

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday July 9th, 2024, at 3:30pm 20 Ontario St., Room 122A, Canandaigua, NY**County Planning Board Meeting – Wednesday July 10th, 2024 at 7:00pm 74 Ontario St., Room 218, Canandaigua, NY**

Telephone: 585-396-4455

Referral No	Municipality	Referring Board	Applicant	Application Type - Class	Pg. #
135-2024	Town of Bristol	Town Board	Bristol, Town of	Text Amendment - 2	3
136-2024	Town of Richmond	Zoning Board of Appeals	Kostiw, Mary & Michael	Area Variance - Exempt	5
137-2024	Town of Naples	Town Board	Naples, Town of	Text Amendment - 2	5
138-2024	Town of Geneva	Zoning Board of Appeals	Holley M. Smalldone-Cragg, Michael Cragg	Area Variance - Exempt	6
139-2024	Town of Geneva	Town Board	STAR GENEVA	Text Amendment - 2	6
140.0-2024	Town of Canandaigua	Zoning Board of Appeals	Mulka, Jim	Area Variance - 1	7
140.1-2024	Town of Canandaigua	Planning Board	Mulka, Jim	Site Plan - 1	9
141-2024	Town of Canandaigua	Planning Board	Baker, Matt	Minor Subdivision - Exempt	9
142-2024	Town of Canandaigua	Zoning Board of Appeals	Driskell, Melissa	Area Variance - AR 2	10
143-2024	Town of Canandaigua	Zoning Board of Appeals	Driskell, Melissa	Area Variance - AR 2	11
144.0-2024	Town of Farmington	Planning Board	1816 Quaker House Museum @ 230 Sheldon Rd.	Special Use Permit - 1	12
144.1-2024	Town of Farmington	Planning Board	1816 Quaker House Museum @ 230 Sheldon Rd.	Site Plan - 1	13
145-2024	Town of Bristol	Zoning Board of Appeals	Bristol, Town of	Area Variance - 1	13
146-2024	Town of Richmond	Planning Board	Carrier, Mitchell J.	Minor Subdivision - Exempt	14

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
147-2024	Town of Richmond	Planning Board	Bryce Griffen, Matthew Gillette	Minor Subdivision - Exempt	15
148-2024	Town of Richmond	Planning Board	Simmons, Robert	Site Plan - Withdrawn	15
149-2024	Town of Canandaigua	Town Board	Reynolds, Sarah	Text Amendment - 2	15
150-2024	Town of Gorham	Zoning Board of Appeals	Rischpater, Matthew	Area Variance - AR 2	16
151.0-2024	Town of East Bloomfield	Zoning Board of Appeals	Archer, Lydia	Area Variance - 1	18
151.1-2024	Town of East Bloomfield	Planning Board	Archer, Lydia	Special Use Permit - 1	19
151.2-2024	Town of East Bloomfield	Planning Board	Archer, Lydia	Site Plan - Exempt	19
152-2024	Town of Seneca	Zoning Board of Appeals	Airth, Aaron	Area Variance - 1	19

135-2024	Town of Bristol	Town Board	Bristol, Town of	Text Amendment - 2
n/a	Local Law to establish regulations for Short-Term Rentals (STRs) in the Town of Bristol.			

<https://ontariocountyny.gov/DocumentCenter/View/44523/135-2024-LL-T-Bristol-STRs>

Legislative Intent. This local law establishes regulations for SHORT-TERM RENTAL [STR’s] property, as Chapter 287 Short Term Rental, in the Town of Bristol as supported by the Comprehensive Plan. Specifically, Sections 3.2.3 “Economic Development” and 3.2.5 “Housing” call out the need for more services available for visitors, the need for support for low impact and home-based businesses, and assistance for residents in managing home ownership costs. In addition, there appears to be a base of STR properties already in existence in our town. Guidance and expectations for these operations supplied by the town will lead to an improved experience for all.

Additional Information:

- STR’s shall be allowed in all zoning districts, except L-I Light Industrial District.
- Definitions for “Short-Term Rental” and “Short-Term Rental Certificate” were added.
- A property (or part of) is considered an STR if it is leased for a period of 29 consecutive nights or less through any form of advertising sites including (but not limited to): Airbnb, Home Away and VRBO. This interpretation can be rebutted by evidence presented to the Code Enforcement Officer (CEO) that the premises is not operated as an STR.
- STR permit is:
 - Revocable.
 - Is valid for three (3) calendar years.
 - Is not transferrable to a new owner.
 - Properties with existing STR’s must apply for a permit within 180 days of the Local Law’s effective date for all future STR commitments.
 - STR application requires the name, address and signature of a person or entity designated agent that has an ownership interest in the STR property. In addition – the name, address, email and contact information, including a twenty-four-hour contact phone number for the person at the property management company managing the property; or, if there is no property management company, the name, address, and contact information, including a twenty-four-hour contact phone number for who may be the owner or owner’s agent, and who may be contacted in the event of an emergency.
- Standards to highlight include:
 - Property must have a minimum of one off-road parking space for every bedroom.
 - Maximum occupancy for each STR unit shall not exceed three people per bedroom.

