

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday May 7th, 2024, at 3:30pm 20 Ontario St., Canandaigua

County Planning Board Meeting – May 8th, 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>

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86-2024	City of Canandaigua	Planning Board	Venezia, Anthony	Minor Subdivision - Exempt	11
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93.0-2024	Town of Phelps	Zoning Board of Appeals	Lamar Advertising of Penn, LLC	Area Variance - AR 2	20
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98-2024	Town of Gorham	Planning Board	Eldred, Doug	Major Subdivision - 1	23
99.0-2024	Town of Seneca	Zoning Board of Appeals	Hullings, Steven, Tammy, Steven Jr., & Brittany	Area Variance - 1	28
99.1-2024	Town of Seneca	Zoning Board of Appeals	Hullings, Steven, Tammy, Steven Jr., & Brittany	Special Use Permit - 1	30
100-2024	Town of Hopewell	Planning Board	Marks Engineering, PC	Special Use Permit – 2/D	30
101-2024	Town of Hopewell	Planning Board	Converse, Patrick	Site Plan - 1	32
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107-2024	Town of Victor	Zoning Board of Appeals	Hardy, Marshall	Area Variance - AR 1	42
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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 5/8/24 CPB meeting to order at 7:05 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported of the sixteen (16) voting members there were eleven (11) present and of the two (2) alternate member(s) there were two (2) present physically at 20 Ontario Street and, meeting the quorum requirement.

Guests: Greg McMahon, (McMahon-LaRue Associates, P.C.) – 89-2024; Ryan & Dave Fuller (Roseland Waterpark) – 102.0-2024/102.1-2024; Terri Brown (pending CPB member – T. Phelps); Ryan Wilmer (pending CPB member – C. Canandaigua)

Minutes: Motion made by AJ Magnan to approve the April 10, 2024 minutes as revised (moving comment meant for 59-2024, from 78.0-2024 to 59-2024), seconded by Roslyn Grammer (abstentions by Jack Dailey and Bessie Tyrell). **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 West Bloomfield	Ruth Cahn ZBA	P
City of Canandaigua	Doug Dello Stritto	E
Town of Seneca	Roslyn Grammer	P
Town of Canadice	Stephen Groet PB	P
Town of Gorham	Gabrielle Harris PB	A
Town of Geneva	Steven High	P
Town of Canandaigua	James Lagro	Resigned
Town of Naples	Paul Lambiase PB	E
Town of Farmington	Ted Liddell	P
Town of Bristol	AJ Magnan ZBA	P
Town of Victor	Chris Mergler	E
City of Geneva	Paul Passavant	P
Town of South Bristol	Kevin Stahl PB	P
Town of Phelps	Nina Tilman PB	Resigned
Town of Richmond	Leonard Wildman PB	P
Town of Manchester	Tammy Worden	P
Town of East Bloomfield	Mike Woodruff PB	P
Town of Hopewell	Vacant	-----
Alternate Members:		
	Jack Dailey	P
	Bessie Tyrell	P

83-2024	Town of Richmond	Zoning Board of Appeals	Friedrich, Robert & Michelle	Area Variance - 1
149.08-1-4.122	Area Variance(s) to construct a 1,600 SF home with a 39.5 ft. front setback (a minimum of 50 ft. is required), and a 570 SF greenhouse in the side-yard (200 SF is the maximum area allowed, only permitted in rear -yard) at 8830 Sandy Bottom Rd. in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/43792/83-2024-Aerial-Friedrich-Variiances>

<https://ontariocountyny.gov/DocumentCenter/View/43628/83-2024-Home-Sketch-Friedrich-Variiances>

<https://ontariocountyny.gov/DocumentCenter/View/43627/83-2024-Greenhouse-ZBA-App-Friedrich-Variiances>

According to OnCor, the subject parcel is/has:

- 0.52-acres and has a depth of roughly 244 ft.
- Currently residential vacant land. Surrounding land uses are residential, residential (vacant) and recreation/entertainment (Sandy Bottom Park – to the north).
- Land cover of successional old field / successional shrubland
- Gentle to no slope (0-9% gradient)
- Soil Type: Odessa Silty Clay Loam – partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.
- Honeoye Lake Consolidated Sewer District and Town of Richmond water main runs along Sandy Bottom Rd.

In the Variance test questions, the applicant mentions the setback of the proposed home will be in character with the surrounding homes in the area. For the greenhouse, the applicant mentions the proposed location is in the side yard due to the drainage on the parcel.

Comment

1. Stamped engineer plans that are edited/marked with pen is not a substitute for a site plan, and it is a violation of New York State Education Law.
2. Do the area variance requests meet all five of area variance requirements / test questions?

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

84-2024	Town of Victor	Planning Board	Morrell Builders, Inc.	Major Subdivision – 1
6.00-1-58.310	Preliminary and Final subdivision for the development of a 146-unit subdivision including: (3) multi-family buildings (120-units), eleven (11) 2-unit buildings, one (1) 4-unit building, and a community building and pool. Project location is on the north-side of CR42 (between CR42 and I90), 7652 CR42, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/43791/84-2024-Aerials-Highline-Park-Subidv>

<https://ontariocountyny.gov/DocumentCenter/View/43640/84-2024-Site-Plan-Highline-Park-Subidv>

<https://ontariocountyny.gov/DocumentCenter/View/43636/84-2024-Landscaping-Lighting-Plans-Highline-Park-Subidv>

<https://ontariocountyny.gov/DocumentCenter/View/43634/84-2024-Grading-Plans-Highline-Park-Subidv>

According to OnCor, the subject parcel is/has:

1. 18.6-acres (currently vacant). Surrounding land uses residential (to the west) and industrial (to the south and east)
2. Varying slopes, predominately little to moderate (0-15% gradient). Sections of steep to extremely steep slopes (16-60%) are located along the northern portion of the parcel. Parcel slopes downhill from south to north.
3. Soil is predominately Palmyra Fine Sandy Loam (58.5%) and Howard Gravelly Loam (31.2%)
 - a. Palmyra Fine Sandy Loam: not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B
 - b. Howard Gravelly Loam: not hydric, high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group B
4. Land Cover goes from successional old field, to successional shrubland, to successional northern hardwoods from south to north

The proposed apartments are 3-story for rent units. Townhomes are for sale units. Proposed density of 7.85 units per acre. Disturbance is to be 12.5-acres. Clearing includes 12.4-acres of forested land. Natural landscape buffering will be maintained along the perimeter of the parcel, screening the development from adjacent parcels. Plantings include 107 trees and roughly 200 shrubs. Majority of plantings to be located along roadside and parking lot. Remaining (pervious) land to be meadows/grasslands (6.5-acres). Lighting is proposed near the entrance of the subdivision, and between the three multi-family buildings.

240 Proposed parking spaces along with new private drives: 12 of which are to be ADA accessible. Eight of the (8) parking spaces have proposed EV charging stations. Of the 240

total parking spaces, there are also eight parking spots in each apartment building (2 of which being ADA accessible). There are internal sidewalks along roads and to the parking lots. Only access to the subdivision is to come off of CR42 via separate entrance/exit lanes (both 12.5 ft. wide, separated by 10' wide entrance island).

A combination of 8" private and 8" public (Monroe County Water Authority) watermains will be installed throughout the site. The townhomes will be serviced with a dedicated watermain, and the multi-family apartment buildings will have a private watermain. An 8" sanitary sewer network will be installed throughout the site and to service the development, to be dedicated to the Town. Proposed gravity sewer will discharge into the existing sewer along Main St. Fishers.

According to the Engineer Report: majority of the site infiltrates most rainfall, and excess stormwater drains to a large natural depression at the rear of the site where stormwater infiltrates into sandy/ well drained soils. The proposed development will generate 6.8-acres of impervious surface on the 18.6-acre parcel. Additional runoff as a result of this development will be directed towards a proposed stormwater management facility (SWMF). Proposed drainage will be accomplished through the use of swales and pipes utilizing infiltration practices and subsurface infiltration beds.

Steep slopes are to be stone-stabilized or covered with slope stabilization fabric. There will be a stabilized construction entrance at the CR42 entrance. A temporary stone check dam will be placed along CR42 as well. Infiltration basins and paved inlets are to be protected. Silt fences will surround work limits and multiple topsoil stockpiles on the parcel during construction. Upon completion of work, disturbed areas shall be stabilized using lawn seed mix.

Comments

1. SEAF indicates the internal roads are private. Will (Victor Central School District) school buses enter/pick students up on these private drives?
2. Is there proper road space for school buses or emergency vehicle turnaround?
3. Are the units ADA accessible?
4. Is there just the one trash enclosure area? Will this be sufficient?
5. Who will maintain landscaping? How frequently will it be maintained?
6. Will the stormwater management facilities be fenced?

OCDPW Comment

1. We have been in communication with the Town of Victor and the subdivision changes don't raise any concerns on our end for the highway boundary along County Road 42. The town sent some updated subdivision/field changes to DPW last week and we are okay with their field changes for grading and drainage near the entrance to the development.

- OCSWCD Comments**
1. Concrete truck washout should be a minimum of 100 feet from at stormwater inlet or surface water
 2. Consider stepped design for stormwater outlet structure on steep northern slope.
 3. Does construction require that the entire bank be disturbed or can just portions be disturbed and rock lined, leaving some areas with existing vegetation?
 4. Soils in the area have proven extremely erosive when disturbed as has been the case on neighboring properties.
 5. Who will be responsible for tree and swale inspections as indicated in the SWPPP?
 6. Consider green infrastructure practices which could be incorporated into curbed areas within parking lots.
- CRC Comments**
1. Applicant should consider additional multimodal transportation within and outside the proposed subdivision. What kind of pedestrian/bike paths are being provided on site and how can they improve safe connectivity to off-site destinations for pedestrians?
 2. Applicant should consider age-friendly visitability guidelines of the apartments and townhomes. Do they have stepless entry? 36” wide doorways?
 3. Where will snow storage be located?
 4. Apartments are 3-stories. Will there be elevators?
 5. How much open space is there without counting the acreage of the stormwater management facilities?

