

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday April 9th, 2024, at 3:30pm 20 Ontario St., Canandaigua

County Planning Board Meeting – April 10th, 2024 at 7:00pm 74 Ontario St., Canandaigua

Telephone: 585-396-4455

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

Referral Reviews and Board Action.....4
 Attendance and Minutes.....4
 General Procedures and Legal Obligations for Referring Agencies.....40

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
56-2024	Town of Richmond	Zoning Board of Appeals	Ian Boni, James Mattick	Use Variance – 2 / D	5
57-2024	Town of Richmond	Zoning Board of Appeals	Boyers, David	Area Variance - 1	6
58-2024	Town of West Bloomfield	Planning Board	People's Line, LLC	Subdivision - 1	7
59-2024	Town of Phelps	Town Board	Phelps, Town	Text Amendment – 2 / A	9
60-2024	Town of Canandaigua	Planning Board	Driskell, Melissa	Special Use Permit - AR 1	10
61-2024	Town of Canandaigua	Zoning Board of Appeals	Forte, Scott	Area Variance - Exempt	10
62-2024	Town of Canandaigua	Planning Board	Shreck, Karla	Special Use Permit - AR 1	11
63-2024	Town of Canandaigua	Zoning Board of Appeals	Johnson, Robert	Area Variance - 1	11
64-2024	Town of Canandaigua	Planning Board	Westbrook, Greg	Special Use Permit - 1	13
65-2024	Town of Canandaigua	Planning Board	Jones, Jonathan	Site Plan - Exempt	14
66.0-2024	Town of Canandaigua	Planning Board	Papa Jr., Joseph	Special Use Permit – AR1	15
66.1-2024	Town of Canandaigua	Planning Board	Papa Jr., Joseph	Site Plan - AR1	17
67-2024	Town of Canandaigua	Planning Board	Marks, Brennan	Subdivision - 1	17

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
68-2024	Town of Geneva	Town Board	Town of Geneva, Town Board	Text Amendment – 2 / A	17
69-2024	Town of Hopewell	Zoning Board of Appeals	Townline Machine	Area Variance - 1	18
70-2024	Town of Hopewell	Planning Board	Edwards, Keaton	Special Use Permit - 1	19
71-2024	Town of Geneva	Zoning Board of Appeals	Kelly, Nicholas	Area Variance - AR 2	20
72.0-2024	Town of Manchester	Planning Board	Tuccio, Timothy	Special Use Permit - 1	22
72.1-2024	Town of Manchester	Planning Board	Tuccio, Timothy	Site Plan - Exempt	23
73-2024	Town of Victor	Planning Board	Vossler Spousal Lifetime Access Trust	Subdivision - AR 1	23
74-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Text Amendment – 2 / A	25
75-2024	Town of West Bloomfield	Zoning Board of Appeals	Giehl, Debra	Area Variance - Exempt	26
76-2024	Town of Victor	Town Board	Town of Victor, Town Board	Text Amendment – 2 / A	26
77-2024	Town of Richmond	Planning Board	Duke, Debra	Subdivision - Exempt	27
78.0-2024	Town of Victor	Zoning Board of Appeals	Norbut Solar Farm, LLC	Area Variance – 1 (Late Referral)	28
78.1-2024	Town of Victor	Planning Board	Norbut Solar Farm, LLC	Special Use Permit – 1 (Late Referral)	32
78.2-2024	Town of Victor	Planning Board	Norbut Solar Farm, LLC	Site Plan – 1 (Late Referral)	32
79.0-2024	Town of Gorham	Planning Board	Schweigert, Paul	Site Plan – Exempt (Late Referral)	32
79.1-2024	Town of Gorham	Planning Board	Schweigert, Paul	Subdivision – Exempt (Late Referral)	33
80-2024	Town of Gorham	Zoning Board of Appeals	Bayer, Mark	Area Variance - AR 2	

<u>Referral No</u>	<u>Municipality</u>	Referring Board	Applicant	Application Type - Class	Pg. #
				(Late (Referral))	33
81-2024	Town of Victor	Planning Board	Rawson Community, LLC	Subdivision – 1 (Late Referral)	35
82-2024	Town of Richmond	Planning Board	Fitzgerald, Robert	Site Plan - 1	38

Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action Other Results: I =incomplete *=use not allowed.

Call To Order/Roll Call: Chair Passavant called the 4/10/24 CPB meeting to order at 7:02 and requested Mr. Ritts to do roll call. Mr. Ritts presented roll call and reported of the sixteen (16) voting members there were eleven (11) present and of the two (2) alternate member(s) there was one (1) present physically at 20 Ontario Street and, meeting the quorum requirement.

Guests: James Cretekos (BME Associates), Sean Donahue (Norbut Solar Farms), 1 additional guest (did not sign in) – 78.0-2024 (and 78.1-2024, 78.2-2024)

Minutes: Motion made by Kevin Stahl to approve the March 13, 2024 minutes, seconded by Roslyn Grammer (abstention by Bessie Tyrell). **Motion Carried.**

Due to technical difficulties, OCSWCD Comments were not received until after the 4/10/2024 Ontario County Planning Board Meeting. The Board acknowledged this and approved of the comments to be included in the minutes, despite not being available for the meeting.

	Member name in bold if on local legislative, planning, or zoning board	P-Present / V – Virtual / A – Absent / E – Excused Absence
Town of West Bloomfield	Ruth Cahn ZBA	P
City of Canandaigua	Doug Dello Stritto	P
Town of Seneca	Roslyn Grammer	P
Town of Canadice	Stephen Groet PB	P
Town of Gorham	Gabrielle Harris PB	A
Town of Geneva	Steven High	P
Town of Canandaigua	James Lagro	A
Town of Naples	Paul Lambiase PB	E
Town of Farmington	Ted Liddell	P
Town of Bristol	AJ Magnan ZBA	P
Town of Victor	Chris Mergler	P
City of Geneva	Paul Passavant	P
Town of South Bristol	Kevin Stahl PB	P
Town of Phelps	Nina Tilman PB	P till 9:05
Town of Richmond	Leonard Wildman PB	E
Town of Manchester	Tammy Worden	E
Town of East Bloomfield	Mike Woodruff PB	E
Town of Hopewell	Vacant	-----
Alternate Members:		
	Jack Dailey	A
	Bessie Tyrrell	P

56-2024	Town of Richmond	Zoning Board of Appeals	Ian Boni, James Mattick	Use Variance - 2
150.13-1-24.000	Use Variance Modification to allow for live music outside at an existing marina/brewery at 5226 East Lake Road in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/43052/56-2024-ZBA-App-Twisted-Rail-SUP-Mod>

<https://ontariocountyny.gov/DocumentCenter/View/43050/56-2024-Aerials-Twisted-Rail-SUP>

A similar referral for modification of use variance to allow live music outside was reviewed in as referral 196-2021 in October 2021, but apparently not acted on at the local level.

The bar restaurant use was originally established by use variance on 2/15/00. The use variance was amended on 12/22/04, 1/27/05 and 10/11/05. Collectively these amendments allowed the use to operate till 10 pm Sunday through Thursday and till 11 pm on Friday and Saturday, provide seating for 90 customers and 50 seats on the outdoor deck, to add 607 SF of indoor restaurant space with capacity increased to 146. Operating conditions associated with such amended use variance included capping the bar area at 820 SF in spite of the addition, providing 88 parking spaces and 12 boat slips, no bar amplified or live music on the outdoor deck, installation of fence and juniper screening to protect neighboring properties, and installation of speed bumps parking area.

In accordance with Town Law 267 B 2 an application for a use variance must meet all of the following:

- (a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.
- (b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
 - (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) that the alleged hardship has not been self-created.

(c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

CRC Comments

1. Application materials do not satisfy the use variance requirements outlined by Town Law Section 267 B2 and New York State Zoning Laws. Specifically, subsection 1 of code section 267B2 (above). Financial evidence, “dollar and cents proof,” demonstrating the applicant cannot realize a reasonable return is required to be submitted.
2. The local municipal body authorization is to grant the minimum variance to achieve a reasonable rate of return based on dollars and cents evidence.

Board Motion: To retain referral 56-2024 as class 2 and return it to the local board with recommendation for denial with comments. **Motion made by: Stephen Groet Secoded by Paul Passavant**

Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

57-2024	Town of Richmond	Zoning Board of Appeals	Boyers, David	Area Variance - 1
135.20-1-13.112	Area variance for a 0 ft. front setback (when 60 ft. is required) to construct four (4) additional storage units on the south side of the existing storage building at 4801 Briarcliff Square, north of the SR20A/CR36 intersection, in the Town of Richmond.			

https://ontariocountyny.gov/DocumentCenter/View/43246/57-2024_13520-1-13112_Topography-and-Aerial-Photo-Map

https://ontariocountyny.gov/DocumentCenter/View/43247/57-2024_13520-1-13112_Wetlands-and-Flood-Zones-Map

<https://ontariocountyny.gov/DocumentCenter/View/43053/57-2024-Survey-Briarcliff-Storage>

<https://ontariocountyny.gov/DocumentCenter/View/43054/57-2024-ZBA-App-Briarcliff-Storage>

According to OnCor, the existing 3,941 SF building is built close to or on the eastern (front setback) property line and less than 10’ from the northern property line of the 1.22-acre lot. While no site plan is provided with the area variance, it seems that the applicant wants to add space to the south side of an existing building with a 0’ (front) setback in the E Business district.

