

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – October 12, 2021 at 3:30 pm**

County Planning Board Meeting – October 13, 2021 at 7:00pm

@ 20 Ontario Street & Virtual 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 action: A g approve, A-M = Approve with Modification, D = disapproval NA = No Action

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191.1 - 2021	Town of Livonia	Town Board	Town of Livonia	Local Law	Exempt	
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Call To Order/Roll Call: Chair **Wildman** called the 9/8/21 CPB to order at 7:02 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were twelve (12) voting members and 1 alternate member present meeting the quorum requirement.

Cities	Member name in bold if on local legislative, planning, or zoning board	A – Absent, E – Excused Absence, P-Present, V- present Virtually		
		P	V	E/A
Canandaigua	Christen Smith			E
Geneva	Paul Passavant	P		
Towns				-
Bristol	AJ Magnan ZBA		V	
Canadice	Stephen Groet PB	P		
Canandaigua	Vacant	---	---	---
East Bloomfield	Mike Woodruff PB		V	
Farmington	Patti Wirth		V	
Geneva	Steven High	P		
Gorham	Jack Dailey		V (until 905)	
Hopewell	Bill Namestnik			E
Manchester	Sue Kell			E
Naples	Vacant	---	---	---
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Vacant	---	---	---
South Bristol	Bessie Tyrrell PB		V	
Victor	Mike Crowley	P		
West Bloomfield	Ruth Cahn ZBA	P		
Alternative member	Doug Dello-Stritto		V	

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

Guests: Douglas Eldridge/Douglas Eldridge Site Engineering-Scenic Ridge Subdivision; Mike Bogojewski/BME-Victor-Farmington Library; James Cretokos/BME-Southgate Hills Sec 2; David Merrick and Joshua Saxton/Passero-FSI

Minutes:

- *Motion made by Steve High to approve the Sept. 8, 2021 revised draft minutes , seconded by Glen Wilkes (abstentions Patti , Mike C, Doug) Motion carried minutes revised to add comments from Staff review of draft Manchester Zoning Code Update, to reference correct referral number in Motion for referral #175-2021 and include referral 187.2-2021 in Motion for referral 187-2021.*

Linda Phillips is inviting you to a scheduled Webex meeting.

Wednesday, October 13, 2021

7:00 PM | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs 30 mins

[Join meeting](#)

More ways to join:

Join from the meeting link

<https://ontariocountyny.webex.com/ontariocountyny/j.php?MTID=m9113cd88ce9cf75378209566a00172fd>

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Meeting number (access code): 2336 242 4941

Meeting password: 85YRsXjPhK3

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[Global call-in numbers](#)

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You can also dial 173.243.2.68 and enter your meeting number.

190 - 2021	Town of Victor Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Guinan, Diane	
Tax Map No(s):	40.00-1-23.110	
Brief Description:	Subdivision to create 2 lots from 112 acre parcel at 6465 CR 41 in the Town of Victor. Lot 1 of 50 acres proposed for construction of a single family home.	

191 - 2021	Town of Livonia Town Board	Class: Exempt
Referral Type:	Text Amendment	
Brief Description:	Local laws for solar energy systems and energy battery storage in the Town of Livonia, Livingston County. https://ontariocountyny.gov/DocumentCenter/View/31201/1911-Battery-Energy-Storage-System-Local-Law-05172021	

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

Comments

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

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

191.1 - 2021	Town of Livonia Town Board	Class: Exempt
Referral Type:	Local Law	
Brief Description:	Local laws for solar energy systems and energy battery storage in the Town of Livonia, Livingston County. https://ontariocountyny.gov/DocumentCenter/View/31202/191-2021-Solar-Regs-Local-Law-05172021	

See information at 191.2021.

192 - 2021	Town of East Bloomfield Town Board	Class: 2
Referral Type:	Local Law	
Applicant:	Town of East Bloomfield	
Brief Description:	Text amendment in the Town of East Bloomfield to regulate signs in commercial and industrial districts when more than one use is located on a single lot and when uses are serviced by an internal access road. https://ontariocountyny.gov/DocumentCenter/View/31203/192-2021-e-bloom-proposed-amendment-signs	

Board Motion: To retain referral 192-2021 as a class 2 and return it to the local board with a recommendation of approval.
Motion made by: AJ Magnan **Seconded by:** Steve High
Vote: 12 in favor(including alternate member, 0 opposed, 1 abstention (Mike Woodruff) **Motion carried.**

193 - 2021	Town of Naples Town Board	Class: Exempt
Referral Type:	Local Law	
Applicant:	Town of Naples	
Brief Description:	Local law to opt out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments in the Town of Naples outside the Village.	

194 - 2021	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Thornton Engineering	
Property Owner:	Frontenac LLC	
Tax Map No(s):	56.00-1-57.000	
Brief Description:	Site plan for 10,200 SF paved boat display area at FLX Marine, 2121 SR 332 in the Town of Canandaigua. https://ontariocountyny.gov/DocumentCenter/View/31204/194-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31205/194-2021-SR--332-2121-2021-09-08-Site-plan	

The boat display area will be 120' from the road. The applicant has requested a waiver to reduce the width of frontage landscaping from 20' to 10' to allow more visible boat display closer to the crest of the hill. The proposed modifications include a 400 CF rain garden.

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

195 - 2021	Town of Richmond Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant & Owner:	Lewandoski, Dar & Val	
Tax Map No(s):	165.05-1-43.000	
Brief Description:	Variances for 96 SF lakeside deck at 5396 Hamilton Point in the Town of Richmond. Area variances needed as with deck, site will slightly exceed 25 percent allowable lot coverage and deck located 40' from mean highwater mark when a 50' lakeside setback is required.	

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

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
 - variances pertaining to side yard setbacks or,
 - variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments:

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

196 - 2021	Town of Richmond Zoning Board of Appeals	Class 2
Referral Type:	Use Variance	
Applicant:	Twisted Rail Brewing	
Owner:	Mattick Enterprises Inc.	
Tax Map No(s):	150.13-1-24.000	
Brief Description:	Use variance amendment to expand restaurant seating capacity of outdoor deck from 50 to 65 and to allow live band/music once per week from Memorial Day to Oct. 1 at Twisted Rail, 5226 E. Lake road in the Town of Richmond. . https://ontariocountyny.gov/DocumentCenter/View/31206/196-2021-Aerial	

The bar restaurant use was originally established by use variance on 2/15/00. The original use variance limited bar area to 35 percent. The use variance was amended on 12/22/04, 1/27/05 and 10/11/05. Collectively these amendments allowed the use to operate till 10 pm Sunday through Thursday and till 11 pm on Friday and Saturday, provide seating for 90 customers and 50 seats on the outdoor deck, to add 607 SF of indoor restaurant space with capacity increased to 146. Operating conditions associated with such amended use variance included capping the bar area at 820 SF in spite of the addition, providing 88 parking spaces and 12 boat slips, no bar amplified or live music on the outdoor deck, installation of fence and juniper screening to protect neighboring properties, and installation of speed bumps parking area.

