

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**  
**County Planning Board Meeting –March 10, 2021 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below**  
 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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**Action Key** - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
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47 - 2021	City of Canandaigua	Zoning Board of Appeals	LeFebve, David	Use Variance	2/D	12
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Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present	A – Absent, E – Excused Absence,	V – Virtual
Canandaigua	<b>VACANT</b>	----	----	-----
Geneva	Paul Passavant	V		
<b>Towns</b>				
Bristol	Vacant			
Canadice	<b>Stephen Groet PB</b>	P		
Canandaigua	David Wink	V		
East Bloomfield	<b>Mike Woodruff PB</b>	V		
Farmington	Patti Wirth		E	
Geneva	Steven High	P		
Gorham	<b>Jack Dailey PB</b>			A
Hopewell	Bill Namestnik	V		
Manchester	<b>VACANT</b>	----	----	-----
Naples	<b>Carol O'Brien PB</b>	V		
Phelps	<b>Glen Wilkes PB</b>	P		
Richmond	<b>Leonard Wildman PB</b>	V		
Seneca	<b>Vacant</b>			
South Bristol	<b>Bessie Tyrrell</b>	V		
Victor	Marty Avila –		E	
West Bloomfield	<b>Sue Boardman ZBA</b>	V		
	<b>Alternate Member</b>	-----	-----	-----

**Call To Order/Roll Call:** Chair **Wildman** called the 3 /10 /21 CPB meeting to order at 7:05 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were ( 8 ) members present virtually and ( 3 ) members physically at 20 Ontario Street meeting the quorum requirement.

**Guests:** Robert Meyer, Town of Geneva ZBA , Cliff Wagner resident of CR 4.

**Minutes:**

- **Motion made by** Mike Woodruff to approve the January 13, 2021 minutes **as revised, seconded by** Sue Boardman(abstentions Jack and Len) **Motion carried**
- No vote take on approval of February minutes due to required abstentions by Marty, Glen, Mike, and Carol.

**Linda Phillips is inviting you to a scheduled Webex meeting.**

Wednesday, March 10, 2021

7:00 PM | (UTC-05:00) Eastern Time (US & Canada) | 2 hrs 20 mins

[Join meeting](#)

**More ways to join:**

**Join from the meeting link**

<https://ontariocountyny.webex.com/ontariocountyny/j.php?MTID=m038142039af40f8b4874b81c91ed7190>

**Join by meeting number**

Meeting number (access code): 129 078 4883

Meeting password: Vk4Ttm3Jmp6

**Tap to join from a mobile device (attendees only)**

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**Join by phone**

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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.

**Join using Microsoft Lync or Microsoft Skype for Business**

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36 - 2021	Town of West Bloomfield Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant & owner:	Gardner, Richard	
Tax Map No(s):	92.00-1-30.200	
Brief Description:	Area variance for constructing a house on lot with existing barn. House to be located behind barn on 75 acre parcel at Lefevre Road at Richmond line in the Town of West Bloomfield. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27883/36-2021-gardner-ZBA-w-bloom">https://www.co.ontario.ny.us/DocumentCenter/View/27883/36-2021-gardner-ZBA-w-bloom</a>	

This 75 acre parcel is located on the west side of Lefevre Road and adjacent to the Town of Richmond. The parcel and all adjacent lands are in the agricultural district. According to OnCor, there is a stream that splits into 2 in the middle of the property and then continues east. The stream and then the southern channel (approximately 4 acres) are classified as floodplain. There are also numerous small areas (7.6 acres total) of steep slopes of 16 to 30 percent at the west end of the parcel and another area a bit north of the southernmost stream corridor. There are 48 acres of normal/good tillable land and 15 acres of woodlands. The dominant soil type is Schoharie silty, clay loam with slopes of 3 to 8 percent (48 acres highly erodible prime farmland) and another 12 acres of Schoharie silty clay loam with slopes of 8 to 15 percent (12 acres highly erodible farmland of statewide importance).

There is an existing 180 SF pole barn located 40' from the northern lot line and 80' from the road. The proposed home location is behind the barn and located 225' from the road and 130' from the east lot line. Both the barn and proposed house are located north of the stream corridor. The West Bloomfield Town Code only allows accessory buildings located in the front yard if the principal building is more than 500' from the highway and the accessory building is at least 200' from the highway. This proposed lot needs variances from both of these standards.

**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 of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

**Final Recommendation** – With the exception of applications involving lakefront properties or encroachments to County owned 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 as early in the review process as possible to ensure proper design and placement of on-site septic.
3. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

37 - 2021	Town of Richmond Town Board	Class: 2
Referral Type:	Local Law	
Applicant:	Town of Richmond	
Brief Description:	Local law to extend an existing moritorium on review and approval of large scale battery energy storage systems in the Town of Richmond for an additional 12 months.	

The following link includes presentation slides from a Livingston County Planning Department training on battery energy storage.

<https://www.co.ontario.ny.us/DocumentCenter/View/27916/Livingston-County-Webinar-Deck-12021-compressed>

**Board Motion:** To retain referral 37-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** David Wink **Seconded by:** Mike Woodruff  
**Vote:** 10 in favor, 0 opposed, 0 abstentions Steve Groet stepped out during voting on this referral **Motion carried.**

38 - 2021	Town of Phelps Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant& owner:	Fratto, Nicalaus	
Representative:	McCormick Engineering	
Tax Map No(s):	77.00-2-64.100	
Brief Description:	Site plan to construct 3,000 SF office/workshop and allow 12,500 SF front yard outdoor storage area for granite curbing business on 3.5 acre parcel west of SR 14 north of Skuse Road in the Town of Phelps. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27884/38-2021-site-plan--2NYS-Route-14---Fratto-002">https://www.co.ontario.ny.us/DocumentCenter/View/27884/38-2021-site-plan--2NYS-Route-14---Fratto-002</a>	

According to OnCor, the property to the north is in the agricultural district. The entire site is listed as wetland area in the National Wetland Inventory. The primary site soil is Lamson mucky fine sandy loam 0 to 3 percent slope characterized as poorly drained, highly erodible, and highly permeable.

There is an existing lighted billboard along the northern property line of the proposed development site and an existing drainage ditch and culvert under SR 14 along the southern property boundary. The lot frontage is 300'. Adjacent properties are undeveloped.

The proposed outdoor storage area is in front of the metal building and 220' from the road; no streetscape or foundation landscaping or perimeter screening is shown. The proposed development will use an existing unpaved access point to the undeveloped lot. The site plan shows 4 visitor parking spaces to the north of the proposed building. Septic system sized for 10 employees with 8 employees anticipated on site initially. The proposed lot coverage of building, parking/circulation, and storage area is 23,000 SF or 15 percent of lot area.

The lot is zoned commercial C-1. The C-1 Commercial district is listed in the zoning code, in Attachment I use and bulk regulations and shown on the zoning map. Uses in the district are also subject to Chapter 225 site plan review, Chapter 92 Exterior Lighting, and Chapter 93 Landscaping Review Standards, however no narrative zoning intent or development standards are provided for the C-1 district. Landscape review standards require a 35' landscaped buffer area between the street and automotive use area. Light industrial uses permitted in the C-1 district must not produce injurious or objectionable smoke, noise, odors, glare, dust or hazardous materials. The maximum lot coverage is 50 percent.

The property is also in the Major Thoroughfare Overlay District (MTOD). The intent of the MTOD is to retain the rural character of the Town of Phelps by retaining SRs 14, 96, and 318 as two lane roads. Avoiding the need for turning lanes requires restricting and controlling access along such roads. The MTOD limits driveways to 1 per lot; additionally, lots may be required to execute easements and maintenance agreements for shared driveways and/or cross access with abutting lots and to eliminate temporary driveways when such shared access is developed. The MTOD regulations also express a preference for parking located to the side or rear of buildings. The commercial use driveway spacing standards along SR 14 is 500'.

#### Comments

1. The proposed development is located along SR 14, a primary tourism corridor. It is important that industrial development/redevelopment activities in this corridor incorporate access management and screening to protect the safety and visual character of this corridor. In particular frontage and foundation landscaping/screening should be required and access spacing standards should be met.
2. See also recommendations of the 2007 SR 14 Corridor Management Study which identified SR 14 in this area as an arterial with a speed limit of 55 mph. <http://www.co.ontario.ny.us/DocumentCenter/View/14632/Route-14-Corridor-Plan>
3. The referring body should review the color, materials, openings, and roof style of the proposed building to ensure it is in keeping with the desired corridor visual character.
4. Given the size of the building and parking standards for industrial use (1/1,000 SF plus one for each 4 employees) 5 to 6 parking spaces may be needed.
5. As summarized in the areas of review section of the CPB By-laws section 8.6 Historic and Cultural Resources and Community Character, additional common corridor management standards include requiring 1 street tree per 30' of frontage. To retain the rural character of this segment of SR 14, the applicant should be encouraged to retain existing frontage vegetation as much as possible and install frontage landscaping in cluster(s) of diverse plant types (trees, shrubs, and flowers/groundcovers) and species.
6. The site plan does not show any bio infiltration or other stormwater management infrastructure.
7. Has the applicant appropriately documented location of any regulated wetland areas based on field delineation?
8. Has applicant documented suitability of on-site soils for proposed on-site wastewater treatment system?

#### CPB Comments

1. Has the Town Board considered the potential conflict of allowing commercial development in the SR 14 corridor and Town intent to maintain the rural character of this area?
2. Will use involve indoor or outdoor manufacturing or assembly activities?

**NYSDOT Comment** –Will comment when applicant submits site plan to NYSDOT for review.

**Board Motion:** To retain referral 38-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Carol O'Brien **Seconded by:** David Wink  
**Vote:** 10 in favor, 0 opposed, 1 abstention (Glen Wilkes) **Motion carried.**

39 - 2021	Town of Bristol Planning Board	Class: AR 1
<i>Referral Type:</i>	Minor Subdivision	
<i>Applicant &amp; owner:</i>	Green Jr., Robert	
<i>Representative:</i>	Years, Jeremy	
<i>Tax Map No(s):</i>	124.00-2-8.110	
<i>Brief Description:</i>	Subdivision to create two 5 acre lots and a 56.8 acre remainder lot from property at 6557 CR 32 in the Town of Bristol near the border of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27885/39-2021-2021-02-11updated-Green-Subdivison-map">https://www.co.ontario.ny.us/DocumentCenter/View/27885/39-2021-2021-02-11updated-Green-Subdivison-map</a>	

The 66.8 acre parent parcel has approximately 900' of frontage on CR 32 and 3,800' of frontage on Montanye Road. The proposed lots are at the eastern end of the site east of Kear Road with 305' and 264' of frontage on Montanya Road. According to OnCor the property and most surrounding properties are in consolidated agricultural district #1. There is a stream corridor and associated floodplain along the northern property line at the east end of the site. Most of the property is moderately sloped with a north-south band of 16-30 and 31-60 percent slopes west of Kear Road. There are also small areas of 16-30 percent slope on proposed lot 1A.

Soil types on the proposed lots include Lansing loam, Darian silt loam, and Danley-Lansing complex and are highly erodible prime farmland or farmland of statewide importance with moderately high permeability.

#### **Policy AR-6: Single-family residential subdivisions under five lots**

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

**Final Classification:** Class 1

#### **Findings**

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

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

#### **Comments**

1. The referring agency is encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
3. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

40 - 2021	Town of East Bloomfield Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant& owner:	Gillette, Thomas	
Tax Map No(s):	93.00-3-12.000	
Brief Description:	Site plan and special use permit for keeping animals on a parcel of land less than 5 acres in the AR-2 Agricultural Rural Residential District. Applicant proposes a 12' by 16' chicken house on a 4 acre property at 3490 Silvermail Road in the Town of East Bloomfield. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27886/40-2021-3490-Silvermail">https://www.co.ontario.ny.us/DocumentCenter/View/27886/40-2021-3490-Silvermail</a>	

**Comments**

1. The scale of the chicken house suggests the chickens or eggs will be for sale not personal use. How/where will they be sold?
2. What is the size and location of the exercise area/fencing associated with the chicken house?
3. The site plan does not indicate separation distances for on-site and off-site wells, septic systems, buildings, and manure storage as required by Town regulations.

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

40.1 - 2021	Town of East Bloomfield Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Gillette, Thomas	
Tax Map No(s):	93.00-3-12.000	
Brief Description:	Site plan and special use permit for keeping animals on a parcel of land less than 5 acres in the AR-2 Agricultural Rural Residential District. Applicant proposes a 12' by 16' chicken house on 4 acre property at 3490 Silvermail Road in the Town of East Bloomfield.	

See information at 40-2021.

41 - 2021	Town of East Bloomfield Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant& owner:	Sulli, Anthony	
Tax Map No(s):	81.00-1-84.210	
Brief Description:	Site plan and special use permit for commercial storage use to be added to existing auto repair use on 4.6 acre parcel at 6915 SR 5/US 20 and south of Guess Road in the Town of East Bloomfield. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27887/41-2021-6915-Rts-5-and-20">https://www.co.ontario.ny.us/DocumentCenter/View/27887/41-2021-6915-Rts-5-and-20</a>	

Auto repair shop exists and is not subject to CPB review. New indoor storage use to be in existing garages, commercial building and barn. New outdoor storage to include 10 vehicle parking spaces.

**Comments**

1. Are changes to exterior lighting, fencing, or screening necessary to accommodate the proposed outdoor storage activity?
2. Is a cross access easement with adjacent use at 6905 SR 5/US 20 necessary?

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

41.1 - 2021	Town of East Bloomfield Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Sulli, Anthony	
Tax Map No(s):	81.00-1-84.210	
Brief Description:	Site plan and special use permit for commercial storage use to be added to existing auto repair use on 4.6 acre parcel at 6915 SR 5/US 20 and south of Guess Road in the Town of East Bloomfield.	

See info at 41-2021.

42 - 2021	Town of Victor Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Robins, Linda	
Tax Map No(s):	5.04-1-28.200	
Brief Description:	Area variance for 12'x24' pergola at 630 Burke Hollow Road in the Town of Victor. The proposed structure will have a 5' side setback to the east when 15' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27888/42-2021-630-Burke-Hollow-survey">https://www.co.ontario.ny.us/DocumentCenter/View/27888/42-2021-630-Burke-Hollow-survey</a>	

**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.
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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 as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.



43 - 2021	Town of Victor Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Coluicci, Paul	
Property Owner:	DiMarco Family LLC	
Tax Map No(s):	15.00-2-80.000	
Brief Description:	Area variance for 90 SF sign when 34 SF is allowed by Town of Victor code at 7387 SR 96, Fishers Landing Plaza Suite 500.	

The proposed use is on the south side of SR 96 opposite the eastern connection to Rowley Road. The Victor Town code allows 1 SF of business identification signage for each linear foot of frontage occupied. The proposed use occupies 31 lf and has proposed 90 SF of sign area. The 25" font size is identical to adjacent tenants.

According to sign industry information available at the provided link, 24" letters are readable at a distance of 1,000' and are recommended for best impact when distance to viewer is 240'. The proposed sign is an estimated 105' from the edge of pavement of SR 96. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>

#### 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 96 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.

44 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant & owner:	O'Neil, William	
Tax Map No(s):	38.00-1-8.100	
Brief Description:	Seven lot subdivision of 76 acre parcel on the east side of Strong Road north and south of Boughton Hill Road (CR 41) in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27889/44_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27889/44_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27890/44_21-Subdivision">https://www.co.ontario.ny.us/DocumentCenter/View/27890/44_21-Subdivision</a>	

The applicant owns 285 acres including all 4 corners of the intersection of CR 41 and Strong Road. The proposed subdivision includes lots of 5 to 12 acres that meet zoning lot size requirements. The applicant will continue to reside in a home on a 6.3 acre lot created at the northwest corner of CR 41 and Strong Road. This lot has 2 gravel access connections to CR 41.

The proposed subdivision includes three additional building lots and a 30 acre remainder lot fronting on CR 41 and 2 proposed building lots fronting on Strong Road. The remainder lot will continue in agricultural use with the requirement that 15 acres will be placed in a conservation easement as part of any future subdivision or development application. Approximately ½ of each of the development lots is included in proposed conservation easements. Ultimately, 38.4 of the 76.4 acres will be permanently preserved

by conservation easement meeting the 50 percent open space requirement of the Town Code. The Lot 3 conservation area includes some or all of 3 small federal wetlands south of CR 41 near the western lot boundary.

Application materials indicate proposed lots can meet stopping and site distance requirement for future driveways. Lots will be subject to future site plan review for development of single family homes with private wells and on-site wastewater treatment systems and applicable erosion and sediment control and stormwater management.

According to OnCor, there are many small areas of 16 to 30 percent slope on the property and two small areas of NWI wetland in the area of proposed Lot 3. The dominant soil type on the parcel is well drained Dunkirk-Arkport Complex, 15 to 25 percent slope with high erodibility. Such soils are not prime farmland.

#### Comments

1. The local municipal engineer should review the location, number, type, and results of soil tests completed in 2014 and their relevance to suitability of conventional system systems on proposed lots.
2. Can the proposed lots meet the access connection spacing (440' for collector & local through roads) and off-set requirements (150') of the Town Code Chapter 55?
3. Is the stopping and site distance calculation based on the 85 percentile recorded speeds of 60 and 64 MPH on CR 41 west and east of Strong Road?
4. What is the natural resource value to the Town of the land included in the conservation easements?

