

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –April 9, 2019 at 3:30pm**  
**County Planning Board Meeting –April 10, 2019 at 7:00 pm**

2nd Floor, Conference Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

This document will serve as both the *draft* minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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**Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval**

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Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
Canandaigua	Thomas Lyon	P		
Geneva	Paul Passavant	P		
<b>Towns</b>				
Bristol	Sandy Riker		E	
Canadice	<b>Stephen Groet</b>	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff		E	
Farmington	Patti Wirth	P		
Geneva	Steven High		E	
Gorham	Jack Dailey	P		
Hopewell	Vacant			V
Manchester	<b>Ruby Morrison</b>	P		
Naples	<b>Carol O'Brien</b>	P		
Phelps	<b>Glen Wilkes</b>	P		
Richmond	<b>Leonard Wildman</b>	P		
Seneca	<b>Timothy Marks</b>	P		
South Bristol	<b>Albert Crofton</b>	P		
Victor	Marty Avila		E	
West Bloomfield	<b>Sue Boardman</b>	P		

**Guests:** – Dave Cox/Passero Engineering-Royal Car Wash; Anthony Danielle- Royal Car Wash

**Staff:** Linda Phillips – OCPD, Linda Frasca – OCPD

**Call to Order/Roll Call:** Chair Wildman called the 4/1/19-19 CPB meeting to order at 7:00 pm and requested Ms. Frasca to do roll call. Ms. Frasca presented roll call and reported that there were twelve (12) members present, meeting the quorum requirement. Jack Dailey joined the meeting at 7:30 after consideration of referrals 71-2019, 71.1-2019, and 71.2-2019 and before consideration of all other referrals.

**Minutes:** Motion made by T. Marks to approve the March 13, 2019 minutes seconded by D. Wink. C. O'Brien abstained. **Motion carried.**

65 - 2019	Town of Canadice Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canadice	
Brief Description:	Text amendment to require special use permit for large scale solar energy systems and to set standards for large and small scale systems in the Town of Canadice. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17610/65-2019-Draft-Solar-draft-4--3-10-2019-1">https://www.co.ontario.ny.us/DocumentCenter/View/17610/65-2019-Draft-Solar-draft-4--3-10-2019-1</a>	

While referred as a text amendment, the text is drafted as a local law. Solar energy system regulations should be integrated with zoning regulations. Uniform solar permitting, if desired, directs the CEO to issue a permit which certifies that all building permit and zoning regulations have been met. The following summarizes the text as drafted:

1. Defines terms roof-mounted/building integrated, ground mounted, and large and small solar energy systems.
2. Generally the regulations permit small scale solar energy systems that meet setback and building permit regulations. Small scale systems over 15' in height require a special use permit.
3. Large scale systems generating energy for sale to off-site users are allowed only in the Rural zoning district (3 acres minimum lot size 25 % maximum lot coverage) and subject to a special use permit.

4. SUP standards include minimizing removal of trees and other existing vegetation, review of plans by OCSWCD and submission of equipment specifications, lease agreements, a property operation and maintenance plan, and decommissioning plan. The regulations regarding decommissioning apply if the facility ceases operation for 6 months.
5. SUP standards also increase side and rear setbacks from 20' to 50' for large scale solar energy systems and reduce allowable height to 15'.
6. Applies \$350 penalty for violating regulations and an additional \$500 civil penalty for each violation.
7. Specifies relief from standards can be granted by the ZBA.

The comments below provide general guidance on revising the text to integrate regulations into zoning code. More detailed guidance has also been communicated directly to the referring body.

### Comments

1. The local law should be re-written to integrate into the zoning code. This will make it easier to find, keep consistent, and apply standards, such as special use permit standards, over time. Zoning regulations do not have authority to alter requirements for building permits or electrical permits and local municipalities can only deviate from the NYS Uniform Fire Prevention and Building Code standards (which require BP for expansion of electric circuits) if they vote to supersede such standards. This is NOT recommended.
2. If the Town wishes to authorize a Uniform Solar Permit, the process can be authorized in an amendment to the zoning code. Typically the process involves certification by the CEO that an applicant has addressed all building permit and zoning code requirements for identified type(s) of solar energy systems as outlined in the amendment. Remember that such requirements should be based on non-discretionary standards for the reason specified in 3. below.
3. Local codes should not require Code Enforcement Officers to determine feasibility of regulatory standards such as whether or not panels must be mounted at the same angle as the roof. Such discretionary review authority undermines the CEO's unqualified immunity from personal liability.
4. Though the proposed purpose clauses are from the NYSERDA Model Solar Energy local law, OCPD recommends a general purpose statement related to establishing and clarifying rules that apply to the location and character of different scale solar energy facilities in the Town:
  - a. Establishing simple rules for systems that serve the energy needs of the use on the parcel and encouraging the use of this safe, abundant, renewable, non-polluting energy source.
  - b. Establishing reasonable regulation of large scale solar systems to ensure such systems are compatible with neighboring uses.
5. Definitions should be integrated into section 120-11 of the zoning code. Consider defining small systems as generating no more than 110% of the electricity consumed on the site over the last 12 months and large scale systems as primarily intended to provide energy for consumption off site or for sale back to the local utility. If authorizing a uniform permit process, the term should be added to definitions.
6. If preserving solar access and encouraging use of renewable energy systems is a goal of the Town, such language should be integrated into the site plan and subdivision review criteria and any administrative checklists used by the CEO.
7. Format standards for locating rooftop/building mounted and ground mounted solar energy systems as amendment to Article VII General Requirements Applicable to All Districts. Consider specifying that roof mounted systems must meet district building height limits. If authorizing as part of a unified permit, edit out any discretionary standards for reason outlined in 2 above. Any applicant proposed roof mounted system not mounted at the same angle as the room's surface would be denied a permit by the CEO and could then appeal the decision to the Zoning Board.
8. Establish special use permit criteria for allowing ground mounted solar energy systems taller than 15' or leave to variance process.
9. When integrated into the zoning code, any violations of solar energy system regulations are subject to the provisions of Article XII regarding enforcement and administration.
10. Large Scale Solar Energy System requirements should be edited as amendments to 120-22 Rural district regulations and Article IX Special Use Permit Procedures and Criteria. Special use permit criteria and/or violation language should require notification

of any transfer of ownership, notice of any updated emergency contact, updating on-site signage for emergency contacts, and specify that the system operator, landowner, and others could all be responsible for any violations.

