

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday July 9th, 2024, at 3:30pm 20 Ontario St., Room 122A, Canandaigua, NY

County Planning Board Meeting – Wednesday July 10th, 2024 at 7:00pm 74 Ontario St., Room 218, Canandaigua, NY

Telephone: 585-396-4455

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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Attendance and Minutes.....2/3

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139-2024	Town of Geneva	Town Board	STAR GENEVA	Text Amendment – 2 / A	8
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<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
144.1-2024	Town of Farmington	Planning Board	1816 Quaker House Museum @ 230 Sheldon Rd.	Site Plan - 1	15
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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 Paul Passavant called the 7/10/24 CPB meeting to order at 7:02 PM and requested Linda Phillips to do roll call. Linda Phillips presented roll call and reported of the sixteen (16) voting members there were thirteen (13) present and of the two (2) alternate member(s) there was one (1) present physically at 20 Ontario Street and, meeting the quorum requirement.

Guests: Joshua Saxton (West Herr Honda) – 140.0-2024 / 140.1-2024; Robert Foxen (Global Commons) & Dale Hemmings (Hemdale Farms) – 152-2024

Minutes: Motion made by Stephen Groet to approve the June 12, 2024 minutes as revised, seconded by Tammy Worden (abstention by 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 Phelps	Terri Brown	P
Town of West Bloomfield	Ruth Cahn ZBA	P
Town of Seneca	Roslyn Grammar	E
Town of Canadice	Stephen Groet PB	P (Term ends 7/31/2024 – last meeting)
Town of Gorham	Gabrielle Harris PB	P
Town of Geneva	Steven High	P
Town of Naples	Paul Lambiase PB	E
Town of Farmington	Ted Liddell	E
Town of Bristol	AJ Magnan ZBA	P
Town of Victor	Chris Mergler	P
City of Geneva	Paul Passavant	P
Town of South Bristol	Kevin Stahl PB	P
Town of Richmond	Leonard Wildman PB	P
City of Canandaigua	Ryan Wilmer	P
Town of Manchester	Tammy Worden	P
Town of East Bloomfield	Mike Woodruff PB	P
Town of Hopewell	Vacant	-----
Town of Canandaigua	Vacant	-----
Alternate Members:		
	Jack Dailey	A
	Bessie Tyrrell	P

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

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

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

Additional Information:

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

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

Comments

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

CPB Comment

1. Referring board is recommended to align their short-term rental law with Senate bill 885C, registration requirements, of State Law, which has been passed recently. This bill sets up state registry of short-term rentals for those communities that do not already have a registry. The bill also applies occupancy tax to all such lodging. See link to bill below.

<https://www.nysenate.gov/legislation/bills/2023/S885/amendment/C>

Board Motion: To retain referral 135-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Ryan Wilmer Seconded by: Mike Woodruff**

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

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

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

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

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

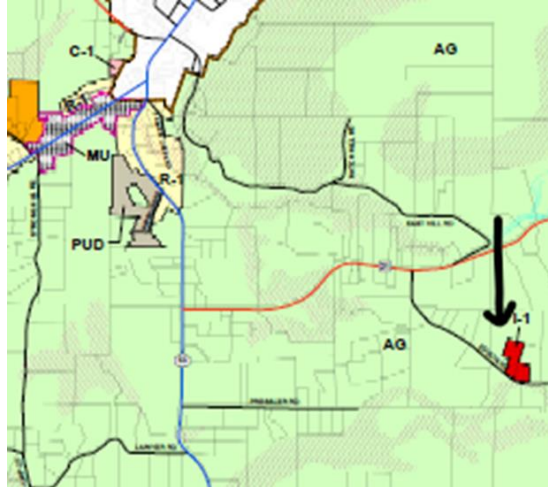
<https://ontariocountyny.gov/DocumentCenter/View/44638/137-2024-Aerial>

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

According to OnCor:

- The subject parcels and surrounding parcels are all in the Ontario County Agricultural District #1.

