

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:
Coordinated Review Committee Meeting –Tuesday June 11th, 2024, at 3:30pm 20 Ontario St., Canandaigua
County Planning Board Meeting – June 12th, 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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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: Vice Chair Steven High called the 6/12/24 CPB meeting to order at 7:01 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported of the sixteen (16) voting members there were ten (10) 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: Linc Swedrock (BME Associates) - 111.0-2024 / 111.1-2024 and 130-2024; and Andrew Colarvotolo (Lite Coms) - 111.0-2024 / 111.1-2024

Minutes: Motion made by Tammy Worden to approve the May 8, 2024 minutes seconded by Roslyn Grammar (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 Phelps	Terri Brown	Vacant (to be appointed 6/20/2024)
Town of West Bloomfield	Ruth Cahn ZBA	P
Town of Seneca	Roslyn Grammar	P
Town of Canadice	Stephen Groet PB	P (Term ends 7/31/2024)
Town of Gorham	Gabrielle Harris PB	E
Town of Geneva	Steven High	P
Town of Naples	Paul Lambiase PB	P
Town of Farmington	Ted Liddell	P
Town of Bristol	AJ Magnan ZBA	P
Town of Victor	Chris Mergler	P (Arrived at 7:20 PM)
City of Geneva	Paul Passavant	E
Town of South Bristol	Kevin Stahl PB	P
Town of Richmond	Leonard Wildman PB	E
City of Canandaigua	Ryan Wilmer	P
Town of Manchester	Tammy Worden	P
Town of East Bloomfield	Mike Woodruff PB	E
Town of Hopewell	Vacant	-----
Town of Canandaigua	Vacant	_____
Alternate Members:		
	Jack Dailey	P
	Bessie Tyrrell	P

110-2024	Town of Geneva	Planning Board	GRHS Foundation, Inc.	Site Plan - AR 1
103.00-3-37.000	Site plan for the renovation of an existing 58,400 SF commercial building, demolition/reconstruction of the existing parking area and additional improvements for a proposed medical office building (Rochester Regional Health) at 833 Route 5 & 20, which has frontage along 5&20 and SR14A, in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/44012/110-2024-Aerial-RRH>

<https://ontariocountyny.gov/DocumentCenter/View/44019/110-2024-Site-Plan-RRH>

<https://ontariocountyny.gov/DocumentCenter/View/44016/110-2024-Grading-Plan-RRH>

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).

Comment

1. Will there be any frontage landscaping? State Routes 5 & 20 and 14A are considered a primary travel corridor for tourists visiting Ontario County. Referring body should consider requesting a vegetative buffer / additional screening of the barn from the road. Additional trees/vegetation are also helpful in stabilizing disturbed steep slope areas.

111.0-2024	Town of Victor	Zoning Board of Appeals	Lite Coms	Area Variance - 1
15.00-1-9.111	Area variance and Site Plan to construct a 20,000 SF steel building with a front building setback of 175 ft. (when 25% the avg. lot depth, 1056/4 = 264 ft., is required along SR251) at 7321 SR251 in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44238/1110-2024-and-1111-Site-Plan-Lite-Coms>

<https://ontariocountyny.gov/DocumentCenter/View/44234/1110-2024-and-1111-Landscape-Plan-Lite-Coms>

<https://ontariocountyny.gov/DocumentCenter/View/44234/1110-2024-and-1111-Landscape-Plan-Lite-Coms>

<https://ontariocountyny.gov/DocumentCenter/View/44239/1110-2024-and-1111-ZBA-LOI-Lite-Coms>

This project was previously referred to the Ontario County Planning Board for a site plan in November 2023. The project was granted site plan approval by the Town of Victor Planning Board. However, the USACOE (United States Army Corp. of Engineers) determined that the previously proposed building was within a regulated wetland. Based on site constraints, they are now proposing the building to be closer to the road (further from the wetland) – which is the reason for the requested area variance. Applicant mentions that while the proposed 175’ front setback does not meet the 25% lot depth (264 ft.) Route 96/251 Corridor Overlay District front setback requirement, it does meet the underlying Light Industrial Zoning district minimum front setback requirement of 80 ft. Applicant also mentions the front setback is greater than most buildings in the Route 96/251 Overlay District, and the proposed building maintains the current look and feel of the road frontage. Applicant also mentions the proposed building is required to support the existing business operations currently on the property (commercial use – warehouse).

Subject parcel is 9.7-acres. Proposed 20,000 SF building to be used for storage. 79 Parking spaces are proposed (28 for the new building; 51 parking spaces at the existing building). When complete there will be 5 ADA Accessible parking spaces. Lot coverage is to be 20% when a maximum of 40% is allowed. An existing sign will be maintained near the entrance of the property. Two sliding overhead doors (with loading docks) will be placed on the south side of the proposed building. The property will continue to have access via State Route 251.

Proposed plans include a new gravity sanitary sewer to be installed and to serve both the existing and new building. The existing building will continue to use an existing sanitary sewer as well. Water service will be provided by extension of the existing private fire and domestic services that are connected to an existing 6” main along the access drive within an

easement to the Town of Victor. There is a stormwater management facility on the western portion of the parcel. The stormwater management facility has been designed to meet the NYSDEC requirements for both water quantity and quality.

The property is zoned light industrial. Surrounding parcel uses are predominately commercial and industrial. Auburn Creek Apartments lie behind (to the south of) the subject parcel. A railroad line runs along the north side of the parcel, and a gas line runs along the southern parcel boundary line.

A stream runs through the eastern side of the parcel. NYS DEC and National Wetlands lie on the surrounding parcels to the north and south. The slope in the area of disturbance is predominantly gentle to no slope (0-9% gradient), with the ditch (to the west of existing building) and stream sloping towards the Auburn Creek parcel. Soil is predominately Lamson mucky fine sandy loam: hydric, high permeability and erodibility, is not prime farmland, and is in hydrologic soil group B/D. Landcover to be disturbed is mostly successional old field or deep emergent marsh/successional shrubland. Disturbance is proposed to be roughly 4-acres.

A silt fence will surround the project area (limits of disturbance 4-acres). The stormwater management facility is to be used as a sediment trap. A temporary interceptor swale is proposed as well to lie between the disturbance and stream to the east. Construction entrance and staging area to be located on the southern portion of the proposed parking lot, and the topsoil stockpile to go in the northwest corner of the property.

Five wall mounted lights (Luminaires) are to be attached to the perimeter of the building, with 3 area (light poles) luminaires are to illuminate the parking lots. Existing trees surrounding the parcel are to remain. Two trees (Native Flame American Hornbeam) are to be planted along the southern side of the new building, along with 29 shrub plantings surrounding the parking lots and bioretention area.

Applicant representative was in attendance at the 6/11/2024 CRC meeting, and mentioned the lighting is dark sky compliant.

Relevant November 2023 Comments

1. Will one access road be enough? There 79 total parking spaces proposed.
2. How visible will the building be? From SR 251? From SR 96? From the Auburn Creek Apartments?
3. Referring body should consider requesting additional landscaping/screening from the apartments to the south?

OCSWCD Comments

1. Will a culvert be installed under the driveway in the event the emergency spillway is needed or will this be allowed to flow over the driveway?

- 2. Concrete truck washout should be at least 100 feet from all stormwater inlets and surface waters.
- 3. Be sure to use 0 phosphorus fertilizer unless a need is indicated through soil testing.
- 4. Consider maintenance work to drainage ditch to allow for accommodation of additional stormwater.

Board Motion: To retain referrals 111.0-2024 and 111.1-2024 as class 1s and return to the local board with comments. **Motion made by:** Stephen Groet **Seconded by:** Roslyn Grammar
Vote: 10 in favor, 0 opposed, 0 abstentions. **Motion Carried**

111.1-2024	Town of Victor	Planning Board	Lite Coms	Site Plan - 1
15.00-1-9.111	Area variance and Site Plan to construct a 20,000 SF steel building with a front building setback of 175 ft. (when 25% the avg. lot depth, 1056/4 = 264 ft., is required along SR251) at 7321 SR251 in the Town of Victor.			

See 111.0-2024

112-2024	Town of Victor	Zoning Board of Appeals	Smith, Russell & Kelly	Area Variance - AR 1
7.02-1-36.110	Area variance for the subdivision of a 4.08-acre parcel into 3 total residential lots (Lot 1 – 0.61-acres; Lot 2 – 1.55-acres; Lot 3 – 0.92-acres; remaining 1.00-acre parcel to be combined with T.M.# 7.02-1-33.000), all with areas less than the required 2-acres/living unit, at 421 CR9 in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44028/112-2024-Aerials-Smith-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44030/112-2024-Plans-Smith-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44032/112-2024-Test-Questions-Smith-Variance>

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- 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. It is the position of this Board that properly designed residential subdivision 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.

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

113.0-2024	Town of Victor	Planning Board	Costich Engineering	Site Plan - 1
15.00-2-29.111	Subdivision [of a 24.2-acre parcel into two (2) lots (Lot 1 – 3.4-acres; Lot 2 – 20.7-acres)], Special Use Permit and Site Plan for a light industrial use (Tuff Shed, Inc.) at 7477 SR96 in the Town of Victor. Proposed work includes: an exterior display of various shed units, refuse enclosures, material racks, and interior renovations.			

<https://ontariocountyny.gov/DocumentCenter/View/44247/1130-2024-and-1131-2024-and-1132-2024-Aerials-BLW-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44255/1130-2024-and-1131-2024-and-1132-2024-Site-Plan-BLW-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44258/1130-2024-and-1131-2024-and-1132-2024-Subdiv-Map-BLW-Subdiv>

There are no proposed physical alterations to the site. Existing utilities will remain and continue to serve the existing buildings. The subdivision is being proposed to facilitate the potential sale of Lot #1 to a buyer who is currently under contract. The site is currently served by two existing access points to NYS Route 96, which will remain and serve the respective lots.

Lot #2 is proposed to be leased and occupied by Tuff Shed – who wishes to assemble and prefabricate sheds and garages for subcontractors to then pick up and install onsite on the customer’s residence. Tuff Shed is the prospective tenant for the maintenance building and associated lot which previously served as an RV commercial business. The parcel exists in the CLI (Commercial / Light Industrial) Zoning District, which allows for (as a specially permitted use) the “production, processing and assembly operations, provided that such uses are conducted entirely within an enclosed building and will not produce smoke, dust, noise, odors, glare or any other deleterious by-products which can be detected beyond the property line of such an operation”. The Tuff Shed will have minimal exterior improvements, most notably: display units being added to the existing gravel parking area (varying in size – 80 SF to 576 SF) along SR96, material racking systems on the east and south faces of the building, and new refuse enclosures. Any interior renovations will be done as permitted by the Town of Victor Building Department.

Applicant mentions traffic level for the Tuff Shed (Lot 2) business is expected to reduce compared to previous (RV) business. The applicant expects an average of one (1) customer visiting the parcel per day, and up to 19 employees max. Existing parking lot, landscape and lighting are to remain as they currently exist. The parking lot for Tuff Shed will have 19 employee parking spaces and 5 customer parking spaces (1 of which is ADA accessible). Lot 1’s parking is to remain the same as well.

According to OnCor, the subject parcel:

- Has a stream running between the two existing buildings.
- Land cover on parcel (besides parking lot / building area) is successional northern hardwoods, silver-maple ash swamp and deep emergent marsh.
- A large Federal and NYS DEC wetland on the southeastern section of the parcel.
- Subject parcel and surrounding land uses are commercial, except for an adjacent parcel to the south – Lehigh Crossing Park (open space and conservation use).
- Parcel has little to no slope (0-3% gradient).

Comments

1. Can any of the gravel be removed and replaced with grass? State Route 96 is considered a primary travel corridor for tourists visiting Ontario County. Referring body should consider requesting additional greenspace (and reduce gravel and/or impervious surface area) to help mitigate water quality/quantity impacts.
2. Manufacturing waste/byproducts should be recycled if feasible or disposed of properly.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar

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

113.1-2024	Town of Victor	Planning Board	Costich Engineering	Special Use Permit - 1
15.00-2-29.111	Subdivision [of a 24.2-acre parcel into two (2) lots (Lot 1 – 3.4-acres; Lot 2 – 20.7-acres)], Special Use Permit and Site Plan for a light industrial use (Tuff Shed, Inc.) at 7477 SR96 in the Town of Victor. Proposed work includes: an exterior display of various shed units, refuse enclosures, material racks, and interior renovations.			

See 113.0-2024

113.2-2024	Town of Victor	Planning Board	Costich Engineering	Minor Subdivision - Exempt
15.00-2-29.111	Subdivision [of a 24.2-acre parcel into two (2) lots (Lot 1 – 3.4-acres; Lot 2 – 20.7-acres)], Special Use Permit and Site Plan for a light industrial use (Tuff Shed, Inc.) at 7477 SR96 in the Town of Victor. Proposed work includes: an exterior display of various shed units, refuse enclosures, material racks, and interior renovations.			

114-2024	Town of Victor	Planning Board	Bluestone Creek Dev., LLC	Site Plan - 1
14.02-1-6.116	Site Plan to construct a 33,600 SF flex space building (to accommodate office, manufacturing, and warehouse space for multiple tenants) at 7901 Lehigh Crossing in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44042/114-2024-Aerial-Lehigh-Xing>

<https://ontariocountyny.gov/DocumentCenter/View/44050/114-2024-Site-Plan-Lehigh-Xing>

<https://ontariocountyny.gov/DocumentCenter/View/44046/114-2024-Lanscaping-Plan-Lehigh-Xing>

<https://ontariocountyny.gov/DocumentCenter/View/44045/114-2024-Grading-Plan-Lehigh-Xing>

Site plan approval was granted by the Town of Victor Planning Board in June of 2019 (referred to Ontario County Planning Board in May 2019 as 84-2019). Project has not been developed to date, so they are returning for site plan approval with no changes from the approved 2019 application.

Subject parcel is 3.1-acres. The proposed building and parking represent 25 percent building coverage when 40 percent is allowed and 74 percent lot coverage when 76 percent is allowed. The building is expected to accommodate 60 employees and there are 84 parking spaces proposed, including 8 labeled for handicapped persons.

According to provided narrative, the proposed development is to be similar in character to the other lots previously developed and will include lighting, landscaping, parking, and loading dock access similar to existing buildings. The landscaping adjacent to the Lehigh Valley Trail to the rear of the proposed building will match landscaping installed during the development of Lot 8. Management of stormwater quality and quantity impacts will be handled by the existing storm water management facilities constructed for the business park.

The landscaping plan proposes a staggered mix of spruce, maple, and firs along the Lehigh Valley Trail and several additional trees along the internal trail connecting the Lehigh Trail to the 93-acre municipal park to the north.

According to OnCor:

- Subject parcel is vacant industrial. Surrounding land uses are vacant, commercial or industrial. Subject parcel is zoned light industrial.
- Land cover is successional old field.
- Soil is predominately Schoharie Silty Clay Loam with little to no slope (0-3% gradient)
 - Not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group D.

May 2019 OCSWCD Comments

1. SWPP was not provided for site to allow for adequate stormwater capacity review.
2. Concrete truck washout is not identified.
3. Is the swale to the west to be permanent? If so, permanent inlet protection may be required to ensure proper function.

OCSWCD Comment

1. Additional information is needed regarding stormwater system. Does the development have a centralized stormwater facility? Is a pre-treatment provided?

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return

them to the local boards with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammar**
Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

115.0-2024	Town of Canandaigua	Zoning Board of Appeals	Rockcastle, Logan	Area Variance - 1
98.11-1-7.000	Area variance (building coverage of 33.6% when no more than 25% is allowed) and Site Plan for the tear-down / re-build of a single-family residence at 3314 Fallbrook Park in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44051/1150-2024-and-1151-2024-Aerials-Reed-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44056/1150-2024-and-1151-2024-Site-Plan-Reed-Home>

Subject parcel is 0.17-acres. The proposed tear-down / re-build is to disturb 0.14-acres. A silt fence is to surround the limits of disturbance. In addition to the home, the existing deck, walkway and driveway are to be removed and replaced. Existing building coverage is 30.7% (pre-existing non-conformity). The applicant is looking to increase the building coverage to 33.6%. Existing lot coverage is 35.4% and proposed is 40% (Town code permits a maximum of 40% lot coverage). Building height is to remain at or below the 25 ft. maximum requirement. Pre-existing non-conformities are to remain (1.4 ft. south side setback; 16.1 ft. front setback).

The sanitary lateral is to be replaced; existing water service is to be reused. New drywell is proposed between the home and lake. Roof leaders and French drain are to connect to the drywell in order to mitigate stormwater runoff into the lake. The landscape plan is to screen the house with a vegetative buffer from those viewing the shore from the lake while also allowing the homeowner to have views of the lake. Two river birch trees will be planted along the shoreline. Shrubs are to line the house along the lakeside and along the lakeshore.

According to OnCor:

- Subject and surrounding parcels are residential except for Canandaigua Country Club (recreation and entertainment) directly east.
- Gentle to no slope (0-9% gradient). Soil is Rhinebeck Silty Clay Loam (partially hydric, moderately high permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D).
- Proposed home is to be built partially within the Draft 2023 FEMA 100- and 500-Year Flood Zones.

Relevant findings from Ontario County Administrative Review Policy #6

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

Comments

1. Demolition debris should be recycled if feasible or disposed of properly.
2. Preliminary revised 100- and 500- Year floodplain extents should be shown on the site plan to document applicant’s awareness of flood risk.

CPB Comment

1. Does the dry well at lake elevation function to retain stormwater?

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar

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

115.1-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - Exempt
98.11-1-7.000	Area variance (building coverage of 33.6% when no more than 25% is allowed) and Site Plan for the tear-down / re-build of a single-family residence at 3314 Fallbrook Park in the Town of Canandaigua.			

116.0-2024	Town of Canandaigua	Zoning Board of Appeals	Driskell, Melissa	Area Variance - AR 2
98.00-1-46.110	Special Use Permit and Area Variance for a 184.3 SF building mounted, face lit commercial speech sign on a building with 95 linear feet of building frontage (when sign area shall not exceed one SF per linear foot of building frontage – 95 SF) at 3225 SR 364, at Widewaters Plaza, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44058/1160-2024-and-1161-2024-Aerial-Sierra-Widewaters-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/44059/1160-2024-and-1161-2024-Designs-Sierra-Widewaters-Sign>

Project was referred in November 2023 as 240-2023 and 241-2023 for the same project. The difference between the last applications and 116.0-2024 is that the applicant is no longer proposing a second sign (temporary commercial speech time).

Commercial speech signs are a specially permitted use in the Community Commercial Zoning district. Building mounted sign (Sierra) is 6’11 ¼” high by 36’3 ¼” (184.26 SF) while store front has 95 linear ft. of frontage. According to Town Code Section 220-83A, it allows for a “building-mounted sign which does not exceed one SF of sign area for each linear foot of building frontage or 350 SF of sign area, whichever is less, and is no more than 10 ft. in vertical height”. An area variance is needed for 89.26 SF of sign area greater than the maximum allowed.

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**
- Comments**
- 1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.
 - 2. As outlined on this sign company website, 3” letters have high visibility at 30’ and are readable at 100’. Based on the information provided it is estimated letter heights are 8” to 10” which are readable at 350’ to 450’ and the sign company characterizes as having high impact at 80’ to 100’. <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>.

116.1-2024	Town of Canandaigua	Planning Board	Driskell, Melissa	Special Use Permit - 1
98.00-1-46.110	Special Use Permit and Area Variance for a 184.3 SF building mounted, face lit commercial speech sign on a building with 95 linear feet of building frontage (when sign area shall not exceed one SF per linear foot of building frontage – 95 SF) at 3225 SR 364, at Widewaters Plaza, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44058/1160-2024-and-1161-2024-Aerial-Sierra-Widewaters-Sign>

<https://ontariocountyny.gov/DocumentCenter/View/44059/1160-2024-and-1161-2024-Designs-Sierra-Widewaters-Sign>

Project was referred in November 2023 as 240-2023 and 241-2023 for the same project. The difference between the last applications and 116.0-2024 is that the applicant is no longer proposing a second sign (temporary commercial speech time).

All commercial speech signs in the CC Community Commercial District require a special use permit. Such signs are subject to the general special use permit standards and to sign specific special use permit standards to not compromise the appearance of the surrounding neighborhood and not significantly increase the magnitude of hazards to motorists and pedestrians caused by sign distractions.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

117-2024	Town of Canandaigua	Planning Board	Rockcastle, Logan	Site Plan - Exempt
154.09-1-9.000; 154.09-1-10.000; 154.09-1-11.000	Site Plan for the tear-down and re-build of two single-family residences and pre-existing non-conforming garage. Additional proposed construction includes two on-site wastewater treatment systems and two driveways (one being cross-access) at 5051/5055/5057 CR16 in the Town of Canandaigua.			

118-2024	Town of Canandaigua	Planning Board	Fuller, Al	Site Plan - 1
98.08-1-10.100	Site Plan for a proposed 320 SF cooler addition and site improvements including added parking for an existing convenience store and fuel facility at 405 Lakeshore Dr., on the southwest corner of Lake Shore Dr. / SR364 intersection, in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44079/118-2024-Aerials-Mobile-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/44087/118-2024-Site-Plan-Mobile-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/44084/118-2024-Landscape-Plan-Mobile-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/44082/118-2024-Grading-Plan-Mobile-Addition>

<https://ontariocountyny.gov/DocumentCenter/View/44080/118-2024-Drainage-Plan-Mobile-Addition>

Subject Parcel is 0.83-acres. Parcel abuts the City of Canandaigua municipal boundary. The municipal boundary divides the two (2) uses (mini-mart and restaurant – Finger Lakes Public

House) partially between two (2) separate parcels - 403 and 405 Lakeshore Drive. Parcel also shares access/a parking lot 403 Lake Shore Drive. Disturbance is proposed to be 0.15-acres.

Shed and dumpster enclosure (and pad) to be removed along with two (2) trees and some of the existing pavement/curb. Nineteen parking spaces are proposed (not including restaurant parking, to the west, on same parcel), two (2) of which are ADA accessible. Cooler expansion is to occur on the west side of the parcel. Access to remain on both SR364 and Lake Shore Dr. (403 Lakeshore Dr.). One new deciduous tree (Sterling Silver Linden) is to be planted just south of the parking lot. 10 shrubs are proposed to surround the existing sign. One (1) building-mounted light and one (1) 15' light pole is proposed to illuminate the parking lot. A drain is proposed in the center of the new parking lot, to be connected by an 8" HDPE pipe that goes to a catch basin.

According to OnCor:

- Subject parcel has a commercial land use (mini-mart). Surrounding parcels are commercial or recreation/entertainment (Canandaigua Country Club).
- Little to no slope (0-3% gradient) on the parcel. Soil is Rhinebeck Silty Clay Loam (partially hydric, moderately high permeability, very high erodibility, prime farmland if drained, and is in hydrologic soil group C/D).
- Draft 100- and 500-Year FEMA Flood Zones exist along the western edge of the parcel. Proposed work looks to be just outside (east) of this area.

Comments

1. How much of an increase is there to impervious surface? Could additional stormwater management be implemented?
2. Building coverage % should be shown on plans. Maximum allowed building coverage on the CC zoned (Community Commercial) lot is 35%. An area variance is required if the 35% maximum is exceeded. There is no Lot Coverage requirement of parcels zoned CC.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammar**

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

119.0-2024	Town of Canandaigua	Zoning Board of Appeals	Venezia, Anthony	Area Variance - 1
140.14-1-32.100; 140.14-1-32.200	Subdivision and multiple Area Variances (front setbacks less than minimum requirement for Lots 1 and 2, lot depths greater than the maximum allowed 2.5x lot width for Lots 2 and 3, and for the creation of Lot 1 - a new residential lot less than the minimum required 1-acre in the Scenic Viewshed Overlay District) for parcels located at 4788 and 4790 CR16, between Menteth Creek and Deuel Rd., in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44091/1190-2024-and-1191-2024-Aerials-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44098/1190-2024-and-1191-2024-Subdiv-Plat-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44099/1190-2024-and-1191-2024-ZBA-App-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44097/1190-2024-and-1191-2024-Steep-Slope-Analysis-Mink-Subdiv>

This is a three (3) lot subdivision involving 16.9- and 1.7-acre (single-family residential) parent parcels (Lot 1 – 0.95-acres; Lot 2 – 6.07-acres; Lot 3 – 11.55-acres). Area Variances include:

- Proposed Lot 2 and 3 are both greater than 2.5x deeper than they are wide. Town Code Section 174-19E states that residential lots greater than 3.0-acres shall not have lot depths greater than 2.5x the lot width.
- Front setback of existing home on Lot 1 is a pre-existing non-conformity (parcel granted front setback area variance in 2016), having a front setback of 27.17 ft. when at least 60 ft. is required in the RLD (Residential Lake District). This will require an area variance due to lot line changes.
- Existing accessory structure on Lot 2 is a pre-existing non-conformity (parcel granted front setback area variance in 2016), having a front setback of 2.81 ft. Town Code Section 220-9B2 states that no detached accessory building shall be closer to the street or right-of-way line than the minimum front yard setback for the principal building [60 ft.]. This will now require an area variance due to lot line changes.
- Because proposed Lot 1 is in the SVO (Scenic Viewshed Overlay), it requires a lot size area variance. Lot 1 is proposed as a new 0.95-acre residential parcel in the SVO. Town Code Section 220-33.1D states “To the extent possible, any subdivision of land in the SVO District shall not create a new lot unless all parcels are at least one acre in size, or the Planning Board finds a lessening of the degree of nonconformity for the combination of preexisting nonconforming lots. To the extent possible, the Planning Board of the Town of Canandaigua shall be authorized to grant subdivision and

development of land in the SVO District provided the following standards have been met:

- Density and minimum lot size. The minimum lot size in the SVO District shall not be less than one acre or the minimum lot size of the underlying zoning district, whichever is greater. In the SVO District the use of conservation subdivisions (§ 174-16) shall not result in a lot size smaller than one acre, and the land area identified as part of the SVO District shall be identified as a priority conservation asset, Class 2.”

According to OnCor:

- Subject Parcel and surrounding land use is residential. There is an Ontario County Agricultural District #1 less than 500 ft. to the west of the subject parcel.
- Subject parcel(s) land cover is successional northern hardwoods and conifer plantation (and mowed lawn).
- A stream runs along the southern parcel(s) line of the subject parcel.
- Parcel(s) contain areas of steep to extremely steep slope (16-60% gradient) – especially along the stream.

Comment

1. Distances of existing home on proposed Lot 2 to new lot lines are not provided. Same with the distance of the existing home on proposed lot 1 to the new north lot line.
2. What access provisions are proposed for each lot? It appears both existing homes have access off a single access point on lot 1 and an access easement to lot 2 is proposed. This should involve a formal access easement and maintenance agreement and removal of right to additional access points for these two lots. Any improved access point to Lot 3 from CR 16 should be in the vicinity of the existing access point along the northern frontage area with maximum 25 percent slope, not from the southern frontage area with slopes of 40 to 100 percent.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: AJ Magnan Seconded by: Roslyn Grammar**

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

119.1-2024	Town of Canandaigua	Planning Board	Venezia, Anthony	Subdivision - AR 1
140.14-1-32.100; 140.14-1-32.200	Subdivision and multiple Area Variances (front setbacks less than minimum requirement for Lots 1 and 2, lot depths greater than the maximum allowed 2.5x lot width for Lots 2 and 3, and for the creation of Lot 1 - a new residential lot less than the minimum required 1-acre in the Scenic Viewshed Overlay District) for parcels located at 4788 and 4790 CR16, between Menteth Creek and Deuel Rd., in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44091/1190-2024-and-1191-2024-Aerials-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44098/1190-2024-and-1191-2024-Subdiv-Plat-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44099/1190-2024-and-1191-2024-ZBA-App-Mink-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/44097/1190-2024-and-1191-2024-Steep-Slope-Analysis-Mink-Subdiv>

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- 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. It is the position of this Board that properly designed residential subdivision 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.

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

120-2024	Village of Naples	Village Board	Naples, Village of	Map Amendment – 2/A
201.06-1-5.000	Map amendment to rezone some or all of six (6) different parcels (TM#'s: 201.06-1-5.000, 201.10-1-25.100, 201.10-1-26.000, 201.10-1-27.200, 201.10-1-28.211, 201.10-1-29.110) as TM# 201.06-1-5.000 to the C-3 Winery District, located along the North Main St. / SR245 intersection in the Village of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/44103/120-2024-Subject-Parcels-V-Naples-Map-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/44102/120-2024-Materials-V-Naples-Map-Amendment>

According to OnCor:

- Land use is currently a mix of vacant w/ improvements (ex: accessory structures), commercial, and public services.
 - Commercial: TM#s: 201.10-1-25.100 and 201.10-1-26.000
 - Vacant w/ improvements: TM#s: 201.06-1-5.000 and 201.10-1-28.211
 - Public Services (V. Naples - Sewer & Water): 201.10-1-27.200 and 201.10-1-29.110
- Zoning is currently a mix of C-1 (Commercial), L-C (Land Conservation), and R-1 (Residential).
 - TM#: 201.06-1-5.000 – C-1 Commercial
 - TM#: 201.10-1-25.100 – C-1 Commercial
 - TM#: 201.10-1-26.000 – C-1 Commercial
 - TM#: 201.10-1-27.200 – R-1 Residential (and CSP Overlay)
 - Northern portion of TM#: 201.10-1-28.211 – R-1 Residential
 - Northwest portion of TM#: 201.10-1-29.110 – R-1 Residential
- 201.10-1-28.211 and 201.10-1-29.110 are in Ontario County Agricultural District #1.
- Total combined area of the lots is 5.37-acres.

CRC Comment

1. Most of the parcels to be rezoned are within the preliminary 2023 Floodplains. Any future development should be held to standard of no net loss to floodplain area.

Board Motion: To retain referral 120-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Stephen Groet Seconded by: Kevin Stahl**

Vote: 10 in favor, 0 opposed, 0 abstentions. Motion Carried

121-2024	Town of Richmond	Zoning Board of Appeals	Lowery, Julia	Area Variance - 1
135.15-1-32.100	Area variance(s) for: (1) a front setback of 17.5 ft. for the existing home and (2) a front setback of 29.7 ft. for a proposed deck (when a minimum front setback of 50 ft. is required). Project is to replace an existing 100 SF deck with a new 50 SF deck on the southside of the existing home (in the back yard), and to construct a new 216 SF deck on the east side of the home (side yard), located at 8897 Main St. in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/44104/121-2024-Aerials-Lowery-Deck-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44106/121-2024-Survey-Lowery-Deck-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44107/121-2024-ZBA-App-Lowery-Deck-Variance>

According to OnCor:

- A stream lies along the southern parcel boundary of the subject parcel.
- Subject 1-acre parcel has a residential land use. Parcels to the south and east are residential, commercial to the west.
- Area of proposed work has steep slopes (16-30% gradient).

Comment

1. What is the east side setback of the proposed deck?
2. Town Code Section 200-12C2 (A Residential Agricultural District) states “Customary accessory structures, provided that they are located to the rear of the principal structure, have a minimum rear setback of five feet and have a maximum floor area of 200 square feet”. According to the plans, the proposed deck does not meet this requirement.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

122-2024	Town of East Bloomfield	Town Board	Singer, Paul	Map Amendment – 2/A
81.00-1-25.210	Map amendment to rezone a parcel currently with mixed zoning (RR-1 – Rural Residential and CC- Community Commercial) to being entirely CC Community Commercial. Subject parcel is located along the north side of SR5&20, 6654 SR5&20, in the Town of East Bloomfield.			

<https://ontariocountyny.gov/DocumentCenter/View/44108/122-2024-Aerials-T-E-Bloomfield-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/44111/122-2024-Surveys-T-E-Bloomfield-Rezoning>

<https://ontariocountyny.gov/DocumentCenter/View/44109/122-2024-Application-T-E-Bloomfield-Rezoning>

Currently, the northern section of the parcel is zoned rural residential. The applicant would like to rezone the entire parcel as Community Commercial. There is an existing special use for the front (southern) section of the parcel of outdoor commercial recreation (outdoor paintball). There are currently no water/wastewater utility connections.

According to OnCor, the subject 15.2-acre parcel:

- Is within (and surrounded by parcels within) Ontario County Agricultural District #1.
- The pond on the southern portion of the parcel is a National Wetland.

Permitted Uses in the Community Commercial Zoning District are (Town Code Section 135-46B):

1. Generally recognized retail businesses which supply commodities on the premises for persons such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions.
2. Personal service establishments which perform services on the premises such as, but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, banks, photographic studios and self-service laundries.
3. Shopping centers, malls, plazas or other grouping of commercial uses and buildings.
4. Dry-cleaning establishments or pickup stations, dealing directly with consumer. Central dry-cleaning plants serving more than one retail outlet shall be prohibited.
5. Hardware stores, garden supply stores, paint and wallpaper stores, excluding outside storage.
6. Liquor stores.
7. Newsstands and card shops.
8. Florists.
9. Restaurants, excluding drive-in restaurants.

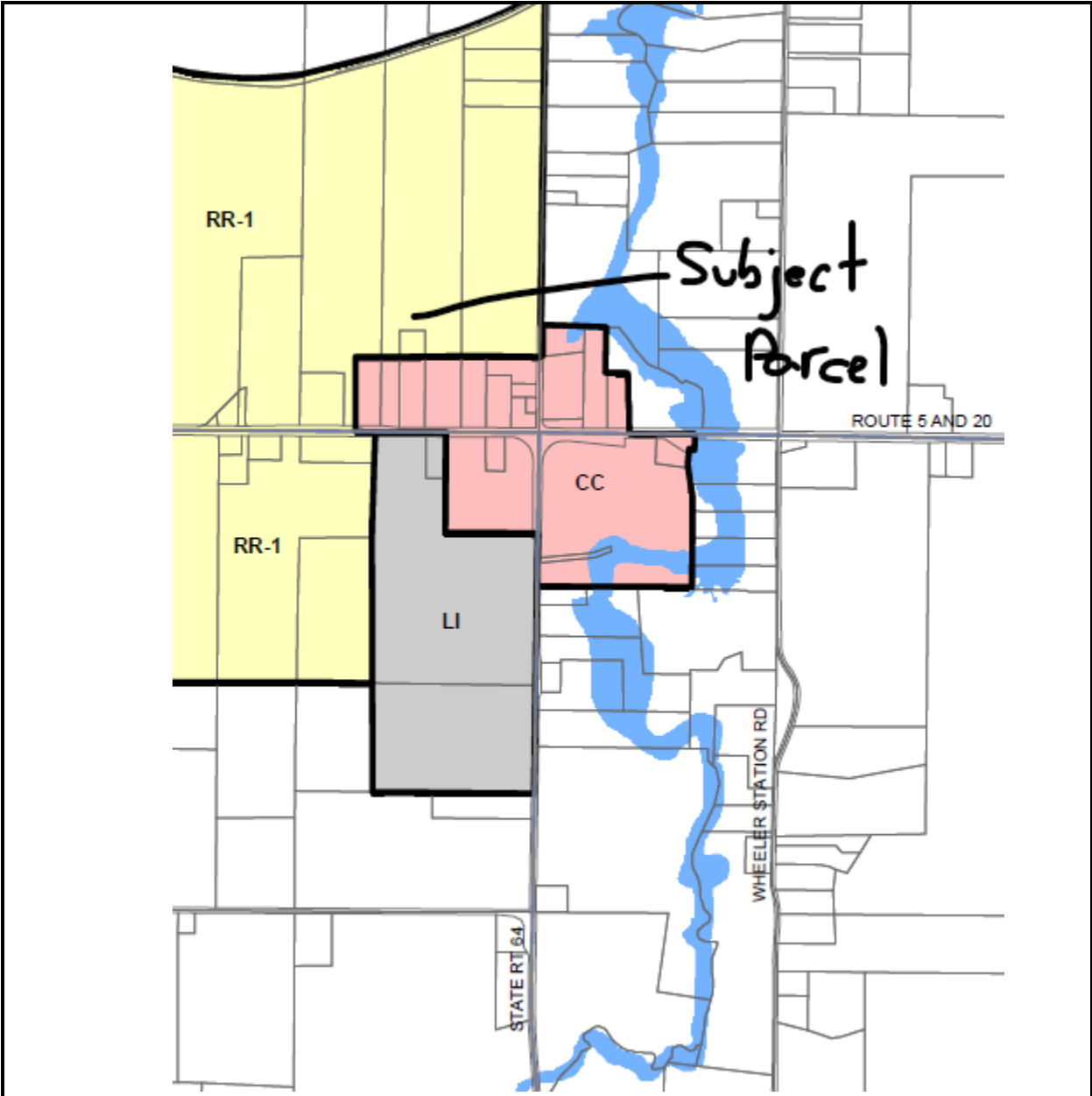
10. Dance, art and music studio.
11. The sale, lease or rental of new and used vehicles
12. Commercial uses, such as gift shops, tourist shops, clothing stores, furniture stores, craft shops, appliances, sporting goods, shoe and grocery stores.
13. Electrical, heating, plumbing stores or woodworking shops.
14. Commercial greenhouses and garden/lawn supplies.

Specially Permitted Uses in the Community Commercial Zoning District are (Town Code Section 135-46D):

1. Essential services.
2. Motor vehicle service stations, auto repair shops and used vehicle sales.
3. Public and semipublic uses and buildings.
4. Car wash establishments.
5. Rental of trucks, trailers, etc., associated with gasoline service stations or other uses.
6. Self-service gasoline dispensing units.
7. Drive-in restaurants.
8. Commercial storage buildings and mini-warehouses.
9. Hotel or motel.
10. Flea markets and outside sales.
- 11. Outdoor commercial recreation uses.**
12. Tourist homes/bed-and-breakfast establishments.
13. Special entertainment uses/events.
14. Used motor vehicles sales lot.
15. Large-scale solar energy systems.

See Zoning Map (2007). Subject parcel is called out. Parcel boundaries have changed since 2007.

T. E. Bloomfield Zoning Map (2007)



Comments

- 1. How close will activities occur to neighboring parcels? Is there adequate buffering between the outdoor paintball special use and the adjacent agricultural fields?
- 2. Referring body should consider requesting additional landscaping around the perimeter of the parcel in order to maintain and enhance the viability of farms and farm-related businesses in Ontario County.

CRC Comment

- 1. What is the potential impact of long-term paintball use/residue accumulation on the water table and nearby wetlands?

2. Will the outdoor paintball special use be expanding to the northern portion of the parcel? Or will it be a different commercial use?

Board Motion: To retain referral 122-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Ryan Wilmer Seconded by: Paul Lambiase**
Vote: 10 in favor, 0 opposed, 0 abstentions. Motion Carried

123.0-2024	Town of Geneva	Zoning Board of Appeals	Kelly, Nicholas	Use Variance – 2/D
133.12-1-8.000	Use Variance (for a second one-family detached dwelling when only one is allowed) and Area Variance for a side setback of 9.5 ft. (when no less than 12.5 ft. is allowed) to tear-down / re-build a waterside structure at 4209 Glass Factory Bay in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/44173/1230-2024-and-1231-2024-Aerials-4209-Glass-Factory-Variences>

<https://ontariocountyny.gov/DocumentCenter/View/44174/1230-2024-and-1231-2024-Area-Variance-Questions-4209-Glass-Factory-Variences>

<https://ontariocountyny.gov/DocumentCenter/View/44178/1230-2024-and-1231-2024-Use-Variance-Questions-4209-Glass-Factory-Variences>

<https://ontariocountyny.gov/DocumentCenter/View/44177/1230-2024-and-1231-2024-Sketch-4209-Glass-Factory-Variences>

Project was previously referred as 71-2024 for the April 2024 CPB meeting (originally just for a rear/lake setback area variance). The rear/lake area variance still being applied for, but there is now a request for a south side setback area variance and a use variance.

The old boat structure that was on the OnCor map has been removed. The new structure (not seen on OnCor) has been built without a permit. The project was stopped. The new building is 9’6” from the neighbors (south side setback) and 9’10” from the lake side setback. Building footprint is 15’ x 52’. Applicant plans for the structure to have utilities (water, sanitary, electricity).

According to OnCor:

- Subject parcel is 0.6-acres

- The proposed waterside structure is within the FEMA 100-Year Floodplain and the Draft 2023 500-Year Flood Zone.
- Subject and surrounding parcels are residential, except for the adjacent parcel to the west which is public service (Pennsylvania Lines LLC – active railroad).

In the use variance test question response, the applicant mentions:

- They discovered that the previous structure extended 2 ft. onto the neighbor's property to the south. They asked their contractor to move the structure, but due to its' condition it collapsed. They mention that the structure is now further away from the lake.
- They have removed a separate storage shed that was previously on the parcel.
- The primary home is over 70 steps from the beach house. This is difficult for their special needs family member who would benefit from a waterside structure with utilities.
- Without this building, their property value will be diminished (they will face financial loss).
- They mention their request is not out of character for the neighborhood - their neighbors a few houses south have constructed a similar structure along the beach front.
- The new structure is an improvement over the old. It is being moved further away from their southern neighbor's property. It is also mentioned to be further away from the lake. The new roof line will be lower than the retaining wall to the west.
- They mention they "do not intend to rent this structure but to retain it strictly for our own personal use".

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.

Comments

1. Referring board should discuss with the applicant / make clear that the waterside structure cannot be used as a short-term rental without meeting NYS building code for habitable space, NYS energy code, and municipal code.
2. Per the CPB Bylaws, Seneca Lake is a historic/cultural landscape and waterway essential to community character. Referring body should consider requesting a vegetative buffer / additional screening of the structure from the lake in order to ensure the preservation of community/natural character?

CRC Comment

1. In order to be granted a use variance, application materials need to 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.

CPB Comment

1. The applicant has indicated that similar structure(s) have been built on nearby properties. Does the applicant mean similar because it is a second habitable space on the parcel, or that it is similar because of its placement near the lake?
2. If the applicant would like to modify

Findings

1. Referred materials do not include dollars and cents documentation of financial hardship as required by by Town Law Section 267 B2 and New York State Zoning Laws. Specifically, subsection 1 of code section 267B2 (above).

Board Motion: Based on consideration of the referral review comments and findings included herein, the Board finds that referral #123.0-2024 has the potential for significant adverse county-wide and/or inter-municipal impacts as a Class 2 and return to the local board with the recommendation of disapproval.

Motion made by: AJ Magnan **Seconded by:** Stephen Groet

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

123.1-2024	Town of Geneva	Zoning Board of Appeals	Kelly, Nicholas	Area Variance - AR 2
133.12-1-8.000	Use Variance (for a second one-family detached dwelling when only one is allowed) and Area Variance for a side setback of 9.5 ft. (when no less than 12.5 ft. is allowed) to tear-down / re-build a boat house at 4209 Glass Factory Bay in the Town of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/44173/1230-2024-and-1231-2024-Aerials-4209-Glass-Factory-Variances>

<https://ontariocountyny.gov/DocumentCenter/View/44177/1230-2024-and-1231-2024-Sketch-4209-Glass-Factory-Variances>

Project was previously referred as 71-2024 for the April 2024 CPB meeting (originally just for a rear/lake setback area variance). The rear/lake area variance is still being applied for, but there is now a request for a south side setback area variance and a use variance.

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

Comment
The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

124-2024	Town of Gorham	Zoning Board of Appeals	Muehe, Marty	Area Variance - Withdrawn
141.10-1-26.000	Area Variance for a proposed lot coverage of 66.3% (existing is 62.5%) when no more than 25% is allowed at 4724 Old East Lake Rd. in the Town of Gorham. Project includes the demolition of an existing detached accessory structure and surrounding concrete areas for the construction of an addition to the existing home and a tram for lake access.			

125-2024	Town of Gorham	Planning Board	Whipple, Thomas	Site Plan - Exempt
127.19-4-25.000	Site Plan for the construction of a 1,180 SF single-family residence and additional site improvements (grading, drainage, utilities) on a currently vacant lot on the east side of SR364, in the Crystal Beach area, in the Town of Gorham.			

126-2024	Town of Gorham	Planning Board	Panara, Jeffrey	Site Plan - Exempt
141.13-1-15.100	Site Plan for the tear-down / re-build of a single-family residence and covered patio, with additional site improvements (grading, drainage, utilities) at 4850 CR11 in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44196/126-2024-Site-Plan-Panara-Home>

OCDPW Comment

1. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County’s website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>

In addition, applicant’s contractors will also be required to provide insurance; proof of Worker’s Comp & Disability Insurance must be on appropriate forms, we cannot accept on ACORD form.

127-2024	Town of Gorham	Zoning Board of Appeals	Cross, Michael & Lisa	Area Variance - AR 2
113.19-1-23.000	Area Variance(s) for the tear-down / re-build of a single-family residence, at 4046 SR364 in the Town of Gorham. Area Variance(s) include: (1) south side setback of 5.2 ft. when a minimum of 15 ft. is required - 0 ft. existing, a (2) north side setback of 5.2’ when a minimum of 15 ft. is required - roughly 16 ft. existing, a (3) rear/lake setback of 27.8 ft. when a minimum of 30 ft. is required – 33 ft. existing, and (4) a lot coverage of 43.2% when no more than 25% lot coverage is permitted – 32.2% existing.			

<https://ontariocountyny.gov/DocumentCenter/View/44197/127-2024-Aerials-Cross-Home-Variences>

<https://ontariocountyny.gov/DocumentCenter/View/44203/127-2024-Site-Plan-Cross-Home-Variences>

<https://ontariocountyny.gov/DocumentCenter/View/44204/127-2024-ZBA-App-Cross-Home-Variences>

- C. 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

128-2024	City of Canandaigua	City Council	Canandaigua, City Council	Map Amendment – 2/A
84.09-4-1; 84.09-4-2; 84.09-4-3.1; 84.09-4-3.2; 84.09-4-62.21	Map amendment to rezone parcels TM#’s: 84.09-4-1, 84.09-4-2, 84.09-4-3.1, 84.09-4-3.2, and (a portion of) 84.09-4-62.21 to R-2 (Two-Family Residential) in the City of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44315/128-2024-Parcel-Map-C-Canandaigua-Rezone>

<https://ontariocountyny.gov/DocumentCenter/View/44208/128-2024-Visual-C-Canandaigua-Rezone>

<https://ontariocountyny.gov/DocumentCenter/View/44316/128-2024-Zoning-Schedule-I-PDF>

<https://ontariocountyny.gov/DocumentCenter/View/44206/128-2024-Ordinance-C-Canandaigua-Rezone>

The City of Canandaigua is proposing rezoning of the following lots including Pleasant St. parking lot and railroad ROW and 5.5 acres property to R2. Please note the yellow areas on the referred proposed zoning map indicate lands in the Historic District Overlay.

91 Ontario St- private owner, currently zoned C-2B and vacant
 25 Pleasant St -1.3 acres owned by Ontario County, developed as parking lot, currently zoned C-2B
 160 Niagara St - 5.5 acres vacant land owned by Finger Lakes Railroad, currently zoned R-O;
 168 Niagara St. private owner, zoned R-O and currently a 2-family home
 And a portion of 84.09-4-62.21 owned by Finger Lake Railroad and developed with rail lines— zoning various – M-1, PUD, R-1B, C-2B

C-2B allows wide range of retail and service uses
 R-2 – allows 1 &2 family, rooming houses, social halls and public and semipublic uses
 R-O –Residential Office allows 1&2 family, office and some commercial uses and convenience stores by special permit.

CRC Comment

1. Subject parcel(s) used to be a freight yard for the railroad. Is/are there any contamination/brownfields on the site?

Board Motion: To retain referral 128-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Paul Lambiase Seconded by: Roslyn Grammar**
Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

129-2024	Town of Bristol	Zoning Board of Appeals	Lintner, David	Area Variance - 1
110.00-2-20.100	Area Variance(s) to construct a 1,620 SF 3-bay detached garage at 4023 SR64, adjacent (east of) to the intersection of US RT20A and SR645, in the Town of Bristol. Area Variance(s) for the garage include: a (1) front setback of 54 ft. when a minimum front setback of 75 ft. is required, a (2) second front setback variance for a 60 ft. front setback when a minimum front setback of 75 ft. is required, and a (3) north side setback of 12 ft. when a minimum side setback of 25 ft. is required.			

<https://ontariocountyny.gov/DocumentCenter/View/44209/129-2024-Aerials-Lintner-Garage-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44211/129-2024-Sketch-Lintner-Garage-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44212/129-2024-ZBA-App-Lintner-Garage-Variance>

Applicant wishes to build the new garage between his existing garage and the property line to the north. This location was chosen due to steep slopes on the parcel. Subject parcel is 3.2-acres. Disturbance is estimated to be 0.5-acres.

According to OnCor:

- Subject parcel has residential land use. Surrounding parcels are residential and vacant, in addition to a commercial use across the road (SR64) and Open Space / Conservation to the south.
- Subject parcel and surrounding parcels are in Ontario County Agricultural District #1.
- Steep slopes (16-30% gradient) run across the center of the parcel.
- Proposed barn location has a gentle slope (4-9%) and is Guyanoga Channery Silty Clay Loam – not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.

Comments

1. State Route 64 is considered a primary travel corridor for tourists visiting Ontario County. Referring body should consider requesting a vegetative buffer / additional screening of the barn from the road. Additional trees/vegetation are also helpful in stabilizing disturbed steep slope areas.
2. Are there plans for any stormwater mitigation to offset the increase in impervious surface?

OCSWCD Comment

1. Maintain erosion control during construction to prevent sediment from entering waterway to the north.

Board Motion: To retain referral 129-2024 as a class 1 and return to the local board with comments. **Motion made by: Ryan Wilmer Seconded by: Roslyn Grammar**
Vote: 11 (including one alternate – Jack Dailey) in favor, **0** opposed, **1** abstention (AJ Magnan). **Motion Carried**

130-2024	Town of Victor	Planning Board	Tambe Electric	Site Plan - 1
6.00-1-58.140	Site Plan modification for a proposed parking lot expansion (20 parking spaces) for an existing parking lot located at 614 Fishers Run in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44214/130-2024-AerialsTambe-Parking>

<https://ontariocountyny.gov/DocumentCenter/View/44219/130-2024-Site-Plan-Tambe-Parking>

Subject Parcel is 2-acres, disturbance is estimated at 0.2-acres. Proposed asphalt parking spaces are to be located east of the existing parking lot on the south side of the existing building. There are currently 30 parking spaces, there will be 50 total. The expansion will create an additional 5,052 SF of parking area. The property is zoned Light Industrial and proposed parking lot expansion meets the greenspace requirements (proposed building coverage is 10.2%, and proposed green space is 51%). Applicant mentions the expansion is required because the current number of spaces is not sufficient to support the needs of the business (Tambe Electric Inc. - Warehouse). A slot drain and dry well are proposed to collect runoff from the additional impervious area. Existing trees on the southeast corner of the parcel are to be removed.

According to OnCor:

- Subject parcel has industrial use. Surrounding parcels are industrial or commercial use.
- Area of disturbance is predominately moderate to no slope (0-15% gradