-20.11 29.00-1-10.11	
Brief Description:	Area variance, site plan, and re-subdivision at Farminton Commons Plaza on the southwest corner of SR 332/SR 96 in the Town of Farmington. The 2,600 SF credit union with 3 drive-thru banking lanes requires variances for a 78' front setback when 100' is required, an 18' side setback for the drive-thru overhang when 30' is required, and a 25.9' access road setback when 50' is required.	

See Information at 147-2021.

148 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant & Owner:	Gillette, Paul	
Tax Map No(s):	29.00-2-1.111	
Brief Description:	Site plan for 57,000 SF of additional self-storage on 5.5 acre site north of Denny Drive in the Town of Farmington. The site is adjacent to an existing applicant owned storage facility and has frontage on the south side of Collett Road with access off Commercial Drive. https://www.co.ontario.ny.us/DocumentCenter/View/29734/148-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29745/148-2021-site-plan-1	

Proposed development will include one large climate controlled storage building with sprinklers and 6 smaller storage buildings. There is a sanitary sewer easement across the site; outdoor storage is proposed over a portion of this easement. The proposed development activities include 4.5 acres of disturbance.

According to OnCor, the site is within 200' of lands in OC Agricultural District #1 and not subject to development constraints related to floodplains, wetlands, or steep slopes. The site is zoned Light Industrial. The proposed outdoor storage use requires a Special Use Permit.

Proposed landscaping includes 4 evenly spaced clusters of trees and shrubs along Collett Road and 3 trees along Commercial Drive plus 4 burning bushes at entry from Denny Drive. There are no planting details provided for the pocket pond or bio-retention areas. Proposed lighting is dark sky compliant.

The Town of Farmington routinely requires access easement and maintenance agreement for all privately owned stormwater management facilities for emergency access and maintenance activities. The Town of Farmington has indicated completion of Commercial Drive to the property line would be required when this remaining parcel is developed and that a hammerhead turnaround will be required at the end of Commercial Drive at the property line. The Town has also identified an existing natural gas storage tank on an adjacent property and that an easement related to this site may extend to the subject site. The Town of Farmington is also considering whether sidewalks along the property frontage on Collett Road as required by the Town's Major Thoroughfare Overlay District area necessary.

Comments

1. Where will employees park?
2. Does the site plan provide minimum required green space, given that the existing sanitary sewer easement area cannot be used in the calculation of green space?
3. How will the proposed outdoor storage area be screened from Commercial Drive?
4. The proposed site access point is located very close to Commercial Drive. Any relocated access point should provide appropriate off-set or alignment to existing driveways on the south side of Denny Drive.
5. What pedestrian facilities are planned to allow access by residents southwest of Collett and Hook Roads to the commercial facilities along SR 332?

OCSWDC Comments

1. SWPPP not provided, difficult to make comments.
2. Silt fence described in sequencing, but not shown on plans.
3. Drop inlet protection needed, no details provided on plans.
4. Plant species for bio-retention facility and planting plan not shown on landscape plans.

No quorum, no vote taken.

149 - 2021	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Loomis Road Industrial Park LLC	
Property Owner:	Hollingsworth, James & Kathleen	
Tax Map No(s):	17.00-1-62.132	

Brief Description:	Site plan for development of road, central stormwater management facility, and lot 4 at Loomis Road Industrial Park in the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/29736/149-2021-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29737/149-2021-overall-site-plan-1
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This project was previously reviewed as a subdivision referral #94-2021 in May 2021. The referred subdivision plan showed the 10 lots arranged along a looped public road. The subdivision plan also showed a presumed 50' gas line easement along the northern property boundary adjacent to the NYS Thruway lands and the existing trees cover to approximately 80' from the western property boundary and on lots 2, 3, and 4.