Also, according to OnCor, most of the existing building, but not the area to the south of the building is in the existing 100-year floodplain. The preliminary updated floodplain shows

buildings on both sides of the privately owned Briarcliff Square outside the 100-year floodplain.

Comments

1. Will there still be 12-20' for access to the rear of the parcel/building following the building addition?
2. What is the square footage of the addition?
3. Does the property have a formal parking easement and parking area maintenance agreement or other arrangement for offsite parking?

CRC Comments

1. What is the proposed southern (side setback) for the addition? Sketch does not identify. Will it require an area variance (less than 5 ft setback)?
2. Should this be considered a variance for development in the floodplain?
3. Are there more details on the project? Has there been a flood mitigation study done?
4. Is there a site plan? Plans stamped by a professional engineer should be required when building within the flood zone. Stamped engineer plans that are edited/modified with pen is not a substitute for a site plan, and it is a violation of New York State Education Law.
5. The Town ZBA should carefully consider the requirements outlined in Town Code Chapter 120 Flood Damage prevention. Specifically 120-17 regarding variances.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Chris Mergler**
Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

58-2024	Town of West Bloomfield	Planning Board	People's Line, LLC	Subdivision - 1
50.00-1-62.111	Subdivision of a 107.8-acre parcel into three parcels (Lot 1: 100.11-acres, Lot 2: 5.72-acres, Lot 3: 2.00-acres) at 2198 SR65, between Olmstead Rd. and the Honeoye Creek / Livingston County municipal boundary, in the Town of West Bloomfield.			

<https://ontariocountyny.gov/DocumentCenter/View/43248/58-2024-Aerials-Peoples-Line-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43059/58-2024-Subdiv-Plat-Peoples-Line-Subdiv>

According to OnCor, the property is in Ontario County Agricultural District # 1. The existing field is adjacent to 4 front lots. The property has a 13,280 SF barn and three accessory buildings with 2,688 SF, 1,800 SF, and 1,008 SF. OnCor also shows extensive outdoor storage.

The Genesee River along the western property line and a stream that crosses the southwest corner of the agricultural field have steep slope and floodplain areas. The remainder of the site has minimal (0-3 percent) or moderate (4-9 percent) slope. Overall site soil characteristics are as follows:

Schoharie silt loam 0-3 % slope 40 percent 22 acres

Prime Farmland

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

Odessa silt loam 0-3 % slope 21 percent 7 acres

Prime farmland if drained

Permeability: moderately low **Erodibility:** very high
Hydrological C/D **Partially Hydric**

Schoharie silty clay loam 25-40% slope 18 percent 19 acres

Not Prime Farmland

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

Comment

1. Is the lot currently used for permitted or allowed with special permit use? Commercial use with outdoor storage authorized by use variance? Pre-existing, nonconforming commercial use with outdoor storage?
2. The applicant should consider planting vegetation to screen the new house lot from the continuing agricultural and/or commercial use.
3. What is the intended use of the barn parcel? The location of the access point along a curve of SR 65 may impact potential for use other than for storage of agricultural equipment and/or products.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

59-2024	Town of Phelps	Town Board	Phelps, Town	Text Amendment - 2
n/a	Local law amending the Town of Phelps Zoning Ordinance to add “Planned Development Groups” as a specially permitted use in the R-AG (Agricultural-Residential), C-1 (Commercial), and C-2 (Neighborhood Commercial), and M-1 (Industrial) Zoning Districts.			

<https://ontariocountyny.gov/DocumentCenter/View/43060/59-2024-LL-T-Phelps-Text-Ammendment>

For R-AG (Agricultural Residential): Planned Development Groups are a specially permitted use, excluding properties within Ontario County Agricultural District 1.

Comment

1. Site plan review standards of 115-2 are similar to the planned development group standards of 145-18. The referring body should clarify whether planned development groups require site plan review by the Planning Board and therefore whether these standards are necessary or whether new standards focused on whether a special use permit should be issued by the Zoning Board of Appeals in accordance with the Town and NYS authorized special use criteria.
2. Referring body may want to clarify whether 115-6 regarding requirement for a stamped plan should be amended to include not only commercial and/or industrial proposal, but also planned development group proposals involving only residential uses.
3. The referring body may want to amend the standards of 115-6 and 145-18 to ensure Planning Board and Zoning Board of Appeals consideration of pedestrian and bicycle circulation.
4. Section 145 includes standards related to uses allowed by special permit, standards related to placement of mobile home on individual lots (which do not require a special permit, and standards for junkyards which require a license not a special permit. The referring body may want to amend this section and/or its title to effectively guide code users.
5. It could be confusing that allowable use lists are included on the Schedule of Regulations for R-AG, R-1 and C-1 and M-1 districts and in Section 145-8 for the NC Neighborhood Commercial District, Mining Overlay, and Major Thoroughfare Overlay. It may be useful to code users to list all districts in both locations and to cross reference where to find allowable uses and additional standards and regulations. In addition, the NC district seems to have no lot size, yard, height, or lot coverage/building coverage standards nor guiding language.

Board Motion: To retain referral 59-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammer**

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

60-2024	Town of Canandaigua	Planning Board	Driskell, Melissa	Special Use Permit - AR 1
98.00-1- 46.100	Special Use Permit for the installation of a two (2) building mounted commercial speech signs (84.9 SF and 64.1 SF) for TJ Maxx, with a frontage of 161.5 ft., at the Widewaters Roseland Center (3225 SR364) in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43249/60-2024-Aerial-TJ-MAX-Sign>
<https://ontariocountyny.gov/DocumentCenter/View/43061/60-2024-Plans-TJ-MAX-Sign>

Policy AR-7B: Signage complying with local limits on size and number

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified Route 5 & 20 as a primary travel corridor for tourists visiting Ontario County.

The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Final Classification: Class 1

Findings

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

Final Recommendation: The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

61-2024	Town of Canandaigua	Zoning Board of Appeals	Forte, Scott	Area Variance - Exempt
127.05-1- 1.100	Area Variance to install a 24 kWh generator within 1 ft of the side property line when a minimum of 8 ft. is required, at 4056 CR16 in the Town of Canandaigua.			

62-2024	Town of Canandaigua	Planning Board	Shreck, Karla	Special Use Permit - AR 1
56.00-1-57.000	Special Use Permit for the installation of a 70 SF building-mounted commercial speech sign (on a building with 70 linear ft. of frontage) at 2121 SR332, just south of Yerkes Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43250/62-2024-Aerial-FLX-Marine-Sign>
<https://ontariocountyny.gov/DocumentCenter/View/43069/62-2024-Image-FLX-Marine-Sign>

Policy AR-7B: Signage complying with local limits on size and number

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified Router 5 & 20 as a primary travel corridor for tourists visiting Ontario County.

The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

Final Classification: Class 1

Findings

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

Final Recommendation: The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

63-2024	Town of Canandaigua	Zoning Board of Appeals	Johnson, Robert	Area Variance - 1
154.00-1-45.100	Area Variance(s) for the construction of a proposed 1,345 SF detached private garage at 5151 CR16, at the intersection of Coye Rd. and CR16, in the Town of Canandaigua. Area variances are for (1): the installation of a bathroom making the detached garage a “habitable space”, (2): an area of 1,345 SF when a no more than 900 SF is allowed, and (3) a front setback of 35’ when a minimum of 60 ft. is required.			

<https://ontariocountyny.gov/DocumentCenter/View/43251/63-2024-Aerial-German-Garage>
<https://ontariocountyny.gov/DocumentCenter/View/43073/63-2024-Plans-German-Garage>
<https://ontariocountyny.gov/DocumentCenter/View/43071/63-2024-Garage-Location-German-Garage>

Subject 54.5-acre parcel (divided by CR16) currently has four (4) accessory structures totaling 8,598 SF. The four accessory structures are agricultural and are not subject to square-foot (SF) limitations. A fifth accessory structure is permissible in the RR-3 (rural residential) zoning district. Plans indicate garage will have 3 car bays, space for storage (on both levels), and a bathroom.