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

85-2024	Town of Geneva	Town Board	Town of Geneva, Town Board	Text Amendment – 2 / A
n/a	Local Law recodifying provisions of the Code of the Town of Geneva in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning).			

<https://ontariocountyny.gov/DocumentCenter/View/43643/85-2024-Resolution-T-Geneva-LL>

In brief, the proposed code amendments are as follows:

- Chapter 75, Erosion Control and Stormwater Management – edit technical reference to allow CEO and planning board to apply site specific requirements without involvement of Town Board
- Chapter 80 Flood Damage Prevention – edit technical reference to 7.14.23 floodplain maps
- Chapter 129 Soil Erosion – applying permit requirement to any stripping or grading activity involving 5,000 SF or more (down from 15,000 Sf) and any excavation or grading activities involving 10 or more cubic yards of material (down from 20 cubic yards) not just those requiring a site plan or in particular higher intensity zoning districts and removing all exemptions.
- Chapter 165 Zoning – amend AG Agricultural District to permit food services and entertainment and sports venue with site plan review; edit permitted accessory uses to only allow accessory solar facilities in the AG district north of White Springs Lane and west of CR 6; and revising standards for buffering of allowed Agricultural Commerce and Agricultural Tourism uses to specify required visual buffering if such use abuts residence or residential property.
- Chapter 165 Zoning- cross reference in B Business, I-1 Industrial, and I-2 Light Industrial the 2019 Town Board Site Design and Development Criteria regarding buffering requirement.
- Chapter 165-51: Zoning – PUD Planned Unit Development – in case of failure to commence construction, the Town Board may, by local law, remove the PUD district designation and return the property to its former or another zoning designation.
- §165-55: Zoning – Off-street Parking and Loading – amending parking requirement and authorizing Planning Board to substitute a banked parking area for some of the required parking spaces if appropriate for the expected customary use and property”.

Comments

1. The referring body may want to update this technical reference in Chapter 75 to the proposed 2022 NYS Stormwater Design Manual. Proposed regulations reference original 2001 NYSDEC Stormwater Design Manual or as later revised. NYSDEC updated the design manual in January 2015 and completed and solicited public comments on an updated draft in 2022 that includes:
 - New chapter for stormwater management practices in urban areas
 - Updated rainfall and climate guidance to improve the resiliency of the post-construction stormwater management practices
 - Enhanced guidance for Pollutants of Concern [Phosphorus, Nitrogen, Pathogens, Floatables (any debris/waste floating in water) and Silt/Sediment].
 - Enhanced guidance for practices (infiltration, bioretention filters)
 - Enhanced guidance for green infrastructure with poor site conditions
 - Added new practices
 - Clarification of the Water Quality volume sizing criteria for Redevelopment projects

The updated draft 2022 draft Stormwater Design Manual also includes additional details and a chapter on maintenance as required by EPA.

OCPD also encourages local municipalities to adopt a stormwater water management standard more reflective of rainfall intensity and frequency than the standard in the 2015 NYS Stormwater Design Manual.

2. The Town is applauded for its interest in adopting application review standards more reflective of current conditions than the 1977/78 Flood Insurance Rate Maps and the 1986 local law. The preliminary floodplain maps FEMA distributed on July 2023 are not updated Flood Insurance Rate Maps. Staff comments on CPB referrals recommend that preliminary floodplain extent (as well as current floodplain extent) both be shown on site plans when there are significant differences. This provides documentation that both the applicant and the Town are aware of such conditions.

OCPD believe 7/13/24 preliminary maps can be used as best available information by Town Board, and municipal planning and zoning boards in their discretionary actions on applications but that the CEO cannot use them for administrative actions such as action on flood development permits.

The referring body will be required to adopt a comprehensive update of it's Flood Damage Pretention Law when the updated Flood Insurance Rate Map is official. OCPD encourages local municipalities to adopt the higher standards of no net reduction in floodplain capacity rather than the minimum standards required by FEMA which allows up to 1' increase in the base flood elevation for each development in the floodplain.

3. New York State Agricultural and Markets may sustain a challenge to the proposed permit requirements for stripping, grading, excavation, and filling activities associated with agricultural operations such as removing small amounts of gravel to level field surface and/or for use in equipment lanes.
4. How would required buffering on lots developed with Agricultural Commerce or Agricultural Tourism uses apply if adjacent to undeveloped property that allows mix of commercial and residential development?
5. CPB applauds efforts to reduce parking to minimum necessary for proposed use while flexibly accommodating range of future uses in the building by allowing land banking of parking based on square feet of building. The referring body may want to include some guidance on role of Town and property owner in deciding when development of land banked parking is necessary.
6. Net space as used in retail parking standards is not defined.
7. Should standard for membership club read 5 per 1,000 SF of net space (not new space)?
8. There aren't any parking standards for hotels.

Board Motion: To retain referral 85-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Stephen Groet Seconded by: Mike Woodruff**
Vote: 11 in favor, 0 opposed, 0 abstentions by. Motion Carried

86-2024	City of Canandaigua	Planning Board	Venezia, Anthony	Minor Subdivision - Exempt
57.00-1-16.100	Subdivision of a single 12.9-acre rural residential parcel into two parcels. Parcel 1 is a proposed 11.9-acres, and Parcel 2 (containing existing single-family home) is to be 1-acre. Subdivision to occur at 4561 Allen Rd., west of the T. Canandaigua / T. Hopewell municipal boundary in the Town of Canandaigua.			

87-2024	Town of Canandaigua	Zoning Board of Appeals	Wade, Susan	Area Variance - AR 2
127.05-2-13.000	Area Variance(s) for the construction of a 90 SF paver patio at 4148 CR16 in the Town of Canandaigua. Area variance(s) are for: (1) a lot coverage of 53.3% when a previous lot coverage variance of 52.1% was approved, and for a third accessory structure when a maximum of one accessory structure (in addition to a garage) is permitted in the Residential Lake Zoning District (RLD).			

<https://ontariocountyny.gov/DocumentCenter/View/43790/87-2024-Aerials-Wade-Patio-Variations>

<https://ontariocountyny.gov/DocumentCenter/View/43650/87-2024-Sketch-Wade-Patio-Variations>

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 board 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 Ontario County Soil and Water Conservation District or 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.

88-2024	Town of Canandaigua	Planning Board	Simmons, Marc	Special Use Permit - 1
97.20-1-15.150	Special Use Permit for a one-bedroom Tourist Home (serving 1-2 guests) in the basement of an existing single-family home, at 5019 West Ridge Run, in the Fox Ridge subdivision in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43789/88-2024-Aerial-Simmons-Tourist-Home>

<https://ontariocountyny.gov/DocumentCenter/View/43653/88-2024-LOI-Simmons-Tourist-Home>

Applicant will be renting out a one-bedroom basement for 1-4 days at a time.

A tourist-home is a permissible use in the R-1-20 Residential Zoning District. According to Chapter I Article II of Town of Canandaigua Zoning Code (Definitions and Word Usage), a tourist home is defined as, "An owner-occupied dwelling used for providing overnight accommodations and containing at least three but not more than five bedrooms for transient guests for compensation. For purposes of the Town Code, "tourist home" shall include bed-and-breakfast establishments".

Two waivers have been requested for relief from Town Code §220-61:

- The dwelling proposed for occupancy as a tourist home shall contain at least three but no more than five lodging rooms for rent.
- All access to the lodging rooms shall be provided through the main entrance of the tourist home.

Response from T. Canandaigua:

- Per T. Canandaigua Town Code, it is up to the Planning Board whether to grant the waivers. No variances necessary.
- 220-34.C. "The Town Planning Board shall require that all provisions of this article [Article VI Regulations Governing Special Use Permits] shall be complied with, but where it is deemed appropriate by the Town Planning Board, any of these provisions contained in §§ 220-34 through 220-62.2, inclusive, may be waived by the Planning Board based upon findings as set forth in the public record on said application." (<https://ecode360.com/1573316><https://ecode360.com/15733160>)

CRC Comments

1. If this referral does not meet the requirements to be a tourist-home, should it be considered a short-term rental? Tourist home is an allowed use currently in the R-1-20 zoning district.
2. If there are 4 or more rooms in a tourist home or bed and breakfast, the owner would have to pay a 3 percent room occupancy tax to fund general tourism promotion in Ontario County..

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

89-2024	Town of Canandaigua	Planning Board	McMahon, Gregory	Site Plan - 1
55.00-1-19.000	Site Plan for the development of 135 new manufactured home sites, open recreation area, boat & RV storage, roads, sanitary sewer, storm sewer, water mains and stormwater management. Project is located at 5555 Purdy Rd., just west of SR332 in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43788/89-2024-Aerials-Mobile-Home-Park>

<https://ontariocountyny.gov/DocumentCenter/View/43666/89-2024-Site-Plan-Mobile-Home-Park>

<https://ontariocountyny.gov/DocumentCenter/View/43663/89-2024-Landscape-Plan-Mobile-Home-Park>

<https://ontariocountyny.gov/DocumentCenter/View/43662/89-2024-Grading-Plan-Mobile-Home-Park>

Subject parcel is 89.2-acres and contains an existing mobile home park with 70 dwellings. Typical lot layout is roughly 125' x 60' with a 30' x 70' manufactured home (and 20' x 25' driveway'). In addition to driveways, there are 79 parking spaces along the internal roadway. Access to the parcel will come from two (2) existing entrances/exits (Brickyard Rd. and Purdy Rd.). The parcel/project area is comprised of 43.7-acres of cultivated land use (existing farm field) as well. Subject Parcel and surrounding parcels are in Ontario County Agricultural District #1. The southern portion of the parcel contains a regulated (NYSDEC and Federal) wetland that buffers the Padelford Brook outfall location. Surrounding parcels are predominately agricultural, residential, or commercial.

Proposed work will create a total of 43.8-acres of disturbance and 26.2-acres of new impervious area (60% lot coverage). There are three (3) stormwater management facilities proposed to mitigate increased stormwater runoff. There is also a 3.34-acre open recreation area near the center of the development. Landscaping Plan indicates street trees are to be planted between homes along the road, within the open recreation area, and alternating

blue and white spruce trees along the eastern parcel boundary (active farm field). The SWMF is to have a 25' wide planted buffer (native switchgrass). Quantity of plantings is still to be determined.