The EAF anticipated removal of approximately 10 acres of forest and 1 acre of meadow to make way for construction of ten 15,000 SF buildings and a total of 13 acres of impervious coverage. The EAF also indicates 75 percent of site soils as less well drained, half of site has slopes of 15% or greater, and the site is over a principal aquifer. According to OnCor, areas of 16 to 30 percent slope are concentrated along the western property line.

OCSWDC Comments

1. No SWPPP to review water volumes and retention practices. Not enough detail on bioretention to comment. Connection of 10 lots to SWMF needs to be detailed.
2. Concrete washout must be 100' from storm drain inlets.

No quorum, no vote taken.

150 - 2021	Town of Hopewell Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant & Owner:	Canandaigua Shores LLC	
Representative:	Marks Engineering	
Tax Map No(s):	99.00-1-43.120	
Brief Description:	Site plan and subdivision for 9 single family homes and 1,700 lf of public road on 11.3 acres off CR 18 in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/29738/150-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29739/150-2021-grading-1 https://www.co.ontario.ny.us/DocumentCenter/View/29740/150-2021-grading-2 https://www.co.ontario.ny.us/DocumentCenter/View/29741/150-2021-subdivision	

The overall concept plan and subdivision and site plan for the Town of Canandaigua portion of this project was previously reviewed as 89-2021 in May .The public road will connect to a 2,000 lf public road segment proposed in conjunction with this development in the Town of Canandaigua serving 2 single family lots and 116 rental townhomes. The road will be constructed as a rural collector road. The road in the Hopewell subdivision is to the north of the lots. The 1 acre lots will be served with public water and sewers. Stormwater from roof tops, roadways, and driveways will be diverted to bio/swales/raingardens to undergo treatment and retention. Proposed development activities will disturb 9 of 11.4 acres on this site.

According to OnCor, lands to the east of CR 18 and land to the south of the development site are in OC Agricultural District #1. The site is not constrained by wetlands or floodplains. There are small areas of 16 to 30 percent slope. The following summarizes the on-site soils. Areas with slopes of 8 to 15 percent are classified as farmland of statewide importance; other areas are classified as prime farmland if drained. Site soils are partially hydric, highly erodible, of moderately high permeability, and in hydrologic soil group C/D.

Soil type	Percent of Parcel	Acres
Darien silt loam, 0 to 3 percent slopes	13.6%	1.550
Darien silt loam, 3 to 8 percent slopes	73.6%	8.360
Darien silt loam, 8 to 15 percent slopes	12.8%	1.450

Comments

1. The cover letter indicates a maximum of 128 townhouses, though only 116 units are shown on the overall site plan.

- 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 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.

OCSWDC Comments

- Outlet protection needed where runoff outlets enter rain garden / stormwater management facility.
- Erosion and sediment control plan along with grading plans not provided – difficult to make comment.
- Will rain garden be maintained by landowner or right of way owner? Maintenance will be essential to proper function.
- Sequencing plan not provided. How will stormwater be managed during construction of Canandaigua Shores Town House development?
- Consider additional retention area to allow for longer retention time before entering stormwater management system.

CPB Comments

- Encourage the Town of Hopewell to work with the Town of Canandaigua to minimize the impacts of this project.
- Encourage the referring body to review comments submitted to the Town of Canandaigua by the Canandaigua Lake Watershed Manager.

No quorum, no vote taken.

150.1 - 2021	Town of Hopewell Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant & owner:	Canandaigua Shores LLC	
Representative:	Marks Engineering	
Tax Map No(s):	90.00-1-43.120	
Brief Description:	Site plan and subdivision for 9 single family homes and 1,700 lf of public road on 11.3 acres off CR 18 in the Town of Hopewell.	

See information at 150-2021.