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

45 - 2021	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Marks Engineering	
Property Owner:	Lewis, John	
Tax Map No(s):	126.12-2-2.000	
Brief Description:	Site plan and area variances for house demolition and rebuild with new driveway location at 4210 CR 16 near Lake Hill Drive in the Town of Canandaigua. Proposed lot coverage is 27.5 percent when 25 percent is allowed. Proposed driveway has 2.4' side setback when 10' is required.	

45.1 - 2021	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Marks Engineering	
Property Owner:	Lewis, John	
Tax Map No(s):	126.12-2-2.000	
Brief Description:	Site plan and area variances for house demolition and rebuild with new driveway location at 4210 CR 16 near Lake Hill Drive in the Town of Canandaigua. Proposed lot coverage is 27.5 percent when 25 percent is allowed. Proposed driveway is 2.4' from the south lot line when 10' is required. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27891/45-2021-County-road-single-page-site-plan-16-4210-2021-02-19-">https://www.co.ontario.ny.us/DocumentCenter/View/27891/45-2021-County-road-single-page-site-plan-16-4210-2021-02-19-</a>	

The proposed house will be re-located behind the 60' setback line with a previous driveway to garages at the rear of the house. The new driveway location will require removal of 3 mature trees. New drainage swales will be created on the north side of the house for downspouts and between the house and driveway on the south side of the house. Drainage from the south side will pass through infiltration chambers before discharging to the CR 16 storm system. The new proposed walkway to CR 16 will align with the walkway on the lakeside of the parcel.

No changes are proposed on the portion of the lot on the east side of CR 16 adjacent to the lake.

According to OnCor, most of the lot has slopes of 16 to 31 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. Referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve 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.

**CLCSD Comments**

1. Sewer connection plans are under review. A renovation permit will be required.

46 - 2021	Town of Farmington Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Farmington	
Brief Description:	Zoning text and map amendment to add a Main Street Overlay District to lands abutting SR 96 in the Town of Farmington from the Victor line east to Hook Road/Beaver Creek Road on the south and to Fairdale Glen on the north. The Overlay regulates setbacks, signs, lighting, and other streetscape elements to create a pedestrian oriented district. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/27892/46-2021-MSOD-Farmington_LL-Chapter_165_Section_342_Regulations_Draft_2_February_9_2021-2">http://www.co.ontario.ny.us/DocumentCenter/View/27892/46-2021-MSOD-Farmington_LL-Chapter_165_Section_342_Regulations_Draft_2_February_9_2021-2</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/27893/46-2021-MSOD_Map_11x17_L1">http://www.co.ontario.ny.us/DocumentCenter/View/27893/46-2021-MSOD_Map_11x17_L1</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27894/46-2021-Streetscape-Design-Guidelines---February-2021-1">https://www.co.ontario.ny.us/DocumentCenter/View/27894/46-2021-Streetscape-Design-Guidelines---February-2021-1</a>	

The Main Street Overlay District (MSOD) is accompanied by 96 Street Scope Design Guidelines. The 96 Street Scope Design Guidelines are intended to guide development of a visually appealing, pedestrian friendly, uniform streetscape along SR 96 within the MSOD area in accordance with the Town’s Comprehensive Plan. The 96 Street Scope Design Guidelines layout the general intent to provide a 30’ streetscape planting area along the roadway frontage and to include foundation and perimeter landscaping/buffering. The 96 Streetscape Design Guidelines also include details on light fixtures, benches, fences, berms, and plant species. The intent of the MSOD is to include as zoning regulations standards necessary to implement the vision of the 96 Streetscape Design Guidelines including building setbacks, sign requirements, and site lighting.

Farmington also has a Major Thoroughfare Overlay District (MTOD) and associated adopted MTOD Site Design Guidelines last updated in February 2020. The MTOD and Site Design Guidelines apply to a wider area including lands fronting on SR 96 and SR 332, CR 41, portions of Mertensia and Hook Roads, and a portion of the west side of CR 8. The MTOD includes standards for building setbacks and access management standards including driveway spacing, corner clearance, medians, and driveway spacing and design. The MTOD also has standards for subdivisions and special standards for variances. The MTOD Site Design Guidelines address architectural and site character, building and site lighting, recommended landscaping species and minimum sizes and include some standards for signs. The Town also maintains a series of MTOD maps that indicate long range plans for four-way signalized intersections and public and private roads to provide safe access from all directions to properties in the MTOD.

**Comments**

1. Creating desirable pedestrian corridors requires buffering pedestrians from roads and parking areas and providing visually appealing opaque storefronts or landscaping. It is not clear whether the combination of street trees, berms and other landscaping buffers pedestrians from the high speed traffic on SR 96 or only parking areas.

**CPB Comment** CPB appreciates the efforts of the Town of Farmington to adopt regulations to create a desirable pedestrian character along SR 96 and to request recent development projects to meet desired standards.

**Board Motion:** To retain referral 46-2021 and 46.1-2021 as class 2s and return them to the local board with comments and a recommendation of approval. **Motion made by:** David Wink **Seconded by:** Mike Woodruff  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

46.1 - 2021	Town of Farmington Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Farmington	
Brief Description:	Zoning text and map amendment to add a Main Street Overlay District to lands abutting SR 96 in the Town of Farmington from the Victor line east to Hook Road/Beaver Creek Road on the south and to Faid ale Glen on the north. The Overlay regulates setbacks, signs, lighting, and other streetscape elements to create a pedestrian oriented district.	

See information at 46-2021.

47 - 2021	City of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant & owner:	LeFebve, David	
Tax Map No(s):	84--05-3-8	
Brief Description:	Use variance to convert non-conforming 2 family structure in a single family district at 127 Gibson Street at the corner of Wood Street in the City of Canandaigua into a 3 family structure. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/27895/47-2021-OCPB127-Gibson">http://www.co.ontario.ny.us/DocumentCenter/View/27895/47-2021-OCPB127-Gibson</a>	

According to application materials, applicant purchased building in distressed condition. The applicant provided dollars and cents documentation stating that if renovated as a duplex, the building would return 7.1 percent; applicant is requesting conversion to 3 units to allow higher standards of renovation and a 9 percent return on investment.

**CPB Comments**

1. Use variances may be granted to provide property owners relief from unnecessary hardship. A showing that a use variance would result in a higher return on investment does not satisfy the unnecessary hardship standard outlined in NYS law that subject property is incapable of earning a reasonable return on initial investment using any of the allowed uses in the district.
2. The referring body is reminded that a ZBA must deny the variance if any of the four components of unnecessary hardship are not proven. In addition to dollars and cents proof of financial hardship, the applicant must prove that the property is affected by unique or highly uncommon circumstances; that the variance, if granted will not alter the essential character of the neighborhood; and that the hardship is not self-created.
3. The referring board is reminded that City council can amend zoning district boundaries and allowable uses whereas granting a use variance creates a permanent entitlement to operate granted use.

**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.

**Board Motion:** To retain referral 47-2021 as class 2 and return it to the local board with comments and a recommendation of disapproval. **Motion made by:** Mike Woodruff **Seconded by:** Paul Passavant

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

48 - 2021	City of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant & owner:	City Mini Storage	
Tax Map No(s):	84.13-4-63 84.13-4-62	
Brief Description:	Use variance and area variance for 12,000 SF expansion of 9,000 SF climate controlled storage storage facility at City Mini Storage, 35, 41, and 47 Phelps Street and 491 South Main Street in the City of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27896/48_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27896/48_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27897/48-2021-1City-Mini-StorageStaff-Review">https://www.co.ontario.ny.us/DocumentCenter/View/27897/48-2021-1City-Mini-StorageStaff-Review</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27898/48-2021-2-City-Mini-StorageApplication">https://www.co.ontario.ny.us/DocumentCenter/View/27898/48-2021-2-City-Mini-StorageApplication</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27899/48-2021-5City-Mini-StorageSite-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/27899/48-2021-5City-Mini-StorageSite-Plan</a>	

City Mini Storage operates a climate controlled storage facility previously allowed by use variance in 2015 in a 9,000 SF industrial cinder block building at 47 Phelps Street. City Mini Storage also owns an additional 13 acres at 491 South Main Street and operates a mini storage use with 33 buildings and 2 outdoor storage areas authorized by a use variance in the 1980s. Approved storage buildings in this area were recently completely built out. The access to all existing storage facilities is through the gate at 493 South Main Street, a .6 acres parcel which also has an office building.

The applicant has purchased two duplexes located east of the storage building at 47 Phelps Street. The applicant is requesting area variances to reduce the size of these lots as indicated in the chart below. In addition, the applicant proposes the following setback variances: reduce the west side setback adjacent to the Phelps Street access to the Rochester Regional Health Center from 15' to 11' and reduce the required buffer area to the existing duplexes from 20' to 10'. A related re-subdivision will combine 47 Phelps Street and 491 South Main Street to eliminate the need for setbacks from the existing lot line.

Parcel	Zoning	Required Lot Size (SF)	Existing Lot Size (SF)	Proposed Lot Size (SF)
35 Phelps St.	MU-2	9,000	11,039	6,060
41 Phelps St.	MU-2	9,000	6,873	3,764
47 Phelps St.	R-3	Varies by use, 5,000 SF min	15,420	15,420
491 South Main St.	R-3	Varies by use, 5,000 SF min	14.134 acres	14,320 (add'l 8,087 SF)

The proposed expansion of climate controlled storage building use would be an addition to the building at 47 Phelps Street. The addition would be built on land currently zoned MU-2 within the backyards of 35 and 41 Phelps Street and a portion of the main City Mini Storage site (491 South Main Street) zoned R-3.

The applicant has submitted documentation of a 3 percent return on investment for purchase, repair, and rental of units in the two duplexes and an accountant opinion that the investment return should be 7 to 12 percent. The applicant has not submitted financial

analysis of re-use of the properties for other uses allowed in the MU-2 district (services, retail, office, etc.) .The applicant also submitted narrative to address the other use variance criteria of unique situation, not self-created, and that the use variance will not alter the essential character of the neighborhood and the area variance criteria.

**CPB Comments**

1. Use variances may be granted to provide property owners relief from unnecessary hardship. A showing that a use variance would result in a higher return on investment does not satisfy the unnecessary hardship standard outlined in NYS law that subject property is incapable of earning a reasonable return on initial investment using any of the allowed uses in the district.
2. The referring body is reminded that a ZBA must deny the variance if any of the four components of unnecessary hardship are not proven. In addition to dollars and cents proof of financial hardship, the applicant must prove that the property is affected by unique or highly uncommon circumstances; that the variance, if granted will not alter the essential character of the neighborhood; and that the hardship is not self-created.
3. The referring board is reminded that City Council can amend zoning district boundaries and allowable uses whereas granting a use variance creates a permanent entitlement to operate granted use.

**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.

**Board Motion:** To retain referral 48-2021 as class 2 and return it to the local board with comments and a recommendation of disapproval. **Motion made by:** Glen Wilkes **Seconded by:** Steve Groet

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

48.1 - 2021	City of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	City Mini Storage	
Tax Map No(s):	84.13-4-63 84.13-4-62	
Brief Description:	Use variance and area variance for 12,000 SF expansion of 9,000 SF climate controlled storage storage facility at City Mini Storage, 35, 41, and 47 Phelps Street and 491 South Main Street in the City of Canandaigua.	

See project descriptions at 48-2021.