There is an anticipated water usage of 46,000 gallons/day. Service will come from an expansion (new 8" water mains and hydrants) from the existing water service (Canandaigua – Farmington). Wastewater to use existing public wastewater treatment facility (Farmington Treatment Plant).

The maximum slopes in areas of proposed work are 5% gradient. Soil is poorly drained (according to SWPPP), predominately Odessa Silt Loam (47.5%) and Odessa Silty Clay Loam (29.3%):

- Odessa Silt Loam: partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.
- Odessa Silty Clay Loam: same as Odessa Silt Loam

There will be residential post lighting at driveways.

The project site is divided into two watersheds with separate outfall locations. The southern watershed collects in Padelford Brook at the southeast corner of the parcel. The northern watershed collects at the SR332 roadside swale in the northwest corner of the parcel.

The applicant representative (Greg McMahon: McMahon-LaRue Associates, P.C.) was present at the 5/8/24 CPB meeting, and provided the following comments:

- There are sidewalks proposed on one side of every roadway in the park, and access to the recreation area via mulched pathways.
- Each proposed driveway has parking space for two (2) cars.
- Stormwater management facility (SWMF) will only hold large amounts of water during significant events, will be low/dry most of the year. SWMF is 12-14 ft. deep.
- RV and boat storage is an existing use (only for residents). It is proposed to be expanded.
- Internal roads are private.
- If there is a demand, the owner is willing to work with school district on bus-pickup options. Current residents are predominately age 55 or older.
- Refuse pick-up will to be paid for by park owners and handled by a private hauler. Existing residents have individual totes that are picked up by hauler. The plan is to continue with this service for the proposed lots.
- Lots are designed for double-wide manufactured homes (roughly 22'-24' wide, 50'-60' long), but single-wide manufactured homes are allowed as well.
- Manufactured home site will be built in phases (roughly 20-25 lots per phase).

Comment

1. Town Code Section §134-17 (Manufactured Home Parks) shall be buffered by a fifty-foot zone comprised of densely planted trees, shrubs, bushes and flowers. A detailed plan depicting the plantings within the fifty-foot buffer zone shall be provided as a part of the manufactured home park site plan. The Planning Board, as a part of final site plan approval, may modify the buffer requirements by requiring decorative fencing or other means as deemed appropriate. Currently, only a 10-20’ buffer is proposed.
 2. Is there proper road space for school buses or emergency vehicle turnaround?
 3. Will the stormwater management facilities be fenced in?
 4. How will garbage be collected. Will there be dumpsters?
- OCSWCD Comments**
1. Consider construction impacts to existing underground drain tile.
 2. Consider proposed changes to FEMA floodplain.
 3. Plans indicate minimal tree plantings, consider adding additional plantings.
 4. Additional fence/signage is recommended to delineate wetland area.
- CPB Comment**
1. Applicant is encouraged to install fence surrounding stormwater management facility.

Board Motion: To retain referral 89-2024 as a class 1 and return to the local board with comments. **Motion made by: Stephen Groet Secoded by: Tammy Worden**
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

90-2024	Town of Canandaigua	Zoning Board of Appeals	Fladd, Scott	Area Variance - Exempt
70.00-1-39.000	Area Variance(s) for: (1) six fence-mounted signs (when no sign shall be attached to a fence), (2) a 100 SF two-sided ground sign (when a maximum of 80 SF total is allowed), and a 10 SF one-sided ground mounted sign with a 9.5 ft front setback (when a minimum of 15 ft. is required). Project is located at 5250 North St. (Pactive Corp) in the Town of Canandaigua.			

91-2024	Town of Canandaigua	Planning Board	Marks, Brennan	Site Plan - 1
70.00-1-52.110	Site Plan for the construction of a 1,400 SF building addition and associated improvements at 5290 North St., south of the Brickyard Rd. / North St. intersection, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43787/91-2024-Aerials-JT-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/43729/91-2024-Site-Plan-JT-Addition>

A lot line adjustment is proposed and would join 5300 North St. with 5290 North St. Building addition would occur on the north-side (rear) of the northmost building, currently at 5300 North St. Additional site improvements include grading, drainage (downspouts to a 60' infiltration trench) behind the new addition, and utilities. Lot coverage would be 25% (when 30% is allowed).

A silt fence is to surround the limits of disturbance. Construction staging area and concrete washout will be located on the west side of the building being expanded.

According to Oncor, the parcel is/has:

- A use of Motor Vehicle Service (Uptown Auto). Surrounding land use is commercial and industrial.
- Has little to no slope (0-3% gradient)
- Soil disturbed is Odessa Silt Loam (partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.
- Is within and adjacent to parcels within Ontario County Agricultural District #1

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

92.0-2024	Town of Phelps	Planning Board	Franz, Marcus	Site Plan - 1
63.00-3-63.110	Site Plan and Subdivision of a 7.2-acre parcel into two (2) parcels (Lot 1: 0.92-acres, Lot 2: 6.19-acres) for the construction of a new self-storage facility (containing 7 buildings) with associated improvements. Subject parcel is located at 2041 SR14, located between the SR14/Cross Rd./Welch Rd. intersections, in the Town of Phelps.			

<https://ontariocountyny.gov/DocumentCenter/View/43786/920-2024-and-921-2024-Aerial-Storage-Facility>

<https://ontariocountyny.gov/DocumentCenter/View/43676/920-2024-and-921-2024-Site-Plan-Storage-Facility>

<https://ontariocountyny.gov/DocumentCenter/View/43673/920-2024-and-921-2024-Landscape-Plan-Storage-Facility>

<https://ontariocountyny.gov/DocumentCenter/View/43677/920-2024-and-921-2024-Subdiv-Plat-Storage-Facility>

The proposed 0.92-acre parcel (northwest corner of original parcel) is to contain the existing two-story frame house and sheds. Subject Parcel abuts a primary travel corridor (State Route 14). The proposed 6.19-acre parcel (Lot 2) is to contain to new self-storage facility. The existing metal clad barn on proposed Lot 2 is to be removed. The entrance of the new storage facility is to come off of Cross Rd.

The storage facility is to contain seven (7) buildings: two (2) 3,000 SF buildings, and four (4) 7,500 SF buildings. Total building coverage to be under the maximum allowed of 50% (total disturbance to be 4.3-acres). A 6' high metal fence with a gate and keypad will surround the storage facility.

2' x 2' inlets are to be placed between storage buildings, connected to a 8" hde pipe that feeds into swale with rip-rap protection along the southern boundary of the parcel. Swale feeds into stormwater management facility (SWMF) on westernmost section of the parcel.

Lighting (wall-mounted LED lights – roughly 4,000 lumens each / dark sky compliant) is proposed at the ends and between each storage building. 46 trees are proposed to be planted around perimeter fencing. The existing tree line buffering the storage facility (Silver Maple Ash Swamp) from the wetland (to the east) and the neighboring parcel (to the south) is to be maintained. All areas not paved will be seeded with lawn seed.

According to Onkor, the parcel is/has:

- A National Wetland is on the northeast corner of the parcel.

- Land cover is mowed lawn (near residence), successional old field, and silver maple ash swamp (surrounding national wetland)
 - There is little to no slope (0-3% gradient). Soil disturbed is primarily Elnora Loamy Fine Sand (not hydric, high permeability and erodibility, is an area of prime farmland, and is in hydrologic soil group B/D)
 - Surrounding land use is predominately commercial or residential. A rail line runs parallel to the eastern parcel boundary (Pennsylvania Lines)
- OCSWCD Comment**
1. Verify roadside ditch can handle additional flows from stormwater facility.

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**

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

92.1-2024	Town of Phelps	Planning Board	Franz, Marcus	Minor Subdivision - Exempt
63.00-3-63.110	Site Plan and Subdivision of a 7.2-acre parcel into two (2) parcels (Lot 1: 0.92-acres, Lot 2: 6.19-acres) for the construction of a new self-storage facility (containing 7 buildings) with associated improvements. Subject parcel is located at 2041 SR14, located between the SR14/Cross Rd./Welch Rd. intersections, in the Town of Phelps.			

93.0-2024	Town of Phelps	Zoning Board of Appeals	Lamar Advertising of Penn, LLC	Area Variance - AR 2
34.00-3-38.121	Site Plan and Area Variance to construct a double-sided off-site commercial speech sign (420 SF total, 22 ft. high) located at 2360 SR96, southeast of the Bankert Rd. / SR96 intersection in the Town of Phelps. Area variance is for a total sign area of 420 SF when no such sign shall exceed 200 SF.			

<https://ontariocountyny.gov/DocumentCenter/View/43785/930-2024-and-931-2024-Aerial-Billboard>

<https://ontariocountyny.gov/DocumentCenter/View/43678/930-2024-and-931-2024-Concept-Plan-Billboard>

<https://ontariocountyny.gov/DocumentCenter/View/43685/930-2024-and-931-2024-Site-Plan-Billboard>

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

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

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

Comments

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

93.1-2024	Town of Phelps	Planning Board	Lamar Advertising of Penn, LLC	Site Plan - 1
34.00-3-38.121	Site Plan and Area Variance to construct a double-sided off-site commercial speech sign (420 SF total, 22 ft. high) located at 2360 SR96, southeast of the Bankert Rd. / SR96 intersection in the Town of Phelps. Area variance is for a total sign area of 420 SF when no such sign shall exceed 200 SF.			

See 93.0-2024

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

94-2024	Town of Farmington	Planning Board	DeHollander, Scott	Subdivision - 1
9.03-1-6.000	Subdivision of a 12.4-acre (vacant) parcel into five (5) proposed residential parcels (Lot 1: 1.04 – acres, Lot 2: 1.87-acres, Lot 3: 5.07-acres, Lot 4: 2.26-acres, and Lot 5: 2.20-acres). Subject parcel is located on the corner of CR8 and Holtz Rd. in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/43784/94-2024-Aerial-DeHollander-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43691/94-2024-Subdiv-Plat-DeHollander-Subdiv>

All proposed lots will be served municipal water from a connection to the existing Town watermain (Town of Farmington Consolidated Water District). Wastewater will be treated with individual onsite wastewater treatments systems (septic systems).