11. Vegetation design standards are vague; consider linking retention/replacement of vegetation to purpose such as buffering, stormwater/water quality management etc.
12. Typically, solar energy system regulations require removal 1 year after ceasing operation. The Town may wish to use 6 months as consistent with provisions for wind energy systems. In any event, it is important to define cessation of operations.
13. 30 day removal time limit is short. Consider allowing 6 months or applying removal timeframe proposed in decommissioning plan signed by the operator.
14. Rather than listing allowable types of financial surety, amendment should require cash or surety in a form acceptable to the Town. SUP amendment should also require Town to receive notice of any lapse or non-renewal of surety and that any such lapse is grounds for immediate revocation of the special use permit.
15. Regarding procedures to assure proper management of construction and post-construction stormwater, amendments to the special use permit and/or site plan procedures and standards should require submission of a soil erosion and sediment control plan and stormwater management plan. The Town should preserve the option to have the municipal engineer and/or the Ontario County Soil and Water Conservation District representatives review such plans.

**CPB Comments**

1. The referring body may want to restrict development of large scale solar energy facilities on valuable agricultural soils as characterized by USDA importance categories or soil capability units used in agricultural assessments.
2. The referring body may want to adjust allowable lot coverage for large scale solar facilities so as to not prematurely remove land from agricultural use.
3. The referring body may want to define allowable deviation of solar panel mounting angle from roof angle to maximize solar energy production.

**Board Motion:** A motion to retain referral 65-2019 as a Class 2 and return them to the local board with recommendation of approval with comments.  
**Motion made by:** T. Lyon  
**Seconded by:** T. Marks  
**Vote:** 13 in favor, 0 opposed, 0 abstention **Motion carried.**

66 - 2019	Town of Victor Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Tahven Associates LLC	
Property Owner:	PEL Associates	
Representative:	Marathon Engineering	
Tax Map No(s):	15.00-2-26.000	
Brief Description:	Site plan to add 25 parking spaces on a 1.6 acre parcel at 7398-7400 SR 96 in the Town of Victor to facilitate reoccupancy of 9,350 SF formerly occupied by Rochester Flooring, Kitchen, and Bath by Tahven Associates, a provider of medical consultation and out-patient treatment. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17611/66-2019-plan-sheets">https://www.co.ontario.ny.us/DocumentCenter/View/17611/66-2019-plan-sheets</a>	

The site is zoned light industrial which allows office buildings and requires 35% green space and a 75' front parking setback. The existing parking area shows 39 pull in parking spaces, mostly in front of the building and 11 unauthorized spaces parallel to the road ROW which are proposed for removal. There is foundation landscaping at the north end of the building which is proposed for change of use, limited site landscaping, much of which will be removed, and a stormwater pond along the northern property boundary which outlets to SR 96 storm sewers.

To the north of the site is a restaurant and to the south and east is the southern endpoint of Rowley Road. The site has 2 existing parking variances to allowed parking within the required setbacks from SR 96 and Rowley Road. According to OnCOR, the land between the building and Rowley Road slopes up at a grade of 16 to 30%.

The referred site plan proposes expansion and reconfiguration of parking areas north and south of the building with addition of 7,800 SF of pavement to accommodate 25 additional spaces and narrowing parking spaces/ removing curb islands to fit in 2 additional spaces. The Town of Victor code requires 5 parking spaces per 1,000 SF of leasable floor areas. Based on 80% of the 13,025 SF building as leasable space, uses would require 53 spaces. The site plan shows 67 proposed spaces. Proposed building and pole mounted lighting will generally provide 2 to 5 foot-candles of light in the parking area. There is a small area of .5 foot-candle light spill to Rowley Road.

The application includes an engineer’s letter outlining how modification of the existing stormwater system can meet Town drainage regulations. Analysis is based on a stormwater design prepared in conjunction with a 2014 building addition and related parking. Applicant’s engineer proposes adding a restriction plate to the existing outlet to reduce increased discharge to SR 96 storm sewer for the larger storm events.

**Comments**

1. Where is proposed location for re-located dumpster?
2. Does the project retain 35 % green space? The plans indicate an overall reduction in the limited on-site landscaping, no planting islands in the parking areas, and no streetscape landscaping or screening of parking proposed.
3. Why has the applicant proposed more parking than required by code?

**NYS DOT Comments** The plans appear to show stormwater from the proposed parking area at the south end of the site is discharged directly into the SR 96 stormwater system. This is not acceptable.

**CRC Comments** Applicant’s representative provided information that under existing conditions a portion of drainage from Rowley Road drains across the south end of the site and discharges to the SR 96 system. Under proposed conditions, this drainage as well as drainage from the new parking spaces in this area will be delivered to the existing stormwater management pond at the north end of the site. This could be confirmed with NYS DOT. Applicant’s engineer also indicated no dumpster will be used and proposed parking is based on expected need.

**CPB Comments** The applicant should be encouraged to increase frontage, foundation, and parking lot landscaping to improve the visual character of the site. Given the limited open space on the site, such beautification may include planters and hanging baskets.

Findings

1. On-site stormwater management is necessary to protect the capacity and operation of state and county stormwater infrastructure. Effective functioning of this infrastructure is necessary to prevent flooding and protect water quality.
2. Addressing potential water quality and quantity impacts of development activities is important to preserving the water quality and natural functioning of Ontario County’s lakes, streams, and wetlands.

**Board Motion:** A motion to retain referral 66-2019 as a Class 2 and return them to the local board with recommendation of approval with comments and the following modification:  
 Modification #1 – The referring board shall defer action on this referral until the applicant had submitted correspondence from NYS DOT confirming review of engineering plans that show all drainage from the proposed parking area at the south end of the site and the Rowley Road drainage that formerly traversed this portion of the site are collected by the proposed stormwater system and such stormwater is treated by existing stormwater pond before eventual discharge to the SR 96 storm system.

