

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting - Tuesday, September 10, 2024, at 3:30 pm at
20 Ontario St., Room 229, Canandaigua, NY

Ontario County Planning Board
Wednesday, October 9, 2024, Time: 7:00 PM
74 Ontario Street, Room 218, Canandaigua, NY 14424

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 www.ontariocountyny.gov/97/Planning

1. Call To Order:

Results Key: Recommended referring body action: A = approve, A-M = Approve with modification(s), D= disapproval, NA= no action, I = incomplete, *= use not allowed.

Chair Passavant called the Wednesday, October 9, 2024 Ontario County Planning Board meeting to order at 07:00 PM.

2. Roll Call:

Upon roll call, the following members were:

Present:

Paul Passavant
Terri Brown
Ruth Cahn
Burch Craig
Roslyn Grammer
Stephen High
Paul Lambiase
A.J. Magnan
Chris Mergler
Bessie Tyrrell
Leonard Wildman
Ryan Wilmer

Present Not Voting:

Absent:

Jack Dailey

Excused:

Gabrielle Harris, Edward (Ted) Liddell, Kevin Stahl, Tammy Worden, Mike Woodruff

Present, Voting 12, Present, Not Voting 0, Absent 1, Excused 5

Guests: Glen Thornton (Thornton Engineering) and Jeff Cook (Cook Properties) - 187.0 and 187.1-2024

3. Approval Of Minutes:

AJ Magnan motioned to approve the minutes of the September 11, 2024. The motion was seconded by Chris M. The motion carried.

4. New Business:

1. Nominating committee-

- The Planning Department is fielding a nominating committee for the Ontario County Planning Board. Linda Phillips (Senior Planner) asked if there are any volunteers within the County Planning Board that wish to volunteer. Three (3) volunteers were requested.
- This would involve organizing a team to make canvass calls to members to gauge current and future interest in being nominated as Chair, Vice-Chair, or Water Resources Council Representative.
- Tasks of the Chair include (but are not limited to): opening the County Planning Board meeting, asking for roll-call, and presenting a slate for CPB vote.
- Three (3) County Planning Board members volunteered to be on the nominating committee: Ryan Wilmer, Chris Mergler, and Roslyn Grammar. Thank you!

2. Ag and Solar - Cornell Ag Research stations testing solar over apples, grapes, and fresh vegetables.

- Linda Phillips shared information provided by the Cornell Hudson Valley Research Laboratory (in Highland, NY). This Laboratory has been doing interesting research on the effectiveness of planting apple trees between solar panels. Similar studies are taking place in Geneva (Cornell AgriTech at New York State Agricultural Experiment Station) with wine grapes. Other locations in New York are doing similar research with fresh market vegetables.

3. New County Planning Board Referral List, Agenda, & Minutes Format

- Starting with this month's (October 2024) CPB Minutes, a new format will be used to generate the referral list, agendas, and minutes for the CPB.
- It should help streamline the creation of these documents.
- CPB members will be allowed to log-in to the portal and view the agenda's/minutes (w/ attachments) in an easy-to-read format.
- In the future, this new format will allow for individual municipalities to upload their referrals and supporting documents to the portal – which will save large amounts of time for County Planning staff. Testing / rollout of this feature will begin in the near future!

5. Town Of Bristol

194-2024 Use Variance to convert an existing structure to a single-family dwelling (not a permitted use in the C-B (Community – Business Zoning District) – at 4432 SR64 in the Town of Bristol.

Municipality: Town of Bristol
Referring Board: Zoning Board of Appeals
Applicant: Preston, Joseph & Annie
Application Type: Use Variance
Class: 2

Description & Review Comments:

Subject parcel is 3.0-acres. There is no proposed work/disturbance. There is an existing septic/leach field providing sanitary to the building. The subject parcel shares access with the Town of Bristol Highway Department. The building was permitted for a commercial use and was built in 2011. They would like the property to have a use as a single-family home (which is not permitted in the C-B Zoning District) to be used as a STR (Short-Term Rental) business. According to Local Law 2 of the year 2024, “short-term rentals shall be allowed in all zoning districts, except L-I (Light Industrial) District”. No special use permit is required.

According to OnCor:

- Parcel has a public water source (T. Canandaigua) and gas and electric (RG&E).
- Parcels across SR64 to the east are in the Ontario County Agricultural District #1.
- Subject parcel and surrounding land uses are predominately commercial / commercial vacant (to the north and west). Residential uses exist south of the parcel. Directly east (across SR64) from the parcel is a cemetery and the Bristol Historical Society.

What must be proven in order to be granted a use variance? If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show all of the following:

1. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
2. that the property is being affected by unique, or at least highly uncommon circumstances;
3. that the variance, if granted, will not alter the essential character of the neighborhood; and
4. that the hardship is not self-created.

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

The applicant responds to the above four questions (numbers correspond with each other – 1 goes with 1, 2 with 2, etc.) as follows:

1. They purchased the property for \$94,500 and added multiple improvements (water access, code compliant windows and doors, added a shed) totaling \$12,585. They have also incurred architect and engineering fees. It is mentioned that financial return only works if they are able to change the structure’s use to single-family residential (to STR).
2. Applicant mentions that conversations with the Town before and after were geared towards this structure becoming a residence and subsequently a Short-Term Rental. They mention that they were told a STR is acceptable in this zone. They also mention, “in 2011 when the building was initially approved, the owner was told that he could use part of this property as a mini-storage facility – so that it falls under the guidelines of the zoning district. In retrospect, did this building ever fit? The board indicated that this building could be used for commercial use and

doing so would fit the guidelines of the district, even though there were no criteria given for what the commercial use would be. A special use permit was granted back in 2011 which creates an opening for a new special use permit with new owners. This situation is incredibly unique”.

3. There are already several existing homes in the Community Business District. The building in question already exists. They are planning to maintain the same footprint but make it a livable space for short-term rental clients.

4. Applicant mentions that conversations with the Town before and after were geared towards this structure becoming a residence and subsequently a Short-Term Rental. They mention that they were told a STR is acceptable in this zone before they purchased the parcel. They also did their own research of the code and came to the same conclusion at the time of purchasing the parcel. This was based on a section of Town Board minutes they read stating that, “Short-Term Rentals shall be allowed in all Zoning Districts, except L-I (Light Industrial). They asked the Town of Bristol about adding water to the property for the single-family home use, and they were told that they could do it through the Town of Canandaigua’s water line (which they did). They hired an architect for the building and engineer for the septic. The applicant mentions that, “at any point in time had we known that a home and STR business in this location would not fit into the Community Business District, we would not have purchased the property”.

The Code Enforcement Officer mentioned that they strongly recommend “hearing the [applicants/owners] out for this request. They have invested a lot of time, energy, and money into this only upon the information they have been provided”.

Comments

1. What is the number of guests/vehicles proposed at a given time?
2. Will the vehicles be parked on the grass? Will the parking area be expanded?
3. Are measures for visual and sound screening/buffering being taken to lessen potential impact on (and from) surrounding properties?
4. The local municipal body authorization is to grant the minimum variance to achieve a reasonable rate of return based on dollars and cents evidence.

CRC Comments

1. Could a special use permit for the existing building to be used as a motel be applied for instead of a use variance? According to Town of Bristol Town Code Section 350-6, a motel is defined as “an establishment providing transient accommodations primarily for motorists, not over two stories in height, in which the exit from 100% of all rooms have direct access to the outside without the necessity of passing through the main lobby of the building”.
2. Is there a formal access easement for the shared road between the subject parcel and the Town Highway Department?
3. Will occupants be able to access CR32 via the Town Highway property?
4. How is this property being affected by circumstances unique to this parcel? Could this parcel be used for another use that is capable of returning a reasonable return on initial investment? The financial information provided does not address the feasibility of other allowable uses on the parcel.
5. Referring Board should consider potential safety issues of sharing the drive with the Highway Department. There are potential safety hazards due to the movement / transport of large equipment and vehicles on this shared road.

Attachments:

1. 194-2024 Aerial Preston Use Variance
2. 194-2024 ZBA App Preston Use Variance

CPB Comments:

1. The Town of Bristol Town Board is encouraged to look at their current zoning map to see if it would make sense to update/re-zone any parcels in this area (SR64 / CR32 intersection) – in order to closer align existing and desired uses, and the extent of the Community-Business Zoning District.
2. According to Town of Bristol Town Code Section 350-6 – the definition of a motel is “an establishment providing transient accommodations primarily for motorists, not over two stories in height, in which the exit from 100% of all rooms have direct access to the outside without the necessity of passing through the main lobby of the building.” It appears the proposed use would meet this definition. Motel is a specially permitted use in the Community – Business Zoning District, could this be applied for instead of a use variance?

