

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**  
**County Planning Board Meeting –January 13, 2020 at 7:00pm [Virtual Meeting Click Join Meeting hyperlink below](#)**  
 Telephone: 585-396-4455

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2 - 2021	Town of Phelps Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	McCune, Ryan	
Property Owner:	Leach Road Land Company	
Tax Map No(s):	34.00-3-65.100	
Brief Description:	Site plan for a 5 MW solar facility west of Everson Road on 42 acre portion of 183 acre property between SR 96 and I-90 west of Everson Road in the Town of Phelps. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26959/2-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/26959/2-2021-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26970/2-2021-2020-12-29-single-page-SITE-PLAN">https://www.co.ontario.ny.us/DocumentCenter/View/26970/2-2021-2020-12-29-single-page-SITE-PLAN</a>	

The project area is characterized as a 21 acre facility with 16,172 east-west rotating solar panels, two inverters, and a 7' chain link deer fence, though the area of disturbance is 26.22 acres and the area inside the fence is likely closer to 26 acres than the 21 acres covered by panels. A re-zoning request associated with the project was reviewed as referral #186-2020 in November 2020.

The site plan also shows 2,300' of 15' wide gravel access road. The access road requires installation of a culvert to maintain existing drainage pattern along a swale draining north from the center of the project site. There are dry swales along approximately 800' of the access road. Though the land drains to the north and west, the access road in the eastern portion of the site drains to the south and on the western portion of the site the access road drains to a dry swale. It appears the access road run-off is intended to enter the dry swales which may filter run-off before it enters the culvert and retained natural swale draining to the north or sheet flows to the creek in the southwest corner of the site. The project will create .97 acres of impervious area. A SWPPP has been prepared. The site plan application also includes a glare analysis from I-90 and SR 96. The analysis does not anticipate motorists will experience glare. The site plan also shows 7 utility poles along the west side of the access road for interconnection of the project with the NYSEG power line along SR 96.

According to OnCor, the project site is not in the agricultural district and has little to no slope and no indicated wetlands. Approximately half of the SR 96 frontage north of SR 96 and west of Everson Road to a depth of 325' as well as additional areas south of SR 96 are in the floodplain. Project site soils have medium to high erodibility and moderate to moderately high permeability.

Applicant owned lands to the west of the development site in the Town of Manchester are zoned C-1 Commercial. There is an existing billboard 22' high just west of the proposed access drive.

The EAF indicates 3 acres of disturbance resulting in .97 impervious acres from removing .93 acres of forest and .14 acres of meadow. The EAF indicates impervious area stormwater quality impacts will be mitigated with infiltration areas; other portions of the project area will continue to drain via swales to the stream.

The planting plan indicates that at the western edge of the project site along the stream corridor, existing vegetation 20' to 25' in height screens the array from view. The plan also shows existing vegetation that screens views to the array from SR 96 in the center of the project site and along I-90. The planting plan proposed vegetative screening along SR 96 and at the east end of the project site adjacent to an existing residential use. The screen is primarily holly and arborvitae (39 each with 5 year height of 15') and 8 red maples trees with 5 year height of 40'. All proposed species have mature heights of 35' to 40' and width/recommended spacing of 18' to 25'.

The site plan does not reference a 200' stream buffer as shown on the concept plan submitted with the rezoning and does not identify the purpose or owner of the easement along the portion of Sulphur Creek closest to SR 96. The site plan materials also do not indicate the height of the utility poles that were previously identified as 40'.

The Operations and Maintenance Plan characterizes the applicant, Nextamp, as an owner/operator. The Operations and Maintenance Plan and Decommissioning Plan are boiler plate documents that do not take into consideration any unique features of this project site.

**Comments**

1. The permit application discusses Nextamp's solar grazing program. Is use of sheep grazing proposed instead of quarterly mowing and herbicide at this location?

2. The applicant should map existing site agricultural drainage infrastructure and commit to repairing any such infrastructure damaged during project construction to ensure continued viability of ± 336 acres of nearby agricultural land indicated on the agricultural data statement.
3. What is the purpose and who is the holder of the easement along the portion of Sulfur Creek immediately north of SR 96.
4. The permit application screening plan narrative indicates the planting plan will replication existing vegetation with staggered/clustered placement and a mix of 4 species. The revised planting plan quantity table does not include balsam firs.
5. The site plan and decommissioning plan don't mention use of an environmental monitor or removing and stockpiling topsoil from the access drive and inverter areas and de-compacting site soils before replacing topsoil. These activities are necessary for agricultural re-use of the property. See NYSDAM Guidelines for Solar Energy Projects - Construction Mitigation for Agricultural Lands [https://agriculture.ny.gov/system/files/documents/2019/10/solar\\_energy\\_guidelines.pdf](https://agriculture.ny.gov/system/files/documents/2019/10/solar_energy_guidelines.pdf)
6. What is the intended purpose of the access gates at the western end of the site?
7. The EAF part 3 references the Town of Clifton Springs Town Board not the Town of Phelps as the lead agency.