According to OnCor, subject/proposed parcels are/have:

- In the Ontario County Agricultural District #1. Surrounding parcels are as well.

- Land use is currently agricultural (field crop). Surrounding Land uses are predominately residential or agricultural.
- Parcel has gentle to no slope (0-9% gradient). Soil is a mix of mostly Palmyra Gravelly Sandy Loam, Homer Fine Sandy Loam, Phelps Gravelly Silt Loam, and Ontario Loam (Overall: not hydric, relatively high permeability, medium to high erodibility, and all are areas of prime farmland).

OCDPW Comments

1. Property Owners/Contractors will be required to obtain a highway work permit for driveway access off of County Road 8, along with any other proposed work within the right-of-way. Highway Work Permit forms can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>.
2. Subdivision plan contours appear to show minor swale along CR8 property frontage, which may possibly require driveway culverts for the access points along CR8.

OCSWCD Comments

1. Consider incorporating green infrastructure on individual lots
2. Consider impacts to existing underground drainage

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

95-2024	Town of Gorham	Planning Board	Buschner, Dave & Kathy	Site Plan - Exempt
113.19-1-34.000	Site Plan for a 450 SF single-story attached garage addition to an existing single-family home at 3976 SR364 in the Town of Gorham.			

96.0-2024	Town of Gorham	Zoning Board of Appeals	Klotz, Lynn & Michael	Area Variance - Exempt
127.19-4-54.000	Site Plan and Area Variance for the tear-down and re-build of an existing single-family home, garage and other site features at 4554 Lake Drive, in the Crystal beach area of the Town of Gorham. An area variance is required for a proposed lot coverage of 40.8% (existing lot coverage is 50.1%) when 25% is the maximum allowed.			

96.1-2024	Town of Gorham	Planning Board	Klotz, Lynn & Michael	Site Plan - Exempt
127.19-4-54.000	Site Plan and Area Variance for the tear-down and re-build of an existing single-family home, garage and other site features at 4554 Lake Drive, in the Crystal beach area of the Town of Gorham. An area variance is required for a proposed lot coverage of 40.8% (existing lot coverage is 50.1%) when 25% is the maximum allowed.			

97-2024	Town of Gorham	Planning Board	Tolbert, Mark	Site Plan - Exempt
98.19-3-6.000	Site Plan to tear-down and rebuild an existing 2,063 Sf two-story, detached garage on a parcel at Otetiana Pt., along the southern edge of the T. Canandaigua / T. Gorham municipal boundary in the Town of Gorham.			

98-2024	Town of Gorham	Planning Board	Eldred, Doug	Major Subdivision - 1
113.00-1-48.200	Final Subdivision Approval for an 80-lot subdivision (Scenic Ridge Rise) on a currently undeveloped 55.5-acre parcel at 4035 SR364 along the eastern side of SR364 in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/43783/98-2024-Aerials-Scenic-Ridge-Rise>

<https://ontariocountyny.gov/DocumentCenter/View/43767/98-2024-Subdiv-Plat-Scenic-Ridge-Rise>

<https://ontariocountyny.gov/DocumentCenter/View/43765/98-2024-Landscaping-Plan-Scenic-Ridge-Rise>

<https://ontariocountyny.gov/DocumentCenter/View/43766/98-2024-Grading-Plan-Scenic-Ridge-Rise>

This project was previously reviewed as a subdivision, referral 79-2023 in May 2023 and 204-2021 in October 2021. This referred final subdivision plat addresses Town Planning Board concerns including modifications to the stormwater management system, vehicle and pedestrian circulation system, screening, site layout to avoid bedrock and limit road slope to 8 percent, and HOA by-laws to ensure long term compliance with visual and water quality protections.

The transmittal letter indicates the sidewalk on the west side of SR 364 connecting the development to the County Park is contingent on NYSDOT approval of a crosswalk.

The Town of Gorham has requested that roofs be designed to support installation of solar panels and that the developer offer option of no net energy use model to prospective residents. The Town has also required that developer document sale of 5 percent or 4 of 80 units be sold to households earning less than the county median income or contribute \$50,000 to the Town's Affordable Housing Fund. The Town has also indicated up to 20% of the HOA property or 4.7 acres may be developed with community solar.

The Town of Gorham required an Environmental Impact Statement (EIS) focused on groundwater; stormwater quality, quantity, and impact on erosion; and aesthetics and community character.

According to OnCor the lot is 55 acres, the lands to the south and east of the property are in the agricultural district, and there are not development constraints related to floodplains, wetlands, or steep slopes over 15 percent. Dominant on-site soils are Darien silt loam. The half of the site closest to SR 364 has slope of 3 to 8 percent, the area south of Angela Way cul-de-sac has a slope of 0-3 percent, and the eastern end of the site has a slope of 3 to 8 percent. Darien soils are somewhat poorly drained and have moderately high permeability and high erodibility. Existing land cover is mostly successional old field with an area of successional northern hardwoods at the eastern end of the site and successional shrub land closest to SR 364.

This subdivision is proposed under the Town of Gorham Conservation Subdivision provisions. The purpose of the Conservation Subdivision provisions is to encourage flexibility of design and development to promote appropriate use of land, efficient network of streets and utilities, and to preserve the natural and scenic qualities of open lands. The subdivision plan shows 80 lots.

The site is zoned R-1 which typically requires minimum 15,000 SF lots with 100' lot width, 35' front setback, and 15' side setbacks. Proposed clustered lots are 8,900 SF to 14,800 SF with minimum 25' front setbacks, 8' side setbacks, 40' rear setback, 70' lot width and 125' to 200' lot depth. The subdivision will provide public roads, connect to the Canandaigua Lake County Sewer District and connect to a Town of Gorham public water district. The project will also have a lighting district for proposed 18' streetlights.

The road network includes a primary access point off SR 364, a west to east road segment up the hillside (road A), two road segments that provide a loop on the upper portion of the site (roads B and C), and a secondary gated access point off SR 364, for emergency access only. The subdivision plan includes ROW to the north, south, and east property boundaries to allow through connections if lots are developed on these properties. Road width has been increased from 20' to 21' and now include 2.5' gutters and meet the 26' minimum width.

Proposed pedestrian infrastructure now includes a potential 150' of concrete sidewalk along the west side of SR 364 from Ontario Beach Park to a point opposite the emergency site access if SR 364 crosswalk is allowed by NYSDOT and looped segments of sidewalk, hard surface trail, and natural surface trail. There is a sidewalk along the north side of Road A. The hard surface trail connects to the sidewalk and crosses south through the HOA lot B, the road island, along the southern property boundary of lots in phase 1 and along the west side of Road B. The natural surface trail includes a loop around HOA lot D, between lots on Road A and Road B in phase 2, a loop through the retained wooded area in HOA lot E at the top of the hill, and connects to the 12' maintenance road around Pond B.

The landscaping plan indicates planting at least 1 frontage tree and 1 rear tree on each lot. The landscaping plan, a mix of evergreen and deciduous trees in the HOA area along the northern property boundary, and shrubs to demarcate the boundary between private lots and the HOA areas along southern property boundaries.

Stormwater management facilities include a lower pond (A) and an upper pond (B) with desiltation basins before outlet to bio retention areas that filter first flush from roadways and farmland to the east of the site. Each pond also has a forebay/settling basin and wetland bench. Enhanced phosphorus removal has been incorporated into the stormwater ponds. The revised site plan also discharges front down spouts to the stormwater system in the road ROW.

The subdivision plan shows 7 areas with 23.87 acres to be owned by the homeowners' association:

- Lot A – 2.83 acres along north property boundary adjacent to lots in phase 1 with access and drainage easement to the Town in 40' wide area; larger area in south central portion of the project site includes stormwater management pond A.
- Lot B - 0.37 acres median in road A with landscaping, trail, and mountable curb.
- Lot C – 3.67 acres along south property boundary of lots in phase 1 with access and drainage easement to Town; includes primary stormwater management area B.
- Lot D – 0.9 acres approximately 40' wide with rear lot drainage swales and landscaping between lots fronting on east-west segments of road A and Road B in the upper area, also includes natural surface trail.
- Lot E – 11.7 acres including remains existing woodlot; this area also provides 400' buffer to farm field east of the site. There is a conservation easement area proposed in this area and a small portion of private lots to retain woodlot. Only open space Lot E will retain its natural character.
- Lot F .72 acres along northern property boundary adjacent to lots in phase 2 with access and drainage easement to Town of Gorham.
- Lot G-3.68 acres along southern property boundary adjacent to lots in phase 2 with access and drainage easement to the Town of Gorham.

The project is proposed for construction in phases as follows:

Phase 1 -41 lots off road A closest to SR 364

Phase 2 -39 lots including an additional 8 lots along road A, 23 lots along road B and 8 lots on road C that form a loop on the upper eastern portion of the site.

Project modifications were made to avoid bedrock and reduce erosion including transverse interceptor swales, limiting areas not stabilized/seeded/mulched to 5 acres at a time, use of early seeding and check dams in swales, and use of erosion control matting in some areas of steeper slope.

The DEIS also explores alternatives to maintain water pressure at higher elevation homes in Scenic Ridge Rise and East Lakeview Estates under fire fighting or water line break conditions. The DEIS recommends upgrading proposed water lines from 8" to 10" to address this issue. The project also provides a ROW to allow a future water main and/or road connection to Turner Road. The DEIS outlines alternative timing and shared financial responsibility for such future connection.

The EIS also spells out the responsibilities of the HOA including:

1. Maintain trails, trees and shrubs, grass swales, and stormwater management facilities on HOA property.
2. Maintain undistributed natural areas of HOA land in accordance with recommendations of a horticultural specialist.
3. Mow the road ROW in areas without frontage lots such as at the primary entrance.