- Permit holders must have a rental contract, which includes: a maximum property occupancy, maximum on-site parking, and a good neighbor statement. The good neighbor statement states that renters and their guests are requested to observe quiet hours Sunday through Thursday from 10:00 PM – 7:00 AM and Friday through Saturday from 11:00 PM – 7:00 AM. Also, recreational fires are allowed but must be attended, and dogs must be kept on a leash.
- Permit issuance required inspection by CEO.
- Compliance and Penalties:
 - If the CEO has probable cause to believe that the homeowner is not in compliance with the provisions of this Law, the CEO may request permission from an owner of the STR permit to enter the premises and to conduct an inspection of the STR property for purposes of ensuring compliance with this section. If the property owner refuses to allow the CEO to inspect the property, the permit will be revoked.
 - If the CEO either witnesses or receives a written complaint of an alleged violation of this section or of any STR Permit issued they may take any or all of the following actions. Suspend the STR permit.
 - Require corrective actions – must be addressed within 30 days of notice from the CEO or the STR permit may be revoked.
 - Should a STR permit be revoked, all owners of the STR are prohibited from obtaining a STR permit on the property for one year after the date of revocation.
 - The property owner is entitled to appeal the CEO’s determination to the Town of Bristol when a property owner’s application for a STR permit or renewal is denied or a STR permit is revoked.

Comments

1. The NYS Uniform Building Code provides bedroom occupancy limits based on size of room. The referring body may want to consider using the building code maximum standard rather than the 3 per bedroom standard.
2. The referring body may want to clarify whether maximum occupancy applies to overnight guests only or to the entire occupancy period. If special events or higher daytime occupancy is allowed consider relationship to available parking and the capacity of the wastewater treatment system.
3. Section 5 A (5) regarding floor plan submitted with application and Section 6 A (9) use term bedroom while Section 6 A (2) and (3) regarding smoke detectors and evaluation procedures uses term sleeping room.
4. The proposed local law does not include requirement that wastewater treatment system be suitable to support maximum occupancy.
5. Consider including the property address on the required posted
6. Is the appeal to the ZBA?

136-2024	Town of Richmond	Zoning Board of Appeals	Kostiw, Mary & Michael	Area Variance - Exempt
150.13-1-22.110	Area variance (for a front setback of 10 ft. when minimum allowed is 20 ft.) to construct a new 960 SF detached garage at 5232 Cottage Cove in the Town of Richmond.			

137-2024	Town of Naples	Town Board	Naples, Town of	Text Amendment - 2
207.00-1-9.220; 207.00-1-9.240	Local Law to rezone approximately 12-acres on the north side of Edson Road (TM#'s 207.00-1-9.220 and 207.00-1-9.240) from the Industrial (I-1) Zoning District to the Agricultural Conservation (Ag) Zoning District in the Town of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/44527/137-2024-LL-T-Naples-Rezone>

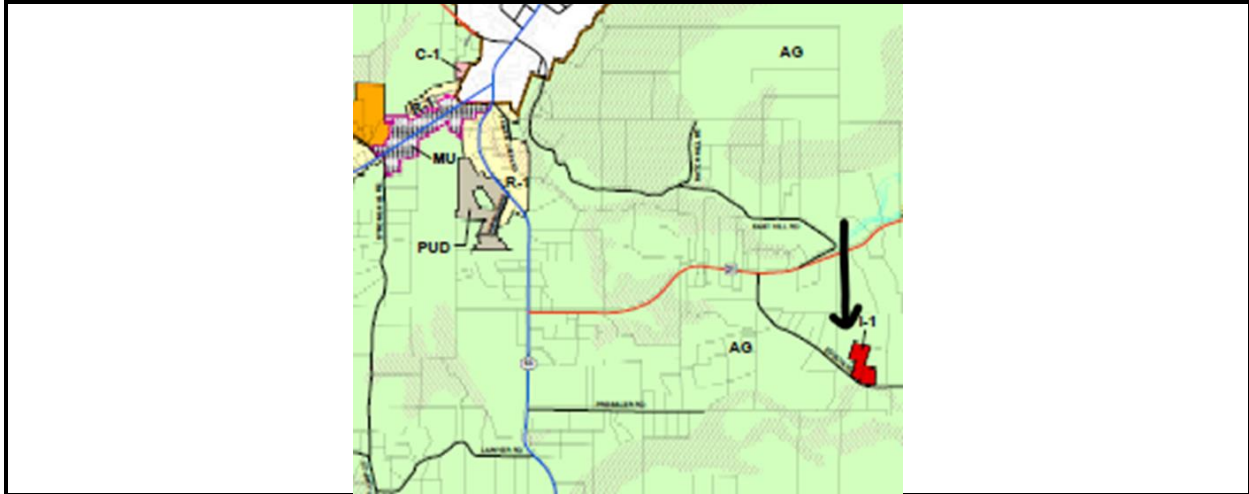
<https://ontariocountyny.gov/DocumentCenter/View/44529/137-2024-Zoning-Map-T-Naples-Rezone>