151 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Bagley, Jon	
Property Owner:	SAS Property Holdings LLC	
Representative:	Marks Engineering	
Tax Map No(s):	85.00-1-3.000	
Brief Description:	Site plan and subdivision for 14 lots northwest of CR 46 and Smith Road to be developed with 13 single family homes and 40 acres of active farmland. https://www.co.ontario.ny.us/DocumentCenter/View/29742/151-21-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/29743/151-2021-overall-site-plan	

Total lot is 91 acres with lands zoned R-1 and A-G. The CR 46 frontage is zoned R-1. The R-1 district required 40,000 SF lots with 150’ of road frontage. The proposed subdivision involves 8 lots, including 2 flag lots, with individual driveways along the 1,400 lf of frontage on CR 46. The Smith Road frontage and the remainder of the parcel is zoned A-G. The A-G district and the Prime Farmland Soil Overlay development standards allow 30,000 SF residential lots. The Smith Road frontage is proposed for 5 lots including, 1 flag lot, along approximately 625 lf of frontage. There is a 20’ access point to the remainder lot south of the proposed lots on Smith Road.

According to OnCor, the project site and all adjacent lands are in OC Agricultural district #1. The property is not constrained by steep slopes, wetlands, or floodplains. The following summarizes the dominant soils. Within these dominant soil map units, approximately 35 acres of the site are prime farmland with an additional 47 acres prime farmland if drained.

Odessa Silt Loam 0-3 % 39 acres along Smith Road frontage and ½ of CR 46 frontage

Prime Farmland, if drained

Permeability: moderately low **Erodibility:** very high

Hydrological Group C/D **Partially Hydric**

Schoharie silt loam 3 - 8 % 27 acres in center of property

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Not Hydric**

Ovid Silt Loam 3 - 8 % 8-15% 8 acres along ½ of CR 46 frontage

Prime Farmland, if drained

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Partially Hydric**

Schoharie silt loam 0-3 % 8 acres in northwest corner of property

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Not Hydric**

The lots will have public water and on-site wastewater treatment. The soils include heavy clay and require raised fill septic systems. NYSDOH realty subdivision laws prohibit subdivisions of 5 or more lots of less than 5 acres if raised fill septic systems are required. Therefore, 4 of the proposed lots are about 1.3 acres and the remaining 8 lots are more than 5 acres. Stormwater for individual lots will be managed by bio-swales on each individual lot. CR 46 is a rural minor collector. Desired driveway spacing on a collector road with a speed limit of 45 mph is 440'.

Section 504 of Hopewell Town Code limits non-agricultural uses on prime farmland soils (including prime if drained) to 30 percent of the parent parcel. In this case the allowable development area is 27.3 acres. The development regulations of section 504 also reference standards related to the Soil Conservation Service of the USDA Land Classes I to VIII and soil groups 1 to 8.



Comments

1. What are the sizes and frontage width of the individual lots? Is total acreage converted to non-agricultural use less than 27.3 acres as allowed by section 504?
2. How do the 3 proposed flag lots minimize loss of prime soils or viability of the farm? Does use of flag lots appropriately balance the preservation of prime soils and desirable driveway spacing standards? Would lot layout with a public or private road and fewer access points maintain roadway capacity without converting significantly more prime land?
3. Is the conservation easement a permanent or annually renewable easement?
4. What activities will be allowed within the conservation easement and who will own and monitor the conservation easement?
5. Are special easement conditions necessary to preserve the vegetated stream corridor?
6. Is the intention that the portion of the conservation easement mapped on individual lots be used as farmland or buffer area to active farm operations? What landscaping will be planted to provide a buffer between residential and agricultural use? How does intended use of conservation lands on residential lots impact converted acreage?
7. The referring body should require mapping of existing agricultural drainage infrastructure to ensure any drainage impacted by site development is repaired and on and off-site agricultural lands maintain their productivity.
8. Is the width of the access to the remainder lot adequate for the farm machinery likely to use it?
9. Has a farm operator confirmed interest in farming the conservation land as configured?

OCSWCD Comments

1. Details show underdrains in bio swales, however, outlets are not shown on designs.
2. Soil types are not suitable for infiltration and will make function of rain garden difficult.
3. Federal wetland on lot 11 with outlet across lot 10. Further evaluation needed on placement of septic systems on those lots.
4. Details needed culvert to cross class C stream on lot 2.

CPB Comments

1. Extension of public water lines and/or connection of non-agricultural uses to existing water lines requires Notice of Intent to NYS Department of Agricultural and Markets and review by OC Agricultural Enhancement Board.
2. Flag lots typically increase density and therefore income for the subdivider to the detriment of the community and homeowner impacted by the increased driveway density & significant driveway maintenance cost. In this case the flag lots do not result in preservation of undeveloped road frontage or increase the acres of land available for cultivation.
3. If the land on individual lots is intended as preserved agricultural land, how will farmers access lands on the south side of the stream?

Board Motion: To change referral 151-2021 and 151.1-2020 to a class 2 in recognition of preservation of viable farmland as an Ontario County priority.

Motion made by: Glen Wilkes **Seconded by:** Paul Passavant

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

Findings

1. As documented in the OC Planning Board By-Laws Areas of Review 8.2 Agriculture and the Ontario County Agricultural Enhancement Plan frontage residential development can negatively impact farm and farmland viability. Reduction in the size of fields, field configuration, difficulty accessing land, and complaints/lack of buffer area between homes and agricultural activities which may involve noise, smells, dust, and late night operations may negatively impact farm and farmland viability.
2. Desirable driveway density spacing along county roads with speed limit of 45 mph or higher is 440'.

Board Motion: To retain referrals 151-2021 and 151.1-2021 as a class 2 and return them to the local board with comments and a recommendation for approval with the following three Modifications:

Modification #1 The referring board shall evaluate the subdivision's compatibility with local and county agricultural preservation objectives and regulations. This may include limiting development/subdivision of lots to the R-1 portion of the parcel.

Modification #2 The referring board shall ensure preserved farmland is viable. At a minimum this shall require addressing farm equipment access and buffering between homes and preserved farmland.

Modification #3 The referring board shall ensure the lot density and location considers overall density, driveway density, minimizing potential for complaints from non-agricultural development regarding agricultural operations, contribution of preserved land to the scenic rural character of the Town, and allocation of driveway/private road maintenance costs among homeowners.

Motion made by: Len Wildman **Seconded by** Bessie Tyrrell
Vote: 10 in favor, 0 opposed, 0 abstentions **Motion carried**

151.1 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Bagley, Jon	
Property Owner:	SAS Property Holdings LLC	
Representative:	Marks Engineering	
Tax Map No(s):	85.00-1-3.000	
Brief Description:	Site plan and subdivision for 14 lots to be developed with 13 single family homes and 40 acres of active farmland.	

See information at 151-2021.

152 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant & Owner:	Mincer, Ray	
Tax Map No(s):	127.81-1-49.000	
Brief Description:	Relocation of shed to location 11" from north property line and 0' from east property line when 10' setbacks are required at 4523 lake Drive in the Town of Gorham. Property is not on lake side and property to the north is in common ownership. https://www.co.ontario.ny.us/DocumentCenter/View/29744/152-2021-survey	

This appears to be for an existing shed.

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

The intent of this policy is to:

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

Final Classification: Class 1

Findings:

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

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

153-2021	Town of Canandaigua	Class 2 Late Referral
Referral Type:	Comprehensive Plan Update	
Applicant:	Town Board	
Brief Description:	https://www.co.ontario.ny.us/DocumentCenter/View/29766/153-2021-Comprehensive-Plan-2021-towncdga-2021-06-16-reducedsize https://www.co.ontario.ny.us/DocumentCenter/View/29767/153-2021-Comprehensive-Plan-2021-06-16-appendices	

The 2021 Town of Canandaigua Comprehensive Plan Update affirms the continued vision of the Town for a balance of protected natural, agricultural, and rural areas enjoyed by diverse residents, visitors, and businesses while also accommodating development that protects and enhances Canandaigua Lake, historic resources, scenic vistas, and providing high quality community services. The Plan narrative addresses new topics such as protecting woodlands from invasive species, preserving vegetation in stream corridors and on steep slopes, addressing impacts of climate change, reducing landfilled waste particularly organic food waste, and expanding availability of high speed internet access, renewable energy, and bicycle and pedestrian infrastructure.