No information provided to justify amended use variance to expand outdoor restaurant seating and allow outdoor live music until 10 pm. As outlined in NYS Town Law 267-b and Village Law 7-712-b and City Law 81 b the local municipal body is authorized to grant or amend a use variance only if all four of the following standards are met:

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.

According to OnCor, the Honeoye Lake frontage and an area along the stream on the southern portion of the property are in the floodplain.

Comment

- 1. The local municipal body authorization is to grant the minimum variance to achieve a reasonable rate of return based on dollars and cents evidence.
- 2. If use variance standards are met, the referring body may want to clarify whether amplification of live or recorded music will be allowed and to establish maximum sound level and how to measure and enforce any limit.
- 3. Is there a site plan on record identifying 88 parking spaces designated for patrons?

Findings: County Planning Board has an interest in ensuring local boards carefully consider the implications of granting use variances and adhere to the four-prong unnecessary hardship test outlined in NYS statute.

The referred materials do not include any documentation of unnecessary hardship.

Board Motion: To retain referral 196-2021 as a class 2 and return it to the local board with a recommendation of denial. **Motion made by:** Paul Passavant **Seconded by:** Glen Wilkes

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

197 - 2021	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	FSI Construction	
Property Owner:	Rawson Road Properties LLC	
Representative:	Passero Associates	
Tax Map No(s):	27.08-1-1.121	
Brief Description:	Site plan for 53,000 SF office industrial space on Rawson Road in the Village of Victor. https://ontariocountyny.gov/DocumentCenter/View/31208/197-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31210/197-2021-rawson-road-site-plan https://ontariocountyny.gov/DocumentCenter/View/31209/197-2021-rawson-road-landscaping	

A similar project was approved in 2001 and never built. The wetland delineation has been updated.

The project includes 2 buildings: one 20,000 SF with 5 loading docks and one 33,000 SF with 3 loading docks. Loading docks are on the west side of the building. Sixty-three employee parking spaces are located along the east side of the building. There are an additional 42 land banked parking spaces along the driveway to the loading docks.

The site plan indicates 50 percent open space is required in the Industrial district and 40 percent open space is proposed. The site plan includes 2 bioretention areas, one at the east end of the site by the entrance from Rawson Road and the other at the west end of the impervious area by the stormwater management pond. The site plan includes an enclosed dumpster area and designated trailer and truck parking.

The landscape plan indicates 22 deciduous trees of 3-3.5" caliper and 6 evergreen trees 6-8' tall planted along the west property boundary and at the north and south ends of the building. There are also 31 arborvitae planted to screen the

dumpster area and the electric box by the entrance, and 60 shrubs around the stormwater pond.

According to OnCor, the NYSDEC regulated wetland and associated 100' buffer area shown on the northern edge of the parcel is part of a 200 acres wetland that covers much of the undeveloped land on the rear of the Victor Business Center site to the east and undeveloped lands to the north and west. The dominant on the site is Lamsen fine sandy loam with slope of 0 to 3 percent. The dominant site soil is a poorly drained soil with high permeability and erodibility, is partially hydric, in hydrologic class B/D, and farmland of statewide importance. The site is not constrained by floodplains or steep slopes.

Comments

1. Where will snow be stored if land banked parking spaces are developed?
2. A variance will be required to allowed 40 percent open space when 50 percent is required.
3. Will the owner allow Auburn Trail parking in employee spaces during evening or weekend hours?
4. The site plan does not show an entrance or ADA parking for the 33,000 SF building.
5. What are use hours of operation? Will lighting be dimmed when facility is not open?
6. Are proposed light fixtures dark sky compliant? Lighting plan lists 3,000, 4,000, and 5,000 K color temperature. Only warm white filtered LEDs with CCT< 3,000K and S/P ratio <1.2 should be used to reduce blue light emission and harm to humans and other animals. https://ontariocountyny.gov/DocumentCenter/View/31019/IDA_LED_handout_48
7. What is the height of proposed light poles?

OCSWCD Comments

1. Consider 0 phosphorus fertilizer.
2. Consider alternative steep slope mix with native species mix.
3. See New York State Blue Book for concrete truck washout details.
4. Concrete truck washout located less than 100 feet from existing roadside stormwater inlet.

Board Motion: To retain referral 197-2021 as a class 1 and return it to the local board with comments.

Motion made by: Steve Groet **Seconded by:** Paul Passavant

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

198 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	BRW of Greece LLC	
Tax Map No(s):	28.04-1-48.000	
Brief Description:	Cluster subdivision for 15 lots on 10 acres with nearly 4 acres in a conservation easement on East Victor Road in the Town of Victor. https://ontariocountyny.gov/DocumentCenter/View/31211/198-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31212/198-2021-southgate-scans	

The referral includes an overall development plan showing the proposed clustered development, an additional 9 lots on a dedicated road with 2 access connections east of East Victor Road and two 6.5 acre and two 12.2 acre estate lots along CR 41. These 4 parcels with 59 acres including the subject property and adjacent properties controlled by the applicant was recently reviewed as referral 145-2021 in July. The previous referral covered re-classifying 4 properties 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 59 acres has an allowable development density of 29 or 30 units. The proposed overall development plan proposes 28 units. Development of 15 homes on the 10 acres proposed must be accompanied by restriction in the allowable development of remaining lands. The Town of Victor also requires 50 percent open space in conjunction with residential development. The overall development plan indicates the open space for the current development includes 4 on-site acres and 1 off-site acre. The current subdivision plan covers 10 acres west of East Victor Road approximately 800' north of CR 41.

The applicant's proposed cluster development standards include 11,000 SF lots, 80' lot widths, 25' front setback, 8' side setbacks, and 5' driveway setbacks. Residential 2 zoning district would otherwise require 25,000 SF lots, 50' lot widths (100' if not on a cul-de-sac, 40' front setback, and 15' side setbacks.

The subdivision plan indicates 4 acres of conservation easement covering portions of all 15 lots including undisturbed woods along the southern and western/creek boundary and the stormwater management pond along the northern boundary. The overall development plan indicates an additional 1 acre of off-site conservation easement to comply with the 50 percent open space requirement of Residential Overlay B.

The landscape plan indicates 5 trees along the 450' frontage of East Victor Road, 3 trees and 20 shrubs around the stormwater management pond and 14 trees in the front yards of individual homes.

The EAF indicates development will disturb 7.3 acres replacing 4 acres of woods and 3 acres of meadow with 1.4 acres of impervious surface and 5.7 acres of lawn. The property is in Ontario County Agricultural District #1 and includes 2.7 acres of highly productive agricultural land.

There are single family homes on large lots north and south of the proposed development site. Fish Creek and then Victor Hills Golf Club lie to the west.

Comments

1. The subdivision plan should show the entire lot being subdivided including the 10 acre remainder lot east of East Victor Road.
2. The applicant should be required to show compliance with Victor Town Code Chapter 55 Access Management or request a planning board waiver
3. Does the maintenance plan for the conservation area around the stormwater pond create meadow or lawn habitat? Is the Town or homeowners responsible for maintenance of this and other conservation areas.
4. The subdivision plan does not show any landscaping in the disturbed area along the northern property boundary.