Findings

1. Use Variance request does not prove that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district. It appears from referred materials that the applicant has not provide “dollars and cents” that none of the allowable uses in the zoning district can provide a reasonable return on investment.

Board Motion: Based On Consideration Of Referral 194-2024 Review Comments And Findings Included Herein, The Board Finds That There Is The Potential For Significant Adverse County-Wide And/Or Inter-Municipal Impacts, As A Class 2 And Return To The Local Board With The Recommendation Of Disapproval. Motion Made By: Ryan Wilmer, Seconded By: Leonard Wildman. Vote: Yes 11, No 0, Abstained 1 (AJ Magnan). The Motion Passed.

195-2024 Area Variances (2) for the construction of a pole barn at 6330 Montanye Rd. in the Town of Bristol. Variances include: (1) A 1,536 SF accessory structure when no greater than 1000 SF is permitted for an accessory structure on a parcel without a primary structure, and (2) a height of 22.5 ft. when no greater than 18’ is allowed.

Municipality: Town of Bristol
Referring Board: Zoning Board of Appeals
Applicant: Battle, Todd & Kristina
Application Type: Area Variance
Class: 1

Description & Review Comments:

Subject parcel is 4.85-acres. Disturbance is estimated to be roughly 1,500 SF. The proposed barn will not have water supply or wastewater treatment utilities. Construction of the pole-barn was started without permit approval and a stop work order was issued. Work may not continue until

required variances are granted. The Code Enforcement Officer mentioned there was miscommunication between the applicant and the building/zoning department and the applicant was told 22 ft. is the maximum allowed height for the pole barn (in reality, Town Code Section 350-27I(1) states that the maximum allowed height is 18 ft.). The applicant is now applying for a height area variance (and an accessory structure building footprint area variance). The applicant intends to build a house on this location (in the future) as well. The 1,000 ft. maximum building footprint requirement (Town Code Section 350-27E) is for accessory structures that are built on vacant land before the primary structure.

According to OnCor:

- Subject and surrounding parcels are in Ontario County Agricultural District #1.
- Subject and surrounding land uses are all residential.
- A FEMA 100-Year Floodplain and a DRAFT 2023 Floodzone lie on the northern end of the parcel.
- Area of proposed work has a gentle slope (4-9% gradient).
- Soil disturbed is Lansing Loam (not hydric, moderately high permeability, high erodibility, is farmland of statewide importance, and is in hydrologic soil group B).
- Land cover is predominately cropland with a mix of successional shrubland and northern hardwoods in the center of the parcel.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

In response to the above area variance questions, the applicant mentions (numbers correspond with each other – 1 goes with 1, 2 with 2, etc.):

1. There are many pole barns in the surrounding area with similar height, including the adjacent property to the west.
2. The location of the barn was chosen due to the close proximity to the driveway.
3. The height of the building requires a roughly 25% height area variance for a height of 22.5 ft. (when no greater than 18 ft. is permitted). The building footprint of the pole barn requires a 53% area variance for a 1536 SF area (when no greater than 1000 SF is permitted).
4. The height/area of the structure will have no impact on the physical/environmental conditions of the neighborhood. The size of the accessory structure wouldn't need an area variance if the proposed home were built first.
5. The applicant mentions that they were under the impression that they had permission to build a barn with these dimensions.

Attachments:

1. 195-2024 ZBA Apps Battle Barn

2. 195-2024 Plans Battle Barn
3. 195-2024 Aerial Battle Barn

Board Motion: To retain referral 195-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 11, No 0, Abstained 1 (AJ Magnan). The Motion passed.

6. Town Of Canandaigua

185.0-2024 Subdivision and Map Amendment to rezone four (4) parcels totaling 100-acres (east of Firehouse Rd.) to the Incentive Zoning District, in the Town of Canandaigua. Future development includes for-sale townhomes (90 units), single-family housing (230 units), for-rent apartments (220 units), and as mixed-use retail/residential building (90 units and 5,000 SF of commercial/retail space).

Municipality: Town of Canandaigua
Referring Board: Town Board
Applicant: Marathon Engineering
Application Type: Map Amendment
Class: 2

Description & Review Comments:

The four parcels of land comprising the development area are bordered by Firehall Road (predominately commercial land use) to the west, Parkside Drive (predominately commercial land uses) and Blue Heron Park to the south, agricultural lands to the north, and a residential development to the east.

According to Oncor:

- There are no Federal or NYS DEC wetlands on the parcel
- There is little to no slope (0-3% gradient)
- Soil is primarily Kendaia Loam, Odessa Silt Loam, and Ovid Silt Loam - all listed as prime farmland if drained).
- Land Cover is predominately successional old field going to successional shrubland.
- Adjacent parcels to the north lie within Ontario County Agricultural District #1.

The applicant mentioned that the project has the infrastructure available to support the project - Ontario County owned sewer mains and pump stations, Town of Farmington owned water mains, and Town owned roadways connected to County Road 28 and NYS Route 332 in close proximity. The development will proceed in 3-4 phases with ultimate build-out anticipated in approximately 2035. Sidewalks are proposed on one-side of almost all of the roads within the development.

The proposed project requires incentive zoning approval to develop the mix of housing envisioned by the developer. While all uses proposed are permitted within the zoning, there are several modifications, including relief from the following standards (see project summary in links):

- Single family and Town House lot width
- Single-family building setbacks
- Town house, Apartment, and Mixed-Use building setbacks
- Façade transparency requirements

- Single-family and Townhome driveway setbacks

The applicant mentions that the relief requested does not provide a substantial monetary benefit to the developer as the form-based code permits significantly more dense development than is currently proposed. Instead, the modifications allow the developer to offer single-family and townhomes at a lower price point than what is typical to the market and provides a transitional design to fit within the surrounding neighborhood development patterns.

The applicant mentions this project fills the need for housing in the community and meets the guideline principles of the Mixed-Use Development Subarea (pg. 74 of the Final Uptown Form Based Code):

- Expansion of lower density mixed uses
 - The proposed development includes 5-7 dwelling units per acre (total project) with a wide range of for-rent and ownership opportunities at a variety of price points.
- Establish a combination of low density, multi-family homes in close proximity to commercial uses.
 - The west side of the project includes the commercial/retail mixed-use component and is immediately across the street from the State Route 332 Subarea on Firehall Road where a larger commercial presence is anticipated. The proposed residential housing is a mix of for-rent and for-sale with a multitude of options for community residents looking for new homes.
- Expansion of mixed-residential uses in the Town
 - The mix of apartments, single-family homes and townhomes fully complies with this guiding principle.
- Encourage multi-modal mobility options
 - The central boulevard is intended to be a complete street with additional pedestrian improvements and park connections included in the design. Offsite sidewalks for enhancing pedestrian connectivity to NYS Route 332 and existing commercial development are also incorporated in the incentives, discussed later in this report.
- Ensure new development and site design does not negatively impact adjacent residential uses
 - The proposed project thoughtfully transitions to the lower impact single-family homes adjacent to large-lot residential uses on the north and east with the apartments and mixed-use adjacent to the multifamily zoning and State Route 332 Subarea zoning to the south and west. A report was submitted providing details on specific requested incentives and amenities offered. In total the incentives requested that benefit the developer are estimated at a value of \$689,500 and the amenities offered have an estimated value of \$828,200. Proposed incentives are based on feedback from multiple parties within the Town of Canandaigua including Town Board members, Planning Board members, the Parks and Recreation committee, Town of Farmington Sewer and Water, and Ontario County DPW.

After discussions the developer has proposed the following amenities:

- Park recreational equipment
 - Sidewalk Installation on Fire Hall Road. Developer shall design and install 5' wide concrete sidewalk on the east side of Fire Hall Road from Parkside Drive to the northern boundary of Blue Heron Park.
 - Sidewalk Installation on Parkside Drive. Developer shall design and install 5' wide concrete sidewalks on the north side of Parkside Drive from the sidewalk on the west side of NYS Route 332 to the eastern border of its property on Parkside Drive.
- New public restroom in Blue Heron Park. The developer proposes to add the park to the sewer district and extend sanitary service to the restroom location.