The HOA also prohibits above ground pools and shrubs over 4' and restricts sheds to within 5' and 15' of the rear property line to preserve views to Canandaigua Lake.

The 2021 referral included an engineer's report with a traffic impact study. The report was based on a previously proposed 105-unit subdivision with single family and two-family homes. The traffic impact study concludes that the existing Level of Service (LOS) A will be retained for most movements at proposed project access and at Turner Road. Compared to existing conditions, the westbound movement from both side roads retains a LOS B with a pm evening peak hour delay increase of 1.6 seconds to 14.2 seconds at Turner Road following project development. The traffic report indicates the through traffic volumes on SR 364 meet the NYSDOT minimum volumes to allow a left turn lane at the project entrance. However, as the left turn delay into the project driveway is less than 10 seconds, the traffic impact study concludes that no turn lane is required and no by-pass lane is recommended.

Relevant October 2021 Comments

1. What development areas will be visible from Canandaigua Lake? The ridgeline development guidelines indicate the mass and height of homes should fit within the existing tree canopy. Does the project, especially the lots sited in the existing successional hardwood forest, conform with ridgeline development standards?

2. How many acres are in the drainage easements? Town of Gorham subdivision regulations require 30 percent permanent open space excluding stormwater management facilities.
3. What areas of the site will remain undisturbed? A limit of disturbance line should be added to the plans to indicate where existing vegetation will be maintained.
4. Where will visitors park? Is on-street parking allowed?

Updated NYSDOT Comment

1. Concept plan and Traffic Impact Study submitted for review. NYSDOT confirmed given low number of left turns and physical limits of roadway, no left turn lane or by-pass lane is recommended.

Relevant October 2021 CRC Comments

1. Commends applicant for provided enhanced phosphorus treatment as part of the stormwater system design and requests that constructions drawings and HOA documents call for the use of no phosphorus fertilizer in all site restoration and site maintenance activities.
2. The referring body should consider the impact of the proposed development on the views from Canandaigua Lake. The applicant provided a visual profile map indicating which portions of the development are visible from the Lake and from areas of the Town of Canandaigua and which lots have lake visibility. The referring body should have a clear understanding of how such views are impacted by the mature vegetation on adjacent undeveloped lands.

Relevant 2023 Comments

1. Will a cross walk be painted connecting the site to the new sidewalk on the west side of SR 364 to Ontario Beach Park? Will a pedestrian activated flashing signs be installed to alert motorists to crossing pedestrians?
2. Typical pedestrian scale street lights are 14 to 15' in height. Do the proposed 18' streetlights appropriate balance infrastructure efficiency and neighborhood character?

2023 OCSWCD Comments

1. Consider O P fertilizer unless need is indicated by soil test.
2. Sequence of Construction: Step 1 is out of order. Clear and grub for installation of interceptor swales is listed after installation of interceptor swales.
3. Additional silt fence needed in downslope areas.
4. Location of concrete truck washout not indicated.

2023 CLCSD Comments

1. To date, we've only received electronic files of the revised plans – full size hard copies are required for our detailed review.

2023 CPB Comments

1. Board was concerned with the cumulative traffic impacts with other proposed projects along SR 364. Town is encouraged to review 2020 corridor study and project related implementation opportunities, including adoption of no parking zones to preserve bike/pedestrian use of shoulder.
2. Town should explore the opportunity to integrate with future projects to provide access to Turner Road.

Comments

1. The subdivision notes indicate the minimum lot size is 11,000 SF, however the current subdivision plat indicates a number of smaller 8,900 to 10,900 SF lots.
2. The plat overview does not reflect the spilt of HOA lots A and C to add lots F. and G. adjacent to lots in phase 2.

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:**

Steve High **Seconded by: Roslyn Grammer**

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

99.0-2024	Town of Seneca	Zoning Board of Appeals	Hullings, Steven, Tammy, Steven Jr., & Brittany	Area Variance - 1
146.00-1-34.111	Special Use Permit Modification and Area variance request to allow for additional use of outdoor areas for pedestrian activity, including but not limited to dining, if screened, and modification of the special use permit conditions regarding parking area screening, maximum occupancy, and hours of operation of the bar. Subject Parcel is located at 4694 Redman Rd., directly west of the intersection at Redman Rd. and Turnbull Rd. in the Town of Seneca.			

<https://ontariocountyny.gov/DocumentCenter/View/43782/990-2024-and-991-2024-Aerial-Hullings-Silos>

<https://ontariocountyny.gov/DocumentCenter/View/43705/990-2024-and-991-2024-Sketch-Hullings-Silos>

This project was reviewed as 40-2023 in March 2023 and 69-2023 and 70-2029 in April 2023 for special use permit and site plan for wedding venue operating in existing barn and proposed accessory structures as a home occupation. As outlined in referral materials, a

number of variances were granted in June 2023 and the applicant is now requesting additional variances and modifications to special use permit conditions.

The current referral requests the following variances:

1. Additional use of outside areas located on the backside of houses or behind a fence, screen, or barrier.

The current referral proposes the following special use permit modifications:

1. At the advice of owner of Horning's Greenhouse and Nursery to change screen planting from drive to south property line to screen parking area from planting 3-4' tall Arborvitae 4' on center to planting 4' tall giant Arborvitae 8' on center, though site plan shows planting 10' on center.
2. Increase maximum occupancy from 150 persons to 164 persons based on actual square footage and maximum occupancy allowed by current NYS Uniform Fire Safety and Building Code.
3. To allow bar hours to be extended from 9 pm to 9:45, 15 minutes before end of event.

Comments

1. Any variance for additional use of outside areas should identify how such approval impacts maximum site occupancy and required provisions for water and wastewater, identify approved use area and allowable occupancy on a site plan, specify whether outdoor use may involve lighting, music, or bar/serving of alcohol, and indicate whether additional screening is necessary.
2. What is the ground surface in the area of the fire pit(s)?
3. Is there an accessible path from the parking area to the event center and to the proposed wedding ceremony area?
4. The location of the previously allowed open walled gazebo is not show on the site plan.
5. Would another special use permit modification be required to assess whether occupancy at the site can be increased above 164 once detailed plans/square footage of loft are provided? If not, some range of allowable additional occupancy related to completion of proposed loft should be provided to ZBA when making a determination on revised allowable occupancy with caveat that maximum occupancy shall not exceed maximum allowable occupancy based on the CEOs calculations of square feet and occupancy at the time the Certificate of Occupancy is issued for the loft.

OCSWCD Comment

1. Plans do not indicate stormwater management though several buildings/patios on the plans indicate large amounts of impermeable surface. Consider green infrastructure practices to manage stormwater on site.

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

99.1-2024	Town of Seneca	Zoning Board of Appeals	Hullings, Steven, Tammy, Steven Jr., & Brittany	Special Use Permit - 1
146.00-1-34.111	Special Use Permit Modification and Area variance request to allow for additional use of outdoor areas for pedestrian activity, including but not limited to dining, if screened, and modification of the special use permit conditions regarding parking area screening, maximum occupancy, and hours of operation of the bar. Subject Parcel is located at 4694 Redman Rd., directly west of the intersection at Redman Rd. and Turnbull Rd. in the Town of Seneca.			

See 99.0-2024

100-2024	Town of Hopewell	Planning Board	Marks Engineering, PC	Special Use Permit – 2 / D
99.00-1-7.000	Special Use Permit to construct a parking lot with 157 parking spaces for CMAC event parking at 4303 Route 5 & 20, just south of the SR5&20 / CR50 intersection in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/43781/100-2024-Aerial-CMAC-Parking>

<https://ontariocountyny.gov/DocumentCenter/View/43708/100-2024-Sketch-CMAC-Parking>

Subject Parcel is 3.9-acres. Proposed parking is a mix of gravel and turf. Spaces are 10' x 20'. Other amenities include temporary restrooms and trash canisters, and light poles. Existing building is to remain. Entrance is to parking lot along SR5&20.

According to OnCor, subject parcel is/has:

- A Draft 2023 FEMA 100-Year Flood Zone buffering Fall Brook
- Gentle to no slope (0-9% gradient). Soil is predominately Cayuga Silt Loam (not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D)

- Current land use of the parcel is commercial. Surrounding parcels are mostly community services (FLCC) and commercial.

Comments

1. SR5&20 speed limit is 40 mph (transitioning to 55 mph as you head east). Does entrance meet NYSDOT safety standards/requirements?
2. How much disturbance will there be? How much impervious surface created?
3. Is there any proposed landscaping/buffering to neighboring parcels?
4. Will there be staff / parking attendants? How many?

NYSDOT Comment

1. NYSDOT does not agree with approving this site as a parking area for CMAC events with the existing entrance. We have previously reviewed this site for a residential development with 63 apartment units. For that development, we requested that the existing driveway be removed and moved to the east, along with the grass median be removed to install a left turn lane. The existing driveway is very difficult to turn left in and out of. I have even more concerns with this operating as an event parking space than with an apartment complex as you would have high volumes of vehicles that may be unfamiliar with the area all coming and going at the same time. We have reviewed some plans for the previously proposed development but never received final plans that showed all of the items we required. We believe that these driveway changes should be made prior to any changes in use to this property.

CPB Comments

1. How do the pedestrians get to CMAC from proposed parking? Do they have to walk along the shoulder of SR5&20 (speed limit transitioning from 45 to 55 mph at this location). This is not a safe route for pedestrians to walk. Are sidewalks or a path proposed to provide access to the CR50 sidewalk?
2. Many CMAC concert-goers are from outside the area and are unfamiliar with this location. Given the speed limit transition, and the possibility for unexpected stops, is this a safe location for a parking lot. Driveway/highway median modifications as outlined by NYSDOT would be required to provide minimally safe higher traffic general at this location.
3. Will there be any surveillance or parking attendants?
4. How much of an increase to impervious surfaces is proposed? Is there / will there be a stormwater protection plan?
5. How will the water resources (Canandaigua Lake Watershed) be protected? There is no stormwater management facility proposed to mitigate the clearing of trees on the parcel and increased potential increased runoff from gravel surface.
6. How will spaces be marked/striped on grass and gravel surfaces?