Submitted sketch indicates the barn will be located on the same side of CR16 as the existing home. Proposed garage will be 68 ft. west of the house (and 35' from the right-of-way). Height of the garage will be 25 ft. The neighbor who owns the adjacent parcel to the west, (5161 CR16) submitted a letter stating that they "had no issue" with the proposed barn.

Proposed work is in area of gentle to no slope (0-9% gradient), sloping downhill from west to east. Location of garage is to be in Lansing Silt Loam soil: not hydric, moderately high permeability, high erodibility, is considered farmland of statewide importance, and is in hydrologic soil group B. Surrounding land uses are residential or vacant.

Comments

1. Will the garage have electricity? Outdoor lighting?
2. Will water/septic be connected from house?
3. Is there any proposed landscaping?
4. Applicant should consider ways to mitigate stormwater runoff (ex: rain garden, vegetated swale) from increased impervious surfaces.

CRC Comment

1. Referring board should discuss with the applicant / make clear that the detached garage cannot be used as a short-term rental without meeting NYS building code requirements for habitable space and NYS energy code.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler

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

64-2024	Town of Canandaigua	Planning Board	Westbrook, Greg	Special Use Permit - 1
70.00-1-80.200	Special Use Permit for a “boat and boat trailer storage area” to store up to 150 boat trailers and 25 boats (w/ trailer attached) in the I (Industrial) zoning district, on a parcel on the north side of North St., at the northwest corner of the Town/City of Canandaigua municipal boundary, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43252/64-2024-Aerial-Boat-Storage-German-Bros>

<https://ontariocountyny.gov/DocumentCenter/View/43077/64-2024-Statement-of-Operations-Boat-Storage-German-Bros>

<https://ontariocountyny.gov/DocumentCenter/View/43075/64-2024-Plans-Boat-Storage-German-Bros>

The Industrially zoned lot is 12 acres. The proposed seasonal trailer storage area is 48,000 SF. The proposed year-round trailered boat storage area is 11,000 SF.

The storage area will be 100’ from the road ROW, further than required by the 75’ front setback. The proposed trailer and boat/trailer storage area extends all the way to the east property boundary in spite of the 25’ side setback requirement. It appears the applicant intends to use an existing 16’ former field access point.

According to Onkor, 1/3 of the storage areas and nearly the entire property is preliminarily mapped as in the 100-year floodplain.

The lot frontage has a 40’ trail easement. There is also a drainage easement across the rear of the site.

Comments

1. What is the surface area of the boat/trailer and trailer only storage area? Where will boats be winterized/fluids drained?
2. How often will the 25 boats on trailers be moved from the North Road storage area to the German Brothers boat launch at 3907 CR 16
3. How will the allowable storage extent be marked on the site?
4. Is any screening vegetation proposed?

CRC Comments

1. It should be ensured that the proper distance is maintained between existing access drive and nearby intersections (N Bloomfield Rd., Outhouse Rd.) for safe entrance/exit of boat trailers.
2. Will the access drive be extended further into the property? If so, will it be gravel? Asphalt?

CPB Comments

1. Undevelopable land should be removed from any open space calculation.
2. What is proposed lot coverage? Does the area of use exceed allowable lot coverage requirements outside of the floodplain area?
3. How much disturbance is occurring in the floodplain? Proper soil/sediment erosion measures should be taken during construction.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

65-2024	Town of Canandaigua	Planning Board	Jones, Jonathan	Site Plan - Exempt
113.17-1-2.000	Site Plan for the tear-down and re-build of a 288 SF shed (attached to existing single-family residence) at 3963 CR16, south of German Brothers marina, in the Town of Canandaigua.			

OCDPW Comments

1. The Applicant is required to obtain a highway work permit for any proposed work within the County highway right-of-way ("Stairs to be Removed and Replaced in Kind" & Construction crew occupying/parking within ROW through the duration of the construction) and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. In addition, Applicant's contractors will also be required to provide insurance certificates listing "County of Ontario, 20 Ontario Street, Canandaigua, NY 14424" as the certificate holder/additionally insured prior to the issuance of the permit, this includes: NYS Disability and PFL Coverage*, Workers Compensation Coverage*, Certificate of Liability Insurance (Usually on the ACORD from).

*The Disability/PFL and Workers Compensation certificates have to be on their own forms and cannot be accepted on the ACORD form with the liability document.

66.0-2024	Town of Canandaigua	Planning Board	Papa Jr., Joseph	Special Use Permit – AR1
97.00-1-8.120	Special Use Permit and Site Plan for the installation of a new co-located communication facility at an existing 235’ guyed tower at 5416 Bliss Rd in the Town of Canandaigua. Improvements include the installation of: nine (9) antennas, one (1) microwave antenna, six (6) remote radio units, and two (2) MW ODU radios, two (2) electronic cabinets and one (1) diesel generator on concrete pads, an expansion to the fence area (to match height/type of existing), and associated improvements.			

<https://ontariocountyny.gov/DocumentCenter/View/43253/660-2024-and-661-Aerial-T-Mobile-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/43090/660-2024-and-661-Site-Plan-T-Mobile-Tower>

Communication facility will have buried utility conduits and cables connecting to public utilities. Fence expansion to be 240 SF. 0.01-acres are to be disturbed on this 2-acre parcel. Surrounding land use is predominantly agricultural with one residential parcel to the west. All surrounding parcels are in Ontario County Agricultural District 1. Town of Canandaigua zoning code section 220-60(1)(a) states, “where co-location antennas exist, the period of approval for the co-located antenna shall be five years or the authorized franchise period remaining on the permit from the Federal Communications Commission”.

Policy AR-8: Co-location of telecommunication equipment and accessory structures on existing towers and sites.

Co-location of telecommunication equipment and accessory structures on existing towers and sites have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Proposals for specially permitted uses are not covered under this policy. Applications for new towers or increasing the height of an existing tower will require full Board review.

Final classification shall be Class 1

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on and existing tower and sites. 2. It does not include a proposal for a new tower or increasing the height of an existing tower 3. The above-described application present little potential for countywide or intermunicipal impact.
2. It does not include a proposal for a new tower or increasing the height of an existing tower
3. The above-described application present little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites (Class 1).

Comments from individual members and staff shall be so designated and sent to the referring agency.

Comment

1. How tall is the existing/proposed fence?
2. Has the applicant submitted structural analyses documenting the ability of the tower to support the proposed equipment?

66.1-2024	Town of Canandaigua	Planning Board	Papa Jr., Joseph	Site Plan - AR1
97.00-1-8.120	Special Use Permit and Site Plan for the installation of a new co-located communication facility at an existing 235' guyed tower at 5416 Bliss Rd in the Town of Canandaigua. Improvements include the installation of: nine (9) antennas, one (1) microwave antenna, six (6) remote radio units, and two (2) MW ODU radios, two (2) electronic cabinets and one (1) diesel generator on concrete pads, an expansion to the fence area (to match height/type of existing), and associated improvements.			

See 66.0-2024

67-2024	Town of Canandaigua	Planning Board	Marks, Brennan	Subdivision - 1
70.00-1-2.111	Subdivision of 29.1-acres of vacant land into seven (7) lots: Lots 1,2,3 - 0.86-acres (each), Lot 4 – 1.57-acres, Lot 5 – 1.07-acres, Lot 6 – 1.08-acres, and Lot 7 – 22.6-acres. Subject Parcel is on the southeast corner of Thomas Rd. and Brickyard Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43098/67-2024-Subdiv-Plat-Dekouski-Subdiv>

The subdivision condition in question seems to require a SWPPP for the entire 7 lots even though the lots are expected to be developed independently and might not involve 1 or more acres of disturbance at any one time.

According to OnCor the existing parcel drains to Black Brook.

Comments

1. The referring body, in considering the appropriateness of removing the condition, should consider why the condition was added, the likelihood that 1 or more acres of disturbance will occur at the same time, and the potential for site erosion to impacts receiving waters.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Chris Mergler**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

68-2024	Town of Geneva	Town Board	Town of Geneva, Town Board	Text Amendment - 2
133.00-1-20.100; 133.00-1-20.200; 133.00-1-20.300	Local Law to amend a previously approved planned unit development (PUD) district by rezoning a recently subdivided 120.6-acre parcel to AG Agricultural District, and to amend the conditions of the PUD relative to the remaining parcels in the PUD. Three (3) subject parcels are located at what was previously a single parcel (226 Turk Rd.), at the intersection of Turk Rd and SR14, in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/43254/68-2024-Aerials-T-Geneva-PUD-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/43101/68-2024-Tax-Map-T-Geneva-PUD-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/43099/68-2024-LL-T-Geneva-PUD-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/43306/68-2024-LL-3-2019-T-Geneva-PUD-Text-Amendment>

Local Law 3 of 2019 approved the rezoning of Tax Map # 133.00-1-20.000, containing a total of 151.4-acres of land (including the Turk Rd. right-of-way), to a PUD Planned Unit Development subject to conditions. Subsequent to Local Law 3 of 2019 taking effect, the Town of Geneva Planning Board approved the subdivision of Tax map # 133.00-1-20.000 into three (3) separate parcels, which are now designated as Tax Map #'s 133.00-1-20.100, 133.00-1-20.200, and 133.00-1-20.300. See [tax map](#) for newly subdivided parcel locations not yet shown on Oncor (also linked above). The Town Board now amends Local Law 3 of 2019 as follows:

1. The Official Zoning Map of the Town of Geneva is amended by changing the zoning district classification of Tax Map # 133.00-1-20.300 (120.6-acre parcel, south of Turk Rd.) from PUD Planned Unit Development to AG Agricultural District.