<https://ontariocountyny.gov/DocumentCenter/View/44638/137-2024-Aerial>

See image (below) of a section of the Town of Naples Zoning Map which shows the subject parcel in the southeast corner of the Town. Full map can be found in the link above. Submitted documents indicate the property owners no longer intend to use the area for industrial purposes.

According to OnCor:

- The subject parcels and surrounding parcels are all in the Ontario County Agricultural District #1.
- Soil is predominately Howard Gravelly Loam (3-8% slope) – not hydric, high permeability, medium erodibility, is an area of prime farmland, and is hydrologic soil group A.
- Surrounding land uses are vacant or residential. Subject Parcels are residential (TM# 207.00-1-9.220) and vacant (TM# 207.00-1-9.240).
- Land cover is predominately successional old field.



138-2024	Town of Geneva	Zoning Board of Appeals	Holley M. Smalldone-Cragg, Michael Cragg	Area Variance - Exempt
119.15-1-26.000	Area variance for the expansion of an existing attached garage with a proposed 6 ft. side setback (8 ft. existing) when a minimum of 12.5 ft. is required. Project is located at 508 White Springs Rd. in the Town of Geneva.			

139-2024	Town of Geneva	Town Board	STAR GENEVA	Text Amendment - 2
103.00-3-45.200	Text amendment to repeal conditions (9 and 11) contained in Local Law 4 of 2020, for a parcel zoned PUD (Planned Unit Development), and to adopt new conditions (9 and 11) in their places. Subject Parcel is located at 3635 Berry Fields Rd. in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/44534/139-2024-LL-T-Geneva-PUD-Rezone>

<https://ontariocountyny.gov/DocumentCenter/View/44639/139-2024-Aerial>

Local Law 4 of 2020, entitled “A Local Law Approving with Conditions the Rezoning of a Parcel of Land to PUD (Planned Unit Development) and Amending the Official Zoning Map of the Town of Geneva in Accordance with Such Approval”, rezoned TM# 103.00-3-45.200 (3635 Berry Fields Rd.) to PUD, subject to eleven (11) conditions. This new Local Law repeals conditions number 9 and 11 contained in Local Law 4 of 2020 and adopts new conditions 9 and 11 to insert in their place. Below are the new conditions:

- Condition #9 – Only the uses and layout, including but not limited to, setbacks and acreage of open space, set forth on the **Plans** of xxxx received or dated xxxx, 2024, and any later revisions accepted by the Town, that are on file with the Town, shall be part of any final site plan approval.

- The only change is the removal of the word “re-zoning” before the word “Plans” (bolded & italicized) in the condition above.
 - Condition #11 – Prior to construction of the proposed new building, ***structures and/or improvements***, the owner will apply for Site Plan review and obtain the approval of the Town of Geneva Planning Board.
 - The only change is the addition of the words “structures and/or improvements” (bolded and italicized) in the condition above.
- According to OnCor, subject parcel is/has:
- 7.9-acres.
 - Subject and surrounding parcels have a commercial land use. Subject parcel currently contains a storage facility.
 - Subject and surrounding parcels are in the Ontario County Agricultural District #1.