Board Motion: To elevate referral 100-2024 from Class 1 to a Class 2. **Motion made by:** Steven High **Seconded by:** Tammy Worden

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

Board Motion: Based on consideration of the referral review comments and findings (per NYSDOT comments, pedestrian safety concerns), included herein, the Board finds that there is the potential for significant adverse county-wide and/or inter-municipal impacts. I therefore motion to retain referral # 100-2024 as a Class 2 and return to the local board with the recommendation of disapproval.

Motion made by: Tammy Worden Seconded by: Mike Woodruff

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

101-2024	Town of Hopewell	Planning Board	Converse, Patrick	Site Plan - 1
59.00-1-24.000	Site Plan for the construction of a 4,200 SF building addition, replacement of septic system and parking lot expansion to an existing (Townline Machine Inc) building. Subject parcel is located at 3151 Hopewell Manchester Townline Rd., just south of the T. Manchester / T. Hopewell municipal boundary in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/43780/101-2024-Aerial-Townline-Machine-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/43710/101-2024-Site-Plan-Townline-Machine-Addition>

Disturbance is expected to be less than one (1) acre for the 30' x 140' addition and associated improvements. A silt fence is to surround the areas of disturbance during construction. An area variance was approved in April 2024 by the ZBA for a building expansion of 48.6% when no more than 30% is allowed.

According to OnCor, subject parcel is/has:

- Within Ontario County Agricultural District #1. Surrounding parcels (south of Hopewell Townline Rd.) are also within Ontario County Agricultural District #1
- Aerials (2021) indicate parcel also has an active agricultural use in addition to the commercial use. Area of proposed work is not within Agricultural field (mowed lawn).
- Surrounding land uses are agricultural and residential
- Gentle to no slope (0-9% gradient). Soil disturbed is Galen Fine Sandy Loam (not hydric, high permeability and erodibility, is an area of prime farmland, and is in hydrologic soil group A/D).

OCSWCD Comments

1. There does not appear to be any septic details or soil investigation details.

- 2. What is the design criteria per number of employees?
- 3. Is bedrock present?

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

102.0-2024	City of Canandaigua	Planning Board	Marks Leisure Time Marine	Site Plan - 1
84.19-1-9.1; 84.19-1-10.1	Lot Combination Subdivision (of TM#'s 84.19-1-9.1 and 84.19-1-10.1 into one 4.9-acre parcel) and Site Plan approval for a 15,400 SF addition (showroom and service area) to an existing commercial building, and parking lot expansion/reconfiguration. Subject parcel is located at 200 Eastern Blvd, just north of SR5&20 in the City of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/43836/1020-2024-and-1021-2024-Aerials-Leisure-Marine>

<https://ontariocountyny.gov/DocumentCenter/View/43716/1020-2024-and-1021-2024-Site-Plan-Leisure-Marine>

<https://ontariocountyny.gov/DocumentCenter/View/43713/1020-2024-and-1021-2024-Grading-Plan-Leisure-Marine>

<https://ontariocountyny.gov/DocumentCenter/View/43717/1020-2024-and-1021-2024-Subdiv-Map-Leisure-Marine>

- According to OnCor, subject parcel is/has:
- Within the Draft 2023 FEMA 100-Year Flood Zone. Parcel is also surrounded by the FEMA Draft 500-Year Flood Zone and a National Wetland
 - Project area is mowed lawn and parking area cover type
 - Subject parcel is commercial use. Surrounding uses are commercial and recreational (Roseland Waterpark)
 - Little to no slope (0-3% gradient). Soil type: Sapristis (hydric, high permeability, unknown erodibility, is not prime farmland, as in hydrologic soil group A/D
 - Proposed project is not within the Canandaigua Lake Watershed (it is within the Canandaigua Outlet Watershed).

Elevation drawings indicate building mounted sign is to be relocated above the new addition entrance. Proposed façade is to match existing (colors, architecture). Addition is 3' taller than current building height (25.5' building height proposed). East side of the building is to have an overhead door. North side of the building has three (3) existing overhead doors, with one (1) additional overhead door proposed. East side of building is to have a service and pickup/drop-off area with an overhead canopy (in the future) and sliding gate. A total of 106 parking spaces are proposed (for boats and 23 spaces for cars), 2 of which are ADA compliant. Two entrances/exits are to come off of Eastern Blvd. to the south, the eastern entrance having a swing gate. Project will create 3.4-acres of disturbance.

A stormwater management facility and bioretention area is proposed along the east boundary of the newly combined parcel. 16 trees are proposed (varying from 15" to 40" in height) along Eastern Blvd. and the Roseland Waterpark entrance. Shrub plantings are proposed along the front of the building. Remaining pervious surface to grasses/perennials. 21 light posts (dark sky compliant) are to be placed in the parking lot and in front of the building and in the parking lot. Nine (9) building mounted lights are to be on the building as well.

Erosion control includes: temporary seeding of unpaved areas using hydro-mulching grass seeding technique, mulching exposed areas, frequent watering, inlet protection, a silt fence surrounding areas of disturbance, and a stabilized construction entrance.

The City of Canandaigua's Zoning Schedule II (Required Off-Street Parking Spaces):

- Motor Vehicle Sales including used car sales, boat sales – 1 parking space for customer parking for every 600 ft. of net floor area or fraction thereof. In no case, however, shall a motor vehicle sales establishment provide fewer than 10 off-street parking spaces exclusively for customer use.
- After addition, building footprint is to be roughly 24,675 SF. Based on the above parking regulations, the required number of parking spaces would be about 41.
- Plans seem to indicate 34 spaces are proposed for customer/employee parking.

Comments

1. How much impervious surface is being created?
2. Is proposed stormwater management facility and bioretention area adequate given this increase in impervious surface?

OCSWCD Comment

1. Consider draft FEMA floodplain, much of the proposed development has the potential to occur within the floodplain.

CPB Comments

1. City Zoning Code Section 850-39D2 (Additional provisions and requirements of the C-3 Heavy Commercial District) states, "all processes shall take place within an enclosed

building; storage out-of-doors shall be shielded from view from street and adjacent off-street parking areas by fencing, landscaping, or other appropriate measures”.

Applicant must ensure there is sufficient screening (year-round) of the parking area from neighboring parcels. Applicant should consider screening the perimeter of the parcel with evergreens (specifically on northern and eastern side) where the parking area is most visible.

Is there adequate parking for customers/employees? Can some boat spaces be used for cars if need be? According to the building / showroom footprint, roughly 41 spaces would be required at least.

2. There is about 70% disturbance by area created from the proposed work. Is there a maximum allowed level of disturbance? Can it be minimized in any way? Additional landscaped islands / plantings are encouraged.
3. How much fill is being brought into the site?
4. Plans should show existing and draft floodplain.
5. The stormwater management facility has an elevation (684') below the lakes elevation (688'). Does this pose any drainage / SWMF issues?
6. Plans indicate boats will be serviced at this business. Proper capture and disposal of fluids/waste needs to be ensured.

Members of the public were present to comment on the project (Ryan & Dave Fuller - Roseland Waterpark):

- Roseland Waterpark abuts to the north side of the subject parcel where proposed development is occurring. Plans for a brewery within the park are being considered/worked on now.
- They are in support of this project, they would just like to see additional screening of the rear (north) part of the lot, which can be seen from the waterpark/brewery looking south.
- They would like to see some evergreen screening (something that will provide a visual buffer year-round).

Board Motion: To retain referrals 102.0-2024 and 102.1-2024 as a class 1s and return to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff

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

102.1-2024	City of Canandaigua	Planning Board	Marks Leisure Time Marine	Minor Subdivision - 1
84.19-1-9.1; 84.19-1-10.1	Lot Combination Subdivision (of TM#'s 84.19-1-9.1 and 84.19-1-10.1 into one 4.9-acre parcel) and Site Plan approval for a 15,400 SF addition (showroom and service area) to an existing commercial building, and parking lot expansion/reconfiguration. Subject parcel is located at 200 Eastern Blvd, just north of SR5&20 in the City of Canandaigua.			

See 102.0-2024

103-2024	Town of Geneva	Planning Board	Dandy Mini-Marts, Inc.	Site Plan – 1 / I
90.03-1-17.000; 90.03-1-14.000; 90.03-1-15.000	Site Plan for the construction of a 4,500 SF convenience store with fueling island at 803 CR4, 000 CR4, and 510 CR6 - located on the southwest corner of the CR4/CR6 intersection. The project will have 19 parking stalls, stormwater management, on site-wastewater treatment system, and connection to public utilities.			

<https://ontariocountyny.gov/DocumentCenter/View/43778/103-2024-Aerial-Dandy-MiniMarts>

<https://ontariocountyny.gov/DocumentCenter/View/43720/103-2024-Plans-Dandy-MiniMarts>

Concept plan indicates parcels (TM#: 90.03-1-17.000; 90.03-1-14.000; 90.03-1-15.000) are to be combined as one lot. Of the 19 parking stalls, 2 are ADA accessible. Plan also indicates a Seneca Native American burial mound is located in the southwest corner of the parcel. Access is to come from CR4 to the north and CR6 to the east. A stormwater management facility is to be located onsite to the south of the proposed convenience store.

Comments

1. Is proposed work far enough away from the Native American burial mound?
2. What are the plans for landscaping/buffering frontage along the roadside?
3. T. Victor Access Management Plan indicates that parcel entrance/exit should be at least 125' away from an intersection for local roads (40 mph or less). The proposed CR6 entrance should meet this standard.

