

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday March 12, 2024, at 3:30pm**  
**County Planning Board Meeting –March 13, 2024 at 7:00pm 74 Ontario St., Canandaigua**  
 Telephone: 585-396-4455

This document will serve as both the draft minutes for the Ontario County Planning Board and as the Official Notice of Findings and Decision for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>  
 Referral Reviews and Board Action.....2  
 Attendance and Minutes.....2/3  
 General Procedures and Legal Obligations for Referring Agencies.....24

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
41-2024	Town of Phelps	Planning Board	Halco Energy	Sign Site Plan - Exempt	3
42-2024	Town of Victor	Planning Board	Rawson Community, LLC	Subdivision - Exempt	4
43-2024	Town of Victor	Planning Board	Freuh, Cameron	Site Plan - 1	4
44-2024	Town of Richmond	Zoning Board of Appeals	Prusinowski , Patrick & Elizabeth	Special Use Permit - 1	5
45-2024	Town of Richmond	Zoning Board of Appeals	Connor, Michael	Area Variance - 1	6
46-2024	Town of Canandaigua	Planning Board	Grover, Trevor	Special Use Permit - AR 1	7
47-2024	Town of Canandaigua	Planning Board	Piciucco, Daniel	Special Use Permit - AR 1	8
48-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - 1	9
49-2024	Town of Manchester	Planning Board	Drumlin Mills, LLC	Site Plan - 1	10
50-2024	Town of Gorham	Zoning Board of Appeals	Graham, Daniel & Rosemary	Area Variance - AR 2	12
51-2024	Town of Victor	Planning Board	NSF Victor Site 1, LLC	Site Plan - 1	14
52.0-2024	Town of Farmington	Zoning Board of Appeals	Kambar, Christopher	Area Variance - 1	17
52.1-2024	Town of Farmington	Planning Board	Kambar, Christopher	Subdivision - 1	18
53-2024	Town of Farmington	Town Board	Whitestone Development Partners, LLC	Map Amendment - 2	19

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
54-2024	Town of Bristol	Zoning Board of Appeals	Abplanalp, Laura & Calvin	Technical Review - Technical Review	22
55-2024	Town of Bristol	Zoning Board of Appeals	Fox, Dylan	Technical Review - Technical Review	23

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

**Call To Order/Roll Call:** Chair Passavant called the 3/13/24 CPB meeting to order at 7:03 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported of the sixteen (16) voting members there were thirteen (13) 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:** Representatives: 53-2024, David Cox & Betsy Brugg (Whitestone Development Partners); 49-2024, Allison & Jon Caves (Drumlin Mills); 51-2024, James Cretekos & Sean Donahue (NSF Victor 1); 48-2024, Eugene Tkach

**Minutes:** Motion made by AJ Magnan to approve the February 14, 2024 minutes, seconded by Stephen Groet (abstention by Bessie Tyrell). **Motion Carried.**

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

41-2024 25.00-1- 65.121	Town of Phelps   Planning Board   Halco Energy   Sign Site Plan - Exempt Site Plan modification for the installation of a 37' x 5' (185 SF) building-mounted "Halco Energy" sign. Project location is along the east side of CR6, at 865 CR6, in the Town of Phelps.
-------------------------------	--

<https://ontariocountyny.gov/DocumentCenter/View/42644/41-2024-Aerial-Halco-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/42648/41-2024-Sign-Drawing-Halco-Sign>

42-2024	Town of Victor	Planning Board	Rawson Community, LLC	Subdivision - Exempt
27.00-1-28.000	Subdivision of a 22.5-acre parcel into two parcels: (1) an 18.5-acre parcel (to be conveyed to Rawson Community LLC) and (2) a 4.0-acre parcel (contains existing light industrial building/parking) at 7200 Rawson Rd., along the Town / Village of Victor municipal boundary, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/42649/42-2024-Aerial-Rawson-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/42654/42-2024-Survey-Plat-Rawson-Subdiv>

43-2024	Town of Victor	Planning Board	Freuh, Cameron	Site Plan - 1
1.02-1-9.200	Site Plan to install six (6) initial EV charging stations, one (1) L2 charging station, and six (6) future charging stations (and associated utility equipment) in the existing parking lot of a parcel along High Point Drive, just south of Cobblestone Court Plaza, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/42655/43-2024-Aerial-EV-Charging-Station>

<https://ontariocountyny.gov/DocumentCenter/View/42661/43-2024-Site-Plan-EV-Charging-Station>

Site is 0.62-acres, currently parking lot. Land Use is vacant, while surrounding land uses are commercial. There is gentle to no slope on the parcel (0-9%). 0.08-acres are to be disturbed. Disturbed areas are to be restored (with sod) to existing conditions. Anticipated number of employees is zero (0). There are a total of 36 parking spots (typical size of is 9' x 17.5'), only six (6) of which are to have EV charging stations at this time (and one L2 charging station, which provides a higher rate of charging). There will be no expansion of parking lot area. EV charging stations and cabinets to be located along the eastern portion of the parcel. Electricity provided by existing transformer which will connect to the power cabinets. Charging posts are metal. A non-illuminated bollard/sign is proposed for each stall. Bollard/sign and stalls have maximum height of 6 ft., and the cabinets are 8-9 ft. tall. Three (3) power cabinets are proposed at this time, with room for three (3) more in the future (to be mounted on individual foundations). Parcel is surrounded by easements: for the water line, utilities, and access. The center landscaped island is to be partially removed and paved, removing 2 trees. One existing light pole (eastern portion of parcel) is to be removed and relocated (location not shown).

**Comments**

1. Who will maintain the property? Mowing/trash removal?
2. Is any additional lighting proposed?

3. Will there be any plantings/landscaping for the area?

**CPB Comment**

1. Applicant/Town should consider the addition of a crosswalk to cross High Point Drive in order for parking/charging lot to access businesses across the street (and crosswalk to Eastview Mall).

**Board Motion:** To retain referrals 43-2024, 44-2024, 45-2024, 52.0-2024, and 52.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High  
**Seconded by:** Tammy Worden

**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

44-2024	Town of Richmond	Zoning Board of Appeals	Prusinowski, Patrick & Elizabeth	Special Use Permit - 1
150.17-1-29.120	Special Use Permit for a 900 SF accessory structure (detached garage w/ concrete pad) and associated parking area in the front yard (when Town code only allows for such structures to be placed to the rear of the principal building, with a maximum floor area of 200 SF allowed) at 5343 East Lake Rd. in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/42662/44-2024-Aerial-Prusinowski-Garage>

<https://ontariocountyny.gov/DocumentCenter/View/42663/44-2024-LOI-Prusinowski-Garage>

<https://ontariocountyny.gov/DocumentCenter/View/42664/44-2024-Sketch-Prusinowski-Garage>

<https://ontariocountyny.gov/DocumentCenter/View/42803/44-2024-Steep-Slopes-Prusinowski-Garage>

Proposed detached garage would be 30' x 30' with two garage doors, on a 30' x 40' concrete pad. Applicant mentions that the garage would be used for camper storage during the winter. Applicant plans to have water run from shed to garage, and have the septic line run from the garage and shed to the existing septic system. A bathroom is planned to be built in the garage. Bathroom is said to be for personal use, except in for the month of July where guests would use it. During this time the applicant hosts dinner(s) in their lavender farm at the front of the parcel. Future plans are to build a 10'-wide car port in between (connecting) proposed detached garage and existing shed. 10' x 10' would be used as a greenhouse for their lavender plants, while the other would be for personal parking. A proposed parking area will be located west of the building and will connect off of existing driveway.

Applicant mentions that due to the extremely steep slopes (31-60% gradient, downhill from east to west, according to Oncor) located directly behind the primary structure, the only possible location for the garage is in front of their home (parcel currently has no garage). Also, they mention that a 200 SF accessory structure is too small for what they are trying to achieve. Disturbance in front yard is to mowed lawn landcover, with gentle slope (4-9% gradient). Proposed work is in Guyanoga Channery Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

**Comments**

1. What is the special use that the applicant requesting approval for? Looking at Town Code Section 200-12D, of the 11 specially permitted uses (in the A Residential / Agricultural Zoning District, where proposed garage is to be located), which one is applicable? Would area variance(s) be more appropriate? For (1) an accessory structure in front of the principal structure (home), and (2) for the accessory structure having a floor area over 200 SF?
2. Referring board should discuss with the applicant/make clear that the detached garage can not be used as a short-term rental without meeting NYS building code for habitable space and NYS energy code.
3. Will the garage have electricity?

**Board Motion:** To retain referrals 43-2024, 44-2024, 45-2024, 52.0-2024, and 52.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High  
**Seconded by:** Tammy Worden  
**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

45-2024	Town of Richmond	Zoning Board of Appeals	Connor, Michael	Area Variance - 1
150.38-1-4.100	Area variance(s) to subdivide off a 5,000 SF (when no less than 9,000 SF is allowed) parcel from a 28,000 SF parent parcel and for a primary structure rear setback less than the required 20 ft. Project location is at 8516 West Buckingham St. (the northmost section of the Times Union Tract) in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/42666/45-2024-Aerial-Connor-Variances>

<https://ontariocountyny.gov/DocumentCenter/View/42804/45-2024-T-Richmond-Zoning-Map-Connor-Variances>

<https://ontariocountyny.gov/DocumentCenter/View/42667/45-2024-Lot-Lines-Connor-Variances>

Applicant mentions they are subdividing parcel for a new home for family member. They say adding on to existing house is not feasible due to construction/layout. They mention that new home will be further away from street than a majority of existing homes.

Proposed home location is on mowed lawn landcover. Land use and surrounding land use is residential, except for large vacant parcel to the north. Parcel has gentle to no slope (0-9% gradient), sloping downwards towards Honeoye Lake (to the west). Soil is a mix of Guyanoga Channery Silt Loam and Palmyra Gravelly Loam. Both are: not hydric, have high permeability, medium erodibility, are areas of prime farmland, and are in hydrologic soil group B.

**Comment**

1. Application materials say the parcel is in the D and B zoning district, but from the current zoning map (attached) it looks like the parcel is only in the B (residential) zoning district. The applicant also wrote they require a variance for a rear setback of less than the 50 ft. According to the density schedule for parcels in the B residential zoning district, the minimum rear setback is 20 ft.
2. Will they still require an area variance (for a rear setback of less than 20 ft.)? Application materials don't seem to indicate what the proposed setback is. Is there a sketch of the proposed building and/or any documentation on the setback requested?

**Board Motion:** To retain referrals 43-2024, 44-2024, 45-2024, 52.0-2024, and 52.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High  
**Seconded by:** Tammy Worden  
**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

46-2024	Town of Canandaigua	Planning Board	Grover, Trevor	Special Use Permit - AR 1
98.00-1-46.100	Special Use Permit for the installation of a 19 SF building-mounted commercial speech sign (MighTea Boba) on a store with a linear frontage of 35 ft. at 3225 SR 364, in the Roseland Center Plaza, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42669/46-2024-Aerial-MighTea-Boba-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/42672/46-2024-Sketch-MighTea-Boba-Sign>

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

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 5 and 20 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

**Final Classification: Class 1**

**Findings**

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

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

47-2024	Town of Canandaigua	Planning Board	Piciucco, Daniel	Special Use Permit - AR 1
98.00-1- 46.100	Special Use Permit for the installation of three (3) building mounted commercial speech signs for Popeye’s Restaurant totaling 104.8 SF sign area (area variance granted to allow for a third sign in 2022). Project is at 3225 SR 364, in the Roseland Center Plaza, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42675/47-2024-Aerial-Popeyes-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/42679/47-2024-Sign-Images-Popeyes-Sign>

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

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 5 and 20 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

**Final Classification: Class 1**

**Findings**

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

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

48-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - 1
98.08-1-7.100	Site Plan to tear-down/rebuild existing office building on the property, and to replace it with a new 1,440 SF (8-unit) two-story multi-family residence (apartment) with associated improvements at 3230 Moran Rd, just south of the SR5&20/CR10 intersection in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42681/48-2024-Aerial-Brentwood-Apartments>

<https://ontariocountyny.gov/DocumentCenter/View/42687/48-2024-Site-Plan-Brentwood-Apartments>

<https://ontariocountyny.gov/DocumentCenter/View/42684/48-2024-Landscaping-Plan-Brentwood-Apartments>

Subject 1.15-acre parcel currently has three (3) two-story apartment buildings located on the parcel (24-units total according to Oncor), and an office building and frame shed (both to be removed). Land use of the parcel (and surrounding parcels) is commercial. There are currently 44 parking spots, or 1.83 spaces/unit (no ADA accessible spaces). With new apartment building, ratio will be 1.38 spaces/unit. No expansion of the parking lot is proposed. Proposed lighting is to match existing. Dumpster enclosure to be placed further back (west) to the end of the parking lot. Limit of disturbance is 0.18-acres. Total building coverage will increase from 16.5% to 18.3% (up to 35% allowed in the Community Commercial zoning district). Landscaping includes the planting of five (5) Eastern Red Cedars and one (1) Autumn Blaze Freeman Maple. Remaining disturbed area (mowed lawn, existing office building) will be seeded/mulched.