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



Board Motion: To retain referral 137-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Kevin Stahl Seconded by: Ryan Wilmer**
Vote: 13 in favor, 0 opposed, 0 abstentions. Motion Carried.

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

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

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

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

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

- Condition #9 – Only the uses and layout, including but not limited to, setbacks and acreage of open space, set forth on the *Plans* of xxxx received or dated xxxx, 2024, and any later revisions accepted by the Town, that are on file with the Town, shall be part of any final site plan approval.
 - The only change is the removal of the word “re-zoning” before the word “Plans” (bolded & italicized) in the condition above.
- Condition #11 – Prior to construction of the proposed new building, *structures and/or improvements*, the owner will apply for Site Plan review and obtain the approval of the Town of Geneva Planning Board.
 - The only change is the addition of the words “structures and/or improvements” (bolded and italicized) in the condition above.

The existing building on the parcel used to be a BJ’s and is currently a self-storage facility. According to OnCor, subject parcel is/has:

- 7.9-acres.
- Subject and surrounding parcels have a commercial land use.
- Subject and surrounding parcels are in the Ontario County Agricultural District #1.

Board Motion: To retain referral 139-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: AJ Magnan Seconded by: Mike Woodruff**

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

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

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

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

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

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

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

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

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

1. A parking area that is located between a building façade and a primary street is being expanded – this is not permitted according to off-street parking standards.
2. Parking lot with less than 10% interior landscaping by area (when no less than 10% is permitted). Parking lot interior area percentage was not specified.
3. Parking lot width exceeding 30% of property width (when no greater than 30% is permitted). Proposed percentage not given. Using OnCor (and the submitted plans), parking lot width is between 80-90% total parcel width.
4. Parking lot massing and orientation. Parking lots shall be arranged such that long, uninterrupted views across large areas of parking are not visible from any street or adjacent properties. Parking lots should be designed in “rooms” containing no more than 50 vehicles each. The proposed parking lot expansion is 92 spaces and would be visible from the street and adjacent properties.

5. Parking space specification. Each off-street parking space shall be designed so that any motor vehicle may be parked and unparked without moving another. Site plan indicates eastern (rear) area of parking lot where vehicles would be double-parked.
6. Pedestrian Routes. All developments must provide safe, direct and convenient pedestrian access that connects public streets and parking lots to building entrances. Pedestrian routes must be easily discernable, well-lit, and hard surfaced at least 5 ft. in width. Where the route crosses driveways, parking and loading areas, the route must be clearly identifiable through the use of elevation changes, paving materials or other approved methods. The site plan does not indicate pedestrian circulation in the parking area.

According to the site plan, a 0.88-acre Federal wetland lies on the rear/eastern portion of the parcel. The wetland will not be disturbed. Total disturbance is estimated to be 0.93-acres (of the 2.6-acre site). A maple and pine will be removed to provide access to existing parking lot. Proposed landscaping includes 10 trees [3 Thornless Honey Locusts, 3 Red Oak, 4 Rising Sun Redbud's (ornamental)], and 20 shrubs. Trees are planted along the road frontage, while shrubs are planted along the road front as well as on the two landscaped islands. Seven (7) new LED light poles are to surround the expansion. A proposed 12" HDPE pipe is to connect inlets on the southern portion of the parking lot expansion to an existing catch basin to the south.

According to OnCor:

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

The applicant representative was present at the July 2024 CPB meeting and provided additional information:

- The wetland federal only, it is not a state wetland – so there is no 100 ft. buffer requirement. There is no SWPPP required.
- They are working with the Town to reduce the number/scale of the variances for this project.
- Stormwater management follows existing grade. It will flow south into a depression that lies in between the proposed and existing lot.
- They are willing to take the necessary measures to ensure oils/fluids do not release into the wetland.
- A majority of the cars parked in the proposed lot would be for display.
- The aisles are sufficient for emergency vehicle access. They would match existing aisle design in existing lot to the south. The lanes are 24' wide with 24' turn radius.