2. The conditions of the PUD approval set forth in [Local Law 3 of 2019](#) will no longer be in effect for 133.00-1-20.300.
3. The conditions of PUD approval set forth in Local Law 3 of 2019 shall continue to be binding on Tax Map #'s 133.00-1-20.100 and 133.00-1-20.200, except that condition numbered 4, 9, 10, 11, and 15 are declared null and void and shall be of no further effect on either parcel.

Parcel was previously referred to the Ontario County Planning Board in November 2023, for the subdivision mentioned above. Concept Plans in November 2023 indicated the parcel being amended to AG (TM # 133.00-1-20.300) was to contain 120 townhome units, a commercial space, a 9-hole golf course, a winery, and a clubhouse.

Board Motion: To retain referral 68-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by:** AJ Magnan **Seconded by:** Steve High
Vote: 11 in favor, 0 opposed, 0 abstentions by. **Motion Carried**

69-2024	Town of Hopewell	Zoning Board of Appeals	Townline Machine	Area Variance - 1
59.00-1-24.000	Area variance to allow 48.6 percent building expansion (4,200 SF) to a pre-existing non-conforming use when only 30 percent is allowed. Subject 72.8-acre parcel is located at 3151 Hopewell Manchester Townline Road, in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/43255/69-2024-Aerials-Townline-Machine-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/43105/69-2024-ZBA-App-Townline-Machine-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/43103/69-2024-Plans-Townline-Machine-Addition>

The 72-acre property is in the Agricultural zoning district. In 1979 the property receives a use variance for initial development of the machine shop. The Machine Shop was expanded in 1984, and 2015. The property is currently developed with a house, garage, and 3 pole barns encompassing 8,768 SF.

According to OnCor, the majority of the site is in agricultural use.

Comments

1. Locating access to the new parking area to the west of the applicant's house would add a connection point along this stretch of road, but lessen the impact to the intervening home at 3143 Hopewell Manchester Townline Road, the referring body

may want to confer with the applicant regarding whether access to the new parking could be altered and/or whether the existing business access could be removed.

OCSWCD Comment

1. The construction sequence and erosion and sediment control notes appear to cover everything as far as sediment management during construction. The recommendation to seed disturbed soil within 3 days is even above and beyond what is required under the permit. My only recommendation would be some type of bioswale to direct the roof water and parking lot runoff to. It is not specified if the parking will be paved or stone. Stone will obviously allow for some infiltration where paved will not.

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

70-2024 99.00-2- 13.000	Town of Hopewell	Planning Board	Edwards, Keaton	Special Use Permit - 1
	Special use permit for motor vehicle repair station with outdoor display of truck accessories at 3455 Gehan Rd., on the corner of Gehan Rd. and SR5&20, in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/43256/70-2024-Aerial-Motor-Vehicle-Repair>

<https://ontariocountyny.gov/DocumentCenter/View/43109/70-2024-Survey-Motor-Vehicle-Repair>

In 2018 the property was granted 3 area variances to allow office use on a 14,000 SF lot when 66,000 was required, to allow 77 percent lot coverage when 75 percent was allowed, to have a 20' principle use side setback when 30' was required, and to have a 7' accessory structure side setback when 15' was required for accessory structures greater than 144 SF.

Motor Vehicle repair use is allowed by special use permit in the C-2 Low Intensity Commercial District. The intent of the C-2 district is to accommodate professional retail, and services businesses in buildings less than 15,000 SF while reflecting the rural agricultural character of the surrounding area with regard to building orientation and style. Adjacent uses include the NYS Steam Engineer Association to the east, the former building owner's home to the north, 2 single family homes on 1.5 and 3 acre lots across Gehan Road to the west, and a fuel store/distributor across SR 5/US 20 to the south.

Comments

1. Will outdoor display be screened from adjacent residential uses or the public road?
2. Where will the outdoor display occur?

3. Stamped engineer plans that are edited/marked with pen is not a substitute for a site plan, and it is a violation of New York State Education Law. The applicant should provide a scaled map or aerial markup indicating proposed area of outdoor display and any proposed screening.

CPB Comments

1. Applicant should specify what type of equipment, referred to as “outdoor accessories,” is being displayed/sold.
2. Applicant should also make clear if the equipment being displayed/sold is new or used.
3. Where will the accessories be displayed? On the ground? There is potential for environmental contamination if equipment is not properly stored. Proper containment and disposal of fluids needs to be taken.
4. Are the accessories being displayed operable? Are they in the process of being repaired?

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

71-2024	Town of Geneva	Zoning Board of Appeals	Kelly, Nicholas	Area Variance - AR 2
133.12-1-8.000	Area Variance to tear-down/rebuild a shed with a rear setback less than the allowed minimum rear yard setback of 25', at 4209 Glass Factory Rd. in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/43257/71-2024-Aerial-Kelly-Boathouse-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/43111/71-2024-Sketches-Kelly-Boathouse-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/43112/71-2024-Variance-Questions-Kelly-Boathouse-Variance>

Existing lakeside setback is roughly 10 ft. Applicant wants to expand footprint from 15’x26’ to 15’x52’ on the northern side of the building.

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

Part B Development of Lakefront Parcels.

- B. The following applies to all development on parcels with lake frontage that require;
 - variances pertaining to lot coverage or,

- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comment

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

72.0-2024	Town of Manchester	Planning Board	Tuccio, Timothy	Special Use Permit - 1
20.00-1-44.200	Special Use Permit and Site Plan for a new 432 SF pre-manufactured shed, extension of the driveway (w/ two parking spaces), and to remodel an existing barn to be used as a dog kennel and boarding facility, at 967 SR21 in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/43258/720-2024-and-721-Aerial-Tuccio-Kennel>

<https://ontariocountyny.gov/DocumentCenter/View/43116/720-2024-and-721-Sketch-Tuccio-Kennel>

<https://ontariocountyny.gov/DocumentCenter/View/43115/720-2024-and-721-SEAF-Tuccio-Kennel>

Existing Barn and proposed shed are located north of the home, in an existing horse pasture. Subject parcel is 11.8-acres. Proposed shed backs up to the southern side of an existing 288 SF barn, and is within the existing fenced-in outdoor play area. Concrete slabs (size TBD) will be placed on the north and east perimeter of the shed. Surrounding trees along the road and to the north are to remain as a sound and visual buffer. There is a proposed gravel drive and two-car parking area coming off existing driveway. Disturbance is to be 0.5-acres. Area of proposed work in gentle to no slope (0-9% gradient). Soil is Palmyra Cobbly Loam: not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.

Applicant mentions there will be no additional wastewater. There is no bathroom in the shed and it does not connect to wastewater utilities. Short Environmental Assessment form indicates the proposed action will connect to an existing public/private water supply. Applicant mentioned that only water used for this use will be drinking water for dogs. Subject parcel and surrounding parcels are in Ontario County Agricultural District #1. A national wetland lies in the center of the property. Surrounding land uses vary: residential, vacant, commercial, and industrial.

Comments

1. Does the barn and pasture still contain horses?
2. How many dogs will be housed at a time?
3. Will there be employees?
4. Will the shed have a water connection? Electricity?
5. What provisions are made for disposal of animal waste?

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Chris Mergler
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

72.1-2024	Town of Manchester	Planning Board	Tuccio, Timothy	Site Plan - Exempt
20.00-1-44.200	Special Use Permit and Site Plan for a new 432 SF pre-manufactured shed, extension of the driveway (w/ two parking spaces), and to remodel an existing barn to be used as a dog kennel and boarding facility, at 967 SR21 in the Town of Manchester.			

73-2024	Town of Victor	Planning Board	Vossler Spousal Lifetime Access Trust	Subdivision - AR 1
7.00-1-13.100	Subdivision of an existing 57.6-acre parcel into three (3) parcels at 127 Blazey Rd., along the Monroe County / T. Victor municipal boundary, in the Town of Victor. Lot 1 (containing existing single-family home) is to be 11.4-acres, Lot 2 10.1-acres, and Lot 3 36.1-acres.			