140.0-2024	Town of Canandaigua	Zoning Board of Appeals	Mulka, Jim	Area Variance - 1
56.00-2-25.211; 56.00-2-25.310	Site Plan and multiple Area Variances (6) for the installation of a 28,812 SF parking lot. Project also includes a lot line adjustment to merge the vacant 2.6-acre subject parcel (TM# 56.00-2-25.310) with the adjacent 3.9-acre parcel to the south (2311 State Route 332). Project is located at the southeast corner of SR332 and Emerson Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44540/140-2024-Site-Plan-West-Herr-Parking-Lot>

<https://ontariocountyny.gov/DocumentCenter/View/44537/140-2024-Landscape-Plan-West-Herr-Parking-Lot>

<https://ontariocountyny.gov/DocumentCenter/View/44536/140-2024-Grading-Plan-West-Herr-Parking-Lot>

<https://ontariocountyny.gov/DocumentCenter/View/44629/140-2024-Form-Based-Code-Section-West-Herr-Parking-Lot>

<https://ontariocountyny.gov/DocumentCenter/View/44640/1400-2024-and-1401-2024-Aerial->

The project aims to expand the existing parking area of the existing Honda dealership with a lot line adjustment (lot combination) with the adjacent parcel to the north. After the lot combination, the newly formed parcel will be a total of 6.5-acres. The expanded parking lot will connect with the existing lot and extend it north. The proposed expansion lies on the western portion of the parcel and has frontage on State Route 332 and Emerson Rd. The lot will mainly be used for showcasing and storing vehicles for the dealership. 92 (9’ x 18’) parking spaces are proposed with the expansion. The drive aisle width is 24’. The proposed parking is accessed via connection to the south – expansion does not have road access.

According to the Uptown Canandaigua Form Based Code Section IV: Rules for All Subareas – Part C. Site Standards, the six (6) area variances are for:

1. A parking area that is located between a building façade and a primary street is being expanded – this is not permitted according to off-street parking standards.
2. Parking lot with less than 10% interior landscaping by area (when no less than 10% is permitted). Parking lot interior area percentage was not specified.
3. Parking lot width exceeding 30% of property width (when no greater than 30% is permitted). Proposed percentage not given. Using OnCor (and the submitted plans), parking lot width is between 80-90% total parcel width.
4. Parking lot massing and orientation. Parking lots shall be arranged such that long, uninterrupted views across large areas of parking are not visible from any street or adjacent properties. Parking lots should be designed in “rooms” containing no more than 50 vehicles each. The proposed parking lot expansion is 92 spaces and would be visible from the street and adjacent properties.
5. Parking space specification. Each off-street parking space shall be designed so that any motor vehicle may be parked and unparked without moving another. Site plan indicates eastern (rear) area of parking lot where vehicles would be double-parked.
6. Pedestrian Routes. All developments must provide safe, direct and convenient pedestrian access that connects public streets and parking lots to building entrances. Pedestrian routes must be easily discernable, well-lit, and hard surfaced at least 5 ft. in width. Where the route crosses driveways, parking and loading areas, the route must be clearly identifiable through the use of elevation changes, paving materials or other approved methods. The site plan does not indicate pedestrian circulation in the parking area.

According to the site plan, a 0.88-acre State and Federal wetland lies on the rear/eastern portion of the parcel. The wetland will not be disturbed. Total disturbance is estimated to be 0.93-acres. A maple and pine will be removed to provide access to existing parking lot. Proposed landscaping includes 3 Thornless Honey Locusts, 3 Red Oak, 4 Rising Sun Redbud’s (ornamental), and 20 shrubs. Trees are planted along the road frontage, while shrubs are planted along the road front as well as on the two landscaped islands. Seven (7) new LED light poles are to surround the expansion. A proposed 12” HDPE pipe is to connect inlets on the southern portion of the parking lot expansion to an existing catch basin to the south.

According to OnCor:

- Subject parcel slopes downward from northwest to southeast 10 ft. (Little to gentle slope, 3-9%).
- Soil disturbed is predominately Kendaia Loam (partially hydric, moderately high permeability, medium erodibility, is prime farmland if drained, and is in hydrologic soil group B/D).

Comments

1. The referring body is encouraged to grant only the minimum variance to allow reasonable use of the lot.
2. What is the lot coverage existing the undevelopable wetland area?
3. What is the total lot coverage (not including wetland) of the two parking lots combined?
4. What is the interior landscaping percentage within the proposed parking lot expansion? What is it with the two parking lots combined?
5. What is the total combined percentage of the two parking lots widths compared to the combined parcel width?
6. Does the parking lot expansion meet requirements for emergency vehicle access?
7. Is any additional stormwater management proposed for this increase in impervious surface?
8. Applicant needs to ensure that gasoline/fluids from vehicles do not affect or harm the adjacent wetland in the rear of the parcel.
9. The proposed trees are indicated with a symbol approximately 4 times the diameter of the existing 4" maples in the ROW. It does not appear that mature trees are being proposed and therefore this symbol misrepresents the visual impact of proposed landscaping.

140.1-2024	Town of Canandaigua	Planning Board	Mulka, Jim	Site Plan - 1
56.00-2-25.211; 56.00-2-25.310	Site Plan and multiple Area Variances (6) for the installation of a 28,812 SF parking lot. Project also includes a lot line adjustment to merge the vacant 2.6-acre subject parcel (TM# 56.00-2-25.310) with the adjacent 3.9-acre parcel to the south (2311 State Route 332). Project is located at the southeast corner of SR332 and Emerson Rd. in the Town of Canandaigua.			

See 140.0-2024

141-2024	Town of Canandaigua	Planning Board	Baker, Matt	Minor Subdivision - Exempt
112.02-1-95.000	Subdivision of a 2.69-acre parent parcel into two lots (Lot 1 – 1.53-acres; Lot 2 – 1.16-acres) at 5140 Wyffels Rd. in the Town of Canandaigua.			

142-2024	Town of Canandaigua	Zoning Board of Appeals	Driskell, Melissa	Area Variance - AR 2
70.06-1-62.111	Area Variance to update an existing (third) building-mounted commercial speech sign when only one is allowed. Project is located at 5375 Thomas Rd., on the southwest corner of the SR332 / Thomas Rd. intersection, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44547/142-2024-Plans-Garber-Buick-GMC-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/44641/142-2024-Aerial>

Policy AR-7: Signs

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

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

Final classification: Class 2

Findings

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

Final Recommendation: Denial

Comment

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

143-2024	Town of Canandaigua	Zoning Board of Appeals	Driskell, Melissa	Area Variance - AR 2
70.06-1-63.110	Area Variance to update an existing (third) building-mounted commercial speech sign when only one is allowed. Project is located at 2350 Thomas Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44550/143-2024-Plans-Garber-Chevy-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/44642/143-2024-Aerial>

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Findings

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

Final Recommendation: Denial

Comment

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

144.0-2024	Town of Farmington	Planning Board	1816 Quaker House Museum @ 230 Sheldon Rd.	Special Use Permit - 1
9.00-1-7.120	Site Plan and Special Use Permit to operate a public building in the A-80 (Agricultural) District – the 1816 Quaker Meeting House Museum located at 230 Sheldon Rd. in the Town of Farmington. Proposed work includes improvements to parking / site access and an 782 SF building addition.			

<https://ontariocountyny.gov/DocumentCenter/View/44565/1440-2024-and-1441-2024-Site-Plan-Quaker-Meetinghouse>

<https://ontariocountyny.gov/DocumentCenter/View/44554/1440-2024-and-1441-2024-Grading-Plan-Quaker-Meetinghouse>

<https://ontariocountyny.gov/DocumentCenter/View/44643/1440-2024-and-1440-2024-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/44644/1440-2024-and-1440-2024-FEMA-and-Wetland-Aerial>

Subject Parcel is 4.1-acres – predominately mowed lawn currently, containing a relocated 1816 Quaker Meeting House Museum. Proposed 12,960 SF gravel drive and parking area will include 20 spaces (which include 2 ADA accessible spaces). Solar light fixtures are to surround the parking lot area. There will be two access locations to the parking lot from Sheldon Rd. A stone dust walkway and seating area will connect the parking lot to the museum building. A proposed 12” hdpe pipe underneath the parking lot is connected to rip-rap to the south. There is no public water or sanitary existing or proposed at this point. Site Plan indicates plans for a future septic system behind the museum building and future geothermal ground loops to the west. An existing underground electric service is to be maintained.

Disturbance is estimated at 0.9-acres and is to remain over 100 ft. from the NYSDEC and Federal wetland on the rear (south) portion of the parcel. Remaining undisturbed area to be kept as mowed lawn. Southern portion of the parcel is in the FEMA 100-Year Floodplain, and areas south of the subject parcel are in the FEMA 100-Year Floodplain as well as in the Draft 2023 100-Year Flood Zone. Trap Brook is located just south of the subject parcel.

According to OnCor:

- Surrounding parcels are in the Ontario County Agricultural District #1.
- Meeting House is a part of the Farmington Quaker Crossroads Historic District.
- Subject parcel is currently vacant w/ improvements. Surrounding parcels are a mix of agricultural, vacant, or community services (cemetery).
- Gentle downward slope (4-9% gradient) going from north to south. Soil is Palmyra Gravelly Sandy Loam (Not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

Comments

1. Applicant should consider landscaping that would screen the parking lot from Sheldon Rd.
2. Will there be any bathroom facilities? Any portable restrooms?
3. What will the hours of operation be? How many employees?

144.1-2024	Town of Farmington	Planning Board	1816 Quaker House Museum @ 230 Sheldon Rd.	Site Plan - 1
9.00-1-7.120	Site Plan and Special Use Permit to operate a public building in the A-80 (Agricultural) District – the 1816 Quaker Meeting House Museum located at 230 Sheldon Rd. in the Town of Farmington. Proposed work includes improvements to parking / site access and an 782 SF building addition.			

See 144.0-2024

145-2024	Town of Bristol	Zoning Board of Appeals	Bristol, Town of	Area Variance - 1
136.00-3-14.000	Area variance to create a non-conforming lot (Lot 2) of 1.28-acres when the minimum lot size required is 2-acres at 8179 Turkey Hollow in the Town of Bristol (driveway access comes from the T. Richmond). Parent Parcel is 3.29-acres – Proposed Lot 1 is 1.28-acres and Proposed Lot 2 is 2.01-acres.			

<https://ontariocountyny.gov/DocumentCenter/View/44568/145-2024-Plat-Salsburg-Taylor-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44586/1510-2024-and-1511-2024-and-1512-2024-ZBA-App-Archer-Tourist-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44645/145-2024-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/44646/145-2024-Steep-Slopes-Aerial>

Zoning Law determination mentions that this is a referral to the Town of Bristol Zoning Board for a “variance to create a non-conforming lot”. A referral to the Town of Bristol Planning Board for a subdivision is “not necessary at this time”.

Lot 1 contains an existing home. Lot 2 will be used for recreation only, with no sewer or water. Lot 2 is proposed to have a shed, driveway, and parking for small camper “to be brought upon each visit”.

In the area variance test questions (linked above) applicant mentions:

- There will be no undesirable change in the character of the neighborhood or detriment to nearby properties. There will be no permanent buildings on the lot.
- No alternate location is feasible given the size of the parent parcel.
- It is not a substantial variance request. Proposed Lot 2 is 1.28 of the required 2-acres (64%).
- The variance will not have an adverse impact on the physical or environmental conditions of the neighborhood. Only physical impact will be a driveway off of the existing private road and a pole for electricity.
- The alleged difficulty is not self-created. Of the existing parent lot, this proposed parcel is the only viable option for a recreation lot.

According to OnCor:

- A stream lies along the eastern parcel boundary. A Draft 2023 FEMA 100-Year Flood Zone buffers / runs with the stream.
- Adjacent parcel to the east is in Ontario County Agricultural District #1.
- A majority of the site is forested (successional northern hardwood and hemlock northern hardwood forest).
- The front (eastern) portion of the parcel has little to no slope (0-3% gradient). The rear (western) portion of the parcel has extremely steep slopes (greater than 60%) down towards stream.
- Subject parcel has residential land use. Surrounding land uses are a mix of residential, vacant, and agricultural.

Comment

1. Will Lot 2 be used for personal use? Or will the space be rented? Refer to Town Code Section 350-25 (linked below) for Recreational Vehicle Storage requirements.

<https://ecode360.com/35137523#35137521>

146-2024	Town of Richmond	Planning Board	Carrier, Mitchell J.	Minor Subdivision - Exempt
149.00-1-83.110; 149.00-1-92.200	Subdivisions of land between 9020 and 9040 Howcroft Rd. in the Town of Richmond.			

147-2024	Town of Richmond	Planning Board	Bryce Griffen, Matthew Gillette	Minor Subdivision - Exempt
148.00-1-57.112; 148.00-1-59.210	Subdivisions of Land to trade a portion of the adjacent property to the east (TM#: 148.00-1-57.112) that lies on the opposite side of the gorge with the existing residential property to the west (5005 Canadice Lake Rd.; TM# 148.00-1-59.210) in the Town of Richmond.			

148-2024	Town of Richmond	Planning Board	Simmons, Robert	Site Plan - Withdrawn
135.14-1-16.000	Site Plan to use the lower level of the building as a Restaurant (Valley Inn) at 8970 Main Street in the Town of Richmond.			

149-2024	Town of Canandaigua	Town Board	Reynolds, Sarah	Text Amendment - 2
n/a	Text Amendment to Town Code Chapters §1-17, §220-14(B)(8), §220-18(C)(7), and §220-58 to clarify regulations surrounding the use of farm labor housing in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44572/149-2024-Draft-LL-T-Canandaigua-Text-Amendment>

The Town Planner had the following remarks in a memo to the Town Board:

NY State Agriculture and Markets Law §305-a protects farm operations within NY State agricultural districts. It states that local governments shall not unreasonably restrict or regulate such farming operations.

The Town’s Ordinance Committee, along with the staff in the Development Office and members of the Town’s farming community have weighed in and provided comments and suggestions for improving town code to clarify and simplify regulations relating to farm labor housing in the Town of Canandaigua.

The proposed changes will edit four [4] different sections of Town code as outlined in the proposed draft LL [Local Law] language.

The proposed changes will:

- Update the definitions for farm labor and agricultural buildings.
- Remove the regulations for special use permits for farm labor housing in the Town.
- Add farm labor housing as a permitted use in the AR-1, AR-2, RR-3, and SCR-1 zoning districts.

150-2024	Town of Gorham	Zoning Board of Appeals	Rischpater, Matthew	Area Variance - AR 2
127.11-1-37.000	Area variances (4 total: Lake setback, North/South side setbacks, and lot coverage greater than maximum allowed) for the tear-down / re-build of an existing home and garage at 4244 SR364, just west of the Kipp Rd. / SR364 intersection, in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44576/150-2024-Plans-Hellman-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44647/150-2024-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/44648/150-2024-FEMA-Aerial>

Subject Parcel is 0.19-acres with an average lot width of approximately 52' and an average lot depth of approximately 166'. Driveway will be removed and relocated just south of the existing. Total disturbance is 0.08-acres. Building coverage to be remain 35%, and total greenspace is to be 51% (55.8% existing). Height of the proposed home is 26' (max allowed is 26').

Requested Area Variances include:

1. Front (west/lake) setback of 26.6' when a minimum of 30' is required (deck).
2. Side setback (north) of 8.4' when a minimum of 15' is required (deck).
3. Side setback (south) of 5.8' when a minimum of 15' is required (home).
4. Lot coverage of 49% when no more than 25% is permitted.

Pre-existing non-conformities include:

1. Lot area of 8,624 SF when a minimum of 15,000 SF is required.
2. Lake frontage of 51.58' when a minimum of 100' is required.
3. Lot width of 50.51' when a minimum of 100' is required.

According to OnCor, subject parcel:

- Is in the FEMA 100-Year Floodplain. Subject parcel is also within the Draft 100- and 500-Year Flood Zone.
- Gentle to no slope (0-9% gradient).
- Subject parcel and surrounding parcels have residential land use.

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

Part B Development of Lakefront Parcels.

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,

- variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings

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

Final Recommendation: Denial

Comments

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
4. Demolition debris should be recycled if feasible or disposed of properly.
5. Are there any plans for stormwater management to mitigate runoff from the increased impervious surface?
6. Per the CPB Bylaws, Canandaigua Lake is a historic/cultural landscape and waterway essential to community character. Applicant should implement a vegetative buffer /

additional screening of the expanded home and deck from the lake in order to ensure the preservation of community and natural character.

151.0-2024	Town of East Bloomfield	Zoning Board of Appeals	Archer, Lydia	Area Variance - 1
80.00-1-71.000	Site Plan, Special Use Permit, and Area Variance (Lot is 1.19-acres when a minimum of 2-acres is required) for a proposed tourist home / bed-and-breakfast in an existing home at 3026 CR40 in the Town of East Bloomfield.			

<https://ontariocountyny.gov/DocumentCenter/View/44582/1510-2024-and-1511-2024-and-1512-2024-LOIs-Archer-Tourist-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44586/1510-2024-and-1511-2024-and-1512-2024-ZBA-App-Archer-Tourist-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44649/1510-2024-and-1511-2024-and-1512-2024-Aerial>

Applicant would like to open a tourist home / bed-and-breakfast area in a portion of their home, for one rental while still residing in the rest of their home. Home has existing septic and an existing well. There is no proposed disturbance / construction. Applicant mentions there is currently sufficient parking for the proposed use.

In the area variance test questions, applicant mentions:

- The area surrounding the property is agricultural and will not be affected by the proposed use.
- The adjoining property is not for sale, so there is no way to have 2-acres for their bed-and-breakfast. They are only lacking 0.8-acres of the required 2.0-acres.
- There is no change detrimental to the environment nor to the health, safety, or welfare of the community.

According to OnCor:

- Subject parcel and surrounding parcels are in Ontario County Agricultural District #1.
- Subject parcel is residential. Surrounding land uses are predominately agricultural.

Comment

1. Letter of intent mentions that the applicant will have “one rental area”. How many units are in the rental area?

151.1-2024	Town of East Bloomfield	Planning Board	Archer, Lydia	Special Use Permit - 1
80.00-1-71.000	Site Plan, Special Use Permit, and Area Variance (Lot is 1.19-acres when a minimum of 2-acres is required) for a proposed tourist home / bed-and-breakfast in an existing home at 3026 CR40 in the Town of East Bloomfield.			

See 151.0-2024

151.2-2024	Town of East Bloomfield	Planning Board	Archer, Lydia	Site Plan - Exempt
80.00-1-71.000	Site Plan, Special Use Permit, and Area Variance (Lot is 1.19-acres when a minimum of 2-acres is required) for a proposed tourist home / bed-and-breakfast in an existing home at 3026 CR40 in the Town of East Bloomfield.			

152-2024	Town of Seneca	Zoning Board of Appeals	Airth, Aaron	Area Variance - 1
102.00-1-40.110; 102.00-1-40.130	Area Variance(s) to construct a RNG (Renewable Natural Gas) Manufacturing Facility with associated improvements (grading, drainage, utilities), located on the northeast side of the Seneca Castle Rd. / SR5&20 intersection in the Town of Seneca. Area Variances are for: (1) a building footprint of 91,000 SF when the maximum allowed is 5,000 SF, and (2) a structure height of 75 ft. when a maximum of 35 ft. is allowed.			

<https://ontariocountyny.gov/DocumentCenter/View/44592/152-2024-Sketch-Plan-RNG-Facility-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44589/152-2024-LOI-RNG-Facility-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44650/152-2024-Aerial>

According to OnCor, the proposed facility occupies two parcels totaling 10 acres with frontage along SR 5/US 20 east of Seneca Castle Road. The project access will be off Seneca Castle Road just north of existing residence on the northeast corner owned by Casella Waste Systems. Casella also owns two small lots north of the project site. There is an existing home north of these lots that abuts the proposed project. Other adjacent land uses include truck and field crop acreage to the north and east, the Ontario County Landfill to the south across SR 5/US 20, and vacant commercial land to the west across Seneca Castle Road.

OnCor also indicates the project site has gentle slope of 9 percent or less, is not in a floodplain, and is not currently mapped as a NYS DEC wetland or potential wetland based on the National

Wetland Inventory. There is stream along the eastern edge of the project site. Though the properties are not currently farmed, the soils are predominately lima loam which is prime farmland, partially hydric with moderately high permeability, and high erodibility.

The properties and other adjacent land east and west of Seneca Castle Road on the north side of SR 5/US 20 is zoned C-1 General Mixed Use. The intent of the C-1 district is to provide locations for general retail, service, finance, insurance real estate and related uses. Uses in the district are expected to be transitional in character and scale between rural agricultural areas and larger scale development in the C-2 Commercial District adjacent to the Town of Geneva. This is reflected in the 5,000 maximum aggregate square footage of allowable commercial uses in the district.

The proposed project is considered a retail service use, permitted with site plan review. The C-1 district allows up to 50 percent lot coverage including all impervious surface associated with buildings, parking, and site drives. Submitted information does not provide information on impervious coverage.

The building area of 91,184 SF will collect and process manure from 11 area farms caring for 11,000 cows. The proposed anaerobic digestion process will capture the methane that would otherwise be emitted into the atmosphere and will convert it to natural gas sufficient to supply 1,700 homes. The produced gas will enter the NYSEG natural gas main that runs along the SR 5/US 20 frontage. The proposed project would generate 37 tractor trailers per day.

The concept plan indicates a landscaped berm is proposed along SR 5/US 20 and plantings proposed along the north and east sides of the residential use at the northeast corner of SR5/US 20 and Seneca Castle Road.

The short EAF indicates a federal wetland permit will be required for 15,000 SF encroachment into the 2 acres on-site Federal Wetland.

This project will also require: NYSDEC SPDES permit for stormwater management, NYSDEC Air Quality Registration, and other NYSDEC Permits.

Comments

1. Additional setbacks and variances in the vicinity of the berm would be required if the two lots are not combined through re-subdivision or lot line adjustment process.
2. The letter of intent, but not the concept plan indicates the proposed height of each of the proposed structures. The referring body should require structure heights to be indicated on the concept plan as the ZBA's consideration of the appropriateness of the proposed height variances may be conditioned on their location.
3. The variance application and other submitted materials do not indicate the lot coverage. The referring body should clarify whether a lot coverage variance would be needed for the scale of impervious building, parking, and driveway coverage proposed.

4. In accordance with NYS CCR regulations regarding Type I actions under SEQRA 617.4 b (6)I and (8), as a retail service/non-agricultural use in Ontario County consolidated Agricultural District #1, the project is required to complete the full EAF, not the SEAF as provided.
5. Is additional landscaping/buffering needed along the western end of the north property line to minimize impact to adjacent residence?
6. What is the white rectangular area west of the berm along SR 5/US 20 in the southwest corner of the site?
7. The location of the gas line should be shown on the site plan.