Comments

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

CPB Comment

1. The applicant should consider using some type of pervious or semi-pervious pavement in order to reduce runoff from the parking lot expansion.

Board Motion: To retain referral 140.0-2024 and 140.1-2024 as class 1s and return them to the local board with comments. **Motion made by: Stephen Groet Seconded by: Leonard Wildman**

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

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

See 140.0-2024

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

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

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

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

Policy AR-7: Signs

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

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

Final classification: Class 2

Findings

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

Final Recommendation: Denial

Comment

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

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

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

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

Policy AR-7: Signs

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

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

Final classification: Class 2

Findings

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

Final Recommendation: Denial

Comment

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

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

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

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

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

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

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

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

According to OnCor:

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

The Town of Farmington’s Code Enforcement Officer provided additional details on the project:

- Special Use Permit and Site Plan approval was granted in 2011 with a time limit / expiration date.
- Special Use Permit and Site Plan approval has expired. They would like to reapply.
- Proposed building addition on plans is to rebuild an addition that existed on the original 1816 meeting house. Addition will hold a gift shop and bathrooms (in the future).
- Future plans for restrooms will be subject to a separate site plan application.

The applicant representative was present at the CRC meeting and provided additional details on the project:

- The applicant is willing to provide additional landscaping to screen the parking lot as long as the sign is still visible.
- There are (future) plans for permanent bathrooms on the addition. Portable restrooms will be used during construction.
- There will be 3-4 employees and volunteers.
- Hours of operation are TBD. They are to be estimated based on similar museum and historical sites.
- The wood-chip trail shown of the plans is existing.

Comments

1. Applicant should consider landscaping that would screen the parking lot from Sheldon Rd. in order to maintain rural/agricultural character of sparsely developed areas.
2. Will there be any bathroom facilities? Any portable restrooms?
3. What will the hours of operation be? How many employees?

Board Motion: To retain referrals 144.0-2024, 144.1-2024, 151.0-2024, and 151.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steven High
Seconded by: Paul Passavant
Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

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

See 144.0-2024

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

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

<https://ontariocountyny.gov/DocumentCenter/View/44570/145-2024-ZBA-App-Salsburg-Taylor-Variance>

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

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

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

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

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

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

According to OnCor:

- A stream lies along the eastern parcel boundary. A Draft 2023 FEMA 100-Year Flood Zone buffers / runs with the stream.
- Adjacent parcel to the east is in Ontario County Agricultural District #1.
- A majority of the site is forested (successional northern hardwood and hemlock northern hardwood forest).

- The front (eastern) portion of the parcel has little to no slope (0-3% gradient). The rear (western) portion of the parcel has extremely steep slopes (greater than 60%) down towards stream.
 - Subject parcel has residential land use. Surrounding land uses are a mix of residential, vacant, and agricultural.
- Comment**
1. Will Lot 2 be used for personal use? Or will the space be rented? Refer to Town Code Section 350-25 (linked below) for Recreational Vehicle Storage requirements.
<https://ecode360.com/35137523#35137521>

Board Motion: To retain referral 145-2024 as a class 1 and return to the local board with comments. **Motion made by: Steven High** **Seconded by: Bessie Tyrrell**
Vote: 13 in favor, **0** opposed, **1** abstention (AJ Magnan). **Motion Carried.**

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

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

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

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

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

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

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

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

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

The proposed changes will:

- Update the definitions for farm labor and agricultural buildings. The term farm labor applies to those who work at least 30 hours per week on the farm, whose earned income is predominantly from on-farm employment either year-round or seasonally, and who is not a partner or owner of the farm or farm operation.
- Remove the regulations for special use permits for farm labor housing in the Town.
- Add farm labor housing as a permitted use in the AR-1, AR-2, RR-3, and SCR-1 zoning districts. These addition to permitted use lists requires documentation of occupancy by farm labor and that such housing will be removed within a reasonable amount of time in the event farm labor operations are no longer taking place on the property or properties served by said farm labor housing.