<https://ontariocountyny.gov/DocumentCenter/View/43259/73-2024-Aerials-Vossler-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43122/73-2024-Subdiv-Plan-Vossler-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43123/73-2024-Submittal-Letter-Vossler-Subdiv>

The property is zoned Residential 2 and is in residential overlay A. The residential A overlay allow an overall density of .33 units per acre in the R-2 district. The stream/wetland area on Lot 2 is approximately 400’ from the road. The applicant has applied for a permit from NYS DEC to install a stream culvert and construction a driveway over the stream and through the federal wetland to access the proposed homesite.

According to OnCor there are two bands of 16 to 30 percent slope to the rear of the home on lot 1 and along the rear property line of lots 1 and 2.

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

The intent of this policy is to:

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

Final Classification: Class 1

Findings

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family

residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.

2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of onsite 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.

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. The referring agency is encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
3. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
5. Does lot 3 meet minimum frontage requirements?
6. The Lot 2 driveway stream culvert should be sized to ensure unimpeded stream flow of the type extreme precipitation event likely to occur in the future. See the interactive extreme projections at the following link. <https://precip.eas.cornell.edu/#/>

74-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Text Amendment - 2
n/a	Local Law to revise Town of Canandaigua Town Code, removing the existing chapter 220-9.1 (Short-term Rentals) and replacing it with Chapter 201 (Short-term Rentals).			

<https://ontariocountyny.gov/DocumentCenter/View/43127/74-2024-Memo-T-Canandaigua-STR-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/43125/74-2024-Draft-LL-T-Canandaigua-STR-Text-Amendment>

Proposed amendments to the Short-Term Rental (STR) Law, adopted in May 2023, are as follows:

- Addition of a purpose statement
- The removal of the definitions section. Town code already defines relevant terms and specific phrasing for STRs
- Removal of STR from Chapter 220 Zoning to create a stand-alone STR Chapter 201
- Clarification of application requirements into one section
- Removal of maximum occupancy of a bedroom (2 people). Instead, the NYS uniform code requirements for maximum occupancy based on bedroom size will be used. This allows for homes with large bedrooms to have an allowed occupancy based on bedroom size/safety rather than a fixed number
- Additional requirement that the local contact for the STR is physically close enough to the STR to respond in a timely manner
- Additional requirement that any STR with an allowed maximum occupancy of 16 or greater is required to obtain a special use permit from the Planning Board prior to issuance of a STR permit
- Addition of note that no events are allowed
- Addition of a daytime guest allowance. Allows for a maximum guest allowance of no greater than twice the permitted maximum occupancy
- Safety requirements updated to be in compliance with NYS uniform code
- STR permit term changed from three (3) years to one (1) year
- Additional requirement for parking spaces to be on hard durable spaces (not grass/landscaping)
- Addition of note that STR rental permits are not transferrable
- Addition of subsection outlining penalties for violations of the new chapter
- Addition of note that existing valid permits in effect at the time of adoption of this new law will remain valid until their expiration date.

CRC Comment

1. In terms of the daytime guest allowance. It should be identified by a specific time period (hours), “daytime” is too vague.
- CPB Comments**
1. The Board commends the Town of Canandaigua for their revisions and for moving Short-Term Rental regulations out the Zoning Code and into Town Code.

Board Motion: To retain referral 74-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Nina Tillman**
Vote: 11 in favor, 0 opposed, 0 abstentions by. Motion Carried

75-2024	Town of West Bloomfield	Zoning Board of Appeals	Giehl, Debra	Area Variance - Exempt
50.02-1-30.000	Area Variance to construct a 6' high fence that extends into the front yard when no fence or wall over 3' in height shall extend into the front yard. Subject Parcel is located at 9626 Martin Rd., along the east side of the Honeoye Creek / Livingston County municipal boundary, in the Town of West Bloomfield.			

76-2024	Town of Victor	Town Board	Town of Victor, Town Board	Text Amendment - 2
n/a	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.			

<https://ontariocountyny.gov/DocumentCenter/View/43133/76-2024-Resolution-T-Victor-Solar-Moratorium>
<https://ontariocountyny.gov/DocumentCenter/View/43132/76-2024-LL-T-Victor-Solar-Moratorium>

The purpose of this local law is to protect the public health, safety, and welfare of the residents of the Town of Victor and to maintain the status quo as to large scale solar energy systems while the Town of Victor Town Board re-examines and proposes to make specific changes to its existing regulations.

The moratorium will stop the processing of applications for, and the issuance of any permits and approvals for large-scale solar energy systems to allow time for such careful consideration. This halts local review of previously received applications.

The term “Large Scale Solar Energy System” shall mean any ground-mounted solar photovoltaic system that has a system capacity greater than 25 kilowatts (kW) but less than

25 megawatts (25 mW = 25,000 kW), and/or generates more than 110% of kilowatt-hours (kWh) of electricity consumed over the previous twelve-month period by land use(s) existing on the lot or parcel of land where the system is located.

The resolution does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use, or municipal buildings, or existing panels mounted on commercial or industrial buildings. The definition also excludes solar photovoltaic systems subject to Executive Law Section 94C review pursuant to the Accelerated Energy Grown and Community Benefit Act.

CRC Comment

1. Is a six-month moratorium enough time to review / make changes? Town Board may want to consider extending moratorium if necessary.

CPB Comment

1. Town Board should consider reviewing NYSERDA model law and adopting code on on-site energy (battery) storage for Town use, given recent referrals will have on-site energy storage.

Board Motion: To retain referral 76-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammer**

Vote: 11 in favor, 0 opposed, 0 abstentions by. Motion Carried

77-2024	Town of Richmond	Planning Board	Duke, Debra	Subdivision - Exempt
148.00-1-52.112; 148.00-1-64.100	Subdivision of 4.9-acres from 5333 Canadice Lake Rd. to 5323 Canadice Lake Rd., just east of the T. Richmond / Livingston County municipal boundary, in the Town of Richmond.			

78.0-2024	Town of Victor	Zoning Board of Appeals	Norbut Solar Farm, LLC	Area Variance – 1 (Late Referral)
40.00-1-27.120	Area Variance (for a solar panel height of 16.5 ft. when 12 ft. is the maximum allowed), Special Use Permit, and Site Plan for the construction of a 10 MWAC solar energy facility consisting of two solar field sites (with associated improvements) located on a currently vacant 88.8-acre parcel. Project is located to the west of the T. Victor / T. Farmington municipal boundary, on the south-side of CR41, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/43260/780-2024-781-and-782-Aerial-Norbut-Solar-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/43273/780-2024-781-and-782-Site-Plans-Norbut-Solar-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/43269/780-2024-781-and-782-Landscaping-Plan-Norbut-Solar-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/43265/780-2024-781-and-782-Decomissioning-Plan-Norbut-Solar-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/43263/780-2024-781-and-782--Full-Plans-Norbut-Solar-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/43275/780-2024-781-and-782-Test-Questions-Norbut-Solar-SUP>

In addition to the solar panels, improvements include: re-surfacing the 20 ft wide gravel access drive as pavement and extending it into the site (includes turnaround areas, installing 8 ft. high perimeter fencing, concrete pads for supporting electrical equipment (inverters, transformers, etc.) and storm water management features.

Project will be connected to the New York State electrical grid. Project consists of the development of approximately 88.5-acres of presently active agricultural fields and forested land located to the south of CR41 within the Town’s R-2 (Residential) zoning district. 29,736 panels are to be installed, creating a coverage of 23.9%. Approximately 18.3-acres are to be disturbed. Area variance was requested (of solar panel height of 16.5 ft. when the maximum permitted is 12 ft.) in order to maximize energy output while minimizing land disturbance/coverage.

Slope of the parcel where disturbance occurs is gentle to none (0-9%). A federal wetland runs through the center of the parcel. Some trees are to be cleared within existing wetland limits and western portion of the parcel (stump to remain) to make room for panels. All other trees/vegetation along the perimeter are to remain. Surrounding land uses are agricultural, vacant, or residential. According to the FEAF, 84 of the 88-acre site is highly productive agricultural soils. Site and surrounding parcels are within Ontario County Agricultural District #1.

According to the FEAF, the solar facility will involve 1.79 acres of impervious areas within the 46 acres fenced area. The site modifications will remove 8.75 acres of the 27.87 acres of forest, leaving 19 acres of woods, largely on the western leg of the site, in place. The access road will cross the federal wetland.

Noise may be generated by construction vehicles during identified typical construction hours on weekdays. Permanent equipment will generate noise but not above ambient levels outside the property. A viewshed analysis was commissioned to identify areas within a one-mile radius where the solar array would potentially be visible. Much of the area of visibility is within open agricultural fields. However, residential properties along CR41, E Victor Rd., Mertensia Rd., (to the north), New Michigan Rd., Canandaigua Farmington Townline Rd. (to the east), and Brace Rd. (to the west) would have some visibility. These roads and additional side streets may have limited views of the project. It is expected that the partial views would occur in these roadway sections and that they would be transient and of short duration to travelers. Additionally, portions of Victor Hills Golf Club to the northwest and Beaver Creek Park to the east would have some visibility. Mertensia Park and Auburn Trail to the north would have minimal visibility. Tree cover on the property will provide some screening to residents along sections of CR41 and E Victor Rd. (to the north), and drivers. The glare analysis determined that glare is not predicted for pilots and surrounding airports (Canandaigua, Creekside, Fort Hill, New Salem Aerodome, and Lakestone Farm). Glare is not predicted for any roads/residences that are able to view the panels.

Stormwater management was designed to maintain existing drainage patterns to downstream areas (Mud Creek and Fish Creek). Water runoff on the northern (entrance) section of the parcel will be directed to an existing culvert under CR41. Center of the parcel (portion of access drive, and majority of solar field) either flows to the SWMF, or to the drainage swale within the Blumont Creek Subdivision to the east. The proposed vegetative swale (at the northern section of the parcel) can store a 2.19"/hour intensity storm at an 83-minute duration (5,000 gallons total) before overflowing. Vegetative swale will contain shrubs and 27 trees (8-10 ft. in height). The rear/western portion (small portion of solar panels, fields, wooded/brush area) of the parcel drains to the north (off-site), to an existing agricultural field and eventually Fish Creek. The southern-most portion of the parcel (some solar panels, a wooded hedgerow) drains south.

Decommissioning Plan mentions that the solar field is designed for a minimum expected operational life of 25 years but may operate for 40 years or more. At the start of the physical construction of the project following the issuance of a building permit from the Town, funds will be reserved by the project owner for decommissioning and site restoration in the form of a decommissioning bond. The bond will be for an amount equal to 100% of the projected cost of decommissioning set forth in both the decommissioning plan and estimate. The decommissioning bond will remain in place for as long as the project remains in commercial operation, provided, however, to the extent available as liquid funds, the decommissioning bond may be used to offset the costs of the decommissioning. Decommissioning activities

include: the removal of electrical components, racks, and rack wiring; PV module dismantling and panel removal; breakup and remove concrete pads or ballast, electrical cable removal, fencing and racking removal, grading and road removal, and to seed disturbed areas.

Comments

1. Does the decommissioning plan take into account frequency for updating cost estimate/decommissioning bond so that the bond continues to cover the cost of decommissioning, in spite of inflation and other changes in cost of labor and materials? Yes, there is a 2% yearly escalator.
2. Will there be mowing/maintenance of the land? Or sheep grazing? No. Meadow seed mix requires minimal upkeep (mowed about twice a year).
3. Are there any plans for an on-site battery energy storage system? Yes. Applicant representative mentioned that there will be battery energy storage on-site. They will be placed on concrete pads located by the two turnaround areas along the east side of the parcel. There are a total of 16 concrete pads for batteries/inverters. This is a standard design; they may not all contain equipment on them.
4. Will the trees screening the panels be regularly reviewed/maintained for screening purposes?
5. The project should comply with the Guidelines for Agricultural Mitigation for Solar Energy Projects available at the following link.
[https://ontariocountyny.gov/DocumentCenter/View/40554/Solar Energy Guidelines](https://ontariocountyny.gov/DocumentCenter/View/40554/Solar_Energy_Guidelines)
Applicant representative says it complies
6. How many acres of the site are in Mineral Soils Groups 1 to 4? If the project is receiving public funds, further review by NYS Department of Agriculture and Markets and agricultural land mitigation payment may be required.

OCSWCD Comments

1. Consider using 0 phosphorus fertilizer unless a need is indicated through soil testing.
2. Concrete truck washout should be located a minimum of 100 feet from all surface waters and wetlands.
3. Construction sequence, Phase 1 should include the installation of orange silt fence for wetland delineation.
4. Consider impacts to underground drainage and develop plan to mitigate surface water problems caused by broken underground drainage.
5. Permit will be needed for all placement of fill within the wetland area for the gravel access road.
6. Drainage cuts in current agricultural field represent significant water volume and subsequent erosion. It is recommended that water volume control be installed upslope to mitigate water volume flowing through the site and depositing large amount of sediment in the stormwater facility.

CRC Comments

1. If Planning and Zoning Board meetings occur before Town Board meeting - Will this referral be approved and “grandfathered in” before the moratorium (referral 76-2024) is passed? Or will the processing of this application be paused?
2. Some solar panels are to be constructed in a federal wetland. Six to eight ft posts are to be direct-auger drilled into the ground to support panel structure. Applicant representative mentioned installing panels within the wetland is allowed, as long as there is no compaction or excavation/removal of soil.
3. Applicant representative also mentioned that the reason for the height area variance is that the panel tilts twice a day towards the sun. At its’ peak (when tilted) the panel reaches 16.5 ft.
4. Applicant representative mentioned Access drive is compacted gravel.
5. Applicant representative mentions there will be tree screening along the north-eastern section of the parcel to visually buffer solar facility from adjacent residential properties.

CPB Comments

1. There is an existing/active equestrian facility on an adjacent parcel to the east of the proposed solar facility. Are these compatible uses, being so close to one another, given the noise/glare? Applicant representative responded that their solar projects are traditionally adjacent to agricultural uses, and they are not aware of any issues with animals/livestock. It was also mentioned that an untouched hedgerow to the east provides a visual/audio buffer between the two parcels, and that they would be willing to include additional landscaping if needed.
2. Applicant representative referenced noise study. In an assumed zero vegetation/buffer scenario - 6 ft. away from inverters is about 60 decibels (dBA), at parcel boundaries it less than 45 dBA. With vegetation/panels it is less.
3. Noise study references sound level (sound pressure), but there is nothing mentioned on sound frequency (ex: low humming, or a high-pitched frequency). Noise study should also analyze potential negative impacts on nearby animals/livestock (ex: horses)?
4. Applicant representative mentioned that they are aware of the Town of Victor Moratorium (also referred this month as 76-2024). They will abide by the moratorium if passed. They are referring this solar project in the case that the moratorium does not pass. In addition, they would like to hear the Board’s comments.
5. Can the existing utility service/infrastructure receive the full 10 MW? Applicant representative – Yes, it has been confirmed with NYSEG.
6. Proposed solar facility is in the agricultural district and the parcel is considered prime farmland. Any drainage tiles damaged during construction would be repaired.
7. OC Planning Department staff to contact Town of Phelps to review comments/suggested code clarifications.

Board Motion: To accept 78.0-2024, 78.1-2024, 78.2-2024, 79.0-2024, 79.1-2024, 80-2024, and 81-2024 as late referrals. **Motion made by: Doug Dello Stritto Seconded by: Steven High Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried****

Board Motion: To retain referral 78.0-2024, 78.1-2024, and 78.2-2024 as a class 1s and return to the local board with comments. **Motion made by:** Stephen Groet **Seconded by:** Roslyn Grammer
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

78.1-2024	Town of Victor	Planning Board	Norbut Solar Farm, LLC	Special Use Permit – 1 (Late Referral)
40.00-1-27.120	Area Variance (for a solar panel height of 16.5 ft. when 12 ft. is the maximum allowed), Special Use Permit, and Site Plan for the construction of a 10 MWAC solar energy facility consisting of two solar field sites (with associated improvements) located on a currently vacant 88.8-acre parcel. Project is located to the west of the T. Victor / T. Farmington municipal boundary, on the south-side of CR41, in the Town of Victor.			

See 78.0-2024

78.2-2024	Town of Victor	Planning Board	Norbut Solar Farm, LLC	Site Plan – 1 (Late Referral)
40.00-1-27.120	Area Variance (for a solar panel height of 16.5 ft. when 12 ft. is the maximum allowed), Special Use Permit, and Site Plan for the construction of a 10 MWAC solar energy facility consisting of two solar field sites (with associated improvements) located on a currently vacant 88.8-acre parcel. Project is located to the west of the T. Victor / T. Farmington municipal boundary, on the south-side of CR41, in the Town of Victor.			