- Put asphalt pavement on the stone dust trails within Blue Heron Park (decreasing maintenance, increasing accessibility).
- Right-of-way connection to north property line

Comments

1. Will there be a vegetative buffer between the proposed development and the agricultural uses to the north? Since the adjacent properties to the north are Ontario County Agricultural District #1, a note on the subdivision plan indicating the permissibility of noise, dust, odors, etc. from agricultural activities on parcel 56.00-2-20.000 and 70.00-1-21.121 is required.
2. Will any of the units be affordable to households at or below area median income?
3. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36" doorways, and access to a bathroom?

CRC Comment

At the start of each Phase, the referring board is encouraged to require the applicant to adhere to the code/design standards in place at that time – not what was in place at the time at the start of the project.

Attachments:

1. 185.0-2024 (and 185.1-2024) Project Summary Uptown IZ
2. 185.0-2024 (and 185.1-2024) Aerial Uptown IZ
3. 185.0-2024 (and 185.1-2024) Incentives Uptown IZ
4. 185.0-2024 (and 185.1-2024) Rendering Uptown IZ

CPB Comment:

1. Referring Board should consider requiring that the developer provide a portion of units at costs affordable to average sized households (families) at or below 100% annual median income.

Board Motion: To retain referral 185.0-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: A.J. Magnan, seconded by: Leonard Wildman. Vote: Yes 11, No 0, Abstained 1. The Motion Passed.

185.1-2024 Subdivision and Map Amendment to rezone four (4) parcels totaling 100-acres (east of Firehouse Rd.) to the Incentive Zoning District, in the Town of Canandaigua. Future development includes for-sale town homes (90 units), single-family housing (230 units), for-rent apartments (220 units), and as mixed-use retail/residential building (90 units and 5,000 SF of commercial/retail space).

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Marathon Engineering
Application Type: Major Subdivision
Class: 1

Description & Review Comments:

See 185.0-2024

Attachments:

None

Board Motion: To retain referral 185.1-2024 as a class 1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

188-2024 Area Variance to install a 30 SF wall sign on a building façade with multiple existing wall signs (when only one is permitted per building) – located at 2375 SR332, on the east side of SR332 between Aroline and Kepner Rd., in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Yost, Charles
Application Type: Area Variance
Class: AR 2

Description & Review Comments:

Policy AR-7: Signs

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

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

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.

Attachments:

1. 188-2024 Aerial Yost Sign
2. 188-2024 Sign Sketch Yost Sign

189-2024 Special Use Permit to operate a Tourist Home (for 2-3 individuals) within an existing single-family home – at 3207 Daisy Way in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Brennan , Donald & Julie
Application Type: Special Use Permit
Class: Exempt

Attachments:

None

7. Town Of East Bloomfield

192-2024 Local Law to amend the Town of East Bloomfield Official Zoning Map regarding the re-zoning of multiple parcels and to combine LI (Light Industrial) and GI (General Industrial) zoning districts into one - I (Industrial).

Municipality: Town of East Bloomfield
Referring Board: Town Board
Applicant: Town of East Bloomfield, Town Board
Application Type: Map Amendment
Class: 2

Description & Review Comments:

Proposed changes include:

1. Rezoning Parcel's Tax Map #67.00-1-69.000 current mixed zoning of AR-2 and LI, wish to make the entire parcel AR-2, remaining residential houses currently zoned LI will be changed to AR-2, Tax Map #'s 67.00-1-64.000, 65.000, 67.000, 66.000 & 68.200 State Route's 5&20.
2. Also Change existing LI & GI districts to "Industrial" combining to the two Districts, Existing LI to become "Industrial".
3. Rear portion of 2557 Cannan Rd Tax# 66.00-3-31.200 owned by Denome is currently LI and front portion is CC rezone entire lot to "Industrial" to match the use and to make the entire parcel the same zoning.
4. Tax map # 66.00-3-20.112 rezone the rear portion currently LI to match the front to make the entire parcel CC Community Commercial.
5. Change existing LI to "Industrial for 7819 Tax # 79.00-3-1.000 & 79.00-3-5.000 Rochester Rigging) and 2 adjacent parcels from LI to "Industrial" 79.00-3-2.000, 4.100.
6. Change existing LI for Crossman to "Industrial" 7629 Tax # 80.00-1-4.000 also the rear two lots on West Park Drive Terphane 80.00-1-5.009 & vacant remaining land 80.00-1-77.000.
7. Change existing mixed district tax # 81.00-1-65.112, front portion currently zoned LI fronting on St Routes 5 &20 approximately 1,000 feet back to the water district line change to CC Community Commercial change the remaining parcel that is LI and RR-1 to AR-2 as its part of Rogers farms & change 6645 St Routes 5&20 from LI to AR-2 as it's a residence and there is no longer any LI adjacent to it.

Comments

1. Make clear existing LI allowable uses and regulations are intended to apply in the new I district.
2. The referring body should consider whether to delete the zoning code regulations for the existing GI district or to allow future potential for request to rezone to GI. If not deleting GI text, may want to make map amendments to LI instead of to I. If the map will reference, I district, the zoning code needs to be amended to rename the LI district to I and search for other related regulations that may reference LI or GI district.

Attachments:

1. 192-2024 Tax Maps Rezone Town E Bloomfield
2. 192-2024 Zoning Map Rezone Town E Bloomfield
3. 192-2024 LL Rezone Town E Bloomfield

Board Motion: To retain referral 192-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: Terri Brown, seconded by: Ryan Wilmer. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

193.0-2024 Area Variances (1- building footprint of 448 SF when a minimum of 500 SF is required; 2 - side setback of 26 ft. when 50 ft. is required), Special Use Permit, and Site Plan for a proposed accessory dwelling unit – at 6985 Boughton Rd., on the southeast corner of Boughton Rd. and SR444, in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Zoning Board of Appeals
Applicant: Steckel, Leslie E.
Application Type: Area Variance
Class: 1

Description & Review Comments:

Subject Parcel is 3.82-acres. Disturbance is estimated at 0.20-acres. Proposed (temporary) dwelling unit is for the applicant to be able to live in close proximity to their parents to aid in their care as they age. It would be located just south of the existing home. The distance from the south side setback is the reason for the setback area variance. The home is for single occupancy, year-round use. Accessory Dwelling Unit is a specially permitted use in the AR-2 (Agricultural Rural Residential) Zoning District.

According to OnCor:

- Subject parcel and surrounding parcels are in Ontario County Agricultural District #1.
- Subject parcel has a residential land use. Surrounding land use is a mix of residential and agricultural.
- Project location is in an area of gentle slope (4-9% gradient).
- Soil disturbed is Honeoye Loam – not hydric, moderately high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.

The proposed accessory structure is to connect to existing water and wastewater utilities. Electricity is provided by RG&E. The home will contain a bedroom, bathroom, kitchen, and living room. Proposed height of the structure is 11’1”.

State law requires the ZBA to take the following factors into consideration in making its

determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

In response to the above area variance questions, the applicant mentions (numbers correspond with each other – 1 goes with 1, 2 with 2, etc.):

1. The dwelling proposed will have similar structure and color of other buildings currently on the property. Site proposed is roughly 180 ft. from the road.
2. The width of the building is limited by size regulations for transportation. Site plan indicates the building location does not block the view of roads and limits impact on the neighborhood. The applicant also mentions that they have a limited budget to cover expenses.
3. Size of proposed structure is only 52 SF shy of required minimum area of 500 SF. The site plan is mainly affected by the property being a corner lot. Proposed site is roughly 40 ft. closer to the road than the primary dwelling (roughly 220 ft. from the road).
4. Water and septic will be incorporated with the primary dwelling. Crushed stone foundation limits digging and drainage needs. The structure will not impact the health, safety, or welfare of the community.
5. An accessory dwelling unit does not conflict with code. The only variation is the size. The proposed dwelling unit is larger than the NYS definition for “Tiny House” (400 SF or less). The Town has a minimum size requirement for primary dwellings, but the zoning code does not have allowances for units between 400-500 ft.

Attachments:

1. 193.0-2024 (and 193.1-2024 and 193.2-2024) Aerial Torpey 2nd Dwelling
2. 193.0-2024 (and 193.1-2024 and 193.2-2024) Site Plan Torpey 2nd Dwelling
3. 193.0-2024 (and 193.1-2024 and 193.2-2024) ZBA App Torpey 2nd Dwelling

Board Motion: To retain referral 193.0-2024 as a class 1 and return to the local board.

Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

193.1-2024 Area Variances (1- building footprint of 448 SF when a minimum of 500 SF is required; 2 - side setback of 26 ft. when 50 ft. is required), Special Use Permit, and Site Plan for a proposed accessory dwelling unit – at 6985 Boughton Rd., on the southeast corner of Boughton Rd. and SR444, in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Planning Board
Applicant: Steckel, Leslie E.

Application Type: Special Use Permit

Class: 1

Description & Review Comments:

See 193.0-2024

Attachments:

None

Board Motion: To retain referral 193.1-2024 as a class 1 and return to the local board.

Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

193.2-2024 Area Variances (1- building footprint of 448 SF when a minimum of 500 SF is required; 2 - side setback of 26 ft. when 50 ft. is required), Special Use Permit, and Site Plan for a proposed accessory dwelling unit – at 6985 Boughton Rd., on the southeast corner of Boughton Rd. and SR444, in the Town of East Bloomfield.

Municipality: Town of East Bloomfield

Referring Board: Planning Board

Applicant: Steckel, Leslie E.

Application Type: Site Plan

Class: exempt

Description & Review Comments:

See 193.0-2024

Attachments:

None

8. Town Of Geneva

182-2024 Local Law to amend Section 165-45A (Area Requirements) of Article V (Planned Unit Development) of the Zoning Code of the Town of Geneva - lowering the PUD minimum area requirement from five (5) to three (3) contiguous acres.

Municipality: Town of East Bloomfield

Referring Board: Town Board

Applicant: Town of Geneva, Town Board

Application Type: Text Amendment

Class: 2

Description & Review Comments:

Town of Geneva Town Code Section 165-45A currently states that, “No PUD district shall be established having an area less than five contiguous acres”.

The proposed Local Law would repeal Section 165-45A and the following paragraph would be inserted in its place – “No PUD district shall be established having an area less than three contiguous acres”.

Attachments:

1. 182-2024 LL T Geneva PUD Text Amendment

Board Motion: To retain 182-2024 as a class 2 and return to the local board with recommendation for approval. Motion made by: Ryan Wilmer, seconded by: Paul Lambiase. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

187.0-2024 Map Amendment and Site Plan to rezone 65-acres from the Residential Rural Zoning District (R-2) to Planned Unit Development (PUD) - for a proposed 135-lot single-family residential subdivision (Rolling Hills Subdivision) for new manufactured homes located at 280 Carter Rd, immediately northwest of the Gambiae Rd. intersection, in the Town of Geneva.

Municipality: Town of Geneva
Referring Board: Town Board
Applicant: Carter Road Properties, Jeff Cook
Application Type: Map Amendment
Class: 2

Description & Review Comments:

The 65-acre lot is currently vacant. Disturbance due to the project is TBD. The parcel was recently created through a subdivision of a larger parcel (TM# 90.00-2-75.000). The new homes are intended to be offered at a target price of \$175,000 and are intended to fulfil a portion of the Town’s shortage of available affordable homes. The proposed plan requires rezoning to Planned Unit Development (PUD) since the proposed 8,750 SF minimum lot size does not satisfy the current R-2 District regulations that require a 45,000 SF minimum lot size. The proposed 70 ft. minimum width and 125 ft. minimum depth lots will also include 20 ft. front and rear building setbacks and 10 ft. side building setbacks which will accommodate three-bedroom homes with attached two-car garages. The floor area ratio within each lot will be less than 30% and the density within the PUD will be less than 2.1 dwelling units per acre. Each lot will have 2 surface parking spaces with two additional spaces should a garage be constructed. Multiple off-street parking areas have been dispersed throughout the PUD to provide parking opportunities for visitors and for residents accessing the PUD’s recreational amenities.

A community park is proposed in the center of the development. Trees are proposed to be dispersed between homes. The residential subdivision will be served with several new 22 ft. wide, two-way asphalt streets with 2.5 ft. wide concrete gutters along each side. The internal streets will access Carter Rd. at two locations. The Institute of Traffic Engineers Trip Generation Manual predicts approximately 79 vehicles would exit the fully developed 135 lot subdivision during the morning peak hour (7:00 AM to 8:00 AM). Assuming that 65%, or 51 vehicles of exiting traffic would utilize the southern driveway (predicted to get more use – closer to City of Geneva), results in about one outbound vehicle per minute during morning rush hour. It is believed that Carter Rd. can easily accommodate the additional traffic generated by this subdivision without any intersection improvements.

The additional stormwater runoff created by the increased impervious surface will be managed as required by the NYS Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activities. It is envisioned that the new streets will be served with concrete gutters with drainage inlets and a piped storm sewer system. Storm sewers will be routed to two stormwater detention ponds that will be designed to release stormwater at

controlled rates mimicking existing drainage conditions. The PUD will be served with new watermains and sanitary sewers which will be dedicated to the Town of Geneva. Preliminary discussions with Town officials have indicated that both systems have adequate capacity to accommodate the 135-lot subdivision.

According to OnCor:

- Adjacent parcels to the west are in Ontario County Agricultural District #1.
- Subject parcels land use is agricultural. Surrounding land uses varies – Agricultural (south and west), vacant (north), industrial and residential (east).
- Project site has a predominately gentle to no slope (0-9%).
- Soil to be disturbed is predominately Schoharie Silty Clay Loam (not hydric, moderately high permeability, very high erodibility, is not prime farmland, and is in hydrologic soil group D).
- A national wetland lies on the parcel, on the eastern portion of the site along Carter Rd.

Comments

1. Q: Will any of the units be affordable to households at or below area median income?

A: All units are market rate; however, the developer is focused on providing a mix of for sale and rental opportunities to fit a large range of incomes for residents.

2. Q: How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36" doorways, and access to a bathroom?

A: All apartments will be visitable; townhome and single-family homes will be customizable by the purchaser.

3. Q: Will there be a vegetative buffer between the proposed development and the agricultural uses to the north? Since the adjacent properties to the north are Ontario County Agricultural District #1, a note on the subdivision plan indicating the permissibility of noise, dust, odors, etc. from agricultural activities on adjacent parcels in the Ontario County Agricultural District #1.

A: Notes will be added as appropriate to the plans during the design phase. The single-family homes border the agricultural fields and homeowners will have the flexibility to add fencing, screening and/ or plantings as desired.

The applicant representative was present at the meeting and provided some additional information:

- The applicant representative mentions that they are here for the rezoning of the parcel (map amendment), but not for site plan approval. Submitted Planning Board application indicates they are applying for preliminary site plan approval.
- The applicant representative understands that the traffic to the south can get very busy during peak hours due to the surrounding uses (schools, hospital, offices, etc.), and that the additional traffic from this proposed subdivision will affect (and add to) this traffic, but they do not believe traffic in the area will be negatively affected. It is estimated traffic coming from the project site heading south would be 1 car per minute during peak hours. A traffic study will be conducted and will be available when they apply for site

plan approval. They also mention the two entrances on Carter Rd. have good sight distances.

- Their goal is to have sidewalks dedicated to the Town of Geneva - as well as the streets, utilities, park, and stormwater management facilities. If not the Town, they would prefer an HOA to help maintain these amenities.
- Stormwater rates flowing from the project site will be released at no greater than the existing rate. Detention ponds will be constructed to accomplish this.
- The future plans will outline SWMF and landscaping details. The site is currently barren, was cleared by the previous owner.
- Applicant representative reiterates that they will come back for site plan approval, which will provide a lot more detail (SWMF, landscaping, grading, etc.).

OCSWCD Comments

1. This property has historic drainage flows coming from the neighboring property to the west which has not been addressed in the proposed plans. Proposed plans indicate the removal of a pond to make way for building lots and do not indicate conveyance systems for stormwater to stormwater management ponds.
2. More detailed plans will be needed in order to make further comments.

