

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – September 8, 2020 at 3:30pm – Cancelled**
County Planning Board Meeting – September 9, 2020 at 7:00pm [Virtual Meeting Click Join Meeting hyperlink below](#)
 Telephone: 585-396-4455

Meeting number (access code): 173 586 9038

Meeting password: mZnApNzJ832

Wednesday, September 9, 2020
 7:00 pm | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs



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145 - 2020	Town of Farmington Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Farmington United Methodist Church	
Tax Map No(s):	29.00-2-23.121	
Brief Description:	Area variance for second sign 1' x 8' for Farmington United Methodist Church by driveway on CR 41 in the Town of Farmington.	

The Sign and Landscaping Plan indicate the proposed sign will be located east of the site driveway in a planning bed with perennials, spruce, and boxwood.

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land within 500' of a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comment The sign and landscaping plan should indicate the correct address as 5925 CR 41.

146 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	DDS Engineers LLP	

Property Owner:	Fulcrum Holdings LLC
Tax Map No(s):	14.02-1-1.211
Brief Description:	Site plan for 8,700 SF pole barn addition and associated new parking and driveway at 788 Old Dutch Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/25405/146-20-Existing-Plan https://www.co.ontario.ny.us/DocumentCenter/View/25406/146-20-Site-Plan

The 3.7 acre site is at the southwest corner of Old Dutch Road and Holland Crescent. The existing access drive is near a curve on Holland Crescent. The addition involves two new driveways off Holland Crescent Road, one to each side of the new building. Both proposed driveways are to the east (toward Holland Crescent) from the existing driveway. The eastern most new driveway is only approximately 65’ from Old Dutch Road. The 24’ access drive and half of each of the 11 new parking spaces are in the 80’ setback from Holland Crescent. The site plan does not indicate any stormwater management facilities for existing building and parking or the .6 acres of new impervious surface.

Comment

1. What stormwater management measures are being installed to handle additional .6 acre of increased impervious surface?

147 - 2020	Town of Farmington Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance – SF of signage	
Applicant:	Marcus, Graham	
Property Owner:	Marcus Development	
Tax Map No(s):	29.00-1-56.100	
Brief Description:	Area variance for 120 SF of signage when 64 SF is allowed at Maddies Motorsports, 6226 SR 96 in the Town of Farmington.	

The proposed sign will be 15’ high and 8’ wide and display the business name and 5 brand logos. Sign and Landscaping Plan indicate the proposed sign will be located east of the site driveway in a planting bed with perennials, spruce, and boxwood.

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 332 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

- A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land within 500’ of a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.
2. What are the letter heights on the proposed sign? As outlined on this sign company website, 3” letters have high visibility at 30’ and are readable at 100’. Based on the information provided, it is estimated letter heights are 8” to 10” which are readable at 350’ to 450’ and the sign company characterizes as having high impact at 80’ to 100’. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>.
3. The franchise agreement does not specify the size of any required logo signage.

4. On-brand signage requirement excerpt provided allows for custom signage if required signage is not allowed by zoning.

147.1 - 2020	Town of Farmington Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance- % of sign which is logo	
Applicant:	Marcus, Graham	
Property Owner:	Marcus Development	
Tax Map No(s):	29.00-1-56.100	
Brief Description:	Area variance to allow more than 10 percent of the sign to be used for products, trade names, or logos at Maddies Motorsports, 6226 SR 96 in the Town of Farmington.	

See information at 147.1-2020.

148 - 2020	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	LeFrois, John	
Tax Map No(s):	29.00-1-18.100	
Brief Description:	Site plan for development of 32,750 SF of business use and 150,000 SF of office/flex space on a 27.1 acre site southwest of the SR 96/SR 332 intersection in the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/24465/99-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25407/148-20-Site-Plan	

This project was previously referred as a Technical Review #99-2020 in July 2020. The site plan is still dated June 2020

The plan continues to show 182,570 square feet of development, 1,077 parking spaces, and the stormwater management facility in the southwest corner of the site adjacent to Beaver Creek. The site plan now includes phasing. It is anticipated that construction of the stormwater management facility and the 3 commercial buildings along SR 96 will be constructed initially, then the two 40,000 SF office/flex buildings on the western side of the site, and finally a 30,000 SF and a 40,000 SF office/flex building to the east. The phasing plan does not indicate in which phase either end of the Mercier Boulevard extension will be built. A traffic study was circulated as part of SEQR documentation and is available on the Town of Farmington website. September 2020 Comments do not yet reflect information in the traffic study.

The site plan shows 182,750 SF of development and 1,077 parking spaces and disturbance of 25.2 acres of the 27.2 site. Disturbed areas are 15' from the top of the bank of Beaver Creek. The undisturbed area includes land on the far side of Beaver Creek, a class C stream, the .26 acre federal wetland associated with Beaver Creek, and the strip of land connecting the development site to SR 332. Site development will replace 25 acres of woods with 8 acres of lawn and developed uses. Following development, there will be 16.3 acres of impervious surface. The remaining 40 percent of the lot will be lawn areas around the buildings and for snow storage, in parking lot planting areas, and lands associated with stormwater management facilities. The development includes extension of Mercier Boulevard as a public road through the site to connect with a proposed public road off SR 96 on the adjacent Tops property to the west.

There are three general business buildings of 5,000, 12,750, and 15,000 SF facing SR 96 and with one vehicle access off Mercier Boulevard. There is one 30,000 SF and three 40,000 SF office/industrial buildings located south and west of Mercier Boulevard. This area has 3 access points off Mercier Boulevard, 2 facing the general business development area and 1 near the southern property line. Loading areas for these buildings are located internal to the site minimizing visibility from public roadways.

The site plan also shows interconnection of the general business parking area with the access point off SR 96 for the Auto Zone development at the southwest corner of SR 96 and SR 332. This access point will also be used as the construction entrance for the initial phase of construction including the extension of Mercier Boulevard and site utilities and stormwater management facilities. The site plan includes sidewalks along the south side of SR 96 and Mercier Boulevard; streetscape treatment including landscaping, lighting and furnishings in accordance with the draft Farmington Main Street Design Guidelines along SR 96; and street trees at 75'

interval along the south/west side of Mercier Boulevard and along the north side between the general business and office/industrial development areas.

The stormwater management facility is variously identified as .75 and 1.1 acres and capable of impounding 1.7 million gallons of water behind an earthen dam 6' high and 400' long. The EAF indicates a permit required from US Army Corps of Engineers for relocation of a tributary to the creek. According to OnCor the site is not in an agricultural district and site development is not constrained by floodplains or steep slopes.

A variance will be required to allow a front setback of 50' rather than 100' from SR 96.

The applicant has proposed to begin tree cutting from SR 96 to 100' south of the east-west segment of Mercier Boulevard and in the vicinity of the proposed stormwater management facility to facilitate site marketing. Such site clearing will not include stump removal or soil disturbance. Such activities, may impact volume and velocity of sheet flow to Beaver Creek as well as potential for tree debris to be washed into the creek.

July 2020 Comments

1. The location of accessible parking spaces indicates the front entrances to buildings #2 and #3 will appropriately face SR 96. The site plan should provide pedestrian connections to the buildings from SR 96.
2. The Mercier Boulevard access points to the general business and the office/industrial uses should be aligned or appropriately off-set to avoid turning movement conflicts and provide appropriate sight distance with respect to the curved section of Mercier Boulevard.
3. It might be desirable to provide a horizontal curve in the southeast to northwest section of Mercier Boulevard to encourage vehicles to travel at the posted speed limit.
4. Street trees should be required along the east side of Mercier Boulevard landscaping as well as alignment are important elements in designing the road to limit speeding.
5. If the Mercier Boulevard extension is completed prior to construction of the public road access from SR 96, a temporary hammerhead turnaround will be required.
6. What connection will be made with cross operating easement to Aldi's property? Will this be a vehicle connection? A bicycle/pedestrian only connection?
7. The proposed alignment of Mercier Boulevard does not provide a workable alignment of the existing apartment access drive, a future public road in the North Creek Way ROW, and the parking area access near the property's southern boundary. Will the apartment building access be relocated to North Creek Way when built? Will the site leg connecting to SR 332 remain permanently unimproved? Will parcel 29.00-1-23.113 only have access to Mercier Boulevard opposite the proposed endpoint of Hathaway Drive?
8. The referring body should review the traffic study and identify appropriate development phasing in conjunction with required availability of access points, any access restrictions or off-site improvements needed to safely accommodate site traffic, and construction and future heavy/large vehicle access to the site.
9. Consider moving the shared dumpster pad location for buildings #1 and #2 adjacent to the building to minimize visibility from Mercier Boulevard at the development entrance.
10. Are the proposed 50 land banked parking spaces included in the impervious surface coverage?
11. Additional undisturbed area should be provided along the east side of Beaver Creek to filter runoff before it enters the creek.
12. The referring body should require soil testing to confirm need for phosphorus to promote adequate germination and growth of seed mix required for temporary site stabilization to avoid unnecessary application of fertilizer with phosphorus and associated water quality degradation.

13. Without referral of SWPPP and construction sequencing, unable to comment on whether best management practices will be used to minimize water quality impacts of site disturbance, especially grading associated with construction of stormwater management facility in close proximity to Beaver Creek.
14. What pedestrian facilities will be provided to allow enjoyment of Beaver Creek and associated wetland, to link the site to adjacent residential and commercial areas to the south and east, and to provide a walking loop for site employees?
15. Has the Town considered an appropriate location for a bridge over Beaver Creek to allow a desirable bicycle/pedestrian connection from the Deerfield neighborhood and Auburn Trail to the Town Center? Selecting a bridge site now will allow planning for bicycle and pedestrian movement through this site.
16. What is the mature height of proposed street trees?

July 2020 OCSWCD Comments

1. SWPPP not provided.
2. Additional wetland protections such as signage and fencing may be necessary.
3. Consider additional setback from Beaver Creek to allow for treatment of overflow as well as additional wetland protection.
4. Soil testing should be done to determine if fertilizer is necessary. Phosphorus free fertilizer should be considered.
5. Additional information needed for bio retention area. Detail notes state that a forebay is necessary however plans do not show a forebay.
6. Consider having bio retention area enter forebay of stormwater management facility.
7. Difficult to make comments on additional stormwater infrastructure without site final plans showing infrastructure locations.

July 2020 CPB Comments

1. Will there be a Public Hearing associated with the clearing permit review?
2. The referring body should require a larger setback than 15’ from the top of the bank of Beaver Creek for site disturbances including clearing activities.
3. The referring body should require installation of erosion and sediment controls before the start of clearing activities.

September 2020 Comments

1. What is the phasing plan for the extension of Mercier Boulevard? What does the traffic study say about the scale of development that can be accommodated with the existing shared access point only? With SR 96 public road access? With Mercier Boulevard extension only?

149 - 2020	Town of Farmington Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Fowler Jr., James	
Property Owner:	Fowler Family Trust	
Tax Map No(s):	29-13-1-5.00	
Brief Description:	Two lot residential subdivision on 12 acre lot at 6240 Pheasants Crossing in the Town of Farmington.	

150 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Ventura Enterprises LLC- Miami Motel	
Property Owner:	Calkins, Valerie	
Representative:	Marks Engineering PC	
Tax Map No(s):	99.00-1-25.000	
Brief Description:	Site plan for new 2,240 SF maintenance building and parking, drainage, and patio/sidewalk replacement on the 5.2 acre site of the Miami Motel, 4126 SR 5/US 20 in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/25436/150-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25408/150-20-Site-Plan	

The 28 room Miami Motel was built in 1953. The site plan indicates complete reconstruction of access drive, parking areas and other site circulations and addition of site stormwater management facilities.

OCSWCD Comments

1. Site plan notes refer to erosion control measures that are not indicated on the plans- silt fence, soil stockpiles, outlet protection for culverts.
2. New grade on north of property adjacent to new wood framed maintenance building shows limit of disturbance exceeding property boundary. No silt fence shown (and no space for required setback from toe of slope for silt fence).
3. Diversion swale on southern boundary entering existing swale at a perpendicular angle with no outlet protection. With slope and possible volume of water transferred, stabilization/reinforcement may be required.

151 - 2020	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Costich Engineering	
Property Owner:	Brovitz, Richard & Alyce	
Tax Map No(s):	140.11-1-25.00	
Brief Description:	Site plan and area variance to demolish a garage with existing front, side, and stream setback variances and a variance to allow garage in front yard and replace with a garage that meets previous variance parameters with regard to location. and requires a height variance for 22' when 16' is allowed.	

151.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Costich Engineering	
Property Owner:	Brovitz, Richard & Alyce	
Tax Map No(s):	140.11-1-25.00	
Brief Description:	Site plan and area variance to demolish a garage with existing front, side, and stream setback variances and a variance to allow garage in front yard and replace with a garage that meets previous variance parameters with regard to location. and requires a height variance for 22' when 16' is allowed.	

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 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.

152 - 2020	Town of Canandaigua Planning Board	Class: Withdrawn
Referral Type:	Minor Subdivision	
Applicant:	Geneco & Sons, Leo	
Tax Map No(s):	55.02-3-119.100	
Brief Description:	Three lot subdivision of 28.5 acre remainder parcel along Mobile Road off SR 332 just north of Purdy Road in the Town of Canandaigua.	

153 - 2020	Town of Farmington Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Howland, Carol	
Representative:	Steblein, Mary	
Tax Map No(s):	43.00-1-49.220 43.00-1-51.000	
Brief Description:	Site plan for relocated access to Old Castle & Manchester Yard from State Street in the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/24463/98-2020-rail-plan- https://www.co.ontario.ny.us/DocumentCenter/View/25409/153-20-Site-Plan	

This project was previously reviewed as a Technical Review, referral 98-2020 in July 2020. The revised site plan indicates the new access point in a similar location and alignment as previously proposed. The 35' access point is now intended to restrict exiting trucks from turning right and traveling through village of Manchester residential area. This restricted movement is currently signed. The revised plan also shows relocation of mailbox and speed limit and business signage; extension of the heavy duty paved shoulder to accommodate trucks turning left out of the new access point, and removal of asphalt along first 30' of the existing driveway, restoration of the pavement shoulder, and restoration of the former asphalt area to grass. The project description and comments from the previous referral are included below.

The overall project is a modernization and sectionalization project to allow remote monitoring of switches and manage circuits between substation switches to improve the reliability and resilience of the electrical grid. The substation modifications are part of a Service Area Reinforcement project to add trunk lines between this station (RGE 168) and NYSEG Border City substation (18.2 miles away) and Elbridge substation (45.5 miles away).

The lot line adjustment to combine the 1.94 acre and .77 acre parcels is needed to meet the setback requirements of the proposed control house building. The larger parcel is bisected by a Niagara Mohawk parcel. The related Non-Article VII Electric Transmission Facilities power line modifications will be the subject of a Public Service Commission certification. The substation includes a third parcel with 1.97 acres extending to the RIG property in the Village of Manchester. The substation entrance will remain off State Street approximately 730' west of Bennet Avenue and on the Village parcel.

July 2020 Comments

1. Comprehensive re-development plans for the Manchester Yard as outlined preliminarily in the Ontario County Freight Rail Corridor Development Plan and FEIS indicates the existing/proposed access to Old Castle property from State Street as the

western endpoint of a through road from Main Street/Merrick Circle. Ontario County is currently completing a more detailed infrastructure planning study. The location and design of the re-located access road should accommodate heavy truck traffic and be suitable for dedication as a public road. A ROW wider than 60’ may be required to accommodate vehicle volumes and turning movements. The road alignment should also be added to the Town of Farmington and the Village of Manchester official maps.

2. It appears the proposed 35’ access road will be in an existing storage area on the Old Castle site not the RGE property. What formal agreement has been executed to authorize this change?
3. The grading and erosion control plan does not include a key. Is the area south of the silt fence a wetland?
4. How much impervious surface area will be added by relocating the Old Castle access drive? Will the existing access road alignment be removed and planted? What stormwater management facilities are proposed?

July 2020 OCSWCD Comments

1. SWPPP not provided.
2. Reference New York State Standards for Erosion and Sediment Control handbook for seeding and mulching requirements.
3. Consider soil testing before applying any fertilizer and/or consider phosphorus free fertilizer.
4. Concrete washout location not identified
5. Topsoil stockpile location not identified
6. Will existing driveway remain or be replaced by proposed new driveway? If to be replaced what are remediation techniques to be used?

September 2020 Comments

1. This access point is intended as a public through road to SR 21 to serve Old Castle and related companies, other businesses operating on the former Manchester Yard site, and future redevelopment of other land and buildings on the Manchester Yard site. Is the proposed road and ROW width sufficient for current truck types and volumes? Sufficient to accommodate full development of the site?
2. Does the pavement section proposed meet requirements for dedication to the Town of Farmington as a public road? Is it sufficient for long term use by heavy truck traffic?
3. What is the status of the revised easement for crossing the Niagara Mohawk ROW?

OCSWCD Comment –No erosion and sediment control measures indicated on site plan.

154 - 2020	Town of Geneva Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Thurley, Timothy	
Property Owner:	Thurley, Phillip & Marjorie	
Tax Map No(s):	147.20-1-13.000	
Brief Description:	Rear/lake area variance for addition to house at 4855 Crazy Cove in the Town of Geneva.	

Proposed addition will sit on an adjacent lot to the north, #4853. The combined lot will have a 10.75’ north side setback when 12.5’ is required, more than the 8.5’ setback of the previous cottage. The new lot will have lot coverage greater than the 30 percent allowed, but less than the previous lot coverage.

**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. What provisions have been made for treatment of stormwater for the increased impervious area?
3. What is the height of the proposed addition? The area variance application indicates it provides street level entry and living space which suggests it attaches to the upper level of the existing cottage.

155 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Weaver, Kimberly	
Tax Map No(s):	113.19-1-9.000	
Brief Description:	Area variance for new 12x24 shed at 4003 SR 364 in the Town of Gorham. Shed located 5' from the side lot line when 10' is required and raises lot coverage to 33 percent when 30 percent is allowed.	

The property is across from Deep Run Park and beach south of Angel Way. The existing shed is partially on the neighbor’s property

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
- D. 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 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.

156 - 2020	Village of Naples Village Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Naples	
Brief Description:	Text amendment to define and add tattoo and body piercing parlors to the list of permitted uses in the C-1 village center commercial district and the C-2 highway commercial district and to repeal site plan review for change of use in the C-1 and C-2 districts in the Village of Naples. https://www.co.ontario.ny.us/DocumentCenter/View/25414/156-2020-naples-amendment	

1. Does Village Board intend to remove 385-19-A 1 (r) added in 2019 and listing single family apartments if not fronting on Main Street as a permitted use?
2. The amendment to add tattoo and body piercing parlors as permitted uses in the C-1 Commercial District, and by reference the C-2 Highway Commercial District, should also delete/repeal 385-20 C. (6) to remove tattoo and body piercing parlor from the allowed by special use permit section of the C-2 district regulations and renumber items that follow.
3. The existing Village of Naples zoning code requires site plan review for new construction on vacant land or prior to the construction of additions to all existing buildings except single family dwellings in R-1 and R-2 districts. (385-62 A) The central business and gateway overlay districts also require site plan review for demolition, alterations, signage with new construction, changes in parking, exposed mechanical equipment, site lighting higher than 8', & landscaping that alters 25 percent or more of lot. (385-26 C) The site plan review procedures in 385-63 also require site plan review for any filling, grading, removal of vegetation, or excavation for construction of site improvements.

Existing regulations do not require site plan review for signs on existing buildings, construction of new buildings on land that is already developed, or excavation, not associated with new construction. The Planning Board also has the authority to waive site plan review.

If the intention of the proposed amendment is to not require site plan review for change of use not involving listed site alteration, the Town Board may want to delete/repeal 385-51 B (1) which requires Planning Board approval for any change of use in new or existing structures and/or vacant land and renumber the items that follow.

4. Tattoo and piercing parlors commonly pierce ears as well, however, the proposed definition of body piercing specifically excludes ear piercing.

157 - 2020	Town of South Bristol Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Bristol Harbour Village Association Inc.	
Tax Map No(s):	168.16-1-7.100	
Brief Description:	Technical review of exempt proposed 6' fence with 2 gates at 5680 Shore Drive in the Town of South Bristol. https://www.co.ontario.ny.us/DocumentCenter/View/25435/157-20-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/25410/157-2020-BHVA-Fence-boudary-map https://www.co.ontario.ny.us/DocumentCenter/View/25411/157-2020-site-plan	

The proposed fence is located along the southwestern boundary of lands owned by the Bristol Harbor Village Association (BHVA). The fence separates the BHVA property from parcel 168.16-1-8.120 at 5410 Seneca Point Road, a .53 acres parcel extending up the hill to Cliff Side Drive and Seneca Point Road owned by the Bristol Water-Works Corporation and parcel 168.16-1-8.110 at 5682 Shore Drive, a 1.3 acre residential lot owned by Fields Enterprises, Inc.

The proposed fence adjacent to the Fields property will have both a vehicle and pedestrian gate.

Comments

1. What is the material and fastening mechanism of the fence?
2. What is the length and height of the fence?
3. What is the topography of the upper portion of the fence? Does installation involve disturbance to steep slope or shale cliff areas?

158 - 2020	Town of South Bristol Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Gordon, Martin	
Property Owner:	Gordon, Martin & Jill	
Representative:	Grove P.E., William	
Tax Map No(s):	191.09-1-14.100	
Brief Description:	Site plan and area variance for a 495 SF two story storage building with screened porch and 1' lake setback when 25' is required at 6765 SR 21 in the Town of South Bristol.	

158.1 - 2020	Town of South Bristol Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Gordon, Martin	
Property Owner:	Gordon, Martin & Jill	
Representative:	Grove P.E., William	
Tax Map No(s):	191.09-1-14.100	
Brief Description:	Site plan and area variance for a 495 SF two story storage building with screened porch and 1' lake setback when 25' is required at 6765 SR 21 in the Town of South Bristol.	

**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. What provisions have been made for treatment of stormwater for the increased impervious area?
3. What is the height of the proposed addition? The area variance application indicates it provides street level e

159 - 2020	Town of South Bristol Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Woodard, Gary	
Property Owner:	Woodard, Gary & Patricia	
Representative:	Grove P. E., William	
Tax Map No(s):	177.00-1-49.100	
Brief Description:	Area variance for proposed 24'x24' garage off existing driveway at 6961 CR 34 in the Town of South Bristol. Proposed garage has 8.2' front setback when 50' is required. https://www.co.ontario.ny.us/DocumentCenter/View/25412/159-2020-site-plan	

160 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to revise the definition of protected watercourse and related regulations to restrict the location of structures within 100' of NYSDEC class A, B, C and D streams in the Town of Cananda igua. https://www.co.ontario.ny.us/DocumentCenter/View/25413/160-2020-Watercourse-Setback-2020-07-01-	

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OCSWCD Comments

1. Class D streams are not identified on the EAF mapper or OnCor. How will applicants and reviewing boards know of existence of stream and applicability of setback?
2. Will Agricultural Structures be exempt from the setback? Will such structures in county agricultural district be exempt?
3. Will it be unnecessarily confusing for the Town to define protected stream differently than NYSDEC?

161 - 2020	Town of East Bloomfield Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Spelman, James	
Representative:	Refermat, John	
Tax Map No(s):	54.00-1-16.121	
Brief Description:	Use variance for an industrial use (highway/heavy construction contractor) on a 7.4 acre lot with an existing use variance for a commercial use (cabinet assembly) previously conducted in three existing buildings with a total of 17,400 SF at 6600 Rice Road in the Town of East Bloomfield. https://www.co.ontario.ny.us/DocumentCenter/View/25015/136-20-Aerial-Location https://www.co.ontario.ny.us/DocumentCenter/View/25016/136-20-Aerial-Site	

This application was previously referred at 136-2020 in August 2020. In reviewing the application, the CPB was aware of not substituting its judgement for that of the East Bloomfield ZBA regarding the sufficiency of submitted information with respect to the four prong use variance test outlined in NYS statute or determining whether the proposed use variance, to allow an Industrial use, would impact local neighborhood character. The Board’s only role is assessing whether or not allowing this industrial use or potentially any industrial use, would have a countywide or intermunicipal impact. In that regard, the application included no factual information on likely traffic associated with the proposed industrial use and therefore the CPB previously voted the application incomplete. Such traffic generation information would be useful, but not necessary, for the CPB to assess whether the use variance to allow this or any industrial use would likely have a negative impact on farm viability due to increased difficulty moving farm equipment from field to field.

The applicant and their team did submit additional information related to the requested use variance to allow this industrial use. The additional information indicates the number of on-site employees will be 15. The information does not provide additional information on the number and type of vehicles that will be entering and existing the site nor any information on whether any business activities will occur outside.

The narrative that follows includes the project description, comments, and board motion from the previous referral.

The applicant is also proposing a 3,200 SF addition to the rear (north) of the largest building. Following construction of the proposed addition, the site will have approximately 2.5 acres of impervious service or 35 % lot coverage.

Area uses include agricultural operations and homes including one with a home daycare. Boughton Park is approximately 3 miles from the site. At the time of the original use variance other businesses uses in the area included a motor vehicle repair garage.

The use variance application materials includes the following documentation regarding granting of the original use variance and expansion of the area of the use variance and buildings.

- Documentation from the time of granting the original use variance indicates the proposed building would resemble a barn with a cupola. The applicant indicated 8 employees operating with 2 vehicles and a potential future business expansion to increase from 2 to 5 vehicles with no projected estimate of employees. Expected deliveries were characterized as 1 per week plus occasional UPS deliveries. The minutes reflect that expansion beyond the scale of a home based business would require another variance. The minutes indicate based on the design of the proposed building in keeping with those around it, the ZBA will pass a resolution to approve a use variance for operation of a commercial business on 2 acres. The actual resolution does not reference the 2 acres.

- Documentation from a 1999 area variance to add 1.5 acres from the applicant's 41 acre holding to the area included in the use variance to accommodate a storage building with no additional employees or traffic. A second storage building appears to have been added in 2001 and in 2002 the driveway was approved to be moved to the west and the commercial area was expanded 200' to the east and 225' to the north with no change to business, traffic, noise, or lighting. Also documentation of some business activity outside typical business hours.
- Documentation included with the request for an industrial use variance/interpretation of whether the desired business operations can be completed under the existing use variance indicates the proposed business would continue to store equipment and materials in the existing and proposed buildings and involve more outdoor storage of equipment than the current use.

Application materials indicate the carrying cost of the property is \$200,000 annually with 75% of the cost attributed to the mortgage. The application also includes a Comparative Market Analysis by Leverage Properties, LLC and an assessment of highest and best use by Bruckner, Tillett, Rossi, Cahill & Associates. The Comparative Market Analysis established the likely value of the property as 1.4 to 1.5 million based on a capitalization rate of 0-11 %. The highest and best use analysis identified office, warehouse, and light manufacturing use as that likely to realize the highest value.

August 2020 Comments

1. The record does not provide documentation of unnecessary hardship with regard to granting of the original use variance. In fact the record indicates the applicant's purchase offer of the property was contingent on granting of the use variance and the record further indicates the applicant chose this property instead of other available locations because appropriately zoned land was cost prohibitive and the business owner would not be allowed to combine a house and business on the same lot.
2. The ZBA record does not clearly outline the scale and intensity of use allowed by the multiple use variance expansions. Was expansion from 8 to 54 employees and related increase in traffic and potentially off-hours operations authorized? If operations exceeded the scale and intensity of use allowed, any consideration of future potential impact on the neighborhood character should be based on the allowed, not actual operations on the site.
3. What is the rate of return of the property at the 1.3 million asking price? What is rate of return for other permitted uses?
4. The applicant has not provided a statement of operations signed by the future owner. Such a statement would help the referring body understand the proposed use and its potential impact on the essential character of the neighborhood. The statement of operations should include information such as hours of operation; type and quantity of vehicles involved and the likely frequency of entering and exiting the site; quantity and turnover of any materials stock piles or other activities that will occur outside of enclosed buildings; and the nature and location of vehicle and equipment maintenance.
5. The Ontario County Agricultural Enhancement Board and Plan have identified increased vehicle traffic on rural roads as a threat to agricultural viability. Increased traffic makes it more difficult and less safe to move farm equipment from field to field when passage on public roads is required.

August 2020 CPB Comments

1. It is the responsibility of the ZBA not the CPB to determine whether the applicant has documented financial hardship resulting from unique characteristics of the property not from personal actions of the applicant and that the proposed activities associated with the requested use variance won't negatively impact the neighborhood character.
2. Board members generally felt uncomfortable recommending this referral for approval or denial. Though the applicant and various legal representatives assembled a large volume of information, the information provided is not clearly and concisely applied to the 4 prong use variance test. Key operational information needed to assess whether the proposed use falls within the existing use variance (not subject to CPB review) or the impact of the proposed use variance on the neighborhood character and therefore eligibility for a new use variance is lacking.

August 2020 Board Motion: A motion to retain 136-2020 as class 2 and return it to the referring body as incomplete. The applicant has not connected the dots to clearly and concisely show whether the documentation provided substantiates unnecessary hardship with the applicant unable to obtain a reasonable rate of return for any permitted use (including use allowed under the existing variance). Nor has the applicant substantiated that the proposed heavy highway equipment contractor use will not alter the essential character of the neighborhood and the uniqueness of their situation.

Motion made by Marty Avila

Motion seconded by Mike Woodruff

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