See 78.0-2024

79.0-2024	Town of Gorham	Planning Board	Schweigert, Paul	Site Plan – Exempt (Late Referral)
127.00-1-27.100	Site Plan and subdivision (of a 31.5-acre parcel into 2 parcels: Parcel 1 – 2.72-acres and Parcel 2 – 28.77-acres) for the construction of a 2,960 SF single-family home at 4466 Kipp Rd. in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/43282/790-2024-and-791-2024-Site-Plan-Schweigert-Home>

<https://ontariocountyny.gov/DocumentCenter/View/43283/790-2024-and-791-2024-Subdiv-Plat-Schweigert-Home>

Board Motion: To accept 78.0-2024, 78.1-2024, 78.2-2024, 79.0-2024, 79.1-2024, 80-2024, and 81-2024 as late referrals. **Motion made by:** Doug Dello Stritto **Seconded by:** Steven High **Vote:** 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

79.1-2024	Town of Gorham	Planning Board	Schweigert, Paul	Subdivision – Exempt (Late Referral)
127.00-1-27.100	Site Plan and subdivision (of a 31.5-acre parcel into 2 parcels: Parcel 1 – 2.72-acres and Parcel 2 – 28.77-acres) for the construction of a 2,960 SF single-family home at 4466 Kipp Rd. in the Town of Gorham.			

See 79.0-2024

80-2024	Town of Gorham	Zoning Board of Appeals	Bayer, Mark	Area Variance - AR 2 (Late Referral)
113.11-1-24.000	Area variance(s) requested for the tear-down/re-build of a lake house with associated landscaping and drainage improvements at 3776 Meadow View Dr. in the Town of Gorham. Area variances include: (1) Proposed lot coverage of 28.75% when no more than 25% is permitted, (2) a front yard setback of 19 ft. when 30 ft. is required, and (3) a rear setback of 27 ft. when 30 ft. is required.			

<https://ontariocountyny.gov/DocumentCenter/View/43261/80-2024-Aerials-Larabee-Lakehouse-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/43290/80-2024-Topo-Map-Larabee-Lakehouse-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/43289/80-2024-Setback-ZBA-App-Larabee-Lakehouse-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/43284/80-2024-Coverage-ZBA-App-Larabee-Lakehouse-Variance>

Policy AR 5 Applications involving one single family residential site, including home occupations.
Part B Development of Lakefront Parcels.

1. The following applies to all development on parcels with lake frontage that require;
2. variances pertaining to lot coverage or,
3. variances pertaining to side yard setbacks or,
4. variance pertaining to lake shore setbacks

The CPB’s role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality

and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

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

OCSWCD Comments

1. Soils are indicated as moderately well drained, but should be monitored for compaction to ensure adequate infiltration for stormwater facilities
2. Will downspouts be allowed to sheet flow to infiltration gardens or be directly piped?
3. Planting list for infiltration areas not included.

Board Motion: To accept 78.0-2024, 78.1-2024, 78.2-2024, 79.0-2024, 79.1-2024, 80-2024, and 81-2024 as late referrals. **Motion made by:** Doug Dello Stritto **Seconded by:** Steven High **Vote:** 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

81-2024	Town of Victor	Planning Board	Rawson Community, LLC	Subdivision – 1 (Late Referral)
27.00-1-28.000	Subdivision application for the development of 59 for-sale, residential multi-family townhouse units/lots on 18.5-acres of a 22.5-acre parent parcel at 7200 Rawson Rd, along the Town/Village municipal boundary, in the Town of Victor.			

- <https://ontariocountyny.gov/DocumentCenter/View/43262/81-2024-Aerial-Rawson-Subdiv>
- <https://ontariocountyny.gov/DocumentCenter/View/43299/81-2024-Site-Plan-Rawson-Subdiv>
- <https://ontariocountyny.gov/DocumentCenter/View/43296/81-2024-Landscaping-Plan-Rawson-Subdiv>
- <https://ontariocountyny.gov/DocumentCenter/View/43295/81-2024-Grading-Plan-Rawson-Subdiv>

Project was previously referred in June 2023 (101-2023) for a map amendment to establish the (then) 22.5-acre subject parcel as a Planned Development District (PDD). In March 2024 (42-2024), the project was referred again for the subdivision of the 22.5-acre parcel into two parcels: (1) an 18.5-acre parcel (to be conveyed to Rawson Community LLC) and (2) a 4.0-acre parcel (contains existing light industrial building/parking) at 7200 Rawson Rd.

This referral 81-2024 is in regards to the now 18.5-acre parcel (zoned PDD) – to be subdivided. The Town Board as a part of the PDD rezoning approved the development for 59 new, for-sale, multi-family subdivision, while the second 4-acre lot contains the existing light industrial building. This is unit density of 3.19 units/acre (59 units / 18.5 acres). Details on the currently referred project include:

1. 2 private roads off of the north side of Rawson Rd. serve as entrance/exit. An internal pedestrian concrete sidewalk network serving the development is also proposed to provide public access to the Auburn Trail (to the north), and to the existing Town of Victor sidewalk system located along the south side of Rawson Rd. A crosswalk (w/ pedestrian crossing sign and a detectable warning surface) at the southern access road allows pedestrians to cross Rawson Rd. and sidewalk across the street. 2 parking areas, containing 12 guest parking spaces total are proposed (2 ADA accessible) along the internal private drive.
2. Majority of parcel is currently meadows/grassland/brush and 1.16-acres of wetland. 74% open space proposed, 4.5-acres of impervious surface to be created (10.8-acres of disturbance). Some trees/shrubs to be removed for the development of the proposed residential lots/units. Class C stream runs through the center of the parcel.

Federal and NYS DEC wetland lies within the northeast corner of the parcel, extending to parcels to the north and east. The proposed development has been designed to avoid disturbance to the regulated wetland areas and the 100' adjacent buffer. Proposed development does not go within 75' required Town of Victor buffer. Surrounding land uses predominately residential or vacant. A light industrial building is located on the adjacent (newly-subdivided) parcel to the east.

3. Project site lies in area of little to no slope (0-3% gradient). Soil is predominately Palmyra Gravelly Sandy Loam: not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.
4. Min lot size – 2,030 SF; Max lot size 5,834 SF. 60 lots are proposed (59-townhomes; 1 lot with sanitary pump station and storage shed – to be dedicated to the Town of Victor)
Max building height of 35' (two-stories). According to site plan, town homes seem to have a building footprint of 2,000 SF to 2,100 SF
5. A private storm sewer system and bioretention area will collect and convey runoff from the proposed development to an onsite stormwater management facility (SWMF). SWMF (12 ft. deep in deepest area, with a shelf @ a depth of 4 ft.) will be used as a silt sink during construction. The SWMF is designed to treat and mitigate runoff from the majority of the developed site prior to releasing the runoff at a controlled rate to an existing low point, following existing drainage conditions. A 12' wide gravel drive is proposed to provide access to the SWMF. Concrete gutters line both sides of the internal private roads.
6. Additional erosion control measures will be implemented to control silt and minimize disturbance to the existing swales and drainage conditions. These include: installation/maintenance of a silt fence, stone check dams, sediment traps, , interceptor swales, and rip-rap outlet protection. Disturbed areas will be seeded and mulched.
7. Utilities on site provided by: Village of Victor Sewer Department, Monroe County Water Authority, Victor Fire District, Victor Central School District
8. Total water usage anticipated to be 16,225 gallons/day. Liquid waste (sanitary wastewater) generation also anticipated to be 16,225 gallons/day. There is proposed onsite public gravity sanitary system to serve individual residential units, onsite sanitary pump station and sanitary force main connection to the Village of Victor public gravity sanitary sewer.
9. Landscaping includes the planting of 41 trees (Maple, Spruce, Birch, Honey locust, Oak, Hemlock) and 58 shrubs. Plantings focus around the SWMF (area between road and proposed development), area between proposed homes and the existing light industrial building, gaps between homes, and at intersections.
10. Street lighting is proposed at all intersections. Light pole to be 18' black fiberglass, lantern style lights.

June 2023 Comments

1. Does the project meet the access connection spacing standards of Chapter 55 for roads A and B serving the townhouse development?

2. Is the proposed open space adequate given the 211- 46 requirement for 20 percent landscaped area and 50 percent open space in major residential subdivisions?
3. Is there existing vegetation along the segment of the Auburn Trail? Will any on-site vegetation be preserved along the trail to maintain the trail’s natural character and provide a buffer to residential uses?

June 2023 CRC Comments

1. A resident of the residential development south of Rawson Rd. offered the following information:
2. They have concern for the additional traffic generated by the proposed units.
3. 2023 plans indicated 42,000 CY of fill required for the project. Resident is concerned about the impact of this fill.

OCSWCD Comments

1. Consider using 0 phosphorus fertilizer unless a need is indicated through soil testing.
2. Recommend additional fencing and signage to delineate wetland area to avoid potential impacts.

CRC Comments

1. Are the units ADA accessible?
2. Road is indicated as private. Will (Victor Central School District) school buses pick students up this road?
3. Is there proper road space for school buses or emergency vehicles to turnaround? Specifically at the dead-end on the northwest section of road?
4. Are there plans for development north/west of the stream? If so, applicant should keep in mind 211-46, requiring 20 percent landscaped area and 50 percent open space in major residential subdivisions?
5. How many CY of fill is required now?