Downspouts are to be placed on the corners of the new apartment building, and will discharge to splash blocks. New apartment building to connect to existing sewer (Town of Canandaigua and Canandaigua Lake Consolidated Sewer District), existing Town of Canandaigua water service. Electricity to come from transformer on northern portion of parcel.

Construction notes: A silt fence is to surround area of disturbance, a construction staging area is to be located in front (south) of proposed apartment, a concrete washout area is to be located next to (north) the proposed dumpster enclosure, a soil stockpile area is to be located behind (north) the proposed apartment (surrounded by silt fence).

Parcel lies within the Canandaigua Outlet (HUC11) watershed. Project area has little to no slope (0-3% gradient). Soil is Collamer Silt Loam is: not hydric, has moderately high permeability, very high erodibility, is an area of prime farmland, and is hydrologic soil group C/D.

**Comments**

1. Are 44 spaces enough for 32 units? Will there be any ADA accessible spaces?
2. Is there proper space to turn around for emergency vehicles if parking lot were to be full?
3. Demolition debris should be recycled if feasible or disposed of properly.

**OCSWCD Comments**

1. Concrete truck washout specification is missing
2. Specify construction entrance on plans
3. Consider green infrastructure practices for managing stormwater/ roof water from site

**OCPB Comment**

1. In response to questions, applicant representative provided additional information on the project:
  - There is no proposed expansion of the parking lot. Applicant plans to restripe parking lot in the near future. There are currently no ADA accessible spaces (and none planned). Spaces are not assigned by unit. It was mentioned that all first-floor units are ADA compliant.
  - There is no lighting in the parking lot. However, each unit has a light outside of their door.
  - There is proper space for emergency vehicles. Due to the size of the existing parking lot, turnaround was never feasible. However, emergency vehicles can pull in and back out as needed.
  - The architect is working on the concrete washout area location.
  - At least a quarter of units are subsidized/affordable housing.
2. Applicant should consider stormwater management to help mitigate run-off from splash blocks.

**Board Motion:** To retain referral 48-2924 as a class 1 and return to the local board with comments. **Motion made by:** Paul Lambiase **Seconded by:** Kevin Stahl

**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

49-2024	Town of Manchester	Planning Board	Drumlin Mills, LLC	Site Plan - 1
32.00-1-24.100	Site Plan for the construction of a 14,400 SF commercial building (CabAve Cabinets) and associated driveway/parking on a parcel along the north side of SR 96, located between I-90 and SR 96, in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/42688/49-2024-Aerial-CabAve-Cabinets-Building>

<https://ontariocountyny.gov/DocumentCenter/View/42694/49-2024-Site-Plan-CabAve-Cabinets-Building>

<https://ontariocountyny.gov/DocumentCenter/View/42691/49-2024-Landscaping-Plan-CabAve-Cabinets-Building>

Proposed building is for storage and contains a small showroom (with offices). Activities within the building include receiving cabinet shipments, and unboxing/inspecting cabinets. Subject 26.4-acre parcel is currently forested, vacant commercial land. Surrounding land uses are a mix of vacant,

residential, commercial, community services, and agricultural, and is surrounded by I-90, SR 21 and SR 96. Parcel lies along the Town/Village of Manchester municipality boundary. Parcel is zoned commercial (C-1).

Proposed building (23.75' tall) 200' x 72' building is to be surrounded by parking area which contains 32 spaces (1 of which is ADA accessible). Total lot coverage of 10.7% (2.63-acres), and a total green area of 80.9% (19.8-acres). Access is to come from SR 96 to the south. A new septic absorption field is proposed to the east of the building/parking areas. A new sewer lateral (behind building) with clean-out is proposed as well. Building to connect to existing overhead electric and water services. All water (via pipes/gutters, perimeter drains) shall be directed to proposed stormwater infiltration basin just south/parallel to the access drive. A stabilized construction entrance is to be located along SR 96. Silt fence is to surround limits of disturbance (and stockpile located in front of eastern parking lot). Concrete washout area is to the east of parking areas as well. Total disturbance for the project will be around 4.6-acres, with 35,000 SF vegetative cover to be removed. Disturbed areas to be seeded and maintained as lawn, undisturbed areas to remain as existing. A tributary of Black creek runs along the southern boundary of the parcel. A Draft 2023 100-year flood zone borders said tributary, and a large National Wetland covers a significant portion of the western half of the parcel. Applicant mentioned that the wetland area has been delineated and will remain untouched. Project area contains a soil mix of Cayuga Silt Loam, Palmyra Gravelly Loam, and Martisco Muck. Slope for whole parcel is gentle to none (0-9%). Soil type of project area is:

Cayuga Silt Loam: not hydric, moderately high permeability, very high erodibility, is prime farmland, and is hydrologic soil group C/D.

Palmyra Gravelly Loam: not hydric, high permeability, medium erodibility, is prime farmland, and is hydrologic soil group B.

Martisco Muck: hydric, moderately high permeability, unknown erodibility, is not prime farmland, and is hydrologic soil group C/D.

#### **Comments**

1. What will hours of operation be? How many employees will you have?
2. Is there any proposed lighting? Any proposed signs?
3. What is the expected number of customers at a given time? How many delivery trucks going in/out per day?
4. Is there any proposed landscaping to help provide a visual buffer to surrounding properties?

#### **OCSWCD Comments**

1. Driveway passes over Class C stream (noted as "ditch" on plans). Culvert must meet Army Corp and DEC standards and may require a permit to install. Based on in-office observations from ONCOR, 5' diameter pipe as indicated on designs is likely too small.
2. Soils may not be suitable to allow for proper infiltration from stormwater facility.
3. Concrete truck washout must be located 100 feet from all streams and wetlands.