OCSWCD Comments

1. SWPPP not provided.
2. Plans indicate that existing drainage will be placed underground in pipe
 - a. Taking this water out of the existing grassed swale it runs through and placing it in a pipe will increase velocities. Additionally, drainage from lots 1-7 will be directed to this same inlet and also piped across the property. Consider onsite retention of this water before outletting at property line.

CRC Comments

1. Given the complexity of the Town of Victor zoning, residential overlay, and clustering regulations, the referring body should consider requiring a note on the subdivision that the allowable density includes transfer of development rights from other properties and accommodation of required open space off-site.
2. In response to questions from the Board the applicant offered the following information:
 - a. A SWPPP will be provided to the Town and their engineer in conjunction with final site plan submission.
 - b. Traffic impact study is typically only required if a project would generate more than 100 peak hour trips. This project is expected to generate approximately 10 peak hour trips.

CPB Comments

1. The referring body should consider the cumulative impact of this subdivision along with the Blumont Stables subdivision and other development envisioned by the Comprehensive Plan and Sewer Master Plan.
2. The referring body should consider the cumulative impact of this conversion of prime farmland.

Board Motion: To retain referral 198-2021 as a class 1 and return it to the local board with comments.

Motion made by: Steve Groet **Seconded by:** Mike Woodruff

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

199 - 2021	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Scott Harter PE	
Property Owner:	Loughlin, Tim	
Tax Map No(s):	17.00-2-45.111	
Brief Description:	Area variance for construction of 3,500 SF barn in the front yard of a property at 640 CR 8 in the Town of Farmington.	

The existing house sits 883' from CR 8 and more than 336' from the front property line adjoining the home on the frontage lot to the east. The proposed barn would be located 336' from the SF lot to the east and 30' from the south property line.

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

200 - 2021	Town of Farmington Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Falanga, James & Nancy	
Tax Map No(s):	10.00-1-70.000	
Brief Description:	Site plan and subdivision for 6.3 acre lot and home at 4765 Fox Road between Yellow Mills Road and Ellsworth Road in the Town of Farmington.	

200.1 - 2021	Town of Farmington Planning Board	Exempt
Referral Type:	Subdivision	
Applicant:	Falanga, James & Nancy	
Tax Map No(s):	10.00-1-70.000	
Brief Description:	Site plan and subdivision for 6.3 acre lot and home at 4765 Fox Road between Yellow Mills Road and Ellsworth Road in the Town of Farmington.	

201 - 2021	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Sanna, Thomas	
Tax Map No(s):	15.00-2-20.120	
Brief Description:	Area variance and site plan to construct 9 poly greenhouses with 28,224 SF behind the existing metal building at the southeast end of Bristols, 7432 SR 96 in the Town of Victor. The variance is for location 41.9' from the ROW of Rowley Road when 80' is required. https://ontariocountyny.gov/DocumentCenter/View/31215/201-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31216/201-2021-Bristols-Greenhouse-site-plan-20-7-2021	

The proposed greenhouses include four 24'x120' structures and five 24'x144' structures; all are 14' in height. The greenhouses would be a minimum of 61' from the edge of pavement. The applicant indicates any alternative location would be closer to SR 96.

According to OnCor the native site soil on the property is primarily Lamson mucky fine sandy loam, 0-3 percent slope which is a hydric poorly drained soil with high permeability and high erodibility.

Comments

1. Construction of the greenhouses will change the flow and likely infiltration of stormwater compared to the

existing gravel parking. How will post-development stormwater be managed?

2. The OnCor aerial shows truck parking and material storage in the area proposed for growing greenhouses. Where will these business activities be accommodated?

OCSWCD Comments

1. Control of additional roof water not indicated on plans. Will this be tied into existing storm water management facility?
2. Does current storm water management facility have adequate capacity to handle additional volume?

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

201.1 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sanna, Thomas	
Tax Map No(s):	15.00-2-20.120	
Brief Description:	Area variance and site plan to construct 9 poly greenhouses with 28,224 SF behind the existing metal building at the southeast end of Bristols, 7432 SR 96 in the Town of Victor. The variance is for location 41.9' from the ROW of Rowley Road when 80' is required.	

See information at 201-2021.

202 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant & Owner:	Korich COO, Frank M.	
Representative:	Pietrzak, Vincent	
Tax Map No(s):	119.00-1-9.200	
Brief Description:	Subdivision and map amendment for creation of 6.4 acre lot for new medical office building behind Ambulatory Surgery Center at 7300 Pre-Emption Road in the Town of Geneva. https://ontariocountyny.gov/DocumentCenter/View/31217/202-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31237/202-2021-site--subdivision-scans	

The parent parcel is 23 acres. Approximately 17 is currently zoned Agricultural and 6 acres is zoned R-4 Residential Medium Density. The intention is to retain 10.8 acres in the Agricultural zoning district and re-zone 12.2 acres to Town Center Mixed Use and to subdivide a 16 acre parcel for the existing surgery center and agricultural area and a 6.4 acre parcel including the shared access from CR 6 for the proposed medical office building. Referred materials include a site plan, though the project is not referred for site plan at this time. The site plan shows a 36,340 SF medical office building and 163 parking spaces and will share access with the existing frontage medical building. The site plan also shows a patient drop off canopy at the front of the building, a .2-mile fitness loop, and 20' light poles. The site plan also appears to show expansion of the existing stormwater management facility along the south side of the driveway and 2 additional stormwater management facilities: a small infiltration basin north of the driveway on the new lot, and larger infiltration basin along the southern property line on the larger remainder lot.

Comments

1. Before any decision on the proposed subdivision, the referring body should review easements and maintenance agreements for shared access and shared drainage facilities between the proposed and frontage lot.
2. The Town Center Mixed Use district objectives would be better met with the interconnection of frontage and or proposed lot with lots to the north and south.
3. What is the Town of Geneva’s current policy regarding bicycle and pedestrian accommodation in the CR 6 corridor? Should frontage sidewalks be proposed? Should bicycle rack be provided? Are share the road with bicyclists signs appropriate.?

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

202.1 - 2021	Town of Geneva Planning Board	Class: 2
Referral Type:	Map Amendment	
Applicant & Owner:	Korich COO, Frank M.	
Representative:	Pietrzak, Vincent	
Tax Map No(s):	119.00-1-9.200	
Brief Description:	Subdivision and map amendment for creation of 6.4 acre lot for new medical office building behind Ambulatory Surgery Center at 7300 Pre-Emption Road in the Town of Geneva.	

The area to the north of the site is currently zoned Town Center Mixed Use. The existing frontage medical building appears to be a pre-existing non-conforming use in an R-4 Residential Medium Density District. The purpose of the Town Center Mixed Use District is to reduce green house gas emissions and promote an energy-independent and secure community, enhance community resilience, and create a high-quality public realm and streetscape, a mix of compatible uses in a variety of building types, and high quality urban residential environment for those desiring such a lifestyle. The district permits a wide variety of commercial uses and upper story residential uses at densities of up to 12 units per acre.

Comments

1. The proposed building may need an area variance for a front setback that exceeds 5'.
2. The proposed site may be required to provide a vegetative buffer adjacent to the R-4 district to the east. Alternatively, the rezoning could include the frontage lot.
3. The Town Center Mixed Use district objectives would be better met with the interconnection of frontage and/or proposed lot with lots to the north and south.

Board Motion: To retain 202-2021 as a class 2 and return it to the local board with comments and a recommendation of approval.
Motion made by: Steve High **Seconded by:** Paul Passavant
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

203 - 2021	Town of West Bloomfield Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Simple Self Storage	
Property Owner:	Fisher, Jeremy	
Representative:	Marks, Brennan	
Tax Map No(s):	65.00-1-19.000	
Brief Description:	Subdivision of 22 acre parcel into 6 lots to allow development of 4 single family homes, a 12 building mini storage facility, and an existing commercial use at 2370 SR 65 at CR 35/Baker Road in the Town of West Bloomfield. https://ontariocountyny.gov/DocumentCenter/View/31239/203-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31220/203-2021-subdivision https://ontariocountyny.gov/DocumentCenter/View/31219/203-2021-site-plan	

The proposed subdivision would cede 2 areas encompassing .5 acres to existing adjacent residential uses at the SR 65 curve and near the southern property boundary. The lot for the existing commercial use (Lot 4) would be 1.2 acres with approximately 200' of frontage and 239' of depth. The existing use has no defined access point.

The 2 proposed residential lots west of the SR 65 curve are approximately 27,000 SF and have 115' and 120' of frontage and 225' of depth. The 2 proposed residential lots south of the SR 65 curve are 20,000 SF lots with 110' of frontage and 182' of depth.

The property is zoned General Mixed Use. The purpose of the district is to ensure town residents are adequately served by retail, service, and office uses. The district allows a range of residential and commercial uses. The district has a

minimum lot width of 80' and minimum lot size of 20,000 SF for single family uses and 10,000 SF for non-residential uses and maximum building and lot coverages of 35% and 50% for residential use and 50% and 60% for non-residential use.

Code section 140-121 requires landscaping on 15 percent of any commercial use lot including 1 shrub for every 10' of lot perimeter and 1 tree (existing or new) for every 40' of lot perimeter and a 25' densely planted vegetative buffer adjacent to any residential use or district.

According to OnCor, adjacent property to the west and south excluding frontage lands are in OC Agricultural Districts #1 and there is a wetland area along the western SR 65 frontage. Site slopes are generally less than 8 percent with small areas of 16-30 percent slope along the southern property boundary and off-site at the western edge of the corner lot. The dominant soil type on the property is Schoharie silty clay loam with 3 to 8 percent slope. The soil is very highly erodible, moderately highly permeability and in hydrologic soil group C/D. prime farmland

The NYSDOT functional classification of SR 65 in this section is major collector. Desirable access connection spacing for a collector road with speed limit of 40 mph is 245' including existing and proposed streets and driveways on both sides of the road.

The mini-storage use will require a special use permit.

Comments

1. The referring body should require applicant to identify a single access point to Lot 4 and eventually to add landscaping to limit access along the remaining frontage.
2. The referring body should require deep hole and percolation tests to document feasibility of septic system before subdividing the residential lots.
3. The number/spacing of proposed driveways is not desirable. The referring body should consider opportunities for requiring shared/adjacent driveways to minimize the traffic safety impacts of proposed lots and driveways.
4. A cross access easement and maintenance agreement would be required for Lot 1 and Lot 4 to share one or both proposed commercial access connections.
5. The General Mixed-Use district has limits on the number of storage sheds (2) and the number of commercial (1) or recreation vehicle (2) that may be stored on the site. Based on the subdivision plan and OnCor aerial, existing commercial use appears to exceed these limits. Unless these accessory uses and structures are pre-existing, non-forming conditions, the referring body should require the applicant to bring existing site activities into compliance with district standards by removing some accessory uses and structures or obtaining variances and comply with associated buffering standards for vehicles storage areas in code section 140-106.
6. The special use permit and site plan must be referred to OC Planning Board.

OCSWCD Comments

1. Topsoil stockpile area not indicated on plans.
2. Will residential lots be developed at the same time as the commercial lot? Sequencing and phasing not provided
3. Detail not provided regarding storm water management facility.
4. ES&C not shown on residential lots.
5. No soil investigation data provided (deep hole and percolation rates) for every system location.
6. Federal wetlands present (north east and north). 100' setback not shown to leach areas/disturbances.
7. Poor draining soils present (schoharie silty clay loam).

NYSDOT Comments

1. A NYSDOT highway permit will be required for an additional access point to commercial uses on this site. NYSDOT may or may not grant a second access point for commercial uses.

CPB Comments

1. The Town Board should request NYSDOT to review design, speed and accident records for the SR 65, CR 35, Baker Road intersection and address whether any curve warning sign or speed limit change is recommended. This analysis should also address whether signage is necessary to alert CR 35 and Baker Road travelers that SR 65 traffic does not stop.
2. Referring body to make applicant aware that any SR 65 driveways require a NYSDOT permit.

Findings

1. Ontario County has a substantial interest in protecting and improving the function of its intermunicipal transportation infrastructure.
2. The Ontario County Planning Board encourages referring bodies to properly consider road capacity and traffic safety of referred projects.
3. This subdivision is situated at the Intersection of SR 65 with CR 35 and Baker Road.
4. Proliferation of access connections may have negative impacts on roadway capacity and safety.
5. The proposed subdivision includes 5 new access connections to SR 65 along this 40 mph segment.

Board Motion: To change referral 203-2021 to class 2 in recognition of the potential intermunicipal impact of proposed subdivision at the intersection of a state, county, and local road. **Motion made by:** Glen Wilkes **Seconded by:** Mike Woodruff

Vote: 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

Board Motion: To retain 203-2021 as a class 2 and return it to the local board with comments and a recommendation of approval with three modifications. **Motion made by:** Ruth Cahn **Seconded by:** Mike Woodruff

Vote: 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

Modification #1: The referring body to review state, county, and local accident records for SR 65, CR 35, Baker Road intersection with guidance from professional traffic safety consultant as appropriate.

Modification #2: The referring body to require side by side or shared driveway(s) as recommended by professional traffic safety consultant to proposed lots 5 and 6 located west of the intersection of SR 65, CR 35, and Baker Road.

Modification #3: the referring body with appropriate professional guidance to identify appropriate location and width of single direct access connection from Lot 1 to SR 65 and/or shared access point for commercial lots 1 and 4.

204 - 2021	Town of Gorham Planning Board	Class 2
Referral Type:	Subdivision	
Applicant:	Douglas Eldred	
Property Owner:	Springhill Subdivision LLC	
Tax Map No(s):	113.00-1-48.200	
Brief Description:	Clustered subdivision for 80 home on 30 acres with 23 preserved acres off SR 364 adjacent to East Lakeview Estates/Angela Way in the Town of Gorham. https://ontariocountyny.gov/DocumentCenter/View/31221/204-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31222/204-2021-scenic-ridge-rise-layout https://ontariocountyny.gov/DocumentCenter/View/31223/204-2021-traffic-letter-no-figures https://ontariocountyny.gov/DocumentCenter/View/31269/204-2021-2760-VIEW-SHED-PROFILE-10-7-21-002	

This subdivision is proposed under the Town of Gorham Conservation Subdivision provisions. The purpose of the encouraging flexibility of design and development to promote appropriate use of land, efficient network of streets and utilities, and to preserve the natural and scenic qualities of open lands. The subdivision plan shows 80 lots. The site is zoned R-1 which typically requires minimum 15,000 SF lots with 100' lot width, 35' front and 15' side setbacks . Proposed clustered lots are 11,000 to 24,000 SF with minimum 25' front setbacks, 10' side setbacks, and typical 85' width and 130' depth. The submitted details indicate lot driveways will be 16' wide and a minimum of 10' from property

lines. The subdivision will provide public roads, connect to the Canandaigua Lake County Sewer District and connect to a Town of Gorham public water district.

The subdivision plan shows 5 areas to be owned by the homeowner's association:

Lot A – 4 acres, also drainage easement 1 and hardpacked trail

Lot B - .74 acres median in road A

Lot C – 10 acres including drainage easement 2, hardpacked trail, playfield, community garden, & community center

Lot D – 3.9 acres including hardpacked trail, playfield and community garden area

Lot E – 4.6 acres with natural trail

Only open space Lot E will retain its natural character.

The road network include includes 20' wide roads: road A is an east-west road off SR 364 extending further east than the Angela Way cul-de-sac, road C is a north-south through road connecting to adjacent properties also east of the lots on Angela Way, and road B loops south off road A and then turns east to connect with through road C and ends in a cul-de-sac for lots along the eastern property boundary.

The project is proposed for construction in phases as follows:

Phase 1 17 lots off road A and the stormwater management areas

Phase 2 10 lots off road A

Phase 3 18 lots off road A and a portion of through road C

Phase 4 18 lots off through road C and the road B cul-de-sac

Phase 5 17 lots off road B

The engineers report includes a traffic impact study. The report was based on a previously proposed 105-unit subdivision with single family and two-family homes. The traffic impact study concludes that the existing Level of Service (LOS) A will be retained for most movements at proposed project access and at Turner Road. Under existing and future conditions, the westbound movement from both side roads has a LOS B with a pm evening peak hour delay increase of 1.6 seconds to 14.2 seconds at Turner Road following project development. The traffic report indicates the through traffic volumes on SR 364 meet the NYSDOT minimum volumes to allow a left turn lane at the project entrance. However, as the left turn delay into the project driveway is less than 10 seconds, the traffic impact study concludes that no turn lane is required. The traffic report recommends, and the engineer's report indicates the project sponsor intends to provide, a full depth asphalt shoulder to allow use as a bypass lane.

The plans show 1.3 miles of hardpacked 5' wide trail along 150' of SR 364 from Ontario County Park, along the north property boundary to proposed through road C, and loops around stormwater management area 2 and HOA lands C and D. The trail has access points to each side of road A in phase 1 and 2 and to each side of through road C in phase 4. There is also a 1-mile natural grass surface or woodland trail loop in HOA area E, along the east property boundary, and along a portion of the southern property boundary. In some cases, hardpacked or natural trails are in the drainage easement.

Stormwater management facilities include lower and upper stormwater management areas with bio retention areas and ponds with forebay/settling basin and wetland bench both included in Phase 1 development. The engineers report indicates site drainage will be conveyed via grass swales instead of gutters to maximize infiltration and minimize water

velocity. There are HOA lands with drainage easement and/or 30' drainage easement along rear of all lots. The engineers report indicates enhanced phosphorus removal has been incorporated into the stormwater management system. The engineers report indicates the stormwater management system is sized to accommodate existing sheet flow from upland agricultural and other uses that currently flow across the property.

The landscaping plan shows shade trees along both sides of all proposed roads. In most cases the landscaping plan indicates 2 trees per subdivided lot, although the letter of intent and engineers report indicates 1 street tree per lot and 2 additional trees planted at the homeowner's discretion. The landscape plan also indicates tree planning to fill in gaps in vegetation along the property line with East Lakeview Estates Plan.

According to OnCor the lot is 55 acres, the lands to the south and east of the property are in the agricultural district, and there are not development constraints related to floodplains, wetlands, or existing steep slopes. Dominant on-site soils are Darien silt loam. The half of the site closest to SR 365 has slope of 3 to 8 percent, the area south of Angela Way cul-de-sac has a slope of 0-3 percent, and the eastern end of the site has a slope of 3 to 8 percent. Darien soils are somewhat poorly drained and have moderately high permeability and high erodibility.

Existing land cover is mostly successional old field with an area of successional northern hardwoods at the eastern end of the site and successional shrub land closest to SR 364.

Comments

1. Do access connection spacing standards of Gorham Town Code Chapter 30 Access Management allow for a street connection and a lot connection given the LF of road frontage?
2. The traffic study was based on a different mix of unit types. While the current proposal includes fewer units, single family homes have a higher traffic generation rate than 2-family homes.
3. What development areas will be visible from Canandaigua Lake? The ridgeline development guidelines indicate the mass and height of homes should fit within the existing tree canopy? Does the project, especially the lots sited in the existing successional hardwood forest, conform with ridgeline development standards?
4. The ridgeline development guidelines also call for orienting roads, driveways, and rooflines parallel to the slope contours and minimizing disturbance of existing vegetation to avoid gaps in the tree canopy.
5. How many acres are in the drainage easements? Town of Gorham subdivision regulations require 30 percent permanent open space excluding stormwater management facilities. The applicant indicates the proposed subdivision allocates 38 percent of the lot to permanent open space and 4 percent to stormwater management facilities.
6. Through road C ROW and pavement should extend to the northern and southern property lines.
7. What is the maximum number of unsprinklered units that can be constructed before a second access road would be required?
8. What is the percent slope of rear yards in phase 4?
9. The utility and grading plan indicate a water line dead end at the top of the cul-de-sac off through Road C. Although the engineers report indicates adequate household and fire pressures, existing homes in the district as similar elevation experience insufficient pressure. The letter of intent also references efforts to secure easement to connect to the Town's higher pressure zone at Turner Road.
10. What areas of the site will remain undisturbed? A limit of disturbance line should be added to the plans to indicate where existing vegetation will be maintained.
11. Where will visitors park? Is on-street parking allowed?

12. The letter of intent mentions a playground and picnic area. Where will these facilities be located?
13. What are proposed rear setbacks for principal and accessory uses?
14. Does the proposed open space connect to open space set aside as part of Lake View Estates?
15. The detail sheet shows hard surface and normal trail details; the maps indicate hardpacked and natural trail surfaces.
16. The subdivision plan indicates 17 lots in phase 1 and 10 lots in phase 2. The landscaping plan indicates 34 lots in phase 1 and 19 lots in phase 2. Project materials should remove all references to previously proposed two-family dwellings.