**Motion made by: R. Morrison**  
**Seconded by: D Wink**  
**Vote: 13 in favor, 0 opposed, 0 abstention Motion carried.**

67 - 2019	Town of Victor Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Woodstone Custom Homes	
Property Owner:	Blumont Stables	
Representative:	Marathon	
Tax Map No(s):	40.00-1-28.100	

Brief Description:	<p>Technical review of a subdivision sketch plan involving development of 35 lots with set aside of 75 acres. Homes are clustered on 15,000 SF lots with reduced depth and lot frontage. Project located at 3600 CR 41 at East Victor Road in the Town of Victor at the Farmington Town Line.</p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/17612/67-2019-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/17612/67-2019-Aerial</a>  <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17613/67-2019-Blumont-scematic">https://www.co.ontario.ny.us/DocumentCenter/View/17613/67-2019-Blumont-scematic</a></p>
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The Blumont Rise subdivision will be created from 108 acres of 164 acres located at 3600 Boughton Hill Road. The property's 108 acres in the Town of Victor are zoned R 2 with Residential Overlay District A. The zoning allows a development density of .33 units/acre. The proposed subdivision identifies a development restriction easement of 75 acres to allow development of 35 lots on the remaining 33 acres of the 108 acre portion. The developer is also proposing to use the Town's cluster provisions to reduce size of some lots from 25,000 SF to 15,000 SF, corner lot depth from 175' to 145', and lot width from 100' at frontage to 100' at setback line. The 35 lots are platted on 33 acres with a stormwater management pond and federally regulated wetlands located on private lots.

Adjacent land uses include a horse ranch/stable business on 56 acres controlled by the same owner to the east in the Town of Farmington which will continue to operate. This area is zoned Rural/Residential and requires 80,000 SF building lots or 40,000 SF if site conditions are suitable for a standards septic system.

Sanitary sewers will be extended along E. Victor Road approximately 2,000' south from the Southgate Hills Subdivision to serve the proposed subdivision.

The sketch plan indicates the stretch of Mud Creek south of the proposed development area is a federally regulated wetland. According to OnCOR there are not additional wetland or floodplain areas on the developed or restricted portion of the site. There are approximately 3.7 acres of the site with slopes greater than 25% located in the southeast portion of the site along Mud Creek. Soil characteristics are as follows:

Schoharie silty clay loam, 3 to 8 percent slope                      36 acres;                      0 to 3 percent slope                      24 acres

**Prime Farmland**

**Permeability:** moderately high                      **Erodibility:** very high  
**Hydrological Group** C/D                                      **Not Hydric**

Odessa silt loam, 0 to 3 percent slope                      26 acres

**Permeability:** moderately low                      **Erodibility:** very high  
**Prime Farmland if drained**  
**Hydrological** C/D    **Partially Hydric**

**Comments**

1. What provision has been made to allow access to the development restricted area for agricultural use?
2. There is likely agricultural drainage infrastructure in the area of the lot proposed for development. All such infrastructure on the site should be mapped and the developer should be required to repair any damage during site development.
3. The optimal primary access point for all development south of CR 41 between Mud Creek and Fish Creek is aligned with E. Victor Road. Any development of this property should allow for such a road alignment and provide interconnections to adjacent properties.
4. Section 5.0 of the Town Design and Construction Standards requires minimum access connection spacing from edge of pavement to edge of pavement of 440' on CR 41 based on a posted speed limit greater than 45 MPH. Any access connection which does not meet such requirements should be a temporary access point.
5. Has the applicant demonstrated that 35 lots could be developed on the 33 acres proposed for development?
6. The sketch plan does not identify the natural, scenic, and ecological qualities of the site the cluster subdivision is proposed to protect nor the stewardship plan for such areas or for the lands included in the development restriction easement.
7. The subdivision documents should clarify any limits on use of land by future owners related to wetlands or SWMF.
8. Will the adjacent stable business use development restricted area for trail riding, pasture or other activities?

**Comments from OCDPW**

1. Applicant must consider other stormwater management options than the proposed facility discharging to the County’s 18” culvert under CR 41. The swale labeled Discharges to Mud Creek does not flow to Mud Creek but is significantly restricted by an existing farm road north of CR 41 and east of the development site.
2. The applicant must provide a justification for proposed Road “A” intersection with CR 41. CR 41 is a high speed collector and the proximity of the proposed road to the T intersection of E. Victor Road is not acceptable.
3. The applicant must provide actual and desired intersection sight distances as per AASHTO. The sight distance should use the 85<sup>th</sup> percentile operating speed of 60 MPH.
4. All underground utilities must be installed under CR 41 using trenchless methods and extend beyond the ROW.
5. Applicant must provide detailed roadway designs, stormwater management plans, SWPPP, SPDES permit compliance documentation, and show standard construction and work zone traffic notes on plans for OCDPW review in conjunction with any Highway Work Permit request.

**Comments from OCDPW** Will the proposed development include sidewalks and/or expansion/connection to the Town’s trail system?

**CRC Comments** The design of the stormwater management facility should contribute to the area’s rural character by incorporating rural landforms with maximum slopes of 1 in 5 and clusters of vegetation along the road frontage, preferably retained natural vegetation.

**CPB Comments** The sketch plan does not include a scale. The referring body will need additional information, possibly including the size of individual lots, to assess the provision of adequate usable yard space on each lot, particularly those encumbered by federal wetlands and the stormwater management facility.

68 - 2019	Town of Canandaigua Town Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendments to definitions, districts, SUP standards, and procedures as suggested in the Town of Canandaigua's adopted Agricultural Enhancement Plan to retain farmland and enhance the agricultural economy of the Town. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17614/68-2019-03-06-Ag--Enhancement_copy_clean-2">https://www.co.ontario.ny.us/DocumentCenter/View/17614/68-2019-03-06-Ag--Enhancement_copy_clean-2</a>	

Key provisions of proposed regulatory changes to enhance the agricultural economy of the Town include:

1. Consolidate agricultural related definitions to include only agricultural use, agricultural building, farm, farmer, farming practices, farm labor, farm vehicle, and truck garden/nursery farm and cross referencing definitions for farm operation, farm woodland, commercial horse boarding operation, and crops livestock, and livestock products to section 301 of Ag & Markets law.
2. Adding language to site plan review criteria regarding minimizing negative impacts to farmland and agricultural operations.
3. Removing limit on structure size and sale of off premises products for permanent accessory structures for the sale of agricultural or nursery products grown by the operator.
4. Permitting as of right temporary accessory structures for sale of seasonal agricultural products grown principally by the operator and requiring they be located outside the ROW and discontinued if parking along a road becomes a traffic safety concern in the eyes of the Town Highway Superintendent or local law enforcement.

**Comments**

1. Consider drafting a zoning district where agricultural use is the priority/preferred use. Such a district would be appropriate for lands on which the development rights have been sold and other lands town/owners wish to protect from fragmentation by residential development and/or used for large scale solar energy facilities.
2. Consider adding impact to farmland and agricultural operations to the review criteria of subdivisions and special use permits.
3. The proposed regulations do not clarify the treatment of secondary businesses on farmsteads. The A-1 Agricultural-Residential, South Corridor Residential and R-1-30 Districts allow major home occupations by SUP and the A-1, A-2, and RR-3 districts allow small scale commercial establishments (<5,000 SF) by SUP. The referring body may want to permit as of right major home occupations on farms. The referring Board should also consider developing a class of home occupations and related definition and provision that apply when the principal use is farming. Such provisions may allow more than one such use per farm; allow such use to occupy part of house and part of an accessory building; allow as of right or by special use permit exterior storage and vehicle types compatible with the neighborhood; and increase the 3 vehicle parking limit. The proposed regulations also don’t clarify regulation of farm related activities not protected by Ag & Markets law as customary agricultural operation such as on-farm entertainment and special events not intended primarily to market and sell farm products or commercial scale sale or repair of farm equipment.



4. Can farmers operate temporary farm stands through a lease or other arrangement on land they do not own/farm i.e. like Fish Farm Market at 96/332 or a mobile stand that parks at different sites on different days?
5. Accessory apartment is not defined. If such a unit cannot be rented to anyone, consider using and defining term accessory dwelling.
6. What are standards for incidental on-farm processing of farm products? Would a meat processing facility be allowed?
7. Ag and Markets law does not yet include hops as a field crop.
8. Are any standards allowed/desirable to mitigate potential lake water quality impacts of aquaculture?
9. Should the definition of buffers include intention to minimize transmission of agricultural or industrial odors?
10. The definition of Farm and Craft market does not limit products to locally produced items.
11. Consider revising gross floor area definition as outside dimensions rather than inside dimensions based on ease of measurement.
12. In many cases locating the edge of road ROW requires a survey. For temporary movable structures for sale of seasonal agricultural produce a setback from the edge of pavement may be sufficient.
13. Definition of viable agricultural soils is vague. Consider defining with respect to USDA soil characteristics (prime/unique and/or capability units used in determining agricultural assessments) and/or location in county agriculture districts or receiving ag exemption depending on how the term is used in the zoning regulations.
14. There are standards for small lot agricultural uses in 220-56.2, but the term is not defined and not included in permitted and allowable use lists.

**OCDPW Comments**

Prefers temporary farm stands to be located off the county road ROW. Such location typically requires operator to use existing driveway or build a driveway (with a culvert) to access a parking area adjacent to the stand.

**CRC Comments** Fragmentation is a key threat to the economic viability of farms and the proposed changes do not reduce threat of fragmentation.

69 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Marks Engineering PC	
Property Owner:	Mount, Chad	
Tax Map No(s):	71.00-1-49.000	
Brief Description:	Subdivision and area variance for creation of conforming lot with existing accessory building and no principal structure from 16.3 acre lot at 2659 SR 21 across from Bushwood Lane in the Town of Canandaigua.	

Subdivision to create a 1.475 acre lot with an existing 1,616 SF accessory building and a 14.851 acre lot with an existing single family home. No perc text results are provided to document the suitability of the created lot for a home with a septic system. The distance between the single family home driveway and the informal access to the accessory building is only 75'. An area variance is required for the small lot because the AR-1 district only allows an accessory building with a maximum size of 900 SF on a vacant parcel. Adjacent land uses include vacant residential land to the southwest, a sewer treatment plant for the VA facility to the northeast, and homes and undeveloped residential land across SR 21

According to OnCOR, the property is not in an agricultural district and is not subject to development constraints related to floodplains, wetlands, or steep slopes. Site soil characteristics are as follows:

- Cayuga silt loam 8 to 15 percent slopes 8.3 acres  
**Farmland of Statewide Importance**  
**Permeability:** moderately high    **Erodibility:** low very high  
**Hydrological Group** C/D            **Not Hydric**
- Dunkirk-Arkport Complex 3 to 8 percent slopes 4.6 acres  
**Prime Farmland**  
**Permeability:** moderately high    **Erodibility:** very high  
**Hydrological Group** C                **Not Hydric**
- Lakemont silty clay loam, 0 to 3 percent slopes 2.5 acres  
**Farmland of statewide importance**  
**Permeability:** moderately low    **Erodibility:** very high  
**Hydrological Group** D                **Partially Hydric**



**Comments**

1. The applicant should consider potential future layout of development on the 14 acre undeveloped portion of the site, especially appropriate location of SR 21 access point for such development based on desirable alignment/interconnection with existing driveways and roads including Grandview Park and Bushwood Lane
2. The applicant and referring agency should consult with the NYSDOT and ensure that the proposed lot is able to meet sight distances and access spacing standards for an additional access connection along this segment of state highway in accordance 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 Inspector as early in the review process as possible to ensure proper design and placement of any on site septic system.
4. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as soon as possible to ensure proper design and implementation of storm water and erosion control measures.