Board Motion: To accept 78.0-2024, 78.1-2024, 78.2-2024, 79.0-2024, 79.1-2024, 80-2024, and 81-2024 as late referrals. **Motion made by: Doug Dello Stritto** **Seconded by: Steven High** **Vote: 11** in favor, **0** opposed, **0** abstentions. **Motion Carried**

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Chris Mergler** **Vote: 11** in favor, **0** opposed, **0** abstentions. **Motion Carried**

82-2024 135.14-1- 15.000	Town of Richmond	Planning Board	Fitzgerald, Robert	Site Plan - 1
Site Plan to construct a 3 bay self-serve community car wash with a 2,100 SF commercial building, just north of Main St., at 4815 CR 37 in the Town of Richmond.				

<https://www.ontariocountyny.gov/DocumentCenter/View/43313/82-204-Site-Plan-Norton-Laundry>

<https://www.ontariocountyny.gov/DocumentCenter/View/43310/82-204-Landscaping-Norton-Laundry>

<https://www.ontariocountyny.gov/DocumentCenter/View/43312/82-204-SEAF-Norton-Laundry>

<https://www.ontariocountyny.gov/DocumentCenter/View/43314/82-204-Aerial-Norton-Laundry>

This project was previously referred in July and August 2023 for a special use permit. The car/boat wash would be constructed initially, and the 2,2100 SF commercial building would be constructed for a specific tenant or when commercial space demand increases. According to OnCor, the 2.3-acre site is not constrained by wetlands, floodplains, or steep slopes and is not in OC Agricultural District #1. Applicant mentions car wash will have approximately 10-15 employees. Hours of operation are still being determined.

Subject parcel is a 2.3-acres vacant commercial property. Surrounding land uses are vacant, residential, and commercial. Parcel has gentle to no slope (0-9% gradient). Soil is Ovid Silty Clay Loam: partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.

Proposed car wash is to be 2,120 SF. There are a total of nine (9) 10' x 20' parking spaces (1 ADA accessible) with four (4) vacuum stations surrounding the car wash. The proposed retail space has 7 proposed 10' x 20' spaces. Only signage indicated is navigational. A dumpster is to be located on the southern end of the parcel. 13 Red maple trees are to line along CR37, 4 thornless common hone locust trees are to be planted on the parcel as well.

2023 Comments

1. Availability of a boat wash facility near Honeoye Lake aligns with region wide efforts to control the spread of invasive aquatic species by draining, cleaning, and drying watercraft before launching in a different body of water.

2023 HLCSO Comments

1. Drawings and anticipated wastewater flows shall be submitted for review and approval. Permit required prior to construction.

2023 ODPW Comments

1. The Applicant (Owner of Record) is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <https://www.co.ontario.ny.us/1260/Highway->

Work-Permits . In addition, the Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.

2. Will project have a Stormwater Pollution Prevention Plan (SWPPP)? If so, County cannot issue a highway work permit until the following information is provided related to coverage under the current SPDES General Permit for Construction Activity:
 - Complete Notice of Intent, signed by the owner; and
 - Evidence that the applicant has received coverage under the current SPDES General Permit for Construction Activity; and
 - A fully executed SWPPP with all certifications provided
3. Applicant’s engineer must provide a site plan and profile of the proposed access driveway within 50-feet of the CR 37 edge of pavement. The applicant shall demonstrate that the configuration of the driveway is suitable for proposed vehicles.

2023 CRC Comment

1. Does car wash re-use water and does that pose a potential threat for spreading invasive aquatic species?

Board Motion: To retain referrals 57-2024, 58-2024, 63-2024, 64-2024, 67-2024, 69-2024, 70-2024, 72.0-2024, 81-2024, and 82-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Chris Mergler**

Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

General Information

The Ontario County Planning Board (CPB) was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

- (a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.
- (b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.
- (f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.
- (g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: 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	Variances 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)

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

- Mon-Wed April 15 to 17, 2024 NYS Preservation Conference, Memorial Art Gallery, Rochester, NY <https://landmarksociety.org/event/2024-ny-statewide-preservation-conference/>
- Monday April 29th, 2024 from 5:00-8:00 PM Yates County Building, Land Use Implications of Short Term Rentals for Keuka and Seneca Lakes: Part 2, Auditorium 417 Liberty St. PY. To register for in-person attendance, [click here](#)
- Thurs May 16, 2024 GFLRPC spring workshop – Genesee Community College Batavia
- Registration link for Cayuga County trainings below
 - <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
 - Wed. June 19, 2024 at 7:00 pm Planning for Solar and Wind, 1879 Genesee St Rd, Aurelius
 - Wed. August 21, 2024 at 7:00 pm Conducting Site Plan Review 1879 Genesee st Rd, Aurelius
 - Wed. Nov. 13, 2024 at 7:00 pm Short-Term Rentals and Grant Opportunities 1879 Genesee St Rd, Aurelius
- Hancock Estabrook Municipal Bootcamp registration link, <https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/> dates and topics listed below
 - Thursday, April 25, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 4: ENVIRONMENTALLY SPEAKING – THE NUTS & BOLTS OF SEQR
 - Thursday, May 23, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 5: A HISTORY LESSON – CHALLENGES AND OPPORTUNITIES WITH HISTORIC PROPERTIES
 - Thursday, June 27, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 6: PUTTING THE HOME IN HOMETOWN – STRATEGIES FOR ATTRACTING HOUSING INVESTMENT TO YOUR COMMUNITY
 - Thursday, July 25, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 7: FROM BIG TO SMALL – TRANSLATING COMPREHENSIVE PLANS INTO LAND USE REGULATION
 - Thursday, September 26, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 8: UNDER THE TENT – OPEN MEETINGS, RECORD KEEPING, AND ENGAGING THE PUBLIC IN COMMUNITY DEVELOPMENT
 - Thursday, October 24, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 9: SHORT, BUT NOT TOO SHORT – HOW SHORT-TERM RENTALS ARE CHANGING THE DEVELOPMENT AND REGULATORY LANDSCAPE
 - Thursday, December 19, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 10: SANTA’S AND NICE AND NAUGHTY LIST— THE BEST AND WORST OF 2024

- *NYS DOS training schedule* <https://dos.ny.gov/training-assistance> *Includes links to YouTube recordings of NYS DOS Planning Board, Zoning Board of Appeals, and SERQ basics trainings CERTIFICATE OF COMPLETION NOT PROVIDED*
- *The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities* <https://www.nycom.org/training/webinars>

Privilege of the Floor

Ontario County Planning Director, Tom Harvey, made the following announcements regarding the establishment of:

1. County Housing Commission
 - Members would include the County Planning Director, Director of County Human Services, County Administrator, Economic Development advocacy groups, developers.
 - The County would also like to have a member of the County Planning Board on the Commission.
 - The County would like to have this name to include in the resolution in upcoming Board of Supervisors meeting (in early May).
 - This Commission would work to find funds for infrastructure and homebuyers.
 - This is a concerted effort by the County because these are not just local land use and community development issues, but is also a County wide issue.
 - Meetings would occur every other month or quarterly in order to keep updated with best market practices, how to improve, etc.
 - Initial term is planned to be 1 year.
 - Tom Harvey mentioned that he would like a volunteer before the end of the meeting.
 - Roslyn Grammer and Ruth Cahn said they would be interested in being a member.
2. County Access Management & Complete Streets Study Steering Committee
 - In Fall of 2023 a grant application was submitted to GTC (Genesee Transportation Council) for \$126,000 for a County Access Management Complete Stream & Resiliency Project.
 - The County's grant application was considered the #1 application (for this grant) in the region by GTC.
 - Focus is not only traffic safety but complete streets as well.
 - Members will evaluate proposals by consultants.
 - Will meet roughly 8-10 times a year. Completion of project (once a consultant is on board) is about 12-18 months (in addition to several community meetings). Meeting time will be determined based on what is best for members (once members are determined).

- In the later project stage, there is likely to be a CPB adhoc committee to review report, make recommendations, and to consider the adoption of an Official County Map which is the responsibility given to the CPB by NYS statute.
- Board will work to analyze and develop policy to adopt a County Official Map to establish access management on County roads.
- Members would be staff in the County Planning Department staff, Public Works, GTC Staff, a CPB member, and others to be determined.
- The County would like a volunteer for a County Planning Board member to be on this Committee.
- Roslyn Grammer said they would be interested in being a member.

Adjournment: Being no further business for discussion, Chair Passavant requested a motion to adjourn.

Motion to adjourn made by Doug Dello Stritto seconded by Roslyn Grammer.

Vote: 10 in favor, 0 opposed, 0 abstentions (Nina Tillman left @ 9:05). **Motion Carried** 4/10/23
CPB meeting adjourned at 9:06 PM.