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

49 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	DeMarco, Alberta & Richard	
Tax Map No(s):	113.15-1-12.100	
Brief Description:	Area variances for addition of a 720 SF garage at 3900 SR 364 in the Town of Gorham. The proposed garage would have a 9' front setback from old E. Lake Road when 30 ' is required and 31.6 percent lot coverage when 25 percent is allowed.	

Lake side development including the existing house, drive, patio, deck, walk and shed represent 26.3 percent lot coverage slightly exceeding the 25 percent allowable lot coverage. The proposed garage will be on the east side of Old East Lake Road and a stormwater infiltration bed for roof downspouts is proposed.

**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.

50 - 2021	Town of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Montmorency Property Development LLC	
Property Owner:	Lake Geneva Center LLC	
Representative:	Boyle & Anderson	
Brief Description:	Proposed subdivision of a 14 acre lot from a 30.4 acre parent parcel at the southeast corner of SR 5/US 20 and SR 14A/SR 245 in the Town of Geneva. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27900/50_21-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27900/50_21-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27901/50-2021-subdivision-overall-and-detail-views">https://www.co.ontario.ny.us/DocumentCenter/View/27901/50-2021-subdivision-overall-and-detail-views</a>	

The parent lot includes Denny’s and Community Bank along the SR 5/US 20 frontage, Big Lots along the eastern parcel boundary fronting on CR 6, the former Tops/Cheribundi building in the center of the site, the continuing Parts Plus store in the southwest portion of site with access off SR 14A/SR 245, and a detention pond in the southwest corner of the lot. It appears from the application materials, the Tops/Cheribundi building will continue in warehouse use.

There is an existing named access, Montmorency Way off CR 6 at the rear of Big Lots/ front of Tops/Cheribundi building. An ingress/egress easement is proposed along this named access to allow the new lot and remainder lot to share this access point. The subdivision plan indicates an existing 40’ ingress/egress easement at the divided access point off SR 14A/SR 245 along the southern boundary of the remainder lot. This easement does not connect to the proposed 14 acre lot. The subdivision plan also indicates a no build/no snow storage area in front of the Tops/Cheribundi building.

Land use to the south of the site includes Seneca Terrace Assisted Living along CR 6 and land owned by Geneva General Hospital and in agricultural use along SR 14A/SR 245. The SR 5/US 20 frontage is zoned Town Center Arterial (TC-2). The remainder of the lot and lands to the west across SR 14A/SR 245 are zoned Town Center Mixed Use (TC-1) The intent of the TC-1 district is to accommodate mixed use buildings with retail, office or other commercial uses on the ground floor and multi-family residential uses on upper floors in a high quality urban residential environment with attention to streetscape and public realm features and incorporation of sustainable features.

### Comment

1. The existing ingress/egress easement off SR 14A/SR 245 should be extended to the new lot line.
2. Is there a maintenance agreement for the shared ingress/egress area(s)?
3. If the existing detention pond serves both lots, there should be a stormwater easement and maintenance agreement for the shared stormwater facilities.

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

51 - 2021	Town of Farmington Planning Board	Withdrawn
Referral Type:	Subdivision	
Applicant:	Affronti Development LLC	
Property Owner:	Bhoopinger Metha	
Tax Map No(s):	29.00-1-63.000	

52 - 2021	City of Geneva Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Whelan, Mervyn & Joanna	
Property Owner:	Levine Living Trust	
Representative:	Kaczynski, Richard	
Tax Map No(s):	119.15-3-7.113	
Brief Description:	Two lot subdivison of 4.2 acre lot to create a 1.1 acre lot for transfer to an adjacent 21 acre property owner at 361 Slosson Lane in the Cty of Geneva.	

53 - 2021	Town of Hopewell Planning Board	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Goodman, Matt	
Property Owner:	Housel, Karl	
Tax Map No(s):	72.00-1-29.300	
Brief Description:	Special use permit for seasonal 960 SF farm market and corn maze on 22 acre parcel at 4017 CR 4 in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27908/53_21-Concept-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/27908/53_21-Concept-Plan</a>	

The site plan shows 41 gravel parking spaces and 56 grass parking spaces, 12 port-a-potties, location of light displays, pumpkin patch, corn maze and farm equipment storage, and a gravel outdoor display area, size not provided. The CEO has indicated the applicant will request the Hopewell Town Board to designate a no parking zone along this section of CR 4. The site plan also shows an illuminated path along the CR 4 frontage between the proposed access points, though no information is provided about the path surface, provided lighting or overall pedestrian circulation.

The letter of intent indicates there will 1 to 5 volunteers on-site to supervise operation including monitoring parking entrance at peak times. The farm stand will act as the entrance to the corn maze and display areas. The farm market will also host agricultural education events including bee keeping and other live animal visits. The letter outlines lighting plans to include generator operated



lighting in the parking area, lighting at the farm market, and electric poles and possibility additional generators in the corn maze. The farm market and pumpkin patch will operate 9 am till 9 pm. The corn maze will open at noon. The site will operate from Labor Day weekend through October 31. The letter indicates 2 port-a-potties will be provided initially.

**Comments**

1. Site plan shows GFI poles in pumpkin patch not corn maze as indicated in narrative.
2. Site plan shows 41 gravel parking spaces, letter says 44 gravel spaces.
3. Are parking and restroom facilities adequate to accommodate expected number of visitors?

**OCDPW Comments**

Sight distance on the proposed easterly drive into the parking lot meets current standards. The location of the proposed westerly “secondary access drive” does not meet sight distance standards and will not likely be approved if we receive a highway user permit application for the project. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions.

**CPB Comments**

1. Is the single driveway sufficient to accommodate site traffic and emergency vehicles at peak capacity?

**Guest/Neighbor Comments**

1. Last year attendance exceeded parking capacity creating safety issues from parking on both sides of CR 4 and picnicking on neighboring properties.