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried.

69.1 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Marks Engineering PC	
Property Owner:	Mount, Chad	
Tax Map No(s):	71.00-1-49.000	
Brief Description:	Subdivision and area variance for creation of conforming lot with existing accessory building and no principal structure from 16.3 acres lot at 2659 SR 21 across from Bushwood Lane in the Town of Canandaigua.	

See information at 69-2019.

70 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Anthony Venezia	
Property Owner:	Canandaigua County Club	
Tax Map No(s):	98.00-1-39.111	
Brief Description:	Site plan for 2,000 SF parking area expansion and reconfiguration at Canandaigua County Club 3280 Fallbrook Park in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17615/70-2019-site-plan-FALLBROOK-PARK-3280-2019-03-18-">https://www.co.ontario.ny.us/DocumentCenter/View/17615/70-2019-site-plan-FALLBROOK-PARK-3280-2019-03-18-</a>	

The parking lot reconfiguration involves removal of 3,946 SF of parking area and laying of 6,017 SF of asphalt in 6 areas for a net addition of 2,000 SF. The parking lot is located on the northern portion of the site and includes disturbance within the 100' stream buffer of Fall Brook. The proposed disturbance does not involve disturbance of the lakeshore or the area around the event tent. The site plan includes two stormwater trenches of 83 and 126 LF with a reported treatment capacity of 989 cubic feet and 3 stormwater depressions with reported treatment capacity of 2,133 cubic feet.

According to OnCOR, much of the parking area is in the floodplain, though a plan notes indicates the upland portion of the site is not in the floodplain based on a 1997 map revision. The CEO has confirmed all proposed modifications are outside the Special Flood Hazard Area.

**Comments** No engineering documentation is provided to indicate whether added infiltration is intended to filter water from proposed additional parking area or to also improve filtering of stormwater from existing parking area.

**Canandaigua Lake Manager** Concurs with provision of infiltration trenches to improve run-off water quality.

**CPB Comments** Referring body may want to confirm area is projected to continue to be outside the Special Flood Hazard Area based on detailed modeling completed for updates to FEMA Flood Insurance Maps, as well as available modeling for 10 and 25 year storm events.

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried.

71 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Passero Associates	
Property Owner:	Royal Car Wash	
Tax Map No(s):	70.16-4-6.100	
Brief Description:	Site plan, special use permit, and 4 area variances for car wash on 2.1 acre lot at 2586 SR 332 between Tops Market and the Georgian Motel in the Town of Canandaigua. Area variances would allow 6' northside driveway setback when 20' is required and 187 SF of building signage when 48 SF is allowed. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17616/71-2019-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/17616/71-2019-Aerial</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17617/71-2019-car-wash-SR-332-2586-2019-03-14-Site-Plans">https://www.co.ontario.ny.us/DocumentCenter/View/17617/71-2019-car-wash-SR-332-2586-2019-03-14-Site-Plans</a>	

The project site is a 2.1 acre property with 175' of lot frontage. The north entrance to Tops is 3' from the shared southern property line and the Tops stormwater management pond is directly behind the property to the southwest. The proposed building is 4,096 SF. Site activities are projected to disturb 1.5 acres and result in impervious surface coverage of 33%.

The proposed site signage includes 187 SF of building signage and a pole mounted sign with 40 SF per face. Proposed site signage requires 3 variances:

- 1<sup>st</sup> building mounted sign to be 77.2 SF where 32 SF is allowed
- 2<sup>nd</sup> building mounted sign to be 32.5 SF when 16 SF is allowed
- 3<sup>rd</sup> building mounted sign of 77.3 SF when only 2 building signs are allowed

The proposed site plan shows foundation plantings, a landscaped area around the sign, and a landscaped island by the parking area. The proposed site grading along the north property boundary has a 1 on 1 slope down to Georgian Motel stabilized with stone rip-rap. The lighting plan shows limited light spill at an intensity of 1 foot-candle to the north property near the street.

**Comments**

1. Approving the side setback variance would result in driveway spacing approximately 142' to the south and approximately 110' to the north. The posted speed limit in this area is 40 MPH, transitioning to 30 MPH at the city line. Desirable driveway spacing on an arterial road with a posted speed limit of 36 to 45 MPH is 440'. Even if operating speeds are less than 35 MPH, the desirable driveway spacing would be 245'. The proposed driveway alignment with regard to the driveway across SR 332 will also create left turn conflicts due to the short off-set. The referring body should consider whether any lot interconnections are desirable to provide adequate driveway spacing and preserve roadway safety and capacity in the face of future development in this area.
2. The Zoning Code and the Uptown study require landscaping to separate automotive uses from the street and enhance the road edge and create an attractive pedestrian friendly streetscape. The proposed plan shows limited frontage landscaping.
3. The zoning code requires 13 parking spaces based on the size of the building. If fewer spaces are needed for business operation, lot coverage and stormwater impacts could be reduced by land banking the area and leaving as pervious coverage.
4. How many cars can be stacked in the queuing area?
5. The elevations show signs on all 4 sides, yet 3 signs are proposed.

**Board Motion:** A motion to retain referrals 71-2019 and 71.1-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** D. Wink  
**Seconded by:** S. Groet  
**Vote:** 12 in favor, 0 opposed, 0 abstention Motion carried

71.1 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Passero Associates	
Property Owner:	Royal Car Wash	
Tax Map No(s):	70.16-4-6.100	
Brief Description:	Site plan, special use permit, and 4 area variances for car wash on 2.1 acre lot at 2586 SR 332 between Tops Market and the Georgian Motel in the Town of Canandaigua. Area variances would allow 6' no rthside driveway setback when 20' is required and 187 SF of building signage when 48 SF is allowed.	

See information at 70-2019.

71.2 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variances	
Applicant:	Passero Associates	
Property Owner:	Royal Car Wash	
Tax Map No(s):	70.16-4-6.100	
Brief Description:	Site plan, special use permit, and 4 area variances for car wash on 2.1 acre lot at 2586 SR 332 between Tops Market and the Georgian Motel in the Town of Canandaigua. Area variances would allow 6' no rthside driveway setback when 20' is required and 187 SF of building signage when 48 SF is allowed.	