3 - 2021	Town of Canandaigua Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	Casey, John	
Tax Map No(s):	112.00-1-72.000	
Brief Description:	Site plan and area variance for 180 SF accessory building on 3,467 SF lake side lot at 3814 CR 16 in the Town of Canandaigua.	

3.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: Withdrawn
Referral Type:	Area Variance	
Applicant:	Casey, John	
Tax Map No(s):	112.00-1-72.000	
Brief Description:	Site plan and area variance for 180 SF accessory building on 3,467 SF lake side lot at 3814 CR 16 in the Town of Canandaigua.	

4 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Hanlon Architects	
Property Owner:	Battisti, Marcello & Stacy	
Tax Map No(s):	98.15-1-33.00	
Brief Description:	Site plan and area variance for 658 SF house addition and removal of shed and portions of walkway and driveway to slightly reduce to 33.4 percent the non-conforming lot coverage while increasing building coverage from 15.5 to 20 percent. Property at 3542 Sandy Beach Drive in the Town of Canandaigua has proposed 36.6 front/road setback when 55' is required.	

See information at 4.1-2021

4.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Hanlon Architects	
Property Owner:	Battisti, Marcello & Stacy	
Tax Map No(s):	98.15-1-33.00	
Brief Description:	Site plan and area variance for 658 SF house addition and removal of shed and portions of walkway and driveway to slightly reduce to 33.4 percent the non-conforming lot coverage while increasing building coverage from 15.5 to 20 percent. Property at 3542 Sandy Beach Drive in the Town of Canandaigua has proposed 36.6 front/road setback when 55' is required.	

CPB previously reviewed an area variance to increase lot coverage on this site as referral 191-2020 in November 2020. The current application only requires a front/road setback. The rear (lake) setback of 43' exceed the required 30' setback. The applicant proposes to raise the existing house to comply with floodplain elevation given the substational nature of the addition.

According to OnCor, the portion of the lot east of Sandy Beach Drive is in the floodplain.

**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 right-of-ways.

**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 off 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 involving side, lake, or lot coverage variances or encroachments to County owned right-of-ways 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.

**Comments**

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

**OCDPW Comment** If addition impacts lateral service connection for this property, site plan must be submitted to OCDPW and permit may be required.

5 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Architectural Innovations	
Property Owner:	Chessin, Daniel & Rina	
Tax Map No(s):	140.18-1-5.000	
Brief Description:	Area variance to expand a deck by 350 SF and convert a portion to a screened porch at residence at 4847 CR 16 just south of Deuel Road in the Town of Canandaigua. The deck has proposed 51' rear (lake) setback when 60' is required.	

According to OnCor the majority of the lot has slopes of 16 to 30 percent and the shoreline and area south of the house have slopes of 31 to 60 percent.

**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 the 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.

6 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Tax Map No(s):	26.00-1-13.100	
Brief Description:	Three lot subdivision of 41 acre lot along Strong Road south of Taylor Road in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26962/6-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/26962/6-2021-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26961/6_2021-Subdivision">https://www.co.ontario.ny.us/DocumentCenter/View/26961/6_2021-Subdivision</a>	

Subdivision to create a 7 acre and an 8.5 acre lot east of Strong Road and a 36 acre lot west of Strong Road.

According to OnCor, the rear portions of all 3 lots have slopes of 16 percent or greater. There is a stream crossing in the southwest corner of lot 1 in an area of 31 to 60 percent slope. OnCor does not indicate any areas of wetlands or floodplains. Primary soil characteristics are as follows:

<u>Artport fine sandy loam,</u>	3 - 8 %	5.2 acres	<b>8-15%</b>	<b>29 acres</b>	<b>check this category on explore area</b>
<b>Prime Farmland</b>					
<b>Permeability:</b>	high	<b>Erodibility:</b>	high		
<b>Hydrological Group</b>	A	<b>Not Hydric</b>			
<u>Palmyra Gravelly loam,</u>	15 to 25 %	6.4 acres			
<b>Not Prime Farmland</b>					
<b>Permeability:</b>	high	<b>Erodibility:</b>	medium		
<b>Hydrological Group</b>	B	<b>Not Hydric</b>			

**Comment**

Any future access to Lot 2 should be aligned with Taylor Road. Any future access to Lot 3 should be appropriately off set from the existing driveway on Lot 1.

7 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Swarthout, Steve	
Representative:	McCormick Engineering PC	
Tax Map No(s):	58.00-1-89.510	
Brief Description:	Special use permit for 3,500 SF garage with a one bedroom family/caregiver apartment on a 27 acre residential lot at 2110 SR 21 south of Johnson Road in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26964/7-2021-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/26964/7-2021-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26963/7_2021-Site-Plan-Enlarged">https://www.co.ontario.ny.us/DocumentCenter/View/26963/7_2021-Site-Plan-Enlarged</a>	

According to OnCor, the parcel is not in the agricultural district and not constrained by floodplains, wetlands, or steep slopes. has moderate slope of less than 10 percent

**Comments**

1. What square footage is devoted to garage and apartment uses?
2. Does detached location meet the definition of family/caregiver apartment?
3. EAF is not signed.

8 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Wanger, Eric & Mary	
Tax Map No(s):	113.15-1-23.100	
Brief Description:	Area variance for 416 SF first floor addition on the street side that exceeds allowable lot coverage by 1.5 percent and 2nd story addition that requires a 9.4' side setback variance at 3940 East Lake Road in the Town of Gorham.	

The application materials indicate the total SR of the addition is 1,340 SF although the additional footprint is only 416 SF. The property is located south of Turner Road and just north of the apartments on the east side of SR 364 at 3941-3943 SR 364. The property includes a garage setback 10' from the ROW.

According to OnCor, approximately 20 percent of the lot is in the floodplain. The shoreline and areas adjacent to the garage have slopes of 16 to 30 percent.

**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 the 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.

9- 2021	Town of Farmington Zoning Board of Appeals	Late Referral Class: 1
Referral Type:	Area Variance	
Applicant:	Kurt Catalano	
Tax Map No(s):	30.00-1-85.100	
Brief Description:	Area variance for location of 3,200 SF pole barn in the front yard of a corner lot at 1308 Payne Road and SR 96 in the Town of Farmington. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26965/9-2021-1308-Payne-Rd-Plat-Map">https://www.co.ontario.ny.us/DocumentCenter/View/26965/9-2021-1308-Payne-Rd-Plat-Map</a>	

The proposed barn location is setback 95' from Payne Road, 25' closer to Payne Road than the house and 30' from the drainage ditch that parallels Payne Road. Like the existing barn, the long side of the barn faces SR 96. The front setback distance of the barn from both roads is adequate.

The variance application indicates an intention to plant pine trees and other plantings around the log cabin.

According to OnCor, the lot and all adjacent properties are in the agricultural district and not constrained by floodplains, wetlands or steep slopes. There is a stream that passes through the lot parallel to SR 96 in the area designated as a vegetated ditch on the concept plan.

**Comments**

1. The referring body may want to require planting bed(s) with diverse species along the SR 96 frontage to partially screen views to the barn from SR 96.

10- 2021	Town of Victor Zoning Board of Appeals	Late Referral Class: 1
Referral Type:	Area Variance	
Applicant:	Canzano, Patrick & Sarah	
Tax Map No(s):	26.00-1-13.100	
Brief Description:	Area variance for location of future residence behind an existing bard on property at 1086 Strong Road in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/26969/10-2-1086-Strong-Road-map-for-linkCanzano-2-Z-2021">https://www.co.ontario.ny.us/DocumentCenter/View/26969/10-2-1086-Strong-Road-map-for-linkCanzano-2-Z-2021</a>	

According to OnCor, the rear portion of this lot has slopes of 16 percent or greater. OnCor does not indicate any areas of wetlands or floodplains. Primary soil characteristics on the parent parcel as outlined in referral 6-2021 above are as follows:



Artport fine sandy loam, 3 - 8 % 5.2 acres **8-15%** 29 acres

**check this category on explore area**

**Prime Farmland**

**Permeability:** high **Erodibility:** high

**Hydrological Group** A **Not Hydric**

Palmyra Gravelly loam, 15 to 25 % 6.4 acres

**Not Prime Farmland**

**Permeability:** high **Erodibility:** medium

**Hydrological Group** B **Not Hydric**

**Comment** Any future access to this lot should be appropriately off set from the existing driveway to the residence/garage at the southwest corner of Taylor Road and Strong Road.

11- 2021	Town of Naples Town Board		Late Referral Class: 2
Referral Type:	Text Amendment		
Applicant:	Town of Naples		
Brief Description:	Text amendment to clarify and consolidate definitions in the Town zoning code and amend regulations for a mixed use overlay district along SR 21 in the Town of Naples and to expand the boundaries of the overlay district to include some lots fronting SR 53.		