OCDPW Comments

Conceptual Plans are very preliminary in nature; therefore, these comments are just some early things our DPW Office can provide comments on:

1. We would like to see the entrance along County Road 6 moved another 10'+ to the south, as it does not currently meet the minimum NYSDOT requirements from the intersection.
2. Curbing will need to be placed in the areas where access is being closed off, see NYSDOT standard sheet 609-01, Sheet 1 "Near Vertical Face"
3. The drainage structures in the area may have to be relocated or modified. The drainage structure at the existing gas station parking lot and the ones at the southern parcel parking lot all tie into the County drainage system. When the site plans become more detailed, please provide details on the plans for either new drainage or removing the existing drainage and the existing drainage system connections.
4. A plan will be needed for the asphalt/entrance that will still be located at the southernmost parcel (owned by Cornell University), as that piece of asphalt and entrance is part of a different property. We do not want the possibility for motorists to enter and exit the gas station from that driveway, as it is not desirable from an access management point of view. A plan will also be needed for the southern drainage structure that appears to be half on the Cornell property, and half on the southern parcel.
5. We would like more details on the grading of the property as it appears there is a minimum of 6-8ft difference in elevation between County Road 4 and the south end of the southern parcel.

OCSWCD Comment

1. Further detail needed regarding design for stormwater management facility and overall site development

CRC Comments

1. There does not seem to be a site plan submitted (only a concept plan). Has the Town waived the requirement for stamped plans?
2. How will grading effect the elevation difference between the road and the parcel. Submitted materials indicate an elevation difference of 6-8 ft.
3. Plans indicate a stormwater treatment area. Are there plans for a stormwater management area?
4. Stormwater currently flows to Castle Creek. With the proposed increase in impervious surface (and given existing Castle Creek concerns), the CPB encourages the local Board to require the installation of a stormwater management facility if they are not applying undeveloped standards, or as recommended in 2022 Draft NYS Stormwater Design Manual.
5. How will the Native American monuments and burial grounds be protected/maintained?
6. Plans should show septic removal. Where will the new septic be located?
7. Demolition debris should be recycled if feasible or disposed of properly.
8. The fire lane in the rear of building is not wide enough, or interior of building must be sprinkled.

9. Where will snow removal be located?

CPB Comments

1. Is there a minimum buffer distance required to be maintained between proposed work and existing Native American burial grounds/monuments?
2. How many fuel pumps are proposed? Will this significantly increase traffic on the parcel?
3. Applicant and Town should contact the Cornell AgriTech (New York State Agricultural Experiment Station) and see if they have any concerns with this expanded use (and its impacts) being adjacent to the experimental agricultural fields to the west.
4. There is not enough information on this project. A site plan needs to be provided, along with a stormwater management plan.
5. Due to the proposed grading of the parcel, the south elevation will require a 7 ft. retaining wall with a 4 ft. base (11 ft. total). Will a retaining wall also be required on the east side of the parcel along CR6? If so, how high would this retaining wall be?

Board Motion: To return referral 103-2024 to the local board as incomplete due to the lack of clarity/consistency of referral materials regarding lack of site plan and stormwater management plan. **Motion made by: AJ Magnan Seconded by: Tammy Worden**
Vote: 11 in favor, 0 opposed, 0 abstentions by. Motion Carried

104-2024	Village of Victor	Planning Board	VGM 14, LLC	Site Plan - 1
28.10-1-9.100	Site Plan to install a masonry retaining wall, concrete patio/walkway with a metal roof, and associated improvements at 14 Railroad Street, just north of the Village/Town of Victor municipal boundary in the Village of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/43777/104-2024-Aerial-Covered-Porch>

<https://ontariocountyny.gov/DocumentCenter/View/43723/104-2024-Sketch-Covered-Porch>

<https://ontariocountyny.gov/DocumentCenter/View/43722/104-2024-Plans-Covered-Porch>

Subject Parcel is 2.3-acres. Current business / existing building is an event space. Changes to patio/walkway being done in order to improve accessibility / add an exit pathway and handicap parking lighting. Additional improvements include egress lighting and the installation of two windows on the lower level. Applicant mentions the timber wall(s) are failing and need to be replaced on the north and west side of the building. Landscaping is proposed in front of the timber wall/patio area (8 burning bush, 9 boxwood, 13 tall grass, 2 magnolias, 4 winding rose bush).

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

105.0-2024	Town of East Bloomfield	Planning Board	Abundant Solar Power	Special Use Permit - 1
54.00-1-74.210	Special Use Permit and Site Plan for a proposed 4.482 MWAC Large Scale Solar Energy system located at the intersection of SR444 and Rice Rd. in the Town of East Bloomfield.			

<https://ontariocountyny.gov/DocumentCenter/View/43776/1050-2024-and-1051-2024-Aerial-Rice-Rd-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/43770/1050-2024-and-1051-2024-Site-Plan-Rice-Rd-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/43768/1050-2024-and-1051-2024-Landscaping-Plan-Rice-Rd-Solar>

<https://ontariocountyny.gov/DocumentCenter/View/43769/1050-2024-and-1051-2024-Grading-Plan-Rice-Rd-Solar>

The 34-acre property at 6882 Rice Road is zoned AR-2 Agricultural Rural Residential. The assessment use is listed as vacant farmland, though OnCor aerial indicates most of the property as cultivated. The site and all surrounding properties are in Ontario County Agricultural District #1. The EAF indicates highly productive mineral soil group 1-4 soils account for 10.8 acres. The property has frontage on SR 444 and Rice Road. According to OnCor, there are 6 single family home adjacent to the property’s east, west, and southern boundary and field crops to the north and across SR 444 to the west.

The proposed solar development would occupy 20 acres. Undeveloped land includes primarily area within the 100’ setback from SR 444. There is also undeveloped land in the northeast portion of the site. This area is not shown as cultivated on OnCor and based on referred materials includes 2 small Federal wetlands totally .17 acres. The proposed project include a .39 acres permeable gravel access road 12’ wide and approximately 750’ long, 2 small concrete equipment pads (.02 acres) with associated grass filter strips, and landscaping outside the perimeter fence along the southern and western property boundaries.

Soil Characteristics are as follow:

Kendia Loam 0-3 % 13.6 Acres

Prime Farmland

Permeability: moderately high **Erodibility:** medium

Hydrological Group B/D **Partially Hydric**

Honeoye Loam 8-15% 9.5 acres

Farmland of Statewide Importance

Permeability: moderately high **Erodibility:** medium

Hydrological Group C **Not Hydric**

Lima loam 0-3 % 7.7 Acres

Prime Farmland

Permeability: moderately high **Erodibility:** high

Hydrological Group C/D **Not Hydric**

Honeoye Loam 3 - 8 % 2.9 acres

Prime Farmland Prime

Permeability: moderately high **Erodibility:** medium

Hydrological Group C **Not Hydric**

Referral materials indicate a tile outlet and intermittent stream by the wetlands in the northeastern undeveloped portion of the site. The stream is tributary to Fish Creek . The developed site will retain existing site drainage.

Comments

1. The proposed project should repair any field tile drainage during installation and comply with the NYS Department of Agriculture and Markets Guidelines for Solar Development in Agricultural Districts. See link.
https://ontariocountyny.gov/DocumentCenter/View/40554/Solar_Energy_Guidelines
2. What vegetative covers exists or will be established prior to or immediately following construction? What maintenance activities are proposed to maintain ground cover to minimize erosion and to ensuring health of screening plantings?
3. The referring body should consider whether additional landscaping in needed to screen adjacent residences from the panels and the access road.
4. The NYSERDA map at the link below indicate a portion of the facility area is on land with group 1-4 Mineral Soils and mitigation payment for siting large scale solar on highly productive agricultural soils will be required.
<https://nyserda.maps.arcgis.com/apps/webappviewer/index.html?id=86307666eff54c829c57b6f2d30cb7e0>
5. The Ground Fault Protection section on page 6 of 15 of the CESIR report is listed as Pass, though values are listed as TBD in the summary.

OCSWCD Comments

1. Consider impacts to underground field tile during construction

- 2. Recommend soil testing before applying fertilizer
 - 3. Level spreader indicated in SWPPP as temporary structural erosion and sediment control measure, but no detail is provided in plans
- CRC Comment**
- 1. Will there be any on-site battery energy storage on the parcel?

Board Motion: To retain referrals 83-2024, 84-2024, 88-2024, 91-2024, 92.0-2024, 93.1-2024, 94-2024, 98-2024, 99.0-2024, 99.1-2024, 101-2024, 104-2024, 105.0-2024, and 105.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steve High** **Seconded by: Roslyn Grammer**
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

105.1-2024	Town of East Bloomfield	Planning Board	Abundant Solar Power	Site Plan - 1
54.00-1-74.210	Special Use Permit and Site Plan for a proposed 4.482 MWAC Large Scale Solar Energy system located at the intersection of SR444 and Rice Rd. in the Town of East Bloomfield.			

See 105.0-2024

106-2024	Town of Richmond	Planning Board	Norton Laundry Mill of Honeoye, LLC	Site Plan – AR 1
136.17-1-38.22	Site plan to renovate existing building and infrastructure for self-storage by installing interior partitions (no work to be done outside the building). Subject parcel is located at 8557 Main St., located behind (south of) Honeoye Commons, in the Town of Richmond.			

- <https://ontariocountyny.gov/DocumentCenter/View/43840/106-2024-Aerial-Norton-Storage>
- <https://ontariocountyny.gov/DocumentCenter/View/43724/106-2024-Images-Norton-Storage>
- <https://ontariocountyny.gov/DocumentCenter/View/43726/106-2024-Plans-Norton-Storage>

Policy AR-4: Use of existing facilities for a permitted use with no expansion of the building or paved area

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

Final Classification shall be Class 1

Findings:

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

Final Recommendation – The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area (Class 1).

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

107-2024	Town of Victor	Zoning Board of Appeals	Hardy, Marshall	Area Variance - AR 1
39.00-1-46.110	Area variance to subdivide an existing 36.3-acre parcel into two (2) lots containing 9.5-acres and 26.7-acres located at 7590 North Rd., north of the T. Victor / T.E. Bloomfield municipal boundary in the Town of Victor. Area variance(s) are for both newly subdivided parcels to have a lot frontage less than the required 100 ft.			

<https://ontariocountyny.gov/DocumentCenter/View/43775/107-2024-Aerial-Hardy-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43758/107-2024-Subdiv-Plat-Hardy-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/43762/107-2024-Variance-Test-Questions-Hardy-Subdiv>

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

The intent of this policy is to

1. address impacts to ground and surface waters; and
2. Address impacts to ground and surface waters.

Final Classification: Class 1

Findings

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
4. Standards related to protecting water quality and traffic safety have been established by agencies such as the Ontario County Highway Department, the NYS Board of Health and NYS Department of Environmental Conservation.
5. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
6. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Comments:

The referring agency and applicant are encouraged to:

1. Encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
2. To involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

108-2024	City of Canandaigua	Zoning Board of Appeals	Capstone Real Estate	Use Variance – 2/D / Late Referral
84.09-1-84	Use Variance to redevelop the former (currently vacant) YMCA property to allow for uses not currently permitted within the R-I (Residential - Institutional) zoning district, at 32 North Main St., in the City of Canandaigua. Proposed uses include: event space, brewery, restaurant, and office space.			

- <https://ontariocountyny.gov/DocumentCenter/View/43793/108-2024-Aerial-YMCA-Use-Variance>
- <https://ontariocountyny.gov/DocumentCenter/View/43797/108-2024-Building-Layout-YMCA-Use-Variance>
- <https://ontariocountyny.gov/DocumentCenter/View/43798/108-2024-Survey-Map-YMCA-Use-Variance>
- <https://ontariocountyny.gov/DocumentCenter/View/43795/108-2024-Test-Questions-YMCA-Use-Variance>

Subject parcel is 2.9-acres.

In the use variance test question responses, applicant mentions:

1. Show in “Dollars and Cents” that the land in question, if used for any permitted us, will not yield a reasonable return.

Land use is currently zoned R-I (Residential – Institutional) which permits single-family users and larger institutional type users. Due to its’ size, the approximately 55,000 SF does not lend itself to conversion to the permitted uses.
2. Show that the hardship is unique and is not shared by all properties in the neighborhood.

The existing building was originally developed as a United States Post Office and Federal Courthouse, and as the YMCA grew, they annexed the adjacent building and constructed several additions to meet their needs at the time. It makes the building unique and unlike anything else in the neighborhood.
3. Show that granting of the variance will not alter the essential character of the area.

Granting of the variance will not alter the essential character of the area as it was home to the YMCA and served hundreds of members each day.
4. Show that the hardship is not self-created

The vacant facility is not conducive to a single family residential or large, single tenant.

Proposed Project Description:

- Event Space – infill existing pool and convert to event space for weddings and private events. It would seat approximately 250 people and would include bride/groom suites, a full kitchen and accessory space for storage. Drop off would be near the main (existing entrance).
- Brewery – convert former fitness center area to a brewery. The space would have a small kitchen within the brewery to serve food and would have cooler space to store product produced off-site. Production is not planned for the site. They would like to open several exterior windows, install doors and create a patio (east side of building). Space would have approximately 65 seats inside and 35-45 on the patio.
- Restaurant – convert first floor of the former post office into a restaurant space. Access would come from the main entrance on North Main St. as well as from the entrance off of Atwater Place.
- Office – convert second and third floors of the former Post Office building into offices for a single tenant. The offices would have approximately 35 staff members between the two floors.
- General Notes – the site currently has 125 parking spaces and street parking along Atwater Place and North Main St. A common hallway exists adjacent to the existing Gymnasium and will remain for deliveries, access and trash removal. Dumpsters will be located outside, at the west end of the existing gym. Offices will generally be utilized from 8:00 AM until 5:00 PM (Monday – Friday). Other uses will be busier on nights and weekends.

City Code Section §850-30C (Uses permitted with a special use permit in the RI Residential/Institutional Zoning District):

1. Public utility uses exclusive of office buildings, maintenance yards and equipment storage yards.
2. Home occupations.
3. Residential conversions.
4. Appropriate public and semipublic uses including uses of an institutional, education, recreational, religious or cultural nature.
- 5. Business, professional and governmental offices.**
6. Mortuaries.
7. Social halls, clubs, lodges, and fraternal organizations excluding those operated for a profit.
8. Tourist homes/bed-and-breakfast.
9. Day-care centers.
- 10. Private event centers with guest accommodations.**

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

(a) The board of appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of such ordinance or local law, shall have the power to grant use variances, as defined herein.

(b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,

- (1) the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- (2) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- (3) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (4) that the alleged hardship has not been self-created.

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

CRC Comments

1. The referring applicant is reminded that no restriction on public use of sidewalk and recessed parking along south side of Atwater Street is allowed due to the reverted clause in the deed of the public square property to Ontario County.
2. Is there an alternative option to a use variance in order to obtain desired outcome? Maybe a special use permit? City Code Section §850-30C says specially permitted uses in the RI include offices and private event centers, it is less clear if brewery and restaurant would be specially permitted.
3. City may want to consider rezoning the parcel, extending the C-2B (Central Business – Side Streets) Zoning District from the west to include this parcel. Rezoning the parcel would require a local law to be drafted by the City Council and signed by the City Clerk. City Code Section §850-38 (C-2 Central Business District) indicates that office and banquet space are permitted uses. Restaurant and Brewery are Specially Permitted Uses in the C-2 zoning district.
4. Is this parcel a historic property? Is it eligible for historic tax credits?

CPB Comments

1. Application materials do not satisfy the use variance requirements outlined by Town Law Section 267 B2 and New York State Zoning Laws. Specifically, subsection 1 of code section 267B2 (above). Financial evidence, “dollar and cents proof,”

demonstrating the applicant cannot realize a reasonable return is required to be submitted.

2. The local municipal body authorization is to grant the minimum variance to achieve a reasonable rate of return based on dollars and cents evidence.
3. The City should consider legislation as a means of accomplishing this project. Possibly by entertaining a zoning amendment to PUD or mixed-use zoning.

Board Motion: To accept 108-2024 and 109-2024 as late referrals. **Motion made by: Steven High** **Seconded by: Leonard Wildman** **Vote: 11** in favor, **0** opposed, **0** abstentions. **Motion Carried**

Board Motion: Based on consideration of the referral review comments and findings (submitted information does not meet use variance standards), included herein, the Board finds that there is the potential for significant adverse county-wide and/or inter-municipal impacts. I therefore motion to retain referral # 108-2024 as a Class 2 and return to the local board with the recommendation of disapproval.

Motion made by: Mike Woodruff **Seconded by: Roslyn Grammer**
Vote: 11 in favor, **0** opposed, **0** abstentions. **Motion Carried**

109-2024	Town of Naples	Town Board	Town of Naples	Moratorium – 2/A / Late Referral
	Six-month moratorium on expanded list of energy systems including not only major solar collector systems, but also wind turbines, electric energy storage systems, farm waste energy systems, fuel cell electric generating systems, fuel-flexible linear generator electric generating systems, and, micro-hydroelectric energy systems in the Town of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/43852/109-2024-LL-Second-Moratorium-on-Renewable-Energy-Facilities>

CPB Comment

1. Is six months enough time? The County Planning Board recommends the moratorium be extended to 12 months.

Board Motion: To accept 108-2024 and 109-2024 as late referrals. **Motion made by: Steven High** **Seconded by: Leonard Wildman** **Vote: 11** in favor, **0** opposed, **0** abstentions. **Motion Carried**

Board Motion: To retain referral 109-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Leonard Wildman**
Vote: 11 in favor, 0 opposed, 0 abstentions by. Motion Carried

General Information

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

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

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

Note: I, (d), and (e) refer to the county comprehensive plan.

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

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

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

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

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

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

- Boundary of any city, village, or town boundary

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR Policy 1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR Policy 2	Applications that are withdrawn by the referring agency
AR Policy 3	Permit renewals with no proposed changes
AR Policy 4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR Policy 5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR Policy 5 B. Class 2 Denial	Applications involving one single-family residential site adjoining a lake that requires an area variance

AR Policy 5 C.	All other applications involving a site plan for one single-family residence.
AR Policy 6	Single-family residential subdivisions under five lots.
AR Policy 7 A. Class 2 Denial	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.

- Thurs May 16, 2024 GFLRPC spring workshop – Genesee Community College Batavia
- Registration link for Cayuga County trainings below
 - <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
 - Wed. June 19, 2024 at 7:00 pm Planning for Solar and Wind, 1879 Genesee St Rd, Aurelius
 - Wed. August 21, 2024 at 7:00 pm Conducting Site Plan Review 1879 Genesee st Rd, Aurelius
 - Wed. Nov. 13, 2024 at 7:00 pm Short-Term Rentals and Grant Opportunities 1879 Genesee St Rd, Aurelius
- Hancock Estabrook Municipal Bootcamp registration link, <https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/> dates and topics listed below
 - **Thursday, May 23, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 5: A HISTORY LESSON – CHALLENGES AND OPPORTUNITIES WITH HISTORIC PROPERTIES
 - **Thursday, June 27, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 6: PUTTING THE HOME IN HOMETOWN – STRATEGIES FOR ATTRACTING HOUSING INVESTMENT TO YOUR COMMUNITY
 - **Thursday, July 25, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 7: FROM BIG TO SMALL – TRANSLATING COMPREHENSIVE PLANS INTO LAND USE REGULATION
 - **Thursday, September 26, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 8: UNDER THE TENT – OPEN MEETINGS, RECORD KEEPING, AND ENGAGING THE PUBLIC IN COMMUNITY DEVELOPMENT
 - **Thursday, October 24, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 9: SHORT, BUT NOT TOO SHORT – HOW SHORT-TERM RENTALS ARE CHANGING THE DEVELOPMENT AND REGULATORY LANDSCAPE
 - **Thursday, December 19, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 10: SANTA’S AND NICE AND NAUGHTY LIST— THE BEST AND WORST OF 2024

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

Privilege of the Floor

Ontario County Planning Board Chair, Paul Passavant, made the following announcement: Congratulations to Stephen Groet on his 20 years as a member of the Ontario County Planning Board! He will be retiring from the Board and will attend his last meeting (either June or July – TBA). Thank you Stephen!

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

Motion to adjourn made by Roslyn Grammer seconded by Tammy Worden.

Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried** 5/8/24 CPB meeting adjourned at 9:04 PM.