**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 along 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 referring board should consider the precedent setting impact of their decision and grant the minimum variance necessary to achieve the applicant’s objectives while protecting the character of this key community corridor.

72 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Stahl, Adam	
Property Owner:	Sarah-Frank LLC	
Tax Map No(s):	98.11-2-8.200	
Brief Description:	Site plan and special use permit for special event parking at Star Cider, 3365 SR 364 at the corner of Marvin Sands Drive in the Town of Canandaigua. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/14225/120-18-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/14225/120-18-Aerial</a>	

The applicant is requesting approval for locating approximately 66 parking spaces along two north-south orientated 24’ drive aisles to the northeast of the site driveway. The temporary parking will be available May to October. The parking area is to be delineated by posts and reflective tape around the perimeter and spray point showing designated parking spots. The applicant has requested a waiver from the requirement for a professional prepared site plan.

CPB has previously reviewed subdivision, rezoning, and site plan/SUP referrals regarding this development. Most recently, *referral #120-2018, 120.1-2018 and 120.2-2018 from July were retained as Class 2 and returned to the local board with the recommendation of approval with the following modifications.*

**Modification #1** *The referring Board shall make its approval conditional on final execution of an agreement regarding the trail and stormwater easements and a cap on the square feet of impervious and semi-permeable surfaces to be constructed at full build-out on both parcels resulting from the split of tax parcel 98.11-2-8.00 as outlined in the letter from Mary Krause, County Administrative, to the Planning Board dated June 28, 2018.*

**Modification #1** *The referring Board shall review comments from Canandaigua Watershed Manager and OCSWCD.*

**Comments** Will the SUP prohibit use of the temporary parking area during CMAC events due to operational concerns at site driveway and SR 364?

**Comments of Ontario County Sheriff's Office**

Temporary parking should be prohibited during CMAC events. There are existing safety issues related to vehicles exiting small temporary parking lots serving CMAC users in this area. Of concern are the lack of lighting at the access points, conflicts with pedestrians, and vehicles backing onto public roads. Of particular concern with respect to this site is the proximity of the driveway to Marvin Sands Drive which is used for emergency access.

**CPB Comments**

The SUP should prohibit use of temporary parking area during CMAC events. Referring body should ensure easements are filed as per previous modification prior to issuance of a certificate of occupancy or approval of the SUP.

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention **Motion carried.**

73 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Meagher Engineering	
Property Owner:	Valerie Polisseni Wilcox, David Wilcox	
Tax Map No(s):	113.05-1-28.000 113.05-1-20.000	
Brief Description:	Lot line adjustment to combine 2 lots with .89 acres, demolish 2 houses and a garage and construct a new home and garage requiring area variances for a 12' front setback when 60' is required, a 9.6' north side setback when 11' is required, 17% building coverage when 15% is allowed, & 27% lot coverage when 25% is allowed at 3719 & 3725 CR 16 south of Butler Road in the Town of Canandaigua.	

The proposed 6,975 SF home will reduce pre-existing non-conforming setbacks slightly from existing conditions. The site plan shows a 12' deep, 45' reinforced turf parking area along the CR 16 ROW.

According to OnCOR, both lots are entirely in the floodplain. There are areas of 16 to 30 % slope and existing retaining walls near the CR 16 ROW on both lots. There is a stream along the southern property boundary. The proposed patio area is approximately 18' from the stream centerline. Existing soils are Howard Gravelly loam, 3 to 8 % slope with the following characteristics:

- Prime Farmland**
- Permeability:** high **Erodibility:** medium
- Hydrological Group** A **Not Hydric**

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

**Part B Development of Lakefront Parcels.**

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 board 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 Inspector as early in the review process as possible to ensure proper design and placement of on-site septic.
4. 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. The proposed fire pit is not included in the area of disturbance or lot coverage.
5. Proposed fire pit is outside the area of disturbance as are any changes to access to this area or to the sidewalk to the dock.
6. Demolition debris should be reused, recycled, or disposed of in a licensed facility as appropriate.
7. Does the patio area require a stream setback variance or waiver?

**Canandaigua Lake Watershed Manager Comments**

1. The existing riparian buffer vegetation along the stream should be retained.
2. Drainage from any imperious areas in the pool/patio area should avoid discharging directly to the stream.

74 - 2019	Town of Richmond Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Richmond	
Tax Map No(s):	136.17-1-43.000	
Brief Description:	Map amendment to change zoning of parcel on Main Street in the Town of Richmond across from Parklawn Apartments and between a home and a gas station to Industrial <a href="https://www.co.ontario.ny.us/DocumentCenter/View/17618/74-2019-Aerial-2">https://www.co.ontario.ny.us/DocumentCenter/View/17618/74-2019-Aerial-2</a>	

Properties along SR 20A in the hamlet of Honeoye are zoned A-Residential-Agricultural, E. Business, and F- Industrial. The lot proposed for rezoning is in the A district adjacent to the F district. To the west is a gas station and to the east is a residence that also reportedly provides access to a lumber business on the lot to the north. The 15,000 SF lot with approximately 50' of frontage

proposed for rezoning has historically been used for operation of a car sales lot in conjunction with the gas station. The use is eligible for continuation as a pre-existing nonconforming use.

The A district permits agricultural and residential uses; proprietary care facilities; licensed day care facilities; and home professional offices. The A district allows multiple family dwellings, kennels, schools, sawmills, mining, and essential services by Special Use Permit. The minimum lot size is 20,000 SF and the minimum lot width is 100’.

The E district permits stores; rental and repair services, excluding auto and appliance repair services; personal and professional services: restaurants; banks; laundromats and multiple family dwellings. The E district allows motor vehicle service stations; religious uses; lodging and day care uses; recreational uses; mobile home parks; essential services; junkyards; and appliance service and repair and car washes by Special Use Permit. The E district allows outdoor display of merchandise. The E district prohibits business structures within 50’ of the boundary of any residential zoning district. The minimum lot size is 5,000 SF with a minimum lot width of 100’.