Board Motion: To retain referral 149-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Tammy Worden Seconded by: Leonard Wildman**

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

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

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

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

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

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

Requested Area Variances include:

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

Pre-existing non-conformities include:

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

According to OnCor, subject parcel:

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

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

Part B Development of Lakefront Parcels.

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

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

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

Final Classification: 2

Findings

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

Final Recommendation: Denial

Comments

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

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

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

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

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

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

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

In the area variance test questions, applicant mentions:

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

According to OnCor:

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

Comment

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

CRC Comments

1. What is the capacity of the well? Is it suited to handle the increased use?

2. Well water should be tested due to this proposed change in use (tourist home / bed-and-breakfast).

Board Motion: To retain referrals 144.0-2024, 144.1-2024, 151.0-2024, and 151.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steven High
Seconded by: Paul Passavant
Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

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

See 151.0-2024

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

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

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

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

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

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

OnCor also indicates the project site has gentle slope of 9 percent or less, is not in a floodplain, and is not currently mapped as a NYS DEC wetland or potential wetland based on the National Wetland Inventory. There is stream along the eastern edge of the project site. Though the properties are not currently farmed, the soils are predominately lima loam which is prime farmland, partially hydric with moderately high permeability, and high erodibility.

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

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

The building area of 91,184 SF will collect and process manure from 11 area farms caring for 11,000 cows. The proposed anaerobic digestion process will capture the methane that would

otherwise be emitted into the atmosphere and will convert it to natural gas sufficient to supply 1,700 homes. The produced gas will enter the NYSEG natural gas main that runs along the SR 5/US 20 frontage. The proposed project would generate 37 tractor trailers per day.

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

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

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

The applicant representative was present at the CRC meeting and provided the following comments on the project:

- The four (4) tanks on the eastern portion of the site are to have a height of 75' each.
- The layout of the site was recently re-designed/orientated in order to avoid disturbance to the wetland.
- The owners inquired about purchasing parcel on the corner of Seneca Castle Rd. and SR 5&20 and two other small Casella owned lots, but Casella was not interested.
- Proposed use would generate roughly 37 trips (74 total) back and forth from the facility.
- Manure would be kept in holding tanks on individual farms 3-5 days at time and gathered by a specialized truck and transferred to on-site process tanks. Digestate process takes 16-25 days.
- The transfer to the digestate tank will be in an enclosed building – little to no odor should be present outside the facility.
- 75% of manure collected is from farms within a 6-mile radius. Participating farms include nearby Hemdale and Minns Farms who will likely seek funding for piping manure to facility.
- Gas is sold to NYSEG and they sell carbon credits to obligated / private parties. Benefits to the Municipality/County include:
 - Farms retain manure nutrients for land application while receiving payment for natural gas produced.
 - Manure greenhouse gas emissions are reduced/captured.
 - Employment Opportunities (6-8 trucking, 4 processing-facility workers, roughly 40 employees during construction for 3-4 years).

The applicant representatives were present for the July 2024 CPB meeting and provided additional information on the proposed project:

- Process Details

- Fresh (3-5 days old) manure enters the site and is pumped from the truck into the 12' tall receiving tank (northern portion of the parcel). It then is piped to a digester tank (eastern portion of the parcel). Hemdale Farms will have their manure picked up 3 times a week.
- The digester produces biogas (mostly methane, carbon dioxide, hydrogen sulfide). This process removes the sulfur – which is what creates most of the bad smelling odor.
- A bio-scrubbing system removes the hydrogen sulfide from the carbon dioxide. The hydrogen sulfide is put in containers in solid form and picked up by a certified company that safely disposes of the waste. Applicant representative mentions that this process is almost odorless. The carbon dioxide by-product is piped to a holding tank where it is sold-to/picked-up by companies who buy it as food-grade carbon.
- After hydrogen sulfide and carbon dioxide removal, what remains is purified natural gas to be entered into the NYSEG gas line along the property frontage and the liquid digestate. The digestate is then piped back to the storage/pick-up tank where it is pumped into tractor-trailer trucks and delivered to farms.
- Once at the farm (for Hemdale Farms), roughly 40% of the digestate is immediately applied to the fields. The remaining will either be pumped into available lagoon or a deal can be made to store it at another farm.
- In the event that there is a surge in carbon dioxide production, there is a storage bubble where excess gas CO₂ can be stored for a short time. If capacity is reached, a torch is ignited to burn off excess gas. While there will be times this is necessary to use, the owner/applicant has financial interest in using this as little as possible.
- There is an internal roadway for trucks to freely maneuver. All processing activities are to occur within the facility.
- A berm has been designed to surround the tanks and physically contain the spill of hazardous materials in the event of an emergency.
- Background Information
 - There are six (6) similar projects in the State, there is one existing in Ontario County.
 - 95% mass remains after manure is processed into digestate.
 - The odor people associate with manure is from older manure that has been sitting in lagoons for longer periods of time. This project deals with fresher manure (3-5 days old) in addition to removing the need for old manure storage on a farm – so it decreases the odor associated with manure.
 - There is a huge need for a manure digester in this area. It creates a more nutrient rich soil, reduces greenhouse gas emissions, and can also be sold as a product.

- This proposed use would have a positive environmental impact. Greenhouse gas production from manure (methane) is much less once the manure is converted to natural gas and combusted.
- Facility has currently agreed to serve every farm within a 6-mile radius except for one. It would receive manure from 11,000 cows and has the potential to receive manure from up to 16,000 cows.
- The project contributes to meeting CLCPA (Climate Leadership and Community Protection Act) goals. By providing this service to farms, they are also hoping to aid/ensure that the agricultural community character is preserved on this primary travel corridor.

Comments

1. Additional setbacks and variances in the vicinity of the berm would be required if the two lots are not combined through re-subdivision or lot line adjustment process.
2. The letter of intent, but not the concept plan indicates the proposed height of each of the proposed structures. The referring body should require structure heights to be indicated on the concept plan as the ZBA's consideration of the appropriateness of the proposed height variances may be conditioned on their location.
3. The variance application and other submitted materials do not indicate the lot coverage. The referring body should clarify whether a lot coverage variance would be needed for the scale of impervious building, parking, and driveway coverage proposed.
4. In accordance with NYS CCR regulations regarding Type I actions under SEQRA 617.4 b (6) and (8), as a retail service/non-agricultural use in Ontario County consolidated Agricultural District #1, the project is required to complete the full EAF, not the SEAF as provided.
5. Is additional landscaping/buffering needed along the western end of the north property line to minimize impact to adjacent residence?
6. What is the white rectangular area west of the berm along SR 5/US 20 in the southwest corner of the site?
7. The location of the gas line should be shown on the site plan.

CRC Comments

1. The referring body is encouraged to grant only the minimum variance to allow reasonable use of the lot.
2. Additional (larger caliper) trees should be used to screen the proposed use / buildings from SR 5&20. Trees should be substantial at time of planting (not small trees that take years to grow). SR 5&20 has been identified as a primary travel corridor for tourists visiting Ontario County.
3. Applicant is suggested to increase the berm slope to 1:5. This provides a more hospitable growing environment for trees and shrubs and is in keeping with the rolling character of the rural landscape.

4. What portion of tractor-trailer traffic is coming from Seneca Castle Rd? County Road 4? Are these roads built to withstand the weight and frequency of travel of these tractor-trailers?