The Plan's demographic analysis notes an increase in older residents and the shift in new housing from large lot single family homes to smaller lots and rental housing and increasing number of cost overburdened households who pay more than 30 percent of income for housing. The Town is shifting to fewer contracted Fire Departments and the hiring of full-time firefighters.

The Town has permanently preserved 2,145 acres of farmland and has 175 acres of parkland and an additional 85 acres of Town owned open space. The Town is planning for a first in the nation universal design playground for all ages and abilities at Outhouse Park West. The Town is also connecting Outhouse Park to the Auburn trail,

The Plan includes an interesting analysis of vacant land and vacant land with water and sewer by zoning district to gage whether zoning/land use designations match need.

The Plan includes goals, recommended action steps, and measurables in the areas of Agriculture, Natural Resources, cultural and Historic Resources, Parks and Recreation, Economic Development, Residential and Neighborhood Character, Hamlets, Transportation, Infrastructure, and Town Operations.

In spite of public interest in extending public water service to all areas of the town, the Town maintained its policy to limit extension of public infrastructure to areas identified in the Water and Sewer Master Plans and the Agricultural Enhancement Plan. The Plan narrative also documents challenges of implementing the Town Sewer Master Plan as extending sewer service to needed areas such as Cheshire, are beyond what area households can afford. The Plan also recommends revising land use and zoning regulations to allow denser development near existing transit stops and to encourage mixed use development that supports pedestrian and public transit options.

No quorum, no vote to accept late referral or to make recommendation.

154-2021	Town of Canandaigua	Class 2 Late Referral
Referral Type:	Text Amendment	
Applicant:	Town Board	
Brief Description:	Text amendment to apply form based regulations instead of use based zoning regulations to land in the SR 332 corridor between Campus Drive and North Street/North Road including lands fronting on both sides of Sommers Drive, Firehall Road, Parkside Drive, and Macedon Road/CR 28 and cross street of Thomas/Emmerson Road, Kepner Road, Airport Road within this area in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/29768/154-2021-2nd-try-Uptown_Draft-FBC_62021	

Not enough time for staff review. Referral will be placed on August CPB agenda.

155-2021	Town of Farmington	Class 2 Late Referral
Referral Type:	Moratorium	
Applicant:	Town Board	
Brief Description:	The Town of Farmington adopted a six-month solar collection system moratorium in August 2020 and extended the moratorium for an additional six months to August 10, 2021 in February 2021. This referral would extend the moratorium for another six months to February 10, 2022 or a shorter period if the Town Board passes a resolution that the moratorium is no longer necessary. https://www.co.ontario.ny.us/DocumentCenter/View/29769/155-2021-OCPB-Referral-and-attachments-2-LL--of-2021-Extending-Moratorium	

No quorum, no vote to accept late referral or to make recommendation.

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: l, (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 1

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)

Clearing House Reviews – none

Upcoming Training – https://www.eventbrite.com/e/creative-placemaking-leadership-webinars-registration-116926818261?aff=odeimcmailchimp&mc_cid=d80e8509ee&mc_eid=cb876cdee3

July 27. 2-3 pm eastern: History of Creative Placemaking in the United States Part 2

Adjournment: Member Steve Groet left the meeting at approximately 9 45 pm. There being no quorum, the Board briefly discussed referral 151-2021 and restarting Tues afternoon Coordinated Review Committee meeting and the 7/14/21 County Planning Board meeting dispersed at 10:16 pm.

Respectfully submitted by Linda Phillips, Senior Planner