The F district permits industrial, manufacturing, and warehouse uses; offices and research laboratories; retail commercial businesses; lease, and repair businesses; banks; and agricultural activities. The F district allows motels and hotels, restaurants, banks, essential services, auto repair and service stations, appliance service and repair, car washes; and sawmills by Special Use Permit. Article V Supplemental District Regulations indicates motor vehicle service stations may include not more than 2 unlicensed vehicles for sale outside an enclosed building. In the F district, no principal or accessory structures are allowed within 50’ of the boundary of any residential district. The minimum lot size is 2 acres with a 200’ minimum lot width.

The existing zoning district regulations do not include motor vehicle sales as an allowed or permitted use on the use list of any district.

**Comments**

1. The lot falls far short of the minimum lot size and lot width in the F Industrial district and would require an area variance for any proposed use or structure. If the lot were E Business the lot size would be conforming. Any structure would still require an area variance given the required setback to the Residential District boundary.
2. The Town of Richmond zoning map does not follow parcel boundaries. This can make business transfers and property redevelopment difficult. While the Town is changing the boundaries of the F Industrial districts, the Town should consider amending the entire eastern line of the F Industrial district north of SR 20A to follow property lines and potentially also amend the northern property boundary to follow property lines.

**CPB Comments** The Town Board should considering including in the consultant scope of work for the Active Transportation Plan recently funded through the Genesee Transportation Council’s Unified Work Program development of recommendations for access, zoning, land use and regulatory changes that would support proposed expansions of the active transportation system and provide a desirable environment for such users.

**Board Motion:** A motion to retain referral 74-2019 as a Class 2 and return it to the local boards with recommendation of disapproval with comments.  
**Motion made by:** D. Wink  
**Seconded by:** T. Lyons  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried

75 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Hanford, Geoffrey	
Tax Map No(s):	56.00-2-24.450	
Brief Description:	Site plan for gravel parking area at Uptown Tire, 5291 Kepner Road at SR 332 in the Town of Canandaigua.	

The parking area is on the parcel’s southeast corner near the intersection of Kepner Road and SR 332 adjacent to and under related ownership with Uptown Tire at 2375 SR 332. This parking area with access off Kepner Road was constructed without site plan approval.



**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried.

76 - 2019	Town of Gorham Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Schwab, Hans & Cindy	
Tax Map No(s):	154.12-1-29.00	
Brief Description:	Area variance for 8' wide covered porch on north and west side of house at 5187 CR 11 in the Village of Rushville Porch reduces Lakeview Avenue front setback from 20' to 12.4' when 35' is required and extends east line of house which has a 12.9' side setback when 15' is required.	

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried.

77 - 2019	Town of Victor Zoning Board of Appeals	Class: Exempt
Referral Type:	Area Variance	
Applicant:	Miller, Bethany	
Tax Map No(s):	38.00-1-41.210	
Brief Description:	Area variance for construction of an accessory structure on a residential lot that does not have a principal structure at North Road at Strong Road in the Town of Vcitor. Action does not require a s site plan.	

78 - 2019	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Christopher, Felix and Ranee	
Representative:	Thornton, Glenn	
Tax Map No(s):	5.01-1-25.006	
Brief Description:	Area variance for subdivision to create a new 3 acre conforming lot on Benson Road in the Town of Victor. The subdivision of the 14 acre lot at 7850 Royal Woods exceeds the allowable density of the approved subdivision.	

The remainder lot of the Royal Woods subdivision is 17.2 acres and developed with a single family home. Much of the lot and portions of nearby smaller lots have slopes of 16 to 60%. There are also 2 hillside areas overlooking Benson Road with slopes in excess of 60%. Much of these steep slope areas are in a conservation easement which also has a 10' wide trail easement through the lot in question. The area proposed for subdivision as a building lot would have access off Benson Road outside the steeply sloped area. The subdivision also proposes additional non-contiguous land to be included in a conservation easement.

The referral documentation indicates the Royal Woods subdivision does not meet current density limitations due to a zoning change to Limited Development district following its creation 20 years ago.

**Comments**

1. The referring body should ensure that the proposed lot is able to meet sight distances and access spacing standards for an additional access connection along this segment of roadway in accordance with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
2. The applicant and referring agency are strongly encouraged to involve OCSWCD as early in the review process as possible to ensure proper design and placement of any on site septic system.
3. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as soon as possible to ensure proper design and implementation of storm water and erosion control measures.
4. Any new conservation area should be contiguous with existing conservation area.



**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention Motion carried.

78.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Christopher, Felix and Ranee	
Representative:	Thornton, Glenn	
Tax Map No(s):	5.01-1-25.006	
Brief Description:	Area variance for subdivision to create a new 3 acre conforming lot on Benson Road in the Town of Victor. The subdivision of the 14 acre lot at 7850 Royal Woods exceeds the allowable density of the approved subdivision.	

See information at 78-2019

79 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile of Allentown DBA Verizon	
Property Owner:	Cobblestone Victor NY LLC	
Representative:	Nixon Peabody	
Tax Map No(s):	1.02-1-8.00	
Brief Description:	Site plan and special use permit for upgrading an existing wireless telecommunications facility on the roof of an existing building at 200 Cobblestone Court Drive in the Town of Victor.	

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O'Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention

79.1 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile of Allentown DBA Ve	
Property Owner:	Cobblestone Victor NY LLC	
Representative:	Nixon Peabody	
Tax Map No(s):	1.02-1-8.00	
Brief Description:	Site plan and special use permit for upgrading an existing wireless telecommunications facility on the roof of an existing building at 200 Cobblestone Court Drive in the Town of Victor.	

See information at 79-2019.

80 - 2019	Village of Manchester Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Crowell, Tim	
Tax Map No(s):	32.17-1-49.000	
Brief Description:	Three area variances and sign permit for sign at First Baptist Church at 52-54 Main Street in the Village of Manchester. Proposed sign is 12' from the ROW when 15' is required, 25 SF when 16 SF is allowed, and has a height of 6.6' when 4' is allowed.	