OCSWCD Comments

1. Culverts not indicated on trail in several locations where trail crosses drainage.
2. SMF A, outlet elevation shown below water surface (different design than SMFB).
3. Southern boundary below open space shows drainage making 9-degree bend and then entering culvert, consider rounding out this corner to allow better flow path.
4. Consider utilizing no P fertilizer due to proximity to Canandaigua Lake.
5. Install additional signage and fencing to delineate wetland area.
6. Additional perimeter silt fence needed, and ends should be sloped upslope.
 - a. No silt fence is shown on lot 101
7. Desiltation basin should be located sufficiently far from wetland to avoid unnecessary disturbance.
8. Details for desiltation basin not provided.
9. Consider appropriate tree species when planting near the wetland.
10. Location of concrete truck washout not specified.
11. Only one soil stockpile is noted. Each phase should indicate appropriate ES&C measures.
12. Consider additional plantings to protect existing property #4025 from increased noise and light pollution from traffic along southern boundary.

CLCSD Comments

1. The site is within current sewer district extension boundaries – no additional sewer district extension will be necessary.
2. A flow study and engineering report will be required to evaluate the impact on downstream facilities as well as demonstrate adequate downstream capacity.
3. During construction, special consideration will need to be taken to manage and divert cradle drain water – lengthy utility trenches on steep slopes tend to collect and convey ground water.

Canandaigua Lake Watershed Manager Comments

1. Will a town drainage district and deed restrictions be provided to ensure no structures or fill are placed in drainage swales and all stormwater management facilities are properly maintained?
2. All site restoration and property maintenance activities should use 0 phosphorus fertilizer,
3. The Watershed Manager will work with the Town of Gorham on review of site plan materials to ensure best management practices in design and construction to protect water quality.

NYS DOT Comments

1. Concept plan and Traffic Impact Study submitted for review. NYS DOT confirmed given low number of left turns and physical limits of roadway, no left turn lane if required.

CRC Comments (and follow up information from the applicant)

1. Commends applicant for provided enhanced phosphorus treatment as part of the stormwater system design and requests that construction drawings and HOA documents call for the use of no phosphorus fertilizer in all site restoration and site maintenance activities.
2. The referring body should consider the impact of the proposed development on the views from Canandaigua Lake. The applicant provided a visual profile map indicating which portions of the development are visible from the Lake and from areas of the Town of Canandaigua and which lots have lake visibility. The referring body should have a

- clear understanding of how such views are impacted by the mature vegetation on adjacent undeveloped lands.
3. Are there any existing ROW encroachments or pre-existing, non-conforming setbacks that would interfere with development of the by-pass lane or trail from Ontario County Park? The applicant has stated there are no ROW encroachments.
 4. The referring body should assess potential impacts of the development on the budget and fire-fighting capacity of the all-volunteer Crystal Beach fire department. The applicant has indicated all units will include sprinklers in accordance with the Uniform Code requirement for such when any single access point services more than 30 residential units.
 5. How will the development create a visually compatible neighborhood when all homes are custom homes?
 6. The referring body should assess potential impact of development on school capacity. The applicant has indicated the project will be targeted to older adults and therefore is not likely impact school enrollments, which are declining.
 7. The referring board should enlist the professional guidance of their municipal engineer to minimize project impacts in accordance with land use regulations and best management practices.

Board Motion: To retain 204-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Steve Groet **Seconded by:** Ruth Cahn
Vote: 12 in favor (including alternate member), 0 opposed, 1 abstention (Jack Dailey) **Motion carried.**

205 - 2021	City of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant & Owner:	Garfinkel, Roy	
Tax Map No(s):	119.06-1-32	
Brief Description:	Subdivision of 2.8 acre lot to create 4 lots at 165 White Spring Road in the City of Geneva. https://ontariocountyny.gov/DocumentCenter/View/31224/205-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31225/205-2021-Subdivision-Map-002	

The lot is zoned R-1. The minimum residential lot size in the R-1 district is 8,500 SF. The proposed subdivision includes lots 1 and 2 with 21,700 and 21,400 SF and access off White Springs Road and lots 3 and 4 with 25,000 and 54,000 SF and a shared 25' access easement to White Springs Road. Lot 1 includes the existing house and a garage. Lot 4 also includes an existing garage and will be retained by the owner.

Comment

1. Development of lots 3 and 4 would require utility easements across lot 1 or 2 from the sanitary sewer along the rear of these lots.
2. In addition to the access easement shown on the subdivision plan the referring board should require a shared driveway maintenance agreement and water line maintenance if the line from the edge of the White Spring Road ROW is the homeowner's responsibility.
3. Are there required driveway setbacks from lot lines within the 25' easement?

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

206 - 2021	Town of Hopewell Planning Board	Class: AR 1
Referral Type:	Sign Permit	
Applicant:	Lettau, Hannah	
Tax Map No(s):	99.00-2-28.000	
Brief Description:	Permit for new 20 SF wood business sign at 3735 SR 5/US 20 at the corner of Mumby Road in the Town of Hopewell.	

This conforming sign would be location 35' from SR 5 & US 20 and 40' from Mumby Road.

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 5/US 20 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Final Classification: Class 1

Findings

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

Final Recommendation: The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number

207 - 2021	Town of Hopewell Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Duryea, Erik	
Tax Map No(s):	99.00-1-21.000	
Brief Description:	Use variance to allow 2 uses on a single lot at 4171 SR 5/US 20 opposite Smith Road in the Town of Hopewell. https://ontariocountyny.gov/DocumentCenter/View/31226/207-2021-Aerial	

The applicant owns 2 adjacent lots totaling .93 acres or about 40,000 SF. The property is Zoned C-2 Limited Commercial. The minimum lot size in the C-2 district varies from 40,000 SF to 7 acres depending on the use. There is a house and a garage/shop previously used for an accessory business at the 4171 address. The garage was built slightly on the adjacent property. The applicant and town intend to join the lots. The applicant would like to rent the home as a residence and the garage as a commercial use. The use variance is needed because the zoning code does not allow operation of two principal uses on a single lot. The limited distance between the two buildings eliminates the option of a lot line adjustment to create a lot for each use.

Comment

The applicant has not submitted required use variance documentation to show inability to earn a reasonable return by renting the building(s) for an allowable use.