#### **OCPB Comments**

1. In response to questions, applicant representative provided additional information on the project:
  - There are no loading docks proposed.

- They are working with the Army Corp. of Engineers (ACOE) for the design of the driveway entrance over the stream.
  - They plan on keeping as many trees as possible.
2. Will there be special fire/safety measures taken (due to a lot of flammable materials being used – packing, cardboard, wooden cabinets, etc.)? How will cardboard/packing be disposed of? Applicant mentioned at the CPB meeting that they will have a dumpster outside (behind building) to dispose of waste safely/properly.
  3. Does the soil/stormwater management facility have enough capacity to mitigate runoff created by increased impervious surface?
  4. The board would like to see additional detail added to the site plan. For example, there are no contours (2 ft. intervals) given, minimal landscaping plans. Applicant mentioned at the CPB meeting that they are working on topo/additional details currently based on NYSDOT and USACOE input on driveway details. They will be shown on the next (more detailed) set of plans reviewed by the referring board.
  5. If site plan requirements listed in Town Code Section 325-62.4 are not applicable, the minutes should reflect that determination.
  6. Town Board should edit the first paragraph in Town Code Section 325-62.4 to provide authority to require plans prepared by and stamped by licensed design professionals.

**Board Motion:** To retain referral 49-2024 as a class 1 and return to the local board with comments. **Motion made by: Steve Groet Seconded by: Len Wildman**  
**Vote: 13** (includes vote of alternate member Bessie Tyrrell) in favor, 0 opposed, 1 abstentions (by Tammy Worden). **Motion Carried**

50-2024	Town of Gorham	Zoning Board of Appeals	Graham, Daniel & Rosemary	Area Variance - AR 2
141.17-1-9.000	Area variances for the tear-down / re-build of an existing cottage and detached garage (accessory structure). Area variances include: side setback and height variances for the primary structure (cottage), and a lot coverage of 43% when maximum allowed is 25%. Project location is at 4940 CR 11, along the east shoreline of Canandaigua Lake, in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/42695/50-2024-Aerial-Graham-Home>

<https://ontariocountyny.gov/DocumentCenter/View/42699/50-2024-Plans-Graham-Home>

<https://ontariocountyny.gov/DocumentCenter/View/42701/50-2024-Variance-Test-Questions-Graham-Home>

Subject Parcel is 0.13-acres. Land use and surrounding land uses are residential. Some of proposed work near lakeside (in mowed lawn area) is in FEMA Q3 floodplain according to OnCor. Area of work has gentle slope (4-9% gradient), sloping towards lake. Soil is Guyanoga Channery Silt Loam (not

hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

Size and width of the lot are pre-existing non-conformities (Lot size: 6,435 SF when 15,000 SF is required; Lot Width: 34' when 100' is required). Lot coverage is also a pre-existing non-conformity. Currently coverage is 38% when a maximum of 25% is allowed. Proposed lot coverage is 43% (requiring an area variance). Existing principal structure has rear/lake setback of 20' (pre-existing non-conformity, 30' required), side setback of 2.4' (pre-existing non-conformity, 15' required), and front setback of 113'. New principal structure is to have a 30' rear/lake setback, 4' side setback (decreasing pre-existing non-conformity by 1.6'), and front setback of 74.6'. New, two-story principal structure is to be a height of 29.25' when no more than 22' is allowed in the Lakefront Overlay (requiring area variance) for a lot with frontage/width between 30' and 50'. Existing accessory structure (detached garage) has a rear/lake setback of 149', side setback of 1.1' (pre-existing non-conformity, 15' required), and a front setback of 8.6' (pre-existing non-conformity, 20' required). Proposed detached garage will keep with the existing setbacks.

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 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.
3. For the side setback for the primary structure, the side setback is going from 2.4' to 4'. Is an area variance required when the non-conformance is being reduced?
4. Demolition debris should be recycled if feasible or disposed of properly.

**OCDPW Comments**

1. The driveway/entrance modifications will require a highway work permit from the applicant so their contractor can work within the County highway right-of-way. The applicant shall pay all necessary fees & comply with all permit conditions and restrictions. The Highway Work Permit form and additional details can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. Please add a driveway profile to the site plan drawings prior to submitting for a highway work permit.

51-2024	Town of Victor	Planning Board	NSF Victor Site 1, LLC	Site Plan - 1
5.00-1-70.000	Site Plan approval to develop a 4.428 MWAC solar energy facility on a currently vacant 34.93-acre parcel, adjacent to the Monroe County / Town of Victor municipal boundary, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/42703/51-2024-Aerial-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42707/51-2024-Engineer-Report-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42705/51-2024-Decommissioning-Plan-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42711/51-2024-Landscaping-Plan-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42710/51-2024-Glare-Analysis-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42717/51-2024-Site-Plan-Norbut-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/42719/51-2024-Viewshed-Analysis-Norbut-Solar>

Proposed solar panels with associated equipment, wiring, fencing, extension of 8' wide gravel access drive, and a stormwater management facility. Facility is to be connected to the New York State electrical grid via underground electrical lines. The property consists of 34.93-acres of undeveloped (rural vacant) forested area and meadow land located to the north of Main St. Fishers and is within the Town's R-2 Residential Zoning District and the Route 96/251 Corridor Overlay District. Total disturbance of the project is 23.3-acres. There is a proposed maximum lot coverage of 19.2%. Surrounding land uses are residential (homes to the west/Monroe County and to the south) and vacant to the west. I-90 borders the northern edge of the project parcel. Parcel is not in Ontario County Agricultural District 1, but parcels across the road (to the north – I-90, and to the south – Main St. Fishers) are in Ontario County Agricultural District 1. Project site is within the West Erie Canal Corridor NYS Heritage Area. According to OnCor, there is a historic barn located across the street at 8026 Main St. Fishers.

There is a total of 11,232 panels proposed. Panels will have a maximum height of 12 ft. Proposed 8' high agricultural fence to surround the perimeter of the solar facility area. Front/Rear/Side setbacks are to be 25' from the property line (meeting code requirements).

Entrance along Main St. Fishers is within FEMA Q3 Floodplain, along with the Draft 2023 500 Flood zone. Portion of parcel (near entrance) along Irondequoit Creek to the south may be within the Draft 2023 100-year flood zone. A stream feeding into Irondequoit Creek cuts across the northwest corner of the subject parcel, and is within the National Wetland Inventory. National wetlands also lie along the southern portion of the parcel, just south of the proposed solar field. Total wetland disturbance is to be .007-acres. Soil type is Schoharie Silty Clay Loam (0-9% Slope): not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D. Subject parcel is predominately flat, but has steep downward slopes (16-30% gradient) at the entrance of the parcel along Main St. Fisher, as well as in the northwest corner of the parcel (sloping down towards stream).

Viewshed analysis mentions that much of the area of visibility is from open agricultural fields. In "tree-cover" conditions, solar field may be visible from: a section of I-90 (to the north), residential properties along short sections of Old Dutch Rd. (to the south) and Mile Square Rd. (to the west, Monroe County) and some additional side streets. For drivers on local roads, views are expected to be transient and short of duration.

According to glare analysis, glare is not predicted for any of the road segments analyzed (includes: I-90 east and west bound, Mile Square Rd., Windham Hill Rd., and Old Dutch Rd.). Of the 9 homes within the vicinity of the project site, 8 do not receive any glare. 1 of the 9 homes (home adjacent to southeast portion of project parcel) is to receive up to 3,536 and 2,524 minutes (per year) of green and yellow glare, respectively. Green glare has a low potential for temporary after image, while yellow glare has the potential for temporary after image. The third and final type of glare is red, which is considered to have the potential for permanent eye damage. Some green glare is predicted for pilots at Skyview Airport from the southwest. It is noted that the Federal Aviation Administration (FAA) does not consider green (or yellow) glare to be problematic for pilots.

Existing vegetation (consisting mostly of brush in the center of the parcel) is to be removed for installation of panels. Existing vegetation will remain where possible, which will limit site visibility from off-site areas. Stumps are to remain with trees that are cleared in wetland areas. Proposed (15

trees, 8-10 ft. tall at maturity) and existing trees to line the perimeter of the property will help screen site from neighboring properties. Lawn seed to be planted in any disturbed area not occupied by impervious surface or plantings. Noise may be generated by vehicles during construction during identified typical construction hours on weekdays. Permanent equipment will generate noise but not above ambient levels outside the property.

According to the Engineers Report: there are some grading activities for the access drive and stormwater management facility (SWMF), however the design maintains the general drainage patterns from the existing conditions. The only impervious area creation (1.0-acres of impervious area total) is from the compacted gravel access drive and concrete pads used to support the associated solar panel electrical equipment. On the northern portion of the parcel (majority of the solar facility area), stormwater drains north to an existing culvert under I90. Southern portion of the parcel is to drain to proposed SWMF to the south in addition to existing off-site pond to the east. Western portion of the parcel water generally remains on site, eventually draining to Irondequoit Creek to the southwest.

During construction there will be an on-site dumpster and recycling area. Proposed temporary silt fence to surround the area of disturbance (and soil stockpiles). Two topsoil stockpile locations to be located along entrance driveway. Concrete washout area and proposed stabilization entrance to be located in center of parcel. A temporary and permanent stone check dam is to line access drive. Also, a permanent proposed stone check dam is to be located at the northwest corner of the property.

The decommissioning plan mentions solar facility is designed for a minimum expected operational life of 25 years, but may operate for 40 years or more. Following the issuance of a building permit from the Town, funds will be reserved by the Project owner for decommissioning and site restoration on the form of a decommissioning bond, which will stay in effect for as long as the project remains in commercial operation. Decommissioning and restoration is estimated to take between 3 to 6 months. Decommissioning includes: removal of electrical components/racks/rack wiring, PV module dismantling and panel removal, breakup/removal of concrete pads or ballast, electrical cable removal, fencing/racking removal, grading and road removal, and seeding the disturbed area.

#### **Comments**

1. Does the decommissioning plan take into account frequency for updating cost estimate/decommissioning bond so that the bond continues to cover the cost of decommissioning, in spite of inflation and other changes in cost of labor and materials?
2. Will there be mowing/maintenance of the land? Or sheep grazing?
3. Is road strong enough in order to hold up against weight of panels/trucks during installation?
4. Are there any plans for an on-site battery energy storage system?

#### **CRC Comments**

In response to questions, applicant representative provided some additional information on the project:

1. There are no plans at this time for sheep (agricultural) grazing at this solar facility area. Seed/grass mix allows for minimal maintenance (will mow 2-3 times a year).
2. If needed, there is a 20'-wide perimeter between panels and fence to allow for access anywhere on the property.
3. There is no on-site energy (battery) storage on this parcel.

4. Decommissioning plan takes into account a 2% yearly escalator for decommissioning cost.
- OCPB Comments**
1. Will the trees screening the panels be regularly reviewed/maintained for screening purposes? Applicant representative mentioned that Victor has a 2-year guarantee/requirement for the maintenance of plantings that they will adhere to. Representative also mentioned that tree plantings were strategically placed to screen areas to mitigate possible glare from the project.
  2. NYSDEC requires space between panels to exceed length of panel for panel installation area to be considered pervious and not likely to disrupt existing site drainage.

**Board Motion:** To retain referral 51-2024 as a class 1 and return to the local board with comments. **Motion made by: Tammy Worden Seconded by: AJ Magnan**  
**Vote: 13 in favor, 0 opposed, 0 abstentions. Motion Carried**

52.0-2024	Town of Farmington	Zoning Board of Appeals	Kambar, Christopher	Area Variance - 1
29.13-1-5.100; 29.13-1-5.200	Area Variance [for Parcel C (1 of the 3 proposed parcels) to have a width of 22' when 125' is required] and the re-subdivision of two existing parcels (totaling approximately 12-acres) into three along Pheasants Crossing, just east of the T. Victor / T. Farmington municipal boundary in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/42720/520-2024-and-521-Aerial-T-Farmington-Resubdivision>

<https://ontariocountyny.gov/DocumentCenter/View/42725/520-2024-and-521-LOI-T-Farmington-Resubdivision>

<https://ontariocountyny.gov/DocumentCenter/View/42797/520-2024-and-521-Subdiv-Plan-T-Farmington-Resubdivision>

Application was previously reviewed by the County Planning Board in April, 2023 as referrals 58-2023 and 59-2023 (technical review and area variance). The technical review involved two code interpretations; (1) whether Town of Farmington Town Code, Chapter 165, allows or prohibits flag lots other than on the turning circle of a cul-de-sac, and (2) whether the proposed subdivision is constituted as a flag lot under Town Code §165-10. It was determined by the Code Enforcement Officer that flag lots are not prohibited in Chapter 165. In April 2023, the area variance was for a lot width of 30' for one of the three proposed subdivided parcels, when 125' is required. Based on feedback from the Town, the applicant is now seeking a 22' minimum lot width (modifying variance) for that same parcel.

The existing parcels 29.13-1-5.100 (north-most) and 29.13-1-5.200 (south-most) are 7.91 and 4.18 acres respectively. They are the only remaining undeveloped lots in the cul-de-sac. The rest of the

surrounding parcels have residential use, with vacant land behind (west). Each of the proposed lots is planned to have single-family homes built in the future (not a part of this referral). Parcel is zoned Residential-Suburban (RS-25). There are some steep to extremely steep slopes (16-60%) on the eastern and western edges of the parcels, constraining the “buildable” area. The western (rear) side of the parcel slopes down into Mud Creek (flood zone). Proposed Parcels 5A and 5B will be roughly 25,000 SF with a lot width of 139’, and Parcel 5C will be roughly 477,000 SF with a lot width of 22’. At the 50’ building setback, parcel 5C has a lot width of 300’. Other than lot width for Parcel 5C, newly formed parcels would adhere to the required setbacks.

**Comment**

1. The referring bodies in considering the reasonableness of the lot width area variance and the re-subdivision of these two lots into three lots should consider what conditions or changes are required to avoid steep slope disturbance in conjunction with development of any principal and accessory uses.

**Board Motion:** To retain referrals 43-2024, 44-2024, 45-2024, 52.0-2024, and 52.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High  
**Seconded by:** Tammy Worden  
**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

52.1-2024	Town of Farmington	Planning Board	Kambar, Christopher	Subdivision - 1
29.13-1-5.100;	Area Variance [for Parcel C (1 of the 3 proposed parcels) to have a width of 22’ when 125’ is required] and the re-subdivision of two existing parcels (totaling approximately 12-acres) into three along Pheasants Crossing, just east of the T. Victor / T. Farmington municipal boundary in the Town of Victor.			
29.13-1-5.200				

See 52.0-2024

**Board Motion:** To retain referrals 43-2024, 44-2024, 45-2024, 52.0-2024, and 52.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High  
**Seconded by:** Tammy Worden  
**Vote:** 13 in favor, 0 opposed, 0 abstentions. **Motion Carried**

53-2024	Town of Farmington	Town Board	Whitestone Development Partners, LLC	Map Amendment - 2
41.07-1-28.210; 41.07-1-28.300	Map Amendment to change zoning from PD to IZ to accommodate 7 commercial/LI buildings with 135,000 SF and 280 market-rate rental townhouse units with 1, 2, or 3-bedroom, 1 or 2 car garages on 65 acres southeast of CR 41 and SR 332.			

<https://ontariocountyny.gov/DocumentCenter/View/42732/53-2024-Concept-DrawingsT-Farmington-IZ-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/42736/53-2024-LL-T-Farmington-IZ-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/42737/53-2024-LOI-T-Farmington-IZ-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/42731/53-2024-Aerial-T-Farmington-IZ-Rezoning>

The two parcels, 65-acre project site is currently zoned PD with approval for a development project that has not proceeded.

The 2021 Town of Farmington Comprehensive Plan, Figure 10, Future Land Use identifies this size for commercial use. This project site is in sub-area 13 of the 2023 Comprehensive Plan. The subarea narrative outlines the need for an overall development plan for remaining lands in this area given the median on SR 332 and piece meal industrial development along CR 41 both of which limit access to interior lands. The MTOD plan Figure 9 of 12 identifies the 4way intersection location on SR 332.

The 2021 Comprehensive Plan also includes goals related to provision of a multi-modal transportation system providing safe bicycle and pedestrian connections, a diverse housing stock, and economic development all of which are furthered by this project. In particular the project includes important on-site and off-site connections mapped in the Farmington Sidewalk and Trail Master Plan.

Proposed project amenities include.

1. 1,685' of off-site sidewalk from project site south to Farmbrook Drive. This amenity provides safe bicycle and pedestrian connection from project site and existing and planned residential development to the east off Quentonshire Drive and the north section of Farmbrook to the Auburn Trail access point west of the Farmbrook Drive/Ivory Drive intersection,
2. 575' of sidewalk along SR 332 from project north to CR 41,
3. \$100,000 contribution to the Beaver Creek Interceptor Force Main Project.

The applicant has also listed additional items as amenities; however, internal road and sidewalk connections and water and sewer lines would be required for any project. Unless roadways, sidewalks, or pipe size are above what would be required for a project under site plan review, such costs would not be considered amenities. It is not clear from submitted materials whether the southbound left turn lane on SR 332, traffic signal at future 4-way intersection with Savalle Boulevard,

and crosswalk are mitigations required based on the scale and traffic generation of the project or amenities.

The applicant has requested the following incentives:

1. Existing zoning allows waterpark, hotel, and conference center. The proposed IZ will allow Industrial use on Lot 2 and the full range of permitted uses in the General Business district on lots 3 thru 7, and townhouses on lot 1,
2. Relief from the 400' driveway spacing criteria of the Major Thoroughfare Overlay Districts (MTOD).

The overall residential development density is 7.3 units per acres based on 280 units on 38.3 acres. The 38.2 acres site also accommodates a stormwater management facility and a village green.

The phasing plan shows a dedicated road from SR 332 through to CR 41 providing access to hotel and fast-food development on lots 3 and 4, self-storage on lot 2, and club house and 10 townhouse buildings (100 units) and related private road access in phase 1. The SR 332 frontage side walk and two stormwater management ponds on lot 3 are also in Phase 1. Phase 2 includes commercial/office development on lots 5 and 6, dedicated road construction through to Quentonshire Drive and 9 additional townhouse buildings (90 units), the village green, and a stormwater management pond on lot 1. Phase 3 will include the remaining 9 townhouse buildings (90 Units) and the coffee shop or quick service restaurant on lot 7. The phasing plan does not indicate the timing of proposed amenities.

#### **Comments**

1. The referring body should clearly indicate whether allowable uses on lot 2 are limited to mini storage as proposed on the concept plan or the full range of uses allowed in the Industrial district as suggested by the Requested Incentives table,
2. The referring body should clarify allowable access spacing from SR 332 and the internal public road. The Requested Incentive table does not clearly indicate only 1 public road access connection is allowed from SR 332 and minimum driveway spacing along public roads connecting SR 332 to Quentonshire and CR 41 is 140',
3. The referring body should clarify how uses allowable by special use permit would be handled if proposed on commercial designated lots and potentially how other permitted or specially permitted Industrial uses would be handled if proposed on lot 2,
4. The referring body should clarify the timing of proposed amenities,
5. The EAF indicates 13 acres of impervious area in one location and 16 acres in another. The referring body and Planning Board should clarify the extent of impervious surface and necessary stormwater management,
6. The referring body should clarify necessary setbacks and minimum landscaping.
7. Is the southbound left turn lane an amenity or required to mitigation projected traffic volumes?
8. Are internal dedicated roads, sidewalks, and water line amenities or necessary site features?
9. Application materials indicate stormwater management system is designed to meet NYSDEC and Town code requirements. What will the on-site and off-site impacts be in the event of extreme rainfall events such as 4-6" in less than 12 hours, a storm historically projected to occur every 25 years, but now common, and a 100-year storm event that utilizes the pond overflow outlet? Farmington is dealing with stormwater issues in areas that met stormwater regulations at the time of their development and likely does not want to create additional such situations.

10. NYSDOT letter regarding review of Traffic Impact Study indicates entrance will need to be widened from 15' when the SR 332 entrance is converted from a right in/right out intersection to a 4-way intersection. What lane width/lane configuration is anticipated?
11. Private driveway temporary turn arounds will be required at the end of road construction for phases 1 and 2.

#### **CRC Comments**

1. In response to questions, the applicant representative highlighted the following project features:
  - a. 40 percent of the units will meet ADA standards.
  - b. Project will provide an easement to allow future development of property to the south to access the likely future 4-way signal at new public road/SR 332/Savalle Boulevard.
  - c. Concept plan shows landscaped berms along SR 332 frontage of lots 3,4,5 and 6. Landscaping will be detailed on site plan when referred and will likely include frontage landscaping on lot 7, landscaping in village green, and buffer landscaping between residential and commercial uses.
  - d. Concept plan (in green) shows bioretention areas to improve water quality before stormwater enters ponds.
  - e. Parking in residential area Includes garages, driveway, and designated visitor parking.
  - f. It was noted that NYSDOT will only allow signalization on SR 332 in conjunction with a public road and that given speed limit on SR 332, NYSDOT requires a left turn lane to protect turning vehicles from through traffic.
2. The letter of intent identifies GB General Business or LI Light Industrial as allowable uses on lot 2, though the mini storage occupant is already committed. Marketing of other commercial sites will begin once the project has a zoning approval.
3. Victor Central School District has experienced enrollment declines over the last 5 years and has space for additional students.
4. The parking spaces in the front of the mini storage on lot 2 appear to be oversized. Will outdoor storage of RVs, boats, or other items be allowed?

#### **OCPB Comments**

1. Will units have charging capacity for electronic vehicles?
2. Will the units be totally electric? Applicant representative – yes
3. The parcel is within the Victor School District. Will school buses pick up students on this private road?
4. Will there be sufficient water capacity to handle the needs of the residents and overall project? Applicant – yes, they have met all requirements.
5. Applicant should consider design and tenaning opportunities to transform this project from one including medium density residential use next to highway commercial use, to a truly mixed use development.
6. Applicant/Town should consider how this development connects to surrounding developments and the Auburn Trail. This is a high speed/traffic area. It is important to have a safe and walkable route for pedestrians.
7. Applicant should consider amenities and opportunities for open space in the development, specifically in the “village green”. Will there be a playground? Trail? Applicant representative mentioned that they plan to have a golf simulator, mini-bowling, possibly a pickle ball court, amongst other amenities (to be specified in more detail during site plan approval process).
8. The County Planning Board commends the applicant and Town for integrating the project with goals stated in the Comprehensive Plan.

**Board Motion:** To retain referral 53-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Tammy Worden**  
**Vote: 13 in favor, 0 opposed, 0 abstentions 0. Motion Carried**

54-2024	Town of Bristol	Zoning Board of Appeals	Abplanalp, Laura & Calvin	Technical Review - Technical Review
110.00-2-6.111	Technical Review for an area variance for the proposed addition of a washroom (sink and toilet) and stand-up shower in an accessory building, making it a habitable space (when accessory buildings shall not be used as habitable space or for commercial purposes) at 6395 Vincent Hill Road, along the T. Bristol / T. Canandaigua municipal boundary, in the Town of Bristol.			

<https://ontariocountyny.gov/DocumentCenter/View/42744/54-2024-Aerial-Cargo-Container-Tech-Review-T-Bristol>

<https://ontariocountyny.gov/DocumentCenter/View/42752/drawingsaccessory-structure-02232024>

<https://ontariocountyny.gov/DocumentCenter/View/42753/revised-Abplanalp-code-determination>

The 20-acre project site is zoned A-C Agriculture Conservation and currently developed with a 6,100 SF primary residence attached and detached garage, pool, patio, and a number of porches. The variance application references 350-27 H and requests allowance of habitable space. The applicant proposes a separate septic system to serve the bathroom/shower facilities in the detached garage. The reason given for the variance is that the accessory building is 120’ from the house down a 10 percent slope.

Town of Bristol Code Section 350-27 F, G, and H specify accessory buildings may not have commercial or habitable space; utilities except water, gas, and electric; and may be conditioned but not habitable and if habitable need to meet the NYS Uniform Code and Energy Code.

The Town of Bristol recently adopted a code amendment to allow accessory dwelling units. The accessory dwelling standards allow them in primary or accessory buildings, though this conflicts with section 350-27 F, G, H referenced above.

**Comments**

1. The proposed site modification may also require a variance to code sections 350-28 F and G.
2. Do proposed conditioned spaces meet the NYS Energy Code?

3. Application materials reference a lift. Is the applicant operating a home occupation or using the lift for personal vehicle repairs? If a home occupation, the activity would require another variance as the definition of a home occupation in 350-6 limits the maximum size of accessory building for a home occupation to 750 SF.
4. The Town Board should refer and re-adopt the zoning code text amendment to allow accessory dwelling units.
5. The Town Board should amend its zoning code to remove the conflicts between provisions of 350-27 F, G, H and the regulations for accessory dwelling units.

55-2024	Town of Bristol	Zoning Board of Appeals	Fox, Dylan	Technical Review - Technical Review
123.00-2-36.000	Technical Review for area variances to re-purpose a cargo container into a residential home. Area variances are for (1) front setback of 36' when 75' is required, (2) rear setback of 69' when 75' is required, and (3) 450 SF of habitable space when at least 950 SF is required. Project is at 7415 RedTail Drive, just off of Jones Rd., in the Town of Bristol.			

<https://ontariocountyny.gov/DocumentCenter/View/42746/55-2024-Aerial-Cargo-Container-Tech-Review-T-Bristol>

<https://ontariocountyny.gov/DocumentCenter/View/42757/eingineered-drawings-from-Marks-for-Dylan-Fox>

The lot is a pre-existing, non-conforming 1-acre lot in the A-C Agriculture Conservation district where 2 acre lots are now required. The lot will have a gravel driveway off a private drive. The area allowed for development given the current setbacks is a pie shaped wedge approximately 130' long and 4' wide at its widest point.

The following summarizes site soil characteristics from OnCor.

Lansing silt loam 15 to 25 percent slope .6 acres

**Not Prime Farmland**

**Permeability:** moderately high **Erodibility:** high

**Hydrological Group B Not Hydric**

Darien silt loam 3-8 percent slope .3 acres

**Prime farmland if drained**

**Permeability:** moderately high **Erodibility:** high

**Hydrological Group C/D Partially Hydric**

**Comments**

1. Subdivision Code section 300-7 indicates private driveway may serve up to 3 building sites, to provide for shared maintenance, and to be registered with the NYS Attorney General's office. It appears that there are already 3 homes with access off Red Tail Drive. How does the

proposed use plan to comply with existing private drive requirements? A variance to allow access to a fourth building site may be required.

2. What are the dimensions and area of the driveway area?
3. What stormwater management is proposed to avoid steep slope erosion from concentrated flow from house and driveway?
4. The site plan should show area of disturbance and the proposed setbacks and lot coverage.
5. The proposed septic system is located in a steep slope area. Is this necessary to provide required separation from well? What provision are used to ensure functioning of the septic system in proposed location.
6. Code section 350-29 prohibits use of cargo containers except for temporary storage. This project might need an interpretation that the interior and exterior shipping container modifications proposed effectively change the character of the structure from a shipping or cargo container to a dwelling unit.

**OCSWCD Comments**

1. Show deep hole/percolation test locations.
2. Soil listed as Lansing silt 15-25%.
3. Slopes > 15% are unacceptable.
4. Show all (existing and proposed) well setbacks.
5. Will the leach area need to be cleared/graded?
6. Single distribution box shown, would drop boxes be more applicable?
7. Ends of silt fence should curve upslope
8. Location of topsoil stockpile not indicated on plans

**CRC Comment**

1. Is there an access/maintenance agreement?

**General Information**

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

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

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

**General Summary of CPB Review Responsibilities**

This section provides a general summary of the CPB’s roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of

Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a recommendation for denial or approval without recommended modification).

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

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

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

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

### **General Procedures**

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

### **Legal Obligations for Referring Agencies**

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

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

### **Incomplete Applications**

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

### **Reporting back to the CPB**

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

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

**Administrative Reviews**

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

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

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

- Mon-Wed April 15 to 17, 2024 NYS Preservation Conference, Memorial Art Gallery, Rochester, NY <https://landmarksociety.org/event/2024-ny-statewide-preservation-conference/>
- Registration link for Cayuga County trainings below
  - <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
  - Wed. March 20, 2024 at 7:00 PM SEQR Made Simpler 1879 Genesee St Rd, Aurelius
  - Wed. June 19, 2024 at 7:00 pm Planning for Solar and Wind, 1879 Genesee St Rd, Aurelius
  - Wed. August 21, 2024 at 7:00 pm Conducting Site Plan Review 1879 Genesee st Rd, Aurelius
  - Wed. Nov. 13, 2024 at 7:00 pm Short-Term Rentals and Grant Opportunities 1879 Genesee St Rd, Aurelius
- 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, 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 training schedule <https://dos.ny.gov/training-assistance> Includes links to YouTube recordings of NYS DOS Planning Board, Zoning Board of Appeals, and SEQR basics trainings  
CERTIFICATE OF COMPLETION NOT PROVIDED
- The **NY Conference of Mayors** also offers virtual and recorded webinars for member villages and cities <https://www.nycom.org/training/webinars>

### Privilege of the Floor

- AJ Magnan requested a status update (for the April CPB meeting) on the timeline for the adoption of the All Hazard Mitigation Plan on a municipal level.
- Leonard Wildman gave an update on the Water Resources Council (WRC) 3/8/2024 Meeting:
  - The County Administrator was made aware that New York State may have a relatively high number of grant opportunities (funds) available in the near future (next 2-3 years) for environmental protection /remediation projects.
  - It was determined that it was in the best interest of the County to be proactive and pursue these grants/funds as soon as possible in order to be “first at the table”.
  - The task was given to the Water Resources Council members (who each have their own environmental and/or municipal focus) to generate a list of environmental projects/goals they would like seen done in the County. WRC members were told to include projects ranging in size, financial need, location.

- A large portion of the meeting was spent trying to grasp the scope and criteria for this list. For example, is this list tourism driven, water quality driven, how specific should the requests be, etc.?
- Len W mentioned that they are in the beginning stages of generating this list now. Once everyone has had time to think/add projects, the WRC will work through refining the list/scope of projects.

**Adjournment:** Being no further business for discussion, Chair Passavant requested a motion to adjourn. **Motion to adjourn** made by Steven High seconded by Paul Lambiase. **Motion Carried** 3/13/23 CPB meeting adjourned at 9:00 PM.