**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 along 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 referring board should consider the precedent setting impact of their decision and grant the minimum variance necessary to achieve the applicant’s objectives while protecting the character of this key community corridor.

81 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Welch, John	
Tax Map No(s):	40.00-1-40.112	
Brief Description:	Site plan to construct a 4,000 SF pole barn for equipment storage in the parking area of a lot at Cherry Street at SR 444 in the Town of Victor.	

The 43.5 acre property is zoned R-2. The developed portion of the site off Cherry Street appears to accommodate excavation operations, landscape material storage, business vehicle parking and two driveways located approximately 125’ apart. The proposed building would be orientated perpendicular to Cherry Street and 80’ from the ROW. The building would be screened from the adjacent residential use on SR 444 by existing site vegetation.

According to OnCOR the property and all adjacent properties except the two Welch residences are in the agricultural district. OnCOR does not identify wetlands, floodplains or steep slopes on the site.

**Comments**

The referring body should consider the off-set to the residential driveway across the street and whether two driveways are appropriate in this area.

**Board Motion:** A motion to retain referrals 69-2019, 69.1-2019, 70-2019, 72-2019, 75-2019, 76-2019, 77-2019 78-2019, 78.1-2019, 79-2019, 79.1-2019 and 81-2019 as Class 1s and return them to the local boards with recommendation of approval with comments.  
**Motion made by:** Carol O’Brien  
**Seconded by:** David Wink  
**Vote:** 13 in favor, 0 opposed, 0 abstention 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).

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

**General Procedures**

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

**Legal Obligations for Referring Agencies**

**Class 1:** If an application has been returned to the referring agency as a Class 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

**Class 2:** If the CPB has voted to deny or modify a referred application, then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB approvals without modification require no extraordinary local action. However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

**Incomplete Applications**

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m 1

**Reporting back to the CPB**

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

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

**Administrative Reviews**

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

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR Policy 1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR Policy 2	Applications that are withdrawn by the referring agency
AR Policy 3	Permit renewals with no proposed changes
AR Policy 4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR Policy 5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR Policy 5 B. Class 2 Denial	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR Policy 5 C.	All other applications involving a site plan for one single-family residence.
AR Policy 6	Single-family residential subdivisions under five lots.
AR Policy 7 A. Class 2 Denial	Variations for signs along major designated travel corridors.
AR Policy 7 B.	Applications involving conforming signs along major travel corridors.
AR Policy 8	Co-location of telecommunications equipment & accessory structures on existing towers and sites (Applications that require a special use permit or for new towers or increasing the height of an existing tower require full Board review)

## Other Agenda Item

### Training Opportunities

**April 24, 2019 6:30 to 8:30 pm OCPD presents– SEQR Basics and Recent Changes at Safety Training**

**TO BE RESCHEDULED**

**April 10, 24, and 29** training sessions at the Monroe Community College - Brighton Location

Flynn Campus Center, Building 3

**Cost:** Each session costs \$40 per workshop and includes 4 hours of training, dinner at 6:00 p.m., and free parking in lot M.

**Time:** Check in begins at 4:00 p.m. Workshops begin at 4:30 and end at 9:00 p.m.

**Wednesday April 10, 2019:** *Preventing Flood Damage Through Intermunicipal Project Review & Floodplain Overlay Districts: What is it, and could it be a tool for your community's resilience toolbox?*

**Wednesday April 24, 2019:** Introduction to Planning & Zoning

**Monday April 29, 2019:** The New SEQR Basics: 2019 Changes to the State Environmental Quality Review Act  
The 2019 Monroe County Training Registration form is available at:

[https://www2.monroecounty.gov/files/planning/Training%20program/Spring2019\\_LandUseDecisionMaking\\_Training\\_Brochure.pdf](https://www2.monroecounty.gov/files/planning/Training%20program/Spring2019_LandUseDecisionMaking_Training_Brochure.pdf)

**April 24 Partnering with Trees**—the value of trees, invasive species, how to plant by staff from Yates CCE, OCSWCD, & Finger Lakes PRISM (Partnership for Regional Invasive Species Management)

6 to 7:30 pm Onnalinda Room (Court Room) Canandaigua Town Hall

Organized by Town of Canandaigua Environmental Conservation Board

**April 27 Woodlot Management Planning: Watershed & Ecosystem Considerations SWCD & DEC**

10:30 am to 3 pm Workshop at Naples Library 118 S. Main Street.

Bring your own lunch. Lunch and woods walk at Camp Cutler 7131 Gulick Road Naples

Register at [https://reg.cce.cornell.edu/woodlotplanning\\_257](https://reg.cce.cornell.edu/woodlotplanning_257)

**April 25 to 27, 2019,** Preservation NYS conference, Hilton Garden Inn, Rochester, NY

<http://landmarksociety.org/conference/>

**April 28 to 30, 2019,** NY Planning Federation Conference, Sagamore Resort on Lake George, Bolton Landing.  
Conference schedule, cost, and registration at <http://www.nypf.org>

**May 17. 2019 Spring Workshop: PB/ZBA overview, case law update, signs, drinking water source protection, small cell/5G communication networks, 2020 Census, solar, stormwater, erosion and flood control, – Genesee-Finger Lakes Regional Planning Council-Burgundy Basin 9 am to 5 pm, 1361 Marsh Road Pittsford, NY 14534.**

**<http://www.gflrpc.org/spring-workshop.html>**

**Privilege of the Floor**

Steve Groet requested and other members agreed a letter should be send to members and recommending supervisor regarding more than four consecutive absences.

Paul Passavant requested clarification of the process for submitting applications, regulations, and plans for Technical Review.

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn. ***Motion to adjourn made by G. Wilkes, seconded by T. Marks. Motion carried.*** The April 10, 2019 CPB meeting adjourned at 8:50 PM.

*Respectfully submitted,*

Linda R. Frasca  
OCPD Senior. Clerk