<p>Findings: County Planning Board has an interest in ensuring local boards carefully consider the implications of granting use variances and adhere to the four prong unnecessary hardship test outlined in NYS statute.</p> <p>The referred materials do not include any justification of unnecessary hardship.</p> <p>Board Motion: To retain referral 207-2021 as a class 2 and return it to the local board with a recommendation of denial. Motion made by: Paul Passavant Seconded by: Glen Wilkes</p> <p>Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.</p>
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208 - 2021	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Coble Land LP Att Gibraltar Management Corp.	
Representative:	Marks Engineering PC	
Tax Map No(s):	85.03-1-9.000	
Brief Description:	Area variance and subdivision at existing gas station at northeast corner of SR 5/US 20 and CR 10 in the Town of Hopewell. State highway setback of 37.7 when 60' is required. https://ontariocountyny.gov/DocumentCenter/View/31227/208-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31228/208-2021-subdivision	

The existing gas station lot is .41 acres. The C-1 zoning district requires a 40,000 SF lot and special use permit for a gas station. Submitted material include a survey map identifying proposed lot line adjustments and required setback variance to formalize the pre-existing nonconforming building front setback from SR 5/US 20.

The lot line adjustment will create a 1.8-acre lot for the gas station. The proposed gas station lot will include a portion of the parking area of the plaza parcel to the northwest and nearly 450 feet of frontage currently associated with the plaza parcel.

Comments

1. The referring body should consider granting the minimum variance necessary to provide reasonable use of the lot and require any proposed development on the gas station lot to comply with current setback requirements.
2. The referring body should ensure that appropriate cross access easements are in place to allow gas station customers access via the CR 10 plaza entrance to the western plaza parcel and to the Recreation Drive access through the western plaza parcel or refer the applicant to the Planning Board for a subdivision plan amendment.
3. The referring body should also determine whether plaza parking now included on the gas station parcel is required for operation of the plaza or whether a shared parking agreement or parking variance for the plaza parcel is required.

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

208.1 - 2021	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Subdivision	
Applicant:	Coble Land LP Att Gibraltar Management Corp.	
Representative:	Marks Engineering PC	
Tax Map No(s):	85.03-1-9.000	
Brief Description:	Area variance and subdivision at existing gas station at northeast corner of SR 5/US 20 and CR 10 in the Town of Hopewell. State highway setback of 37.7 when 60' is required.	

See information at 208-2021.

209 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Kanandarque Brewing Company LLC	
Representative:	B & B Builders	
Tax Map No(s):	99.00-1-49.113	
Brief Description:	Site plan for 840 SF covered patio with curtain sides and 1,112 SF open patio area to east of current retail and tasting room at Naked Dove Brewing Company 4048 SR 5/US 20 in the Town of Hopewell. https://ontariocountyny.gov/DocumentCenter/View/31229/209-2021-proposed-patios	

OCSWCD Comments Site modifications should include consideration of stormwater management for rainfall from covered patio. At a minimum this should include splash blocks where stormwater discharges.

Board Motion: To retain referrals 194-2021, 199-2021, 201-2021, 201.1-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

210 - 2021	Town of Richmond Town Board	Class: 2 Late Referral
Referral Type:	Moratorium	
Applicant:	Town of Richmond	
Brief Description:	Local law to extend solar energy system moratorium for 3 months. https://ontariocountyny.gov/DocumentCenter/View/31230/210-2021-Local-Law-Solar-Moratorium-Extend-10-12-2021	

Board Motion: To accept referral 210-2021 as a late referral
Motion made by: AJ Magnan **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

Board Motion: To retain referral 210-2021 as a class 2 and return it to the local board with a recommendation of approval. **Motion made by:** Len Wildman **Seconded by:** Steve High
Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

211 - 2021	Village of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	Victor-Farmington Library	
Tax Map No:	28.05-1-53.0	
Brief Description:	Site plan for development of new 24,000 SF single story library and 110 parking spaces on 2.96 acres at 160 School Street at the western corner of the intersection with Rawson Road in the Village of Victor. https://ontariocountyny.gov/DocumentCenter/View/31231/211-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/31232/211-2021-site-plan	

The property is zoned Industrial and currently developed with a 21,000 SF multi-tenant commercial building that will be demolished. There are existing sidewalk connections along the south side of School Street across from the project and along the project side of Rawson Road.

The site plan indicates two access points off School Street: one for front patron parking and one for rear employee parking and access to loading area and dumpster and two access points of Rawson Road: one to the main parking area and an exit only driveway for cars using the proposed one-way book drop. The project includes 5' concrete sidewalks at the curb edge. The project provides 110 parking spaces when 101 required by code. The project provides 2 electric vehicle charging stations. The project includes 20' light poles in the parking area and in the rear loading area.

The proposed library building re-development reduced impervious surface coverage slightly from 1.86 down from 1.88 acres. The stormwater management system will include underground chambers within the parking area for stormwater detention and treatment.

Landscaping includes buffer plantings along the southwest property line, around the building foundation, at the ends of parking aisles, at the Rawson Road driveways and at and between the School Street driveways. Only 1 tree is proposed along the corner street frontage and no landscaping is proposed between the sidewalk and the parking area.

According to OnCor, dominant soils are poorly drained Galen and Lamson fine sandy loams with slopes less than 10 percent. There is a Class C stream that crosses School Street and the far south west Corner of the site. There are no floodplain or wetland area associated with the stream. The existing pond in the southwest corner of the site will remain.

Project also includes conveyance of .18 acres on the eastern corner of the lot to the Village of Victor for the Rawson Road ROW. This area reportedly should have been conveyed to the Village when the relocation of the Rawson Road intersection was completed.

The proposed library replaces the 8,836 SF library at 15 W. Main Street.

Comments

1. Demolition materials should be recycled if facilities are available or disposed of properly.
2. EAF indicates project will include pedestrian or bicycle accommodations. Will the project provide bicycle rack?
3. What is area of outdoor event space?
4. Do main School Street and Rawson Road driveway locations appropriately balance corner clearance and alignment with event patio?
5. Sidewalk should extend southwest on School Street to the property line to connect with existing sidewalk on the adjacent property to the south.
6. Will site re-development allow or provide any designated parking for the Auburn Trail?
7. The project should provide buffer plantings between the street and sidewalk and/or between the sidewalk and parking area.
8. Are 4 ADA parking spaces adequate for likely older adult patron mix? To accommodate use by mini buses transporting seniors and special needs residents?
9. Will open cut sanitary connection installation negatively impact access to adjacent uses?

OCSWCD Comments

1. Consider ES&C to protect existing pond during demolition and construction.
2. Overlap ends of silt fence and extend upslope.

CRC Comments

1. Given the road connections with the Auburn Trail on School Street and Rowley Road south and west of the site, the referring body should consider installation of share the road signs to alert motorists to the likely presence of bicycle travel along these road segments.