**Board Motion:** To make referral 53-2021 a class 2 based on potential for adverse impacts to CR 4.

**Motion made by:** David Wink **Seconded by:**

**Vote:** 10 favor, 0 opposed, 1 abstention (Bill Namestnik) **Motion carried.**

**Board Motion:** To retain referral 53-2021 as a class 2 and return it to the local board with comments and a recommendation of approval with modifications

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

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

**Findings and Modifications**

The Board finds that the following modifications are necessary to minimize potential traffic safety impacts and quality of life impacts related to operation of proposed seasonal corn maze and pumpkin patch.

Modification #1: The local referring board to wait to approve the SUP until the Hopewell Town Board has established the requested No Parking Zone.

Modification #2: The referring board to clearly condition the SUP on visitor compliance with the no parking zone on CR 4 and outline what information from the Ontario County Sheriff regarding any non-compliance is necessary to issue a citation for violation of such SUP conditions and cessation of the SUP activities

Modification #3:The referring board should take a hard look at potential impact of operations on neighbors and identify necessary site and operational features needed to minimize such impacts.

54 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant & owner:	Woodworth, Jacob	
Tax Map No(s):	99.00-1-36.111	
Brief Description:	Special use permit to erect 1,024 SF fenced area and 24 SF shelter for use in raising 2 pigs, 2 goats, and chickens for family consumption on 3.7 acre lot at 3494 SR 247 in the Town of Hopewell.	

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

55 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant& owner:	Johnson, Eric	
Representative:	Green Land Surveying PLLC	
Tax Map No(s):	72.00-1-16.100	
Brief Description:	Site plan and special use permit for 5,000 SF equipment storage building and outdoor material and equipment storage for excavating and landscaping company at 2403 SR 21 south of Schutt Road in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27910/55_21-Draft-Site-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/27910/55_21-Draft-Site-Plan</a>	

The site plan provides for re-location of an existing business in a new building on the parcel south of existing business. The site shows location of a 30' driveway and 11 evergreens to the south of the driveway and around the northwest edge of the gravel parking area that will likely screen views to the 5 material storage bins in the north east corner of the modified site. The site plan also indicates equipment and truck and trailer storage behind the building. No landscaping is indicated to screen views to this area by northbound traffic on SR 21. The office/ storage building will have a sink and toilet connected to an engineered holding tank located in front of the southwest corner of the building.

According to OnCor, the site has no development constraints due to on-site floodplains, wetlands, steep slopes or inclusion in consolidated agricultural district #1. Dominant soils are Schoharie and Odessa silt loam and characterized as prime farmland.

#### Comments

1. The referring body should consider whether additional landscaping in the south west portion of the lot is necessary to screen equipment storage area.
2. There is an existing swale and driveway on the property to the south; will proposed grading and building/materials coverage increase stormwater on the adjacent commercial site?
3. Is the proposed access aligned with a driveway or future parcel access point on the opposite side of the road?

**NYS DOT Comment** – Will comment when applicant submits site plan to NYS DOT for review.

**Board Motion:** To retain referrals 40-2021, 40.1-2021, 41-2021, 41.1-2020, 44-2021, 48.1-2021, 50-2021, 54-2021, 55-2021 and 55.1-2020 as class 1s and return them to the local boards with comments

**Motion made by:** David Wink **Seconded by:** Sue Boardman

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

55.1 - 2021	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Johnson, Eric	
Representative:	Green Land Surveying PLLC	
Tax Map No(s):	72.00-1-16.100	
Brief Description:	Site plan and special use permit for 5,000 SF equipment storage building and outdoor material and equipment storage for excavating and landscaping company at 2403 SR 21 south of Skuse Road in the Town of Hopewell.	

See information at 55-2021.

56 - 2021	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Zoning text amendment to add health and wellness uses as allowed by special use permit in the Light Industrial district in the Town of Victor.	

The intent statement of the LI district explicitly states that the integrity of the Town's industrial areas will be maintained by restricting the district to land uses which are strictly industrial in nature or which provide a service directly related to the primary administration of the industrial organization.

#### Comments

1. If the Town Board is interested in allowing health and wellness facilities in the Light Industrial district, they should also amend the zoning district intent statement. It also appears that this intent statement was originally drafted for an Industrial districts and language was not revised when the district was changed to a Light Industrial district.
2. The Town Board may also want to add a definition for health and wellness uses.

**Board Motion:** To retain referral 56-2021 as a class 2 and return it to the local board with comments and a recommendation of approval. **Motion made by:** Mike Woodruff **Seconded by:** Steve High  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

57 - 2021	Town of Geneva Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant & owner:	Hickey, Daniel	
Tax Map No(s):	90.16-1-33.110	
Brief Description:	Site plan for 2,400 SF pole barn in General Industrial district at 289 SR 14 in the Town of Geneva. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/27914/57-2021-aerial">https://www.co.ontario.ny.us/DocumentCenter/View/27914/57-2021-aerial</a>	

The applicant owns 3 parcels totaling just over 4 acres along the west side of SR 14 and extending west 500' to the railroad. The properties include nearly 300' of frontage on SR 14 between the creek and Gambee Road. Adjacent land uses to the north and south of applicant's properties include single family homes, although the east and west SR 14 frontage in the Town of Geneva from the city line north beyond Gambee Road is zoned General Industrial.

According to the 2018 aerial in OnCor, the applicant's properties include a number of storage buildings and also accommodate outdoor vehicle storage. The .26 acre property proposed for development with a pole barn is undeveloped and, at the time of the OnCor aerial, used for outdoor storage. There are a few evergreens planted along the west and south property lines. The 2018 OnCor aerial mapping includes the property line plantings; however, it appears to show less vegetation west of the plantings compared to the undated aerial submitted as the site plan.

The letter of intent indicates the proposed building will be used for storage and minor U-Haul sales. The letter and hand drawn notations on the submitted aerial image indicate the pole barn will be located 50' from the front property line and 25' from the north property line. A driveway appears to be indicated near the start of the taper for the southbound left turn lane to Forge Avenue. The EAF indicates stormwater from the proposed development will drain to a drainage basin location in the front of the property. There is no indication of proposed paving of the site or driveways or installation of site landscaping and no indication of whether outdoor vehicle storage in the front year will continue.

