

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday January 9, 2024, at 3:30pm**
County Planning Board Meeting –January 10, 2024 at 7:00pm 20 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>
 Attendance and Minutes.....2/3
 Referral Reviews and Board Action.....3
 General Procedures and Legal Obligations for Referring Agencies.....29

Referral No	Municipality	Referring Board	Applicant	Application Type - Class	Pg. #
01-2024	Town of Farmington	Planning Board	DiFelice, Frank	Subdivision - 1	3
02-2024	Town of Farmington	Planning Board	Laplant, Jason	Subdivision - Exempt	5
03-2024	Town of Farmington	Planning Board	Brenner, Robert	Site Plan - 1	5
04.0-2024	Town of Canandaigua	Zoning Board of Appeals	Grove, William	Area Variance - 1	8
04.1-2024	Town of Canandaigua	Planning Board	Grove, William	Site Plan - Exempt	9
05.0-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Subdivision - 1	9
05.1-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Technical Review – Technical Review	12
06-2024	Town of Canandaigua	Planning Board	Fraley, Jessica	Special Use Permit - AR 1	12
07-2024	Town of Canandaigua	Zoning Board of Appeals	Swedrock, John	Area Variance - 1	13
08-2024	Town of Canandaigua	Planning Board	Grove, William	Site Plan - Exempt	14
09-2024	Town of Canandaigua	Planning Board	Cafalone, Brian	Special Use Permit - AR 1	14
10-2024	Town of Victor	Planning Board	Winseman, Scott	Special Use Permit - 1	15
11-2024	Town of Manchester	Planning Board	Willow Bend Farms	Site Plan - 1	16
12-2024	Town of Hopewell	Planning Board	Violas, Nick	Subdivision - Exempt	17
13-2024	Town of Gorham	Zoning Board of Appeals	Tolbert, Mark	Area Variance - 1	17

Referral No	Municipality	Referring Board	Applicant	Application Type - Class	Pg. #
14-2024	Town of Geneva	Planning Board	Grace, Carla	Site Plan - 1	18
15.0-2024	Town of Canandaigua	Zoning Board of Appeals	Rockcastle, Logan	Area Variance - AR 2	20
15.1-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - Exempt	21
16-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2	21
17-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2	22
18-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2	23
19-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2	25
20.0-2024	Town of Naples	Planning Board	NY Naples I, LLC	Special Use Permit - 1	26
20.1-2024	Town of Naples	Planning Board	NY Naples I, LLC	Site Plan – 1	29

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: Nominating committee Chair Ruth Cahn called the 1/10/24 CPB meeting to order at 7:04 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported of the sixteen (16) voting members there were twelve (12) 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: Applicant – 3-2024, Rob Brennar, Chris Mergler, incoming CPB member from Town of Victor.

Presentation of slate of officers and representatives and vote on slates

Nominating Committee nominated Paul Passavant as Chair, Steve High as Vice Chair, and Len Wildman as Water Resources Council representative.

- Motion made by Tammy Worden to approve the nominating committee slate, seconded by Doug Dello Stritto (abstention by Jack Dailey) **Motion Carried.**

Minutes: Motion made by Tammy Worden to approve the December 13, 2023 minutes, seconded by Doug Dello Stritto (abstention by Jack Dailey). **Motion Carried.**

	Member name in bold if on local legislative, planning, or zoning board	P-Present / V – Virtual	A – Absent, E – Excused Absence
Town of Canandaigua	James Lagro	P	—
Town of West Bloomfield	Ruth Cahn ZBA	P	
Town of Victor	Chris Mergler awaiting re-appointment on 1/25/24	—	—
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		E
Town of Geneva	Steven High	P till 9:30	
Town of Farmington	Ted Liddell	P	
Town of Naples	Paul Lambiase PB		E
Town of Bristol	AJ Magnan ZBA	P	
City of Geneva	Paul Passavant	P	
Town of South Bristol	Kevin Stahl PB	P	
Town of Phelps	Nina Tilman PB		E
Town of Richmond	Leonard Wildman PB	P	
Town of Manchester	Tammy Worden	P	
Town of East Bloomfield	Mike Woodruff PB		E till end of April
Town of Hopewell	Vacant	-----	-----
Alternate Members:			
	Jack Dailey	P	
	Bessie Tyrell		A

01-2024	Town of Farmington	Planning Board	DiFelice, Frank	Subdivision - 1
29.11-3-5.112; 29.11-3-15.000	Preliminary Overall Subdivision Approval for the subdivision of two (2) existing lots, TM#'s 29.11-3-15.000 & TM# 29.11-3-5.112, into six (6) total lots along Commercial Dr., for the Redfield Grove Incentive Zoning Project, in the T. Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/41885/1-2024-Aerial-Redfield-Grove>
<https://ontariocountyny.gov/DocumentCenter/View/41882/1-2024-2015-Resolution-Redfield-Grove>
<https://ontariocountyny.gov/DocumentCenter/View/41890/1-2024-Subdiv-Plan-Redfield-Grove>

Town of Farmington referred project in October (215-2023) as a map amendment of Local Law No. 5 of 2015, affecting the redesign of remaining lands located within phase 3 of the approved overall preliminary site plan for the Redfield Grove Incentive Zoning Project. The referral was deemed incomplete by the County Planning Board due to a lack of documentation regarding: statement of currently applicable amenities and incentives, potential changes to allowable uses, and addressing adequacy of stormwater management facility in light of currently proposed impervious surfaces. The referral was re-submitted for review in the November CPB meeting as 215-2023. The additional information indicates there are no changes to the incentives or amenities, the patios are for employee lunch tables and no change in allowable uses, and the re-subdivision and site plan approval by the Farmington Planning Board will address the adequacy of the stormwater management facility. Resolution No. 103-2015 (linked above) outlines the amenities, incentives, and allowable uses for the applicable lots (Lots 1-5, Lot 71). Local Law 9 of 2023 was for the rezoning of approximately 18.3-acres of land from GB General Business to IZ Incentive Zoning, MTOD Major Thoroughfare Overlay District for the **Farmington Market Center (FMC) Incentive Zoning Project**. Local Law 10 of 2023, aka County Planning Board referral 215-2023, was for the amending of Local Law 5 of 2015. It involves the redesign of the remaining lands located within portions of Phase III of the Redfield Grove Incentive Zoning Project and further involving lands fronting along the north side of SR 96 and the east side of Commercial Drive.

Referral (1-2024) is currently for preliminary overall subdivision approval. Site plan approval will be required in the future to develop any/all lots. Currently, the subject parcels to be subdivided exist as 2 separate lots. The larger 4.35-acre parcel (TM# 29.11-3-15.000) fronts on the east side of Commercial Drive. This parcel is to be subdivided into 5 lots (Lots 1-5). Lot 71 (TM# 29.11-3-5.112) is across Commercial Drive to the west (will not be subdivided). The total acreage of the two existing subject parcels are 5.43-acres. Proposed lot areas are as follows: Lot 1 – 0.23-acres, Lot 2 – 1.14-acres, Lot 3 – 1.02-acres, Lot 4 – 1.08-acres, Lot 5 – 1.12-acres, and Lot 71 – 0.85-acres. According to OnCor, surrounding land use is residential or commercial.

These 2 parcels were originally proposed to be subdivided into 6 total lots, with 6 new buildings, with approximately 3.52-acres of proposed impervious area, 6 driveway connections to Commercial Drive, and 1 connected to SR96. The existing building (currently a single-family dwelling) on TM# 29.11-3-15.000 was planned to be demolished. The revised development plan now proposes the existing building/parking area to remain (on proposed Lot 1). The remaining land on TM# 29.11-3-15.000 is proposed to be subdivided into 4

parcels (Lots 2-5) each with a single proposed building with an attached outdoor patio. The revised development plan proposes no new changes to Lot 71. This would sum to a total of 6 subdivided parcels, with 6 buildings (5 new, 1 existing), and approximately 3.60-acres of impervious surface. There will be a single (existing) driveway connection to SR96 and 4 driveway connections to Commercial Drive. Lots 2-5 are designed with 2 rows of parking between the building and Commercial Drive, providing additional parking and interconnected access for safe and convenient access. The rear yards of these lots (2-5) that abut residences are to be landscaped, providing more green space (previous plan proposed additional parking and driving aisle) behind the buildings. A 6 ft. fence will be installed along the rear lots as well.

Comment

1. How many buildings are proposed? Submittal letter says 6 total (5 new, 1 existing), but PB app says 5 total (4 new, 1 existing).

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

02-2024	Town of Farmington	Planning Board	Laplant, Jason	Subdivision - Exempt
43.00-1-4.300; 43.00-1-4.200	3.20-acre subdivision of a currently 6.22-acre lot (TM# 43.00-1-4.300), and a lot-line adjustment transferring 1.66-acres from a 5.15-acre parcel directly to the east (TM #43.00-1-4.200), to create a new, 4.86-acre parcel (Proposed TM# 43.00-1-4.310). Located at 4309 SR 96, west of the SR 96 and CR28 intersection in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/41892/2-2024-Aerial-Laplant-Subdiv>
<https://ontariocountyny.gov/DocumentCenter/View/41895/2-2024-Subdiv-Plat-Laplant-Subdiv>

03-2024	Town of Farmington	Planning Board	Brenner, Robert	Site Plan - 1
See Attached List	Site Plan for the construction of 71 single-family homes along with supporting infrastructure and stormwater management facility at 1561-1589 Meadowbrook Lane and 1532-1582 Alfalfa Crescent, in the Farmbrook Subdivision, in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/41966/3-2024-Address-List-Farmbrook-7A-and-B>

<https://ontariocountyny.gov/DocumentCenter/View/41967/3-2024-Aerial-Farmbrook-7A-and-B>

<https://ontariocountyny.gov/DocumentCenter/View/41968/3-2024-Full-Plans-Farmbrook-7A-and-B>

<https://ontariocountyny.gov/DocumentCenter/View/42068/3-2024-2022-Previous-Plans-Farmbrook-7A-and-B>

Project was previously referred as 69-2022 in April 2022, as a re-subdivision of 46 existing residential lots (and 1 lot owned by Farmbrook HOA) in the undeveloped section of Farmbrook to accommodate 46 homes and a stormwater management pond to address increased run-off from the remaining 71 undeveloped lots. The subdivision included 6.9 acres owned by the Farmbrook Homeowners Association (HOA). Following the re-subdivision, the original HOA was reduced to 4.8 acres and the HOA now owns 2.9 acres developed with a stormwater management pond.

This site plan referral is for the 46 re-subdivided lots and 25 additional undeveloped lots along Meadowbrook Lane. Total site area is 24.6-acres, 19.9-acres to be disturbed, 7.6-acres of impervious surface created. Proposed project has a building density of 2.89 homes/acre (Site area of 24.6-acres / 71 homes = 2.89 homes/acre). Currently vacant single-family residential lots, proposed use of single-family residential. Zoned R-7.2 Planned Subdivision. All 71 proposed structures will be single-family residential homes with an attached garage, and a maximum of two stories. Canandaigua/Farmington Consolidation Water District – a proposed 8” water main will connect the two existing water main stubs on Alfalfa Crescent. Farmington Family Sewer District – proposed 8” PVC sanitary sewer lines will be extended from existing sewer stubs on Meadowbrook Lane and Alfalfa Crescent. On-site stormwater management facility to lie between Alfalfa Crescent and Meadowbrook Lane (easement to the Town of Farmington), parcel transferred to HOA. Sidewalks not proposed. Developer shall install one (1) street tree on all lots and two (2) street trees on corner lots. SWPPP to be prepared. Temporary erosion/siltation control is to be provided, maintained, and removed by the owner and/or developer.

Entire area to be disturbed lies on land with gentle to no slope (0-9% gradient), sloping west to east. A Beaver Creek tributary and some freshwater wetlands lie 200-300 ft. east of the project location. Soils on the project site is predominantly (roughly 86%) Schoharie Silty Loam (not hydric, moderately low permeability, very high erodibility, is an area of prime farmland, and in hydrologic soil group C/D). Northern portion of project location (roughly 14%) is Odessa Silt Loam (partially hydric, moderately high permeability, very high erodibility, is prime farmland if drained, and in hydrologic soil group C/D). Surrounding Land Use to north and west is residential (Farmbrook Subdivision), adjacent parcel to the east is agricultural, and adjacent parcel to the south is commercial (mostly open field/shrubland).

At the January 2024 CPB Meeting, applicant addressed some questions/comments from the board:

- Vegetation in open area between Hayride Drive and Alfalfa Crescent is to remain.

- Applicant commented that there is a street light at about every 4 houses in accordance with Town request to align with existing community character. The same reasoning is behind the omission of sidewalks on the project.
- Average lot size is roughly a quarter acre.
- All new homes are to have sump pumps.
- Stormwater management facility (SWMF) is intended to help mitigate existing drainage issues in the development. The SWMF is has aerated stone. There is no fence proposed. SWMF will be “stepped” to improve safety. The roughly 24 ft. wide outer edge of the SWMF will be sloped 1:4 (elevation slopes 1 ft. every 4 ft.). Outer perimeter slope will come to a 1:10 (2.5x flatter) sloped, 10 ft. “step”. After the step, slope returns to 1:4 until it reaches final depth of 12 ft.

January 2024 OCSWCD Comments

1. Concrete truck washout must be located at least 100 feet from any stormwater inlet or surface water
2. Is existing underground stormwater pipe sufficiently sized to handle added stormwater from facility outlet?
3. As shown on the plans, when the stormwater facility overflows and utilizes emergency spill way, water will enter the roadway. This has the potential to cause extreme hazards and damage to neighboring properties. Are inlets sufficiently sized to allow water to enter the storm system efficiently?

2022 OCSWCD Comments

1. Stabilization of all disturbed areas will be needed within 7 days.
2. Consider 0 phosphorus fertilizer unless otherwise noted by soil testing.
3. Additional detail needed regarding stormwater management facility outlet and what other system it connects with.
4. Consider diversion swale or other management option for runoff from increased impervious surfaces to prevent flooding of downslope residential lots and adjacent agricultural lands

2022 CRC Comments

1. In consideration of the HOA’s agreement to allow use of HOA lands to retain approved number of lots and address current stormwater management regulations for proposed lot, will the proposed stormwater management facility remedy any of the existing drainage issue in the Farmbrook subdivision? Could it?

2022 CPB Comments

1. In response to CPB questions, the applicant representative offered the following information:
 - a. In accordance with Town of Farmington policy, the HOA will own and maintain the stormwater facility and will execute an access and maintenance agreement to allow the town to take action in emergency situations or lack of HOA maintenance.

- b. In accordance with NYSDEC design guidelines, the stormwater pond will not be fenced but will have a maximum 1:4 slope and a 12” wide shelf at the edge to protect against accidental entry.

The applicant explored the possibility of a regional stormwater management facility on adjacent site, but was unable to secure agreement from the landowner.

Comment

- 1. Is brush/vegetation between Hayride Drive and Alfalfa Crescent to remain?

January 2024 Comments

- 1. This area has a high density of homes/acre with families and children nearby. The safety of the residents should be considered in designing the SWMF.
- 2. Are there any trails or sidewalks proposed for pedestrians? This too is a safety issue.

Board Motion: To retain referral 3-2024 as a class 1 and return to the local boards with comments. **Motion made by: Doug Dello Stritto Seconded by: Roslyn Grammar**

Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried.**

04.0-2024	Town of Canandaigua	Zoning Board of Appeals	Grove, William	Area Variance - 1
127.05-2-14.000	Site Plan and Area Variance(s) for the installation of a 756 SF in-ground swimming pool, hot tub, fence, and landscaping/grading at 4112 County Road 16 in the Town of Canandaigua. Area variances are for: (1) Placement of swimming pool and (2) hot tub in the front yard (when such structures shall only be located in the rear and/or side lot), and (3) for three accessory structures (when only one is permitted).			

<https://ontariocountyny.gov/DocumentCenter/View/41896/40-2024-and-41-2024-Aerial-Reed-Pool>

<https://ontariocountyny.gov/DocumentCenter/View/41900/40-2024-and-41-2024-Site-Plan-Reed-Pool>

<https://ontariocountyny.gov/DocumentCenter/View/42124/40-2024-and-41-2024-Shoreline-Guidelines-Reed-Pool>

Subject Parcel and surrounding land uses are residential. Area of proposed work has slope of moderate to steep (10-30% gradient), sloping west to east towards the lake. Soil is Honeoye Loam (not hydric, moderately high permeability, medium erodibility, hydrologic soil group C). Parcel is in the Residential Lake Zoning District. Currently, only one accessory structure (shed) exists.

In addition to 42’ x 18’ in-ground swimming pool, a 4” concrete apron will surround the pool, along with a fence and landscaping and grading. Pool pump, heater, and filter to be located under the existing deck. The existing deck will be connected to the pool area by proposed

landscaped steps. The hot tub will be installed on a concrete pad. Parcel has an area of 2.96-acres, disturbance from project to be 0.09-acres. Existing hedgerow in front of proposed pool area is to remain as a vegetative buffer. 16 proposed landscaping shrubs are to surround the fence/pool to screen from the lake view. Trees line the front of the property as well, providing more of a buffer. A silt fence is to be placed downslope from the area of construction.

Comments

1. Could a pool/hot tub be placed in the side yard, removing the need for a variance?
2. Could existing shed be removed to reduce the number of accessory structures on the parcel (reducing the variance)?
3. Does project comply with the Town’s Shoreline Development Guidelines? Does existing/proposed vegetative buffer adequately screen pool and hot tub area from the lake? Is front setback adequate in order to reduce issues like erosion and runoff into the lake?

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

04.1-2024	Town of Canandaigua	Planning Board	Grove, William	Site Plan - Exempt
127.05-2-14.000	Site Plan and Area Variance(s) for the installation of a 756 SF in-ground swimming pool, hot tub, fence, and landscaping/grading at 4112 County Road 16 in the Town of Canandaigua. Area variances are for: (1) Placement of swimming pool and (2) hot tub in the front yard (when such structures shall only be located in the rear and/or side lot), and (3) for three accessory structures (when only one is permitted).			

See 4.0-2024

05.0-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Subdivision - 1
139.00-1-26.100	Sketch Plan Review and Subdivision of a 74.4-acre lot into 3 lots (Lot 1 - 3.68-acres; Lot 2 - 3.05-acres; Lot 3 - 67.13-acres). Sketch Plan is for a new single-family residence on Lot 2, and a campground with a main lodge and four (4) 700 SF cabins on Lot 3. Located at 4765 Seneca Point Rd., just southeast of SR21 intersection in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/41902/50-2024-and-51-2024-Aerial-Roides-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/41909/50-2024-and-51-2024-Subdiv-Plans-Roides-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/41910/50-2024-and-51-2024-SWPPP-Roides-Subdiv>

A referral regarding this property was previously reviewed as 212-2023 in October 2023. The subject site is zoned RR3. Project materials prepared prior to revision of the subdivision and site plan to reflect 3 lots, including the ag data statement, EAF, and SWPPP, reference a 5-lot subdivision. The parcel is on the east side of Seneca Point Road a bit south of the intersection with SR 21. Lot 1 (3.68 acres) on Seneca Point Road includes land on both sides of the proposed private road to Lots 2 and 3 and will encompass the two existing homes and several existing accessory buildings including a shed on the north side of the private road. Lot 2 to be developed as single-family home is further east along the proposed road on the south side. Lot 3 encompasses all remaining land including remaining frontage on Seneca Point Road, frontage on the proposed road west and east of Lot 2 and land to the south property line bordering Barnes Gully. A campground facility with 2,800 SF lodge, four (4) cabins, and a future pond is proposed for this property. The limit of disturbance for the road, house, and lodge is labeled as 3.5 acres. There is also an existing accessory building on Lot 3 south of Lot 1.

According to Oncor, the property is in Ontario County Agricultural District No. 1. There are 14 acres of steeply sloped rock outcrops. The remaining site soils are prime farmland, prime if drained, or farmland of statewide importance. The area along the southern boundary adjacent to Barnes Gully has areas of 16 to 30 and 31 to 60 percent slope. There are additional areas of 16 to 30 percent slope including one crossed by the proposed road. The property is approximately 750' upland of Ononda Park with 1 intervening parcel that includes lands north and south of the gully.

The district allows camping grounds by special use permit. Lot 3 (67.13 acres) meets the 25-acre minimum size for a camping ground. The special use permit standards of 220-40 A. indicate no more than 25 percent of any site proposed for use as a camping ground on land in an agricultural district may take prime farmland out of agricultural production.

All proposed uses will be served by public water and individual on-site wastewater treatment systems. The subdivision plan notes indicate the maximum driveway slope will be 15 percent and the maximum slope of cut and fill areas will be 2 on 1 or 50 percent. The SWPPP indicates all areas will continue to sheet flow to the on-site stream/Barnes Gully.

October 2023 Comments

1. Does the camping ground comply with 220-40A regarding limit on removing prime agricultural land from production? Will a portion of the camping ground property be subject to an agricultural easement to ensure land is available for agricultural production?
2. While the proposed cabins meet the 38' maximum travel trailer length, 220-40 B, C, and N indicate buildings for accommodation of guests would only be allowed if considered conversions and authorized by special use permit as specified in 220-40 E.
3. Will the camping ground comply with the May 1 to Nov 30 maximum period of operation specified in 220-40 D?
4. The location of the septic system(s) serving existing homes on Lot 1 should be indicated on the subdivision plan.

October 2023 CRC Comments

1. Some materials say it a 5-lot subdivision, some say 3-lot subdivision. Please clarify.
2. Will there be a sign for the camp site on the road?
3. Is private road access satisfactory?
4. Would camping ground involve proposed cabins and also RV and trailer sites?

January 2024 Comments

1. Since this project is referred as a sketch plan/technical review, it will require future site plan referral.
2. A cross access and maintenance easement should be required for the proposed private road shared by 3 property owners.
3. Does the private road require a setback from the northern property line?
4. How will guests access the cabins? Will stone dust or paved accessways be provided?
5. Will lodge or any cabins/cabin access paths be accessible?
6. Has the applicant contacted the adjacent property owner regarding a pedestrian easement to allow camp ground guests to access Ononda Park without trespassing?
7. The sketch plan does not show stormwater management of run off from new impervious surfaces.
8. The SWPPP identifies only 1 existing house, characterizes the lodge as 1,650 SF, the road as 36,000 SF, and 2 proposed homes of 2,600 SF, footprint unknown and the a total of 42,850 SF. How does the impervious coverage of the proposed and full site buildout modification compare to those analyzed in the SWPPP?
9. No Statement of Operations provided for special use permit.
10. As noted by the Code Officer the site plan, should extend limit of disturbance to includes all site modifications including cabins and pond. Also 2 of the 4 proposed cabin locations are in an area of steep slopes.
11. The Code Enforcement Officer also noted the plans do not show required construction staging, stabilized construction entrance, topsoil stockpile, or concrete wash out.

January 2024 OSWCD Comments

1. Reconsider the placing of the two northern cabins on an area steep slope.

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**

Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

05.1-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Technical Review – Technical Review
139.00-1-26.100	Sketch Plan Review and Subdivision of a 74.4-acre lot into 3 lots (Lot 1 - 3.68-acres; Lot 2 - 3.05-acres; Lot 3 - 67.13-acres). Sketch Plan is for a new single-family residence on Lot 2, and a campground with a main lodge and four (4) 700 SF cabins on Lot 3. Located at 4765 Seneca Point Rd., just southeast of SR21 intersection in the Town of Canandaigua.			

See 5.0-2024

06-2024	Town of Canandaigua	Planning Board	Fraley, Jessica	Special Use Permit - AR 1
98.00-1-46.100	Special Use Permit for a 91.5 SF building-mounted sign on a store front with a linear frontage of 92', for Dollar Tree at Widewaters Roseland Plaza, at 3225 SR364, in the Town of Canandaigua.			

- <https://ontariocountyny.gov/DocumentCenter/View/41912/6-2024-Aerial-Dollar-Tree-Sign>
- <https://ontariocountyny.gov/DocumentCenter/View/41914/6-2024-Sign-Image-Dollar-Tree-Sign>
- <https://ontariocountyny.gov/DocumentCenter/View/41916/6-2024-Site-Plan-Dollar-Tree-Sign>

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 the following roads as primary travel corridors for tourists visiting Ontario County: County Road 12, Lakeshore Dr (City & Town of Canandaigua), Route 5 and 20, State Rt 14, State Rt 21, State Rt 64, State Rt 96, State Rt 245, State Rt 332, US Route 20A.

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.

B. Applications for signs complying with local limits on size and number.

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.

07-2024	Town of Canandaigua	Zoning Board of Appeals	Swedrock, John	Area Variance - 1
70.00-1-66.121	Area Variance to modify a building (Vision Hundai) with pre-existing non-conformities, expanding the non-conformity. Proposed façade improvements and removal of existing entrance vestibule will further increase front setback distance (from 155.6 ft. to 169.8 ft.) when the maximum front setback allowed is 30 ft. Project is at 2440 SR332, north of the Pactiv property, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/41918/7-2024-Aerial-Hundai-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/41921/7-2024-Sign-Calcs-Hundai-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/41922/7-2024-Site-Plan-Hundai-Variance>

Referral is for 5,267 SF of improvements on the façade of the existing building (removal of the main entrance vestibule). The building in question is a pre-existing non-conformity and therefore require a variance for expansion of a non-conformity. Applicant is requesting an area variance for a front setback of 169.8’ when code allows for a maximum of no more than 30’. Current front setback is a pre-existing non-conformity, as it is currently 155.6’. Existing building has pre-existing non-conformities for both side setbacks and rear setback as well (no work on these sides, setback will not be changed). The letter of intent mentions that, “the alleged difficulty is not self-created, but a result of the zoning district regulation changes made between the time of the original approval and construction of the car dealership under the CC: Community Commercial district to the zoning change to the FBCD: Route 332 Subarea district requirements. The area variance is being requested to allow building façade improvements to the existing non-conforming structure”.

In addition to the removal of the vestibule, there are proposed building façade improvements and a new public courtesy “level 3” EV charging station. Façade improvements include: new/renovated entryway, new wall paint/finishing, new wall-mounted lighting, relocated downspouts, and new doors. Parcel is 11.1-acres, and project is to disturb 0.01-acres. Plans indicate that there is a wetland in the rear (western) portion of the parcel. Work will not be done in this area. Slope of project area is little to none (0-3% gradient). Surrounding parcel uses are mostly commercial (some vacant).

Comment

1. Is proposed building mounted lighting dark sky compliant?

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

08-2024	Town of Canandaigua	Planning Board	Grove, William	Site Plan - Exempt
55.00-1-44.110	Site Plan to construct a single-family dwelling (and wastewater treatment system and well) on a vacant 10-acre lot, at 1950 New Michigan Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/41924/8-2024-Aerial-Casella-Home>
<https://ontariocountyny.gov/DocumentCenter/View/41928/8-2024-Site-Plan-Casella-Home>

OCSWCD Comments

1. All new construction alternative systems require a review and approval by NYSDOH h as the plan states.
2. Show deep hole/percolation test data.
3. Taper should be 3 (horizontal) : 1 (vertical).
4. 100% expansion area may be required.

09-2024	Town of Canandaigua	Planning Board	Cafalone, Brian	Special Use Permit - AR 1
56.00-1-13.210	Special Use Permit for the proposed installation of a (80 SF, 76" tall) two-sided ground-mounted commercial speech sign, at 1947 SR332 in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/41931/9-2024-Aerial-Cafalone-Sign>
<https://ontariocountyny.gov/DocumentCenter/View/41932/9-2024-Sign-Images-Cafalone-Sign>
<https://ontariocountyny.gov/DocumentCenter/View/41933/9-2024-Survey-Cafalone-Sign>

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 the following roads as primary travel corridors for tourists visiting Ontario County: County Road 12, Lakeshore Dr (City & Town of

Canandaigua), Route 5 and 20, State Rt 14, State Rt 21, State Rt 64, State Rt 96, State Rt 245, State Rt 332, US Route 20A.

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.

B. Applications for signs complying with local limits on size and number.

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.

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

10-2024	Town of Victor	Planning Board	Winseman, Scott	Special Use Permit - 1
28.04-1-12.000	Special Use Permit application for a short-term rental (3-bedroom, 1600 SF accessory structure) on the same parcel as the primary residence, at the intersection of Break of Day and Brace Rd, at 6562-6560 Break of Day Rd. in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/41935/10-2024-Aerial-Winseman-STR>

<https://ontariocountyny.gov/DocumentCenter/View/41938/10-2024-Sketch-Winseman-STR>

<https://ontariocountyny.gov/DocumentCenter/View/41939/10-2024-Survey-Winseman-STR>

Applicant is requesting approval for a short-term rental in an existing three-bedroom (1,600 SF) accessory structure on the same parcel as the primary structure (hosted short-term rental, a specially permitted use). There are four parking spaces proposed for overnight parking. Additional parking space is for the resident (and owner’s agent) of the property. Subject parcel is 5.7-acres. There is no proposed work/construction indicated in submitted materials.

Comments

1. Does accessory structure have all the necessary utilities/amenities to make it a habitable space?
2. Does any additional work need to be done (ex: increase parking area, install utilities, etc.)?

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**

Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

11-2024 33.00-1- 20.100	Town of Manchester Planning Board Willow Bend Farm Site Plan - 1 Site Plan to construct a 6 MG manure storage area and 2 barns (67,184 SF each), for the housing of dairy cows at 1159/1169 CR7, just north of I90, in the Town of Manchester.
-------------------------------	--

<https://ontariocountyny.gov/DocumentCenter/View/41940/11-2024-Aerial-Willow-Bend-Barn>
<https://ontariocountyny.gov/DocumentCenter/View/41941/11-2024-Full-Plans-Willow-Bend-Barn>

Two (2) 104' x 646' barns are to house 500 “dry” dairy cows with a maternity wing on it. A six-million-gallon manure storage area will be placed on the east end of the barns. Area of the parcel is 214.5-acres, project area is roughly 12-acres. Development is to be staged (anticipated construction time of 1 year); 1 barn is planned to be built in 2024, the second in 2025.

Silt fences, check dams, and inlet protection to be in place during construction. A leak detection outlet is to be installed to monitor any possible leaks from the manure storage facility. Other features of the manure storage area include: stabilization trenches, access/agitation ramps, and concrete floors/walls. Proposed stormwater management includes: a berm to the north to control stormwater flows, an infiltration trench filled with stone along northern side of barns, a south diversion with inlet/outlet protection, a culvert south of the barns leading to an infiltration basin w/ a stone dam, also a swale between barns.

Parcel is zoned agricultural and current land use is agricultural. Subject and surrounding parcels are in Ontario County Agricultural District #1. Surrounding land uses are a mix of agricultural, residential, and community service (I-90). Northern and western sections of the parcel are within the FEMA floodways, and FEMA draft 2023 100- and 500-year flood zones. A national wetland lies on the parcel along CR7 to the northwest (upland) of proposed work. Canandaigua Outlet borders north and east of property. Site slopes from west to east, area of

proposed work has gentle to no slope (0-9% gradient). Soils are a mix of Palmyra Cobbly Loam and Palmyra Gravely Sandy Loam (both soil types are not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

OCSWCD Comments

1. Details for concrete truck washout not provided in plans.
2. SWPPP not provided, unable to make further comments.

Comments

1. Is there a SWPPP? SEAF? Planning Board may need more detail is needed on hydrologic/environmental impacts.
2. Will the barns need utilities extended to them (electricity? Water?)

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

12-2024	Town of Hopewell	Planning Board	Violas, Nick	Subdivision - Exempt
99.00-1-56.000	Subdivision of 10.5-acre residential vacant parcel into two (2) separate parcels (Lot 1 – 7.61-acres; Lot 2 – 2.89-acres), at parcel TM# 99.00-1-56.00 on Lincoln Hill Road, directly south of the FLCC main campus in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/41944/12-2024-Aerial-Violas-Subdiv>
<https://ontariocountyny.gov/DocumentCenter/View/41946/12-2024-Subdiv-Plat-Violas-Subdiv>

13-2024	Town of Gorham	Zoning Board of Appeals	Tolbert, Mark	Area Variance - 1
98.19-3-6.000	Area Variance(s) for side and rear setback relief (10' side setback when 15' is required, 14.8' rear setback when 30' is required) as well as a proposed lot coverage of 48% (max allowed is 30%) for an addition to an existing home at parcel TM# 98.19-3-6.000, along the southern edge of the T. Gorham/T. Canandaigua boundary in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/41947/13-2024-Aerial-Tolbert-Home-Variance>
<https://ontariocountyny.gov/DocumentCenter/View/41949/13-2024-Full-Plans-Tolbert-Home-Variance>

Replacing existing single-story building (garage) with a new (33' tall) wood framed structure to include second story (only building on parcel). Also replacing driveway. Building footprint is expanding from 1,000 SF to 2,490 SF. Area of pavement is to be reduced from 4,780 SF to 3,153 SF. Area variance requests for setback and lot coverage. Pre-existing non-conforming setbacks for the parcel are 21.9' (rear) when at least 30' is required, and 11' (side) when at least 15' is required. Proposed side setback after expansion is 10', and proposed rear setback is 14.79' (expanding non-conformity). Pre-existing non-conforming lot coverage is 5,780 SF (44%) when maximum allowed is 30%. Proposed lot coverage after expansion is 6,313 SF (48%).

Parcel is split in three (3) separate pieces by Otetiana Point access road. Subject parcel is 0.27-acres. Project area has little to no slope (0-3% gradient). Subject parcel is zoned single-family residential, use is vacant with improvements. Surrounding uses are residential and public service (Canandaigua Lake County Sewer District). Soil where work is proposed is predominately Rhinebeck Silty Clay Loam (partially hydric, moderately high permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D). Subject parcel is (not in but) surrounded by FEMA floodways, and FEMA draft 2023 100- and 500-year flood zones.

Comments

1. Only 1 of the 4 new driveway segments is long enough to accommodate a parked vehicle. What is the purpose of these impervious areas?
2. Will the existing tree that is currently above the garage have to be removed for second story?
3. What type of soil erosion / stormwater management measures are being taken to protect the lake?
4. What is the proposed use of the new building? Is it still just a garage, or will it be used as a living space? Any utilities being added?

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

14-2024	Town of Geneva	Planning Board	Grace, Carla	Site Plan - 1
104.13-1-27.200	Site Plan to renovate existing building (with associated access/parking lot improvements) to be used as a dentist's office at 835 CR6, southeast of the West Washington St/CR6/Lenox Rd. intersection in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/41951/14-2024-Aerial-Portside-Dental>
<https://ontariocountyny.gov/DocumentCenter/View/41952/14-2024-Full-Plans-Portside-Dental>

Proposed work to renovate an existing vacant commercial building into a new dentist office. At the CR6 entrance - work includes the removal of granite curb as needed for installation of utilities, and to remove and dispose of entrance asphalt pavement to accommodate right-in/right-out only access. CR6 entrance to have new granite curbs, concrete gutter and median, new navigational signage (Do not enter in exit lane – viewable from oncoming southbound CR6 traffic, new stop sign and right turn only sign in exit lane), new curb cut transition, and asphalt pavement. Structures surrounding the existing building are to be removed: including dust collection units, concrete pads, retaining wall, and sump pump w/ connecting pipes. New structures to be built surrounding the building are: a new building entrance vestibule, new building overhangs, landscaping, a screening fence, a stone retaining wall, and new concrete sidewalks with steps and curb cut transitions. Existing gravel driveway to be replaced with asphalt and expanded into parking lot. A lot with 28 parking spots is proposed (including 2 ADA accessible spots) with 4' wide yellow pavement markings, new lighting, and new surrounding landscaping. Some vegetation/tree-line on the eastern portion of the property is to be grubbed and cleared. CR6 access is to have two lanes (1 entrance only, 1 exit only) and West Washington St. access is to be paved and have one lane (with a new entrance/business sign). A snow storage location is proposed on the south side of the proposed parking lot. Water service to be connected at existing curb stop valve, sewer connection to be replaced, existing gas service to be protected, overhead electric service. A storm line is to lie in front of the building across the parking lot, with the end section just east of the parking lot.

The Town of Geneva has applied for a grant to provide sidewalks along CR 6 south from Apartment complex north of West Washington St. to SR 5/US 20 and east on SR 5/US 20 to Reed Road/City line.

Parcel is 1-acre, zoned Town Center Arterial. Surrounding land uses are commercial or residential. Home at southwest corner of W. Washington and CR6 is vacant and condemned. There is gentle to no slope (0-9% gradient), sloping from west to east. 200 yards east is stream that connects from 5/20 Wendy's. It connects to Castle Creek, which has existing flooding problems. There are storm drains on W. Washington St. Soil is Lima Loam: not hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D.

Comments

1. Is the West Washington access two-way or one-way? Which is the main entrance?
2. Consider requiring frontage landscaping along CR 6 and West Washington St.
3. Could additional landscaping be put in to buffer business from adjacent residential parcels to the southwest?
4. What are the days/hours of operation, expected number of customers in a day, number of employees? Is there a statement of operations?
5. How big is the area of disturbance?

6. Are existing stormwater management facilities sufficient to avoid downstream impacts to Castle Creek?

Board Motion: To retain referrals 1-2024, 4.0-2024, 5.0-2024, 7-2024, 10-2024, 11-2024, 13-2024, and 14-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried**

15.0-2024	Town of Canandaigua	Zoning Board of Appeals	Rockcastle, Logan	Area Variance - AR 2
98.13-1-24.000	Site Plan and Area Variance(s) for the tear-down of an existing detached garage, accessory building, and deck, and for the proposed construction of an attached garage with additional site features (new sun-room and deck). Area variance(s) are required for: (1) increasing the building coverage to 29.8% when 25% is maximum allowed and (2) increasing the lot coverage to 48.7% when 40% is maximum allowed. Proposed work is located at 3485 Lakeview Lane in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/41955/150-2024-and-151-2024-Aerial-Schulman-Garage>

<https://ontariocountyny.gov/DocumentCenter/View/41956/150-2024-and-151-2024-Full-Plans-Schulman-Garage>

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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

- variances pertaining to lot coverage

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 leads 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 Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

15.1-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - Exempt
98.13-1-24.000	Site Plan and Area Variance(s) for the tear-down of an existing detached garage, accessory building, and deck, and for the proposed construction of an attached garage with additional site features (new sun-room and deck). Area variance(s) are required for: (1) increasing the building coverage to 29.8% when 25% is maximum allowed and (2) increasing the lot coverage to 48.7% when 40% is maximum allowed. Proposed work is located at 3485 Lakeview Lane in the Town of Canandaigua.			

16-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2
n/a	Local Law to amend zoning code section §220-33.1, amending the scenic viewshed overlay (SVO) portion of the Town Code of the Town of Canandaigua to clarify that the			

minimum lot size in the SVO shall not be less than one acre, or the minimum size of the underlying zoning district whichever is greater.
--

<https://ontariocountyny.gov/DocumentCenter/View/41962/16-2024-LL-T-Canandaigua-Scenic-Viewshed-Overlay-District>

Local law 10-2022, amended the scenic viewshed overlay (SVO) portion of the Town Code of the Town of Canandaigua (§220-33.1) to clarify the minimum lot size in the SVO shall not be less than one acre, or the minimum size of the underlying zoning district whichever is greater. In some cases, in the Town of Canandaigua such as the AR-2 or RR-3 zoning districts the minimum lot size exceeds the one acre minimum. This amendment would clarify the minimum lot size of the underlying zoning district must be met for those zoning districts requiring greater than a one-acre lot size.

The amendment specifically occurs in Town Code Section 220-33.1D(1). Amendment changes text from “the minimum lot size in the SVO District is one acre” to “The minimum lot size in the SVO District *shall not be less than one acre or the minimum lot size of the underlying zoning district, whichever is greater*”.

Comment

1. Town Board needs to have a revote on the local law because the first vote occurred prior to a County Planning Board recommendation. Therefore, the previous vote does not meet state statute.

Board Motion: To retain referrals 16-2024, 17-2024, 18-2024, and 19-2024 as a class 2s and return them to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried.**

17-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2
n/a	Local Law to amend Town of Canandaigua Town Code Chapter 220 (Zoning), creating section 220-33.2 titled "Agricultural Protection Overlay District".			

<https://ontariocountyny.gov/DocumentCenter/View/41963/17-2024-LL-T-Canandaigua-Ag-Protection-Overlay-District>

Local Law 6-2022 amended Chapter 220 of Town Code, creating section 220-33.2, titled “Agricultural Protection Overlay District”. This section highlights the intent of the agricultural

overlay district, its’ definition and purpose, who has the right to engage in agricultural practices, and new infrastructure improvement considerations. The overlay district applies to farm parcels of 7 acres or more west of SR 21, south of CR 30 and North of Rossier Road and in the Strategic Farmland Protection Area as defined in the Town’s Agricultural Enhancement Plan adopted in 2016. The overlay districts required Town Board approval of extension of public water and sewer infrastructure before Planning Board approval of any major subdivision within the overlay.

Comments

1. The Town Code definition of major subdivision excludes conservation subdivisions. Is it the Town Board’s intent to allow Planning Board approval of conservation subdivisions involving extension of public utilities within the overlay without Town Board concurrence?
2. Town Board needs to have a revote on the local law because the first vote occurred prior to a County Planning Board recommendation. Therefore, the previous vote does not meet state statute.
3. The Town Board may want to reference both Map 7 in the 2016 Farmland Protection Plan which outlines the Strategic Farmland Protection Area and provides information on active farmland and its agricultural soil classification and Map 7 Protected Land in the 2021 Comprehensive Plan update which includes an outline of the Farmland Protection Area, Paddleford Brook Greenway, permanently protected farmland, and farmland on which protection is in progress.

CPB Comment

1. The Farmland Protection Area/Farmland Protection Overlay encompasses much of the Town. Are there sufficient other areas to accommodate projected growth

Board Motion: To retain referrals 16-2024, 17-2024, 18-2024, and 19-2024 as a class 2s and return them to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried.**

18-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2
n/a	Local Law to amend Town of Canandaigua Town Code Chapter 220 (Zoning) section 220-31, enabling the Town Board to utilize Incentive Zoning in any Town of Canandaigua zoning district, and would further define applicable options for cash payment in lieu if the Town Board determines such a payment is applicable.			

<https://ontariocountyny.gov/DocumentCenter/View/41964/18-2024-LL-T-Canandaigua-IZ-District>

The Town Board has the authority to rezone parcels in the Town of Canandaigua when the current zoning limits potential use either as identified by the owner of the parcel or the Town of Canandaigua.

The Incentive Zoning District, which specifically allows the Town Board to rezone a parcel to Incentive Zoning when the Town Board determines a benefit exists for the rezoning; however, initial incentive zoning authorizations limited for use to the following zoning districts: R-1-30 (Residential Single-Family District), R-1-20 (Residential Single-Family District) , MR (Multiple Residential District), NC (Neighborhood Commercial District), CC (Community Commercial District), RB-1 (Restricted Business District), LI (Limited Industrial District), and I (Industrial District).

The Town of Canandaigua has grown since the Incentive Zoning District was last updated and now includes zoning districts like SCR-1, RLD, Form Based Code, Mixed Use, and other zoning districts not listed in the Town Code currently as applicable to Incentive Zoning.

Local Law 9-2022 allows the Town Board to amend the Town Code to enable the Town Board to utilize Incentive Zoning in any Town of Canandaigua zoning district, and would further define applicable options for cash payment in lieu if the Town Board determines such a payment is applicable.

The amendment specifically occurs in Town Code Section 220-31D and 220-31O. Section 220-31D used to list R-1-30, R-1-20, MR, NC, CC, RB-1, LI, and I as the only zoning districts designated as eligible for zoning incentives. And that “incentives may be offered to applicants who offer an acceptable amenity to the Town in exchange for the incentive”. Now, in its entirety Section 220-31D reads “The Town Board shall have the authority to designate incentives in all zoning districts of the Town of Canandaigua”.

Also, Section 220-31O was updated to allow funds to be placed in a *fund or capital project at the discretion of the Town Board*, no longer just a *trust fund*. A sentence was also added at the end of 220-31O, “*Cash payments may be directed to existing reserve funds, capital projects, other funds; or funds or projects to be created by the Town Board*”.

Comment

1. Town Board needs to have a revote on the local law because the first vote occurred prior to a County Planning Board recommendation. Therefore, the previous vote does not meet state statute.

CPB Comments

1. Ensure allowed incentives don’t negatively impact lake water quality, natural resources or additional T. Canandaigua comprehensive plan priorities.
2. Consider impact to existing properties owners when assessing use of Incentive Zoning and the appropriate incentives and amenities.

3. Consider intent of existing zoning districts when allowing use of Incentive Zoning. Incentive zoning is an important tool, though it can also undermine other goals embodied in existing zoning districts.

Board Motion: To retain referrals 16-2024, 17-2024, 18-2024, and 19-2024 as a class 2s and return them to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried.**

19-2024	Town of Canandaigua	Town Board	Town of Canandaigua	Text Amendment - 2
n/a	Local Law to amend Town of Canandaigua Town Code Chapter 220 (Zoning) section 220-9.1 on short-term rentals, in order to clarify definitions and application requirements/processes.			

<https://ontariocountyny.gov/DocumentCenter/View/41965/19-2024-LL-T-Canandaigua-STRs>

Text Amendment regarding short-term rentals was previously referred in May 2023 as 84-2023. Current referral adds new recommended changes taking into account some of the provided CRC comments from May 2023 (does special use permit expire upon transfer of property, what penalties apply if not met). Town Board has not yet voted on these current recommended changes.

The Town Planner and Code Enforcement Officers have been working with the Ordinance Committee to recommend certain amendments to the Town’s short term rental law in order to clarify short term rental regulations, application requirements, application processes. The recommended changes include but are not limited to:

- clarifications to the definition of a bedroom and eliminating “sleeping area” in order to simplify and clarify the review and application process for both property owners and the Development Office and to bring definitions in line with NY State Building code language.
- organizing the language of the code to clarify the requirements for the short-term rental permit application. Previous application requirement language was distributed throughout the law and now all application requirements are located in one section within the law.

- Code Enforcement also recommended that language be clarified with regards to requirements for health and safety protection measures including requirements for smoke detectors, fire extinguishers, and other similar language.
- Adding required Planning Board review and approval for all short-term rental permit applications for dwellings with six or more bedrooms.

All proposed changes are illustrated in the “redline” version of the draft law. They include changes to the “purpose” paragraph on short-term rentals, and changes to the definitions of: bedroom, floor plan, local contact, maximum occupancy, and removal of the sleeping area definition. Also, multiple changes to the “use with criteria” (special use permit exception and requirements for application).

Comments

1. Short-term rental regulations are authorized by NYS statute as business regulations for purpose of general health, safety, and welfare. Regulation of housing tenure is not a permissible zoning authority. The Town of Canandaigua’s short term rental regulations should be moved from the zoning chapter to a new chapter. This will also necessitate adding to the short-term rental chapter relevant portions of application, review, and enforcement regulations related to the current special use permit process. Town of Canandaigua is commended for continuing to amend their Short-term Rental regulations to address difficulties encountered.
2. Add design to reference to on-site wastewater system capabilities to clarify occupancy limit without need to document actual failure of system.

Board Motion: To retain referrals 16-2024, 17-2024, 18-2024, and 19-2024 as a class 2s and return them to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Secoded by: Leonard Wildman**
Vote: 12 in favor, 0 opposed, 0 abstentions. **Motion carried.**

20.0-2024	Town of Naples	Planning Board	NY Naples I, LLC	Special Use Permit –1
204.00-1-29.110	Special Use Permit(s) and Site Plan for the construction of a 4.55 MW solar farm (2 separate arrays each with their own access road), an 8’ high fence, and associated improvements on a 41.7-acre vacant parcel at 6487 CR21, on the corner of Edson Rd. and CR21, in the Town of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/42080/200-2024-and-201-2024-Aerial-SOLAR>
<https://ontariocountyny.gov/DocumentCenter/View/42082/200-2024-and-201-2024-Full-Plans-SOLAR>

<https://ontariocountyny.gov/DocumentCenter/View/42086/200-2024-and-201-2024-SWPP-SOLAR>

<https://ontariocountyny.gov/DocumentCenter/View/42088/20-2024-soils-report>

Town currently has a 6-month moratorium on certain energy systems (solar energy). Therefore this project cannot be reviewed at a local (Town) level, but can be reviewed at a County level.

The project site is located southeast of the intersection of SR 21 and Edson Road and south of East Hill Road. The solar project will include two independent facilities each with access road, inverter, and 8’ fence. One access road is off CR 21, the other is off Edson Road. The site was previously referred as an exempt 2 lot subdivision as referral 158-2023 in August 2023. The project involves disturbance of 27.5 acres and .86 acres of impervious surface (**EAF also says .73 acres) does this include roads.** The project involves a 5’ tall 300’ long dam to create a .65-acre, 0.8 MG stormwater management pond. The SWPPP indicates access road will be gravel and filter strips will be installed adjacent to concrete equipment pads. The maximum height of the 10,551 panels are 15’.

The EAF indicates the unsubdivided 51.3-acre parcel has 16 acres of highly productive agricultural soils, 3 percent of its area with 8 to 15 percent slope and 21 percent with 15 to 25 percent slopes; 40 percent of the parcel is poorly drained. The EAF also indicates the project involves the removal of 14.1 of 16.89 acres of woods and removal of 10 acres of meadow and 3.1 acres of class c stream corridor/wetland area.

The EAF indicates the proposed project is within .8 miles of the High-Tor Wildlife Management Area, 2.8 miles of Grimes Glen County Park, and 4 miles of The Nature Conservancy’s West Hill Preserve.

According to OnCor the site and lands to south and east are in Ontario County Agricultural Districts #1. The southern portion of the site is shown in agricultural use. The eastern portion of the site is woods. Site soil characteristics are as follows:

Homer fine sandy loam 0-3 % 18.6 acres center of parcel
Prime if drained
Permeability: very high **Erodibility:** medium
Hydrological Group B/D **Partially Hydric**

Howard gravelly loam 8-15% 1 15,1 acres west end of parcel
Farmland of Statewide Importance
Permeability: high **Erodibility:** medium
Hydrological Group A **Not Hydric**

Howard soils 15-25% 8.4 acres east end of parcel

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

1. Has any investigation been done to determine if underground tile is preexisting on site?
2. If two access roads are proposed, one for each parcel, is it necessary to improve the stream crossing? Recommend not disturbing the stream and instead utilizing access from existing roads.
3. Additional detail necessary on proposed drainage catch basins.
4. Unclear if drainage plan is indicating underground drainage or showing flow path.
5. Additional fencing required around sensitive areas for protection.
6. Additional detail needed on proposed drainage swales.
7. Concrete truck washout and top soil stockpiles not indicated on plans.
8. What actions are proposed to mitigate the disturbance of identified wetland areas on the parcel?

Comments

1. The SWPPP should be revised to reflect the substantial tree removal/clearing, grubbing, and re-grading as shown on the tree removal and grading plan sheets. SWPPP and stormwater management calculations should also reflect soil compaction from these development activities. Is grubbing/root removal necessary for installation of solar panels?
2. Existing vegetation along the stream corridor should be retained. Such vegetation serves an important function with regarding to stabilizing the stream channel and minimizing and filtering downslope sheet flow stormwater.
3. Sheet 12 the drainage plan shows 1 retention pond for each solar area. These should be shown on the grading plan.
4. Since the project is in an agricultural district an agricultural data statement should be provided. The project should also comply with the NYS Department of Agricultural and Markets Guidelines for Solar Project Mitigation and will be required to pay an impact mitigation fee for prime farmland converted to solar use. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/NY-Sun/Contractor-Resources/NYSAGM-guidelines-for-solar-construction-mitigation-ag.pdf>
5. Has the referring body received an adequate site-specific operations and maintenance and decommission plan?
6. Has the applicant documented evidence of submitting Coordinated Electric System Interconnect request (CESIR) and willingness to pay the projected interconnection costs?

January 2024 CPB Comment

1. Since the site plan was referred, the Town of Naples enacted a 6 month moratorium on review and approval of large scale solar projects.
2. The County Planning Board would welcome Town to re-submit site plan referral if revised in response to new large scale solar regulations or Planning Board review.

Board Motion: To retain referrals 20.0-2024 and 20.1-2024 as a class 1s and return to the local boards with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammar**
Vote: 10 in favor, 0 opposed, 1 abstention (Abstention by Stephen Groet, Steven High out of room). **Motion carried.**

20.1-2024	Town of Naples	Planning Board	NY Naples I, LLC	Site Plan – 1
204.00-1-29.110	Special Use Permit(s) and Site Plan for the construction of a 4.55 MW solar farm (2 separate arrays each with their own access road), an 8’ high fence, and associated improvements on a 41.7-acre vacant parcel at 6487 CR21, on the corner of Edson Rd. and CR21, in the Town of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/42080/200-2024-and-201-2024-Aerial-SOLAR>

<https://ontariocountyny.gov/DocumentCenter/View/42082/200-2024-and-201-2024-Full-Plans-SOLAR>

<https://ontariocountyny.gov/DocumentCenter/View/42086/200-2024-and-201-2024-SWPP-SOLAR>

<https://ontariocountyny.gov/DocumentCenter/View/42088/20-2024-soils-report>

See 20.0-2024

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)

- After reviewing referrals, highlights of the annual report were reviewed.
 - Motion to approve the 2024 Annual Report** made by Doug Dello Stritto seconded by Tammy Worden. **Vote:** 11 in favor, 0 opposed, 0 abstentions (Steve High left meeting). **Motion carried.**
- Annual Review of Bylaws by Linda Phillips
- Report on Draft Hazard Mitigation Plan by Linda Phillips – postponed to Feb
- Report on County Water Quality/Quantity activities by Linda Phillips postponed to Feb
- **Upcoming Training** See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities.

2023-2024 Department of State, Division of Local Government Services Winter Webinar Series (Wednesday Evenings)

Wednesday, January 17, 2024 from 6 to 8 PM - ZBA Overview. Register Here

Thurs May 16, 2024 GFLRPC spring workshop – Genesee Community College Batavia

Hancock Estabrook. Municipal Bootcamp registration link,

<https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/> dates and topics listed below

- Thursday, January 25, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 1: GETTING IT TOGETHER: THE BASICS OF RUNNING A MEETING
- Thursday, February 22, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 2: PLANNING BOARD BASICS: ROLES OF THE PLANNING BOARD IN COMMUNITY DEVELOPMENT
- Thursday, March 28, 2024 – 6:00 p.m. – 7:00 p.m.
SESSION 3: ZONING BOARD BASICS: ROLES OF THE ZONING BOARD IN COMMUNITY DEVELOPMENT
- 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 On-Demand Training

Use this link to access recorded webinars including Introductory courses on Planning and Zoning Boards https://dos.ny.gov/training-courses?f%5B0%5D=filter_term%3A2236. The courses are 1-2 hours each. You may choose to complete a final quiz on each topic. Print the quiz to provide documentation of course completion. You may need to disable your browser's pop-up blocker to access links in the training.

New York Planning Federation trainings are free if your municipality is a member.

Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email nypf@nypf.org

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

cities <https://www.nycom.org/training/webinars>

- **Privilege of the Floor**
- **Adjournment:** Being no further business for discussion, Chair Passavant requested a motion to adjourn. *Motion to adjourn* made by Stephen Groet seconded by Roslyn Grammar (Steve High left meeting). *Motion Carried* 12/13/23 CPB meeting adjourned at 9:51 PM.