CRC Comments

1. The County Planning Board urges the referring board to further evaluate the impact of additional traffic the proposed development would create along Carter Road heading south towards North Street. Carter Road (south of the proposed development) contains both Geneva's Middle School and High School (Geneva City School District properties). The intersection of Carter Rd. and North St. is also near the Geneva General Hospital, and multiple office buildings. During morning peak hours (7:00 AM – 8:00 AM), this area is known to get high amounts of traffic.
2. Submitted documents indicate that "Although the new dedicated streets and utilities will require Town maintenance and expense, property tax generated from the subdivision are expected to easily cover these costs". There is no property tax in the Town of Geneva (no revenue to cover this cost).
3. At the start of each Phase, the referring board is encouraged to require the applicant to adhere to the code/design standards in place at that time – not what was in place at the time at the start of the project.
4. The Short Environmental Assessment Form indicates that public transportation services are available at or near the site of the proposed action. Where is the closest location public transportation area?
5. The Short Environmental Assessment Form indicates that there are pedestrian accommodations or bicycle routes available near the site of the proposed action. Where are these routes?
6. The County Planning Board has an interest in protecting and enhancing the character of Ontario County's diverse communities and landscapes. Referring board should ensure layouts of the buildings are positioned so that the decks of homes are not orientated to face directly into another home.
7. Will there be an HOA? Who will take care of the greenspace, SWMF, etc.? If there is no HOA, how will this be maintained/paid for?

Attachments:

1. 187.0-2024 (and 187.1-2024 and 187.2-2024) Prelim Site Plan Rolling Hills Subdiv
2. 187.0-2024 (and 187.1-2024 and 187.2-2024) Aerial Rolling Hills Subdiv

CPB Comments:

1. Referring Board should consider requiring that the developer provide a portion of units at costs affordable to average sized households (families) at or below 100% annual median income.
2. The County Planning Board appreciates the applicant’s effort to increase the number of affordable homes in the area.
3. The referring body should consider whether adherence to the guidelines of the 2016 NYS Stormwater Design Manual are sufficient to mitigation potential flood impacts.
Alternatively, the applicant could be requested to meet the 2022 draft Stormwater Design Manual guidelines.

Board Motion: To retain referral 187.0-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: A.J. Magnan, SEconded by: Leonard Wildman. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

187.1-2024 Map Amendment and Site Plan to rezone 65-acres from the Residential Rural Zoning District (R-2) to Planned Unit Development (PUD) - for a proposed 135-lot single-family residential subdivision (Rolling Hills Subdivision) for new manufactured homes located at 280 Carter Rd, immediately northwest of the Gambee Rd. intersection, in the Town of Geneva.

Municipality: Town of Geneva
Referring Board: Planning Board
Applicant: Carter Road Properties, Jeff Cook
Application Type: Site Plan
Class: 1

Description & Review Comments:

See 187.0-2024

Attachments:

None

Board Motion: To return referral 187.1-2024 as incomplete to the local board with comments. Motion made by: A.J. Magnan, seconded by: Leonard Wildman. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

187.2-2024 was removed and placed on the agenda in error.

9. Town Of Gorham

191.0-2024 Site Plan and Subdivision of a 37.8-acre parcel into two parcels (4.0-acres; remaining parcel of 33.8-acres), for the construction of a single-family home – located

on east side of CR1, at the CR1 / Hall Rd. intersection in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Shively, Victoria
Application Type: Site Plan
Class: Exempt

OCDPW Comments

1. Applicant's engineer shall provide a driveway profile for the entrance.
2. Please indicate the directional sign and utility poles across from Hall Rd on the site plan to show them in relation to the driveway access.
3. Attached are the standards for a driveway entrance, along with highway access guidelines that shall be placed in the site plans.

Attachments:

1. 191-2024 OCDPW Highway Access Guidelines
2. 191-2024 Driveway Entrance Standards

191.1-2024 Site Plan and Subdivision of a 37.8-acre parcel into two parcels (4.0-acres; remaining parcel of 33.8-acres), for the construction of a single-family home – located on east side of CR1, at the CR1 / Hall Rd. intersection in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Shively, Victoria
Application Type: Minor Subdivision
Class: exempt

Description & Review Comments:

See 191.0-2024

Attachments:

None

10 Town Of Phelps

184.0-2024 Site Plan and Area Variance (impervious internal roadway when roadways within the site shall not be constructed of impervious materials) for the construction of a 3.4-megawatt (MW) solar energy system – at 120 and 138 Cross Rd., just north of the

Cross Rd. / Welch Rd. intersection, in the Town of Phelps.

Municipality: Town of Phelps
Referring Board: Zoning Board of Appeals
Applicant: CTEC Solar, LLC
Application Type: Area Variance
Class: 1

Description & Review Comments:

The Cross Rd Community Solar project will be situated on two (2) parcels of land: 120 (25.8-acres) and 138 Cross Rd. (2.41-acres) that are to be combined. The applicant proposes to develop up to 14.95-acres. According to the Town’s Solar Law, large-scale solar energy systems are permitted in the C-1 (Commercial) Zoning District with the issuance of Site Plan approval from the Planning Board.

Basic components of the site include: PV panels, solar panel racking systems, access road, power conversion equipment pad (w/ a DC to AC inverter, medium voltage transformer, and electronic control cabinet), underground 13.2-kilovolt (kV) electrical connector lines which connect the array to the collection substation, and perimeter fencing.

120 Cross Rd. currently has a rural residential use (contains home), while 138 Cross Rd. is considered vacant residential. The site is bounded to the west by the Norfolk Southern Railway line followed by a mix of commercial and residential properties and SR14. It is bounded to the north by forested land followed by the Niagara Mohawk Power transmission line. To the east, the site is bordered by forested and residential land, and to the south it is bounded by Cross Rd. followed by forested residential properties.

A majority of the project’s solar array will be located toward the back (northern) portion of the property. It will be accessed via driveway (roadway) that is designed to use an existing farm track that will extend from an entrance on Cross Rd. up through the middle of the property. Phelps Town Code Section 145-8E(3) states, “Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction”. After consideration by the civil engineers, it was decided that the access road will require an impervious surface construction for approximately 600 linear feet (from Cross Rd. extending north) out of the total 1,000 linear ft. of driveway. This is due to the low-lying wetland areas on the southern portion of the property that would make it very difficult to maintain the pervious roadway. There are no National or NYS DEC wetlands on the parcel (nor are there any FEMA 100- or 500-year flood zones). Also, an impervious surface is needed to support the weight of the construction vehicles (pervious surface would be too unstable). Once past the high groundwater areas on the property, the access road would then transition to pervious material.

The project perimeter fence line has been sited 40 ft. away from property lines. Existing forested areas will screen the project from public view on the western, northern, and eastern sides of the property. A majority of the trees on the western half of 120 Cross Rd. are to be cleared. Southern areas of the project which are closest to the road will be screened behind a 20 ft. wide vegetative buffer to minimize potential views from adjoining parcels. In total, 232 evergreens (Spring Grove Arborvitae and Norway Spruce) and 50 deciduous (Sugar Maple, Red Oak, and Allegheny Serviceberry). 67 Shrubs are to be planted as well. The solar panel array area will be seeded.

A swale and collection basin (4 ft. deep) lie on the western edge of the site. The parcel has little

to gentle slope (0-9% gradient), sloping downhill from east to west. Approximately half of the project area is former agricultural land, but the site is not located in the Ontario County Agricultural District 1. The site contains approximately 20.6-acres of prime farmland, and 5.3-acres of farmland of statewide importance. The prime farmland soils are classified as Elnora Loamy Fine Sand and Colonie Loamy Fine Sand.

The Solar facility may have a useful life of up to 25 years, with a possible option to extend the term pursuant to Town approval. The \$547,219.56 decommissioning and restoration cost estimate was compiled from an itemized list of project components and decommissioning tasks with standard cost of removal per unit in total. According to the Decommissioning Plan – every five (5) years (for the facilities life), the project owner shall file a report with the Town on the effects of annual inflation adjustment and technological advancements, including a revised decommissioning cost estimate.

What must be proven in order to be granted an area variance?

State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

Comments:

1. Has a visibility/glare study been done? How visible will it be on neighboring parcels and to drivers on Cross Rd.?
2. The proposed project should repair any field tile drainage during installation and comply with the NYS Department of Agriculture and Markets Guidelines for Solar Development in Agricultural Districts.
3. The facility area is on land with group 1-4 Mineral Soils and mitigation payment for siting large scale solar on highly productive agricultural soils will be required.
4. Will there be onsite battery energy storage?
5. Will there be mowing/maintenance of the land? Or sheep grazing?
6. Has the area of 120 Cross Rd. containing the single-family home been subdivided from the rest of the parcel containing the solar energy system? Will it be?

OCSWCD Comments

1. How will basin in north west corner be maintained?
2. Will a permanent access road for maintenance be established for proposed detention

basin?