According to OnCor, there are no development constraints related to floodplains, wetlands, steep slopes or inclusion in consolidated agriculture districts #1. Dominant soil on the site is Schoharie silt loam, a highly erodible prime farmland soil.

**Comments**

1. The proposed development is located along SR 14, a primary tourism corridor. It is important that industrial development/redevelopment activities in this corridor incorporate access management and screening to protect the safety and visual character of this corridor. In particular frontage and foundation landscaping/screening should be required and the following access spacing standards should be applied to the applicant’s holdings:

Posted Speed Limit	Connection Spacing (ft.)	
	Arterial	Collector or Local Through Road
35 mph or less	245	125
40 mph	440	245
45 mph or greater	660	440

The referring body should require the applicant to outline integrated access and circulation for the applicant’s entire holding at full development. See also recommendations of the 2007 SR 14 Corridor Management Study which identified SR 14 in this area as an arterial with a speed limit of 35 mph. <http://www.co.ontario.ny.us/DocumentCenter/View/14632/Route-14-Corridor-Plan>

2. The referring body may want to consider other site parameters to ensure the continued visual character of the corridor such as requiring retention of natural vegetation in the north side setback area and orienting the proposed building with the long side perpendicular to the roadway to maximize visual access to such vegetation. The referring body should also review the color, materials, openings, and roof style of the proposed building to ensure it is in keeping with the desired corridor visual character.
3. As summarized in the areas of review section of the CPB By-laws section 8.6 Historic and Cultural Resources and Community Character, additional common corridor management standards include locating parking to the side or rear of buildings and requiring 1 street tree per 30’ of frontage. In any case, the applicant should be encouraged to retain existing frontage vegetation as much as possible. The Town of Geneva must identify whether a rural character with frontage landscaping in cluster(s) of diverse plant types (trees, shrubs, and flowers/groundcovers) and species or urban character with consistent species uniformly spaced along the corridor is desirable for this stretch of SR 14.

**NYS DOT Comment** – Will comment when applicant submits site plan to NYS DOT for review. NYS DOT will likely require access to this site via applicant’s adjacent property.

**CPB Comment**

1. The Town Comprehensive Plan and design standards require a landscaped buffer along SR 14.
2. The sketch does not indicate location of customer and rental trailer and vehicle parking.

**Board Motion:** To retain referral 57-2021 as a class 2 and return it to the local board as incomplete. The applicant should include a site plan prepared by a licensed design professional and should show all of the applicant’s holdings and outline all building and storage, existing vegetation, and landscaping/screening/buffering along the road ROW and other exterior property lines.  
**Motion made by:** Mike Woodruff **Seconded by:** David Wink  
**Vote:** 11 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 I

**Reporting back to the CPB**

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or denial of a proposed action shall set forth the reasons for the contrary action in such report.”

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

**Administrative Reviews**

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR 1 is an administrative review that is a Class 1 and AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR Policy 1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR Policy 2	Applications that are withdrawn by the referring agency
AR Policy 3	Permit renewals with no proposed changes
AR Policy 4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR Policy 5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR Policy 5 B. Class 2 Denial	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR Policy 5 C.	All other applications involving a site plan for one single-family residence.
AR Policy 6	Single-family residential subdivisions under five lots.
AR Policy 7 A. Class 2 Denial	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)

## New Business

### Update on CPB Member Recruiting and Appointments

- Christen Smith, former Visit Finger Lakes staff person, recommended as representative from City of Canandaigua
- Sue Kell recommended as representative from Town of Manchester
- Gregory Farkas recommended by Director of Planning as alternative member
- Continuing vacancy in the Town of Seneca

### Upcoming Training

The following on-line webinars are offered by the **New York Planning Federation**. These trainings are free if your municipality is a member. Call or e-mail with membership number or to pay and participate as a non-member. **518-512-5270 or**

email [nypf@nypf.org](mailto:nypf@nypf.org)

**March 24 – 12 pm – 1 pm:** Communication, the Media, and Social Media

Matt Horn, ICMA-CM, MRB Group

**April 15 – 12 pm – 1 pm:** [Site](#) Plan Review

Laberge Group

**April 27 – 12 pm – 1 pm:** Site Plan Review Mishaps

Laberge Group

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

Links for the below listed webinars are available on the NYSDOS training calendar webpage <https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

**Wed. March 17**, 2021 Southern Tier West, 2-3 pm, Experience with Battery Storage with Solar and Stand-alone

**Wed. March 24**, 2021 NYSDOS/Southern Tier West, 2-4 pm – Tips for Regulating Telecommunications Facilities

**Wed. March 31**, 2021 NYSDOS/Southern Tier West, 2-3 pm - Innovations & Best Practices for Planning/Zoning Boards

**Wed. March 17**, 2021 Tompkins County Age Friendly Center of Excellence, 2:30-4 pm - Spaces & Places: Leveraging the Built Environment registration link [here](#) as well as information on future events - April Zoning + Planning for Age Friendly Communities, May Age Friendly for Health & Wellness

**Wed. April 14**, 2021 National Park Service/OCPD, 6:30 -7:00 pm **Before CPB** Overview of and Community Input to Feasibility Study for Designating 14 Finger Lakes Counties as a National Heritage Area

**May 4 NPS**, 2021 5:30 to 6:30 pm National Parks Service/OCPD Overview of and Community input to Feasibility Study for Designating 14 Finger Lakes Counties as a National Heritage Area.

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn the 3/10/21 County Planning Board meeting. **Motion to adjourn made by** Glen Wilkes **seconded by** David Wink **Motion carried.** 3/10/21 CPB meeting adjourned at 9:32.

Respectfully submitted by Linda Phillips, Senior Planner