Findings

This referral has the potential for significant county-wide and/or inter-municipal impacts due to:

1. The project is located on and would contribute to traffic on SR 5&20, a primary travel corridor for tourist visiting Ontario County.
2. The area and height of the proposed facility relative to the parcel’s size and to other buildings in the area.
3. The potential of significant adverse impacts of hazardous materials escaping the facility along a primary travel corridor.

CPB Comments

1. The applicant and project participants are commended for forward thinking attitude and application of innovation technology to contribute to state and local greenhouse gas reduction while also protecting water quality, rural community character, and the viability of farm operations.
2. As part of Site Plan SEQR, the referring body should consider whether increased truck traffic requires professional analysis of truck traffic generation, potential for impact from turning vehicles, and possible need for protected turn lane(s).
3. The referring body should ensure their emergency service providers have knowledge, skills, and equipment to handle any fire or other emergency situation at the facility.

Board Motion: To elevate referral 152-2024 from Class 1 to Class 2. **Motion made by: Ryan Wilmer Seconded by Tammy Worden**

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

Board Motion: Based on consideration of the referral review comments and findings included herein, the Board finds that there is potential for significant county-wide and/or inter-municipal impacts. Motion to retain referral #152-2024 as a Class 2 and return to the local board with the recommendation of approval.

Motion made by: Tammy Worden Seconded by: AJ Magnan

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

General Information

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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

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

- Registration link for New York State Planning Federation training
 - Friday, August 2, 2024 – 9:00 am – 2:30 pm at FLCC
 - Planning and Zoning Case Law, Conflict Management, Triple Bottom Line
 - <https://nypf.org/2024-one-day/>
- Registration link for Cayuga County trainings below
 - <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
 - 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, 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

1. Ontario County Planning Director (Tom Harvey) made the following announcement:

After doing some research looking into the Ontario County Supervisors Preceding's, the Planning Department was able to find out the history of the Town of Canadice's Ontario County Planning Board representatives:

- Raymond MacDonald (1966 – 1969) – First T. Canadice OCPB representative (OCPB created in 1966).
- Truman Becker (1969 – 1981): County Sheriff Deputy killed in the line of duty.
- Wayne Walter (1981 – unknown)
- Horace Hart (1984 – 1990)
- Vacant (1990-1992)
- William Doyle (1992-1995)
- Emery Drake (1995 – 2002)
- Alan Titus (2002-2004)
- *Stephen Groet (2004-2024)*

Stephen Groet has the record for longest tenure as the Town of Canadice's representative in County Planning Board history, and this (July 2024) meeting is the last of his term (and he is not seeking reappointment). Mr. Groet mentioned an interim representative from the Town of Canadice will be appointed in the near future.

Mr. Harvey (and Ontario County) thank Mr. Groet for his 20 years of service on the Ontario County Planning Board!

2. Ontario County Planning Board Member (Ruth Cahn – Town of West Bloomfield) made the following announcement:

- Ruth is a part of the County's Affordable Housing Ad Hoc Committee. They have two meetings per month.
- There are roughly 16 members, mostly consisting of directors of social services who need more affordable housing.
- The committee is looking for ways other than the Department of Housing and Urban Development (HUD) for new affordable housing solutions.
- She attended a presentation in the City of Geneva on data (and analysis) of affordable housing in Ontario County – which showed a very big need. The data also indicated that each municipality is unique/different in their needs.
- One thing the committee is looking into is how to get investors for affordable housing. The County also needs to look at all different types of housing.
- The goal at this time is to educate themselves and others on affordable housing, and to communicate the issue with local board members and the public.

3. Linda Phillips requested feedback for NYS on how Clean Energy Community program can more effectively incentivize recycling and re-use of construction and demolition debris.

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

Motion to adjourn made by Stephen Groet seconded by Paul Passavant.

Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried** 7/10/24 CPB meeting adjourned at 9:05 PM.