3. Proposed water bar is missing from plans on sheet C-304.

4. I think I am missing sheet C-001 to confirm the proposed seed mixes.

Attachments:

- 1. 184.0-2024 (and 184.1-2024) Project Summary CTEC Solar
- 2. 184.0-2024 (and 184.1-2024) Landscaping Plan CTEC Solar
- 3. 184.0-2024 (and 184.1-2024) North and South Plans CTEC Solar
- 4. 184.0-2024 (and 184.1-2024) Aerial CTEC Solar

Board Motion: To retain referral 184.0-2024 as a class 1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

184.1-2024 Site Plan and Area Variance (impervious internal roadway when roadways within the site shall not be constructed of impervious materials) for the construction of a 3.4-megawatt (MW) solar energy system – at 120 and 138 Cross Rd., just north of the Cross Rd. / Welch Rd. intersection, in the Town of Phelps.

Municipality: Town of Phelps
Referring Board: Planning Board
Applicant: CTEC Solar, LLC
Application Type: Site Plan
Class: 1

Description & Review Comments:

See 184.0-2024

Attachments:

None

Board Motion: To retain referral 184.1-2024 as a class 1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

11 Town Of Richmond

196-2024 Lot combination of two parcels (TM#'s 136.17-1-22.000 and 136.17-1-23.100) into one, located 500 ft. southeast of the SR20A / CR33 intersection in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Planning Board
Applicant: Kennedy, Samantha
Application Type: Minor Subdivision
Class: AR 1

Description & Review Comments:

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. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County’s tax rolls (Ontario Co. RPTS Annual Report).
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 subdivision 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.

Attachments:

1. 196-2024 Aerial Kennedy Subdiv

197-2024 Site plan for an (existing) 2,880 SF storage building – at 8982 CR15, on the northwest corner of the CR15 / CR37 intersection, in the Town of Richmond.
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Municipality:	Town of Richmond
Referring Board:	Planning Board
Applicant:	Ward, Greg & Kim
Application Type:	Site Plan
Class:	1

Description & Review Comments:

Subject 10.0-acre parcel has a commercial land use, containing a woodworking and motorcycle repair shop. The proposed (existing) building would be used for storage for the businesses. The submitted sketch illustrates plans for three (3) more storage buildings to be built in the future. The SEAF submitted indicates that the building connects to public water supply, but has no wastewater utilities.

According to OnCor:

- Surrounding land uses are predominately open space and conservation (NYS DEC owned). There are a couple adjacent parcels to the north that are residential.
- A stream runs through the center of the subject parcel, flowing into Honeoye Creek (to the east). A FEMA 100-year floodplain buffers the stream. A NYS DEC wetland lies directly behind the proposed (existing) storage building. NYS DEC and Federal wetlands lie across CR37 (to the east). The subject parcel is entirely within the DRAFT FEMA 100-year flood zone.

Comments

1. If any vehicle repair occurs in this storage building, the proper containment/disposal of oils and fluids needs to be ensured.
2. Referring board is encouraged to require additional vegetative screening of the storage building in order to help preserve surrounding community character (agricultural and conservation areas).

Attachments:

1. 197-2024 Aerials Ward Storage
2. 197-2024 Sketch Ward Storage

Board Motion: To retain referral 197-2024 as a class 1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

186-2024 Area Variance for a 2,560 SF pole barn (for the storage of personal vehicles) when a maximum area of 200 SF is permitted for an accessory structure – at 4425 Allens Hill Rd. in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Applicant: Wittreich, Michael N.
Application Type: Area Variance
Class: Exempt

Attachments:

None

12 Town Of South Bristol

201-2024 Area Variances (2) for a proposed 792 SF detached garage – at 5956 SR21 in the Town of South Bristol. Area Variances include: (1) a 29.9 ft. front setback when a minimum of 50 ft. is required, and (2) a lot coverage of 23.6% when no greater than

20% is allowed.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Applicant: Fox, Jason & Megan
Application Type: Area Variance
Class: 1 - LATE REFERAL

Description & Review Comments:

The subject parcel is 0.67-acres. The proposed barn is 21'8" tall and will lie on the northern half of the parcel. Disturbance is estimated to be around 1,000 SF.

According to OnCor

- Subject parcel and surrounding parcels are all in Ontario County Agricultural District #1.
- Subject and surrounding parcels are predominately residential, except for the parcel to the north (rural vacant).
- Area of disturbance (and a majority of the parcel) has steep slopes (16-30% gradient). Entire parcel slopes downhill from west to east.
- Soil disturbed is Valois Gravelly Loam (not hydric, high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group B).
- A stream runs along the northern parcel boundary which flows into Canandaigua Lake.

What must be proven in order to be granted an area variance? State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance. In response to the above area variance questions, the applicant mentions (numbers correspond with each other – 1 goes with 1, 2 with 2, etc.):

1. There will not be an undesirable change to the character of the neighborhood or detriment to nearby properties by granting this variance.
2. To construct the new garage, an area variance is necessary.
3. The request is not substantial, we are requesting a 20.1 ft. setback area variance from the right-of-way line of SR21, where 50 ft. front setback is code and a 3.6% variance for lot

coverage where a 20% lot coverage is required per Town Code.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
5. The alleged difficulty is self-created.

Comment

1. Will any stormwater management areas be implemented to mitigate this high percentage of impermeable surface on the property? In addition, the parcel has steep slopes that slope into Canandaigua Lake. The County Planning Board has an interest in reducing stormwater quality and quantity impacts on downstream properties and protecting the integrity of Ontario County's natural resources (lakes, streams, forests, and other natural resources).

Attachments:

1. 201-2024 ZBA App Fox Garage
2. 201-2024 Aerials Fox Garage
3. 201-2024 Survey Fox Garage

Board Motion: To accept late referral . **Motion made by:** Ryan Wilmer, **seconded by:** Paul Lambiase. **Vote:** Yes 11, No 0, Abstained 1. The **Motion passed.**

CPB Comments:

1. If Granted The Variance Should Create As Little Disturbance In The Steep Slope Area As Possible.

Board Motion: To Retain Referral 201-2024 As A Class 1 And To Return To The Local Board With Comments. Motion Made By: Steve High Seconded By: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion Passed.

13 Town Of Victor

181-2024 Area Variance for the installation of four (4) fenced pasture areas consisting of 8' high wire fencing (when a no greater than 6 ft. is allowed) – at 6505 Gillis Rd. in the Town of Victor.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Applicant: Kubiak, Elizabeth
Application Type: Area Variance
Class: Exempt

Attachments:

None

183-2024 Local Law imposing a six-month moratorium on the review, approval, permitting, and construction of large-scale solar energy systems in the Town of Victor.

Municipality: Town of Victor
Referring Board: Town Board
Applicant: Town of Victor, Town Board
Application Type: Text Amendment
Class: 2

Description & Review Comments:

The Town Board of the Town of Victor adopted a Local Law (in April 2024) to impose a six-month moratorium on the review, approval, permitting, and/or construction of large-scale solar energy systems.

The Solar Taskforce was established and has met regular but has not completed their review. They have asked the Town Board to extend the moratorium by six months. The referral submitted now is for an extension to the previous six-month moratorium.

CRC Comment

- 1. Will a six-month moratorium be enough time to review/make changes? The Town Board may want to consider extending the moratorium to 12 months if necessary.

Attachments:

- 1. 183-2024 Resolution T Victor Solar Moratorium

Board Motion: To retain referral 183-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 11, No 0, Abstained 1. The Motion Passed .

190-2024 Map Amendment to rezone 14.2-acres (of a 24.2-acre parcel) to PDD (Planned Development District) for the future construction of Lehigh Place with three (3) 18,000 SF (building footprint) four-story apartment buildings – for a total of 156 units. Subject parcel is located at 200 Victor Heights Parkway, 0.5 miles west of the SR96 / SR251 intersection in the Town of Victor.

Municipality: Town of Victor
Referring Board: Town Board
Applicant: Town of Victor, Town Board
Application Type: Map Amendment
Class: 2

Description & Review Comments:

Lehigh Place is a proposed market-rate apartment complex that will be located adjacent to the Finger Lakes Community College Victor Campus and commercial properties (to the west). Commercial uses also lie to the east of the proposed apartment complex. The Auburn Trail and Lehigh Crossing Park lie directly north. A connection (pedestrian access) to the trail lies just east of the pool/grilling area. Parcels to the south have a residential use. 14.2-acres (northwest portion) will be subdivided from an existing 24.2-acre parcel zoned LI (Light Industrial) and rezoned to PDD for this project.