Board Motion: To accept referral 211-2021 as a late referral
Motion made by: AJ Magnan **Seconded by:** Mike Woodruff
Vote: 12 in favor, 0 opposed, 0 abstention **Motion carried.**

Board Motion: To retain referral 211-2021 as a class 1 and return to the referring body with comments.
Motion made by: Paul Passavant **Seconded by:** Bessie Tyrrell
Vote: 12 in favor, 0 opposed, 0 abstention **Motion carried.**

212 - 2021	Village of Victor Planning Board	Class: 1 Late Referral
Referral Type:	Site Plan	
Applicant:	47 East Street, LLC Great Brook Apartments ext.	
Tax Map No:	28.06-1-51.120	
Brief Description:	Site plan for development of 70 two-bedroom apartments and 159 parking spaces on 8.8 acres off East Street in the Village of Victor. https://ontariocountyny.gov/DocumentCenter/View/31232/211-2021-site-plan https://ontariocountyny.gov/DocumentCenter/View/31240/212-2021-great-brook-apt-site-plan	

The project consists of 8 buildings with 8 apartments and 1 building with 6 apartments and a 2,500 SF office/maintenance garage. Each building will have a designed ADA parking space near the entrance. Access will be off the end of East Street. The site plan also shows an emergency only connection with gate between existing and proposed sections of Great Brook Apartments. There is an existing municipal bicycle path from the end of East Street to Village of Victor Municipal Park.

The site plan indicates 2 bioretention facilities along the southern property boundary and west of the existing class C stream that flows from northwest to southeast across the eastern end of the property and through and adjacent to federal wetlands which will remain undisturbed. The property is zoned R-3. The proposed project provides 159 parking spaces when 141 parking spaces are required.

Comments

1. The proposed project will require a variance from the 50 percent covered parking standard.
2. The northern end of bio retention area 2 appears to interfere with the existing class C stream flowing northwest to southeast across the east end of the property.
3. Will first floor units provide stepless entry and 36' doors to be visitable by those with mobility impairment?
4. How will bicycles be accommodated along the section of project driveway in the East Street ROW in the area of the existing bike path to the Village Park?
5. Where will refuse area be located?
6. The site plan indicates 17 trees but only 15 are listed in the plant table. How many trees will be planted, what type will they be and where will they be located?
7. The landscaping plan does not show any proposed foundation plantings, parking area screening, or plantings in the bioretention areas. The site plan does not show retained or planted vegetation along north or south property boundaries or along the bike bath at the western end of the property. Are additional plants proposed?

OCSWCD Comments

1. Under Restoration Notes: 80% coverage must be achieved in order to reach stabilization
2. Concrete truck washout should be located a minimum of 100 feet from drop inlets and drainage features
3. Additional signage and fencing needed to delineate wetland and protect from disturbance
4. Refer to New York State Blue Book for drop inlet design and specs

Board Motion: To accept referral 212-2021 as a late referral.

Motion made by: Steve Groet **Seconded by:** AJ Magnan

Vote: 11 in favor, 0 opposed, 0 abstention **Motion carried.**

Board Motion: To retain referrals 194-2021, 199-2021, 202-2021, 201.2-2021, 202-2021, 205-2021, 208-2021, 208.1-2021, 209-2021, and 212-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Steve Groet.

Vote: 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

General Information

The Ontario County Planning Board (CPB) was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: 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 l

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)

Nominating Committee Volunteers

Patti Wirth, chair
Paul Passavant
Mike Woodruff

Clearing House reviews – None

Upcoming Training

October 18, 2021 6:00 to 8:00 pm Farmland Protection and Agricultural Viability Ontario

County <https://ontariocountyny.gov/FormCenter/Planning-19/October-18-2021-NYSDOS-Planning-Zoning-T-170>

Genesee/Finger Lakes Regional Planning council workshop will be a series of 12 on-line 1-2 hours trainings from Oct.18 to Nov. 5, 2021. Topic include affordable clean energy (Community Choice Aggregation), flood resiliency, the ongoing legacy of redlining and equity issues in zoning laws, pro tips for making the Site Plan Review process work better for your community, Zoning Board of Appeals overview and many more.

Registration link <https://www.eventbrite.com/e/gflrpc-fall-local-government-workshop-oct-18-nov-10-tickets-178845691277>

For additional details on individual

workshops https://www.gflrpc.org/program_areas/local_government_assistance_and_training/local_government_workshops.php

Oct 18 12-1 pm Session 1A

Meet G/FLRPC staff and learn about the Regional Planning Council's work

Oct 18 7-8 PM Session 1B (repeated)

Meet G/FLRPC staff and learn about the Regional Planning Council's work

Oct 20 7-8 PM Session 2

To Be or Not To Be: Observations on Hamlets in Upstate New York (G/FLRPC)

Oct 21 12-1:30PM Session 3

Land Use Policy and Equity (Antiracist Curriculum Project/PathStone Foundation)

Oct 25 Noon-2PM Session 4

[tentative]

Overview of Flood Risk Reduction Programs (US Army Corps of Engineers, FEMA, NYS Div. of Homeland Security & Emergency Services, National Weather Service)

Oct 26 6-8PM Session 5

Zoning Board Overview (NYS DOS)

Oct 27 6-8PM Session 6

Site Plan Review Overview and Pro Tips (NYS DOS, G/FLRPC)

Oct 28 Noon-1:30PM Session 7

Skills that Make Great Land Use Board Members (NYS DOS)

Oct 28 2-4PM Session 8

Advancing Community-Level Resilience 1: A New Perspective on High Water and Property Risk on Wayne County's Lake Ontario Shoreline (Syracuse Univ., NY Sea Grant, Cornell, G/FLRPC)

Nov 1 Noon-1PM Session 9

Historic Preservation 101: Building a better future through preservation of our past (Landmark Society of WNY)

Nov 3 Noon-1:30PM Session 10

Solar, Solar - Everywhere: Solar, Battery Energy Storage, Zoning, and Experiences (Wendel)

Nov 4 2-4PM Session 11

Advancing Community-Level Resilience 2: Sewer and Septic Opportunities for Action (Syracuse Univ., NY Sea Grant, Cornell, G/FLRPC)

Nov 8 noon-1PM Session 12

Innovations in Public Engagement (Highland Planning)

Nov 9 2-4PM

Session 13

Advancing Community-Level Resilience 3: Adopting Local Models of Flood Resiliency and Barriers to Implementation (Syracuse Univ., NY Sea Grant, Cornell, G/FLRPC)

Nov 10 noon-2PM Session 14

Community Choice Aggregation (G/FLRPC, Town of Brighton)

October 26, 2021 5:00 to 7:00 pm Dutchess County Reframing the Debate – Why we need to build more housing.

https://us06web.zoom.us/webinar/register/WN_mK-WQj3hQDCI1WJaGECWwA

October 28, 2021 6:00 to 7:00 pm Municipal Bootcamp: Aren't You Special (MRB & Hancock Eatabrook) - review of procedures, review considerations, and risks related to special use permits, variances, and other exceptions to zoning rules.<https://register.gotowebinar.com/register/7352285139273787919>

November 10, 2021 NYSDOS and Dutchess County, County Referral Process

https://us06web.zoom.us/webinar/register/WN_F8YvZ5-hSkCLI6PKPSGzjw

December 23, 2021 6:00 to 7:00 pm Municipal Bootcamp: Topic TBA (MRB & Hancock Eatabrook) <https://register.gotowebinar.com/register/7352285139273787919>

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn 10/13//21 County Planning Board meeting. *Motion to adjourn made by Glen Wilkes seconded Steve High by Motion carried.* Oct 13, 2021 CPB meeting adjourned at 9:45 PM.