There will be approximately 300 parking spaces for the 156 units, with 72 of those spaces inside an apartment building or a separate garage building. Building height is proposed at 52 ft. maximum (53 ft. is maximum permitted according to PDD regulations). The apartment buildings are four-stories with elevators. Anticipated amenities include: grill stations, a pool, a patio with a fire pit, leasing/amenity space, and community space. Sidewalks are located throughout the complex. There are 11 nearby parks within 5 miles and the Auburn Trail providing outdoor recreation. There will be lights in the parking areas of the complex, location TBD.

There are four driveways proposed from the apartment complex to Victor Heights Parkway – all four of which will be located on the private portion of Victor Heights Parkway. The applicant mentions that by NYSDOT standards, a project that generates fewer than 100 trips in the peak hour is not considered to significantly increase traffic. According to the Traffic Impact Letter of Findings, the residential development will generate a weekday morning peak hour volume of 62 trips and a weekday evening peak hour volume of 79 trips – therefore there is no significant impact to traffic flow.

There are approximately 4.9-acres of wetlands on the site. No development will take place in these areas. The project will also stay outside of the 100 ft. NYSDEC regulated wetland buffer located on the Lehigh Crossing Park parcel to the north. In total, 7.7-acres are proposed to be disturbed. Existing trees on the parcel are to be maintained. Landscaping is also proposed surrounding and in between the apartment buildings. A SWPP will be developed in accordance with NYSDEC requirements. The proposed residential use will encompass 4.8-acres of impervious cover, which is 62% lot coverage. The additional runoff that will result from this development will be directed towards an existing stormwater management facility on the parcel. It is anticipated that the development of this apartment complex will have more green space than an industrial use would, which permits up to 65% impervious lot coverage under the current zoning.

An 8” water main currently runs along Victor Heights Parkway. A Town of Victor dedicated sanitary sewer runs along Victor Heights Parkway as well. Each building will have a separate water service with backflow and sewer lateral. The anticipated water demand and wastewater discharge is based on the NYSDEC “Design Standards for Wastewater Treatment Systems” guidelines for residential use (110 gallons per day per bedroom). With a total of 90 bedrooms per apartment building (3 apartment buildings total), the anticipated water demand and sewage flow is 29,700 gallons/day with a peak flow of 82.5 gallons/minute. No capacity issues are anticipated with the existing infrastructure.

According to OnCor:

- Parcel has gentle to no slope (0-9%).
- Soil disturbed is predominately Cayuga Silt Loam and Phelps Gravelly Loam (areas of prime farmland).
- Land Cover is successional old field with some successional northern hardwoods on the northern portion of the project area.

Comments

- 1. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36" doorways, and access to a bathroom?
- 2. Referring Board should consider additional stormwater management facilities to help mitigate additional runoff from increased impervious surface.
- 3. It is indicated that the entrances to the apartment complex are on a private road. Will (Victor Central School District) school buses enter/pick up students on this private road?
- 4. Is there proper road space for school buses and emergency vehicle turnaround?
- 5. How will trash be disposed of? Will a private company come and pick it up? Where/how many dumpsters will there be?
- 6. Who will maintain the landscaping? How frequently will it be maintained?

CRC Comments

- 1. The applicant should be aware that according to the FLCC Masterplan, the FLCC Victor campus is set to end its' lease (and close) in 2028.
- 2. Submitted Plans indicate the proposed dog park is to be located adjacent to the stormwater management facility. Could this be relocated to a safer location?
- 3. Is parking sufficient for the building near the pool area? Will parking spaces be assigned? Guests / residents from the two western buildings may use these spots when visiting the pool and other community spaces.
- 4. Are there any plans for an outdoor play area / recreation space?

Attachments:

- 1. 190-2024 Plans Lehigh Place PUD
- 2. 190-2024 Aerial Lehigh Place PUD

CPB Comments:

- 1. Will the apartments be screened from the adjacent industrial properties to the west?

Board Motion: To retain referral 190-2024 as a class 2 and return to the local board with recommendation for approval with comments. Motion made by: Paul Lambiase, seconded by: Terri Brown. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

198-2024 Preliminary Subdivision of a currently vacant 42.4-acre parcel for a proposed 8-lot single-family residential subdivision – on a parcel that lies between Blazey Rd. and CR9, in the Town of Victor.

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: Land Tech, Keith Nickoloff
Application Type: Major Subdivision
Class: 1

Description & Review Comments:

The approximate 42-acre project area is located between Victor Egypt Road and Blazey Road,

immediately north of the residential development on Woodbrooke Road. Agricultural fields outline the neighboring properties to the north and east, forested/scrub shrub habitat lies to the west. Subject parcel and adjacent parcels to the east are in Ontario County Agricultural District #1. The landscape across the Site consists of forested (roughly 11-acres), open fields, wetlands, and scrub-shrub habitat in the central and northern portions of the Site. A 7.6-acre Federal/NYSDEC wetland lies on the western portion of the parcel. There are also two separate wetlands on the eastern portion of the parcel – creating a total of 8.8-acres of wetland on the property. A stream divides the project lands, flowing through the site from west to east (tributary of White Brook). The stream is bordered by mature vegetation in the form of native deciduous trees and understory shrubs which will be preserved and protected. Development will adhere to 100 ft. NYSDEC wetland buffer requirement, as well as the 150 ft. Town of Victor stream buffer requirement. Roughly 22.5-acres of the site previously consisted of farm fields used for hay, corn, and soybean crops. The Site slopes downhill from the west to the east with little to no slope (0-3% gradient). Soils are predominately Homer fine sandy loam (prime farmland if drained), fine loamy mixed (not prime farmland), and Lamson (farmland of statewide importance) fine sandy loam.

Four (4) lots are proposed south of the stream corridor and four (4) lots are proposed north of the stream. Six of the eight lots will be “flag” style lots each having 20 ft. of frontage on Blazey road with the following acreages: Lot 1 (3.5-acres), Lot 2 (3.85-acres), Lot 3 (6.22-acres), Lot 4 (3.13-acres), Lot 5 (3.02-acres), Lot 6 (2.66-acres), Lot 7 (3.01-acres), and Lot 8 (16.09-acres). The southern lots (Lots 1-4) will share a common driveway from Blazey Rd., and the northern lots (lots 5-8) will also share a separate common driveway off of Blazey Rd. There is a projected 9-acres of disturbance.

An existing 8” diameter cast iron watermain is found on the east side of Blazey Rd., ending at the southeast corner of the project site. It is proposed to be extended to the northeast along the east side of Blazey Rd. to the two new common driveways (and to the homes). Data provided from the Monroe County Water Authority indicates that adequate flows and pressures are available for the eight (8) new homes and for fire hydrant protection. There is no existing sanitary sewer. Septic tanks and leach fields will be used each of the proposed lots. Electric and gas is available along Blazey Rd.

In regards to past flooding in the northeast corner of the site associated with wetland W3 on the northeast portion of the parcel (on site plan), the proposed grading and drainage plan is designed to significantly reduce the amount of existing watershed runoff going to this wetland from the project site (lots 5-8), and all new impervious surfaces will be conveyed directly to each of the proposed infiltration basins. There will be only minor changes to the overall site drainage pattern and the proposed grading will only involve the private drives and homes sites. Stormwater management areas (infiltration basins) will be provided on each lot to manage the increase in impervious surface. The individual stormwater management areas will be detailed for the final plans and SWPPP. Any stormwater runoff overflows are to be directed to the south into the White Brook tributary stream, which drains to the east under Blazey Rd. Proposed lots 1-4 will be draining south towards White Brook and will not contribute any stormwater runoff or to any potential flooding related to Wetland W3. The proposed runoff will not exceed the existing runoff from the property.

Comment

1. The applicant and referring agency are encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implantation of stormwater and erosion control measures, and to ensure the proper design

and placement of on-site septic.

2. Will there be a vegetative buffer between the proposed development and the agricultural uses to the south and east? Since the adjacent properties to the south and east are Ontario County Agricultural District #1, a note on the subdivision plan indicating the permissibility of noise, dust, odors, etc. from agricultural activities on parcel 7.00-1-13.100 and 7.00-1-13.200 is required.

Attachments:

1. 198-2024 Concept Plan Blazey Subdiv
2. 198-2024 LOI Blazey Subdiv
3. 198-2024 Aerial Blazey Subdiv

Board Motion: To retain referral 198-2024 as a class1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

199-2024 Site Plan for a proposed 2,700 SF building addition on the north side of an existing business – at 614 Fishers Run in the Town of Victor.

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: Tambe, Michael
Application Type: Site Plan
Class: 1

Description & Review Comments:

Subject parcel was referred in June 2024 (as 130-2024) for site plan modification for a proposed parking lot expansion to the existing parking lot, south of the existing building. Subject parcel is 2-acres, disturbance is estimated at 0.1-acres. The addition (open air, covered lean-to) proposed is over an existing asphalt area previously used as a storage yard for the business (Tambe Electric). The applicant is also proposing to replace the existing grey fence with a new black fence in the same location. The property is zoned Light Industrial and the proposal meets the greenspace and open space requirements. The addition proposed over the existing storage yard is to protect the employees and supplies from weather.

According to OnCor:

- Subject parcel has industrial use. Surrounding parcels are industrial or commercial use.
- Area of disturbance predominately has little to no slope, 0-3% gradient (on top of existing asphalt).
- A stream runs through the northern portion of the parcel (just north of proposed addition).

Comment

1. Site Plan and submittal letter indicate that an area variance might be required for the addition's rear setback of 24 ft. when no less than 30 ft. is allowed. Wouldn't this project as currently proposed require an area variance for the rear setback? Shouldn't this be granted before a site plan is proposed/approved?

Attachments:

1. 199-2024 Elevations Tambe Addition
2. 199-2024 Site Plan Tambe Addition
3. 199-2024 Aerials Tambe Addition

CPB Comments:

1. Will there be an access / maintenance agreement for the shared driveway?

Board Motion: To retain referral 199-2024 as a class 1 and return to the local board with comments. Motion made by: Stephen High, seconded by: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion passed.

200-2024 Area Variance for a side setback of less than 30 ft. (when a minimum of 30 ft. is required) for a proposed subdivision – at 115-117 Victor Heights Pkwy. in the Town of Victor.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Applicant: Victor Heights Campus, LLC
Application Type: Area Variance
Class: 1 - LATE REFERAL

Description & Review Comments:

Subject Parcel is 3.78-acres with a manufacturing land use. Surrounding land uses are predominately office spaces to the south, east, and west. A church lies just south of the subject parcel as well. Lehigh Crossing Park lies on the adjacent parcel to the north.

The applicant is proposing to subdivide an existing parcel containing two existing (16,000 SF) light industrial buildings. The new lot line (lying in between the two existing buildings) would make both buildings out of compliance with the side setback requirement of at least 30 ft. The exact distance between the proposed lot line and the existing buildings are not provided.

In addition, the Code Enforcement Officer mentions that the applicant needs to indicate the intentions for the parking lot and access drive that currently transcends the newly proposed side lot line. If these areas are to remain unchanged – an additional area variance for parking setbacks (less than the required minimum of 10 ft.) will be required. The applicant mentions that upon subdivision, the two parcels will share ingress/egress and parking, and generally operate identically to how they would operate today.

Should the area variances be granted, subdivision and site plan approval by the Town Planning Board is required as well.

What must be proven in order to be granted an area variance? State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;

4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

Attachments:

1. 200-2024 LOI Victor Heights Subdiv
2. 200-2024 Aerial Victor Heights Subdiv
3. 200-2024 Concept Plan Victor Heights Subdiv

Board Motion: To accept late referral . **Motion made by:** Ryan Wilmer, **seconded by:** Paul Lambiase. **Vote:** Yes 11, No 0, Abstained 1. **The Motion passed.**

CPB Comments:

1. As identified by Town access & parking regulations – an easement and maintenance easement would be required.

Board Motion: To Retain Referral 200-2024 As A Class 1 And Return To The Local Board With Comments. Motion Made By: Steve High Seconded By: Paul Passavant. Vote: Yes 11, No 0, Abstained 1. The Motion Passed.

14 Privilege Of The Floor

- Ontario County (Casella) Landfill Meeting / Update
 1. Paul Passavant, Roslyn Grammar, Stephen High, and AJ Magnan mentioned that they attended presentations that were given (some via zoom, some in person – V. Bloomfield and T. Geneva) regarding the landfill and its' future. They mentioned:
 - Casella's operators lease for the landfill is set to expire in 2028.
 - Ontario County has retained consultants to create a report on the possible decisions regarding the landfill / and potential outcomes of those decisions.
 - The report is available online at <https://oclandfillfuture.org/>
 - It was mentioned that in general, there was not a clear consensus amongst the meeting attendees/residents on what should be done.
 - It was pointed out that the consultants provided the research/findings, but did not make any recommendations on what should be done. It took into consideration a number of possible options: keeping the landfill open, keeping it open but limited, closing the landfill, accepting different types of waste, replacing the landfill with a transfer station, incineration, etc. The report outlines what is to be expected based off of the different decisions that can be made.
 - The County Planning Board was encouraged to reach out to their Supervisor's if they wish to express their feelings (one way or another) on the topic.

- It was mentioned at the meetings that some attendees thought certain interests (specifically agricultural) were not considered in this report. It was mentioned that the seagulls attracted to the area because of the dump create significant negative impacts on the agricultural uses in the surrounding area. Also, that the landfill takes away from the agricultural community character of the area.
- The CPB members who attended the meeting credit Casella for their attempts to resolve issues (ex: smells, litter) related to the landfill, and their contributions to the community.
- Another possibility that was mentioned at the meeting is that there is the possibility of keeping the landfill open, but leasing it to a different company. This could have potential negative (or positive) outcomes.
- No matter the decision, it will become more expensive to remove our trash in the future.
- It would be beneficial if municipalities within Ontario County worked together on the issue, so costs/benefits can be shared equally, and resources can be allocated as needed. This is a good opportunity to work together to improve our future as a County!

15 Upcoming Trainings:

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Upcoming Training

- See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities

- *Ag. Training for Municipal Officials: Community Agritourism Webinar* - see flyer link below <https://www.ontariocountyny.gov/DocumentCenter/View/45410/Municipal-Ag-Tourism-Webinar-Flyer>
 - Wednesday, October 9, 2024 – 6:00 PM – 8:00 PM; (Remote)

- *Genesee Finger Lakes Regional Planning Council Fall Workshop* - see registration link below https://www.gflrpc.org/program_areas/local_government_assistance_and_training/local_government_workshops.php
 - Friday, October 25, 2024 – 8:30 AM – 4:30 PM; at Wayne-Finger Lakes BOCES, 437 Vienna St., Newark, NY

- *Cayuga County Planning Board Training Series* - see registration link below <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
 - Wednesday, November 13, 2024 - 7:00 PM – 9:00 PM; at Cayuga-Onondaga BOCES, 1879 Genesee Street Rd., Auburn, NY

SESSION: Short-Term Rentals and Grant Opportunities

- *Water Workshop for Municipal Planning & Zoning Board Members and Realtors presented by the Ontario County Soil and Water Conservation District* – see flyer link below
 - <https://www.ontariocountyny.gov/DocumentCenter/View/45686/Water-Workshop-November-21-2024>
 - Thursday, November 21, 2024 – 8:00 AM – 12:00 PM; at 480 N Main St., Canandaigua, NY

- *Hancock Estabrook Municipal Bootcamp* - see registration links below

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

1. Thursday, October 24, 2024 – 6:00 PM – 7:00 PM; (Remote)

SESSION 9: Short, But Not Too Short - how short-term rentals are changing the development and regulatory landscape

2. Thursday, December 19, 2024 – 6:00 PM – 7:00 PM; (Remote)

SESSION 10: Santa's and Nice and Naughty List – the best and worst of 2024

- *NYSDOS Local Government Training Schedule* <https://dos.ny.gov/training-assistance>

Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SERQ basics trainings (CERTIFICATE OF COMPLETION NOT PROVIDED)

- *NYSDOS On-Demand Training* https://dos.ny.gov/training-courses?f%5B0%5D=filter_term%3A2236

Use this link to access recorded webinars including Introductory courses on Planning and Zoning Boards. The courses are 1-2 hours each. You may choose to complete a final quiz on each topic. Print the quiz to provide documentation of course completion. You may need to disable your browser's pop-up blocker to access links in the training.

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

16 Adjournment:

Being no further business for discussion, Chair Passavant requested a motion to adjourn the 10/9/24 County Planning Board meeting. *Motion to adjourn made by Chris Mergler, Seconded by Terri*

Brown *Motion carried.* 10/9/24 CPB meeting adjourned at 09:23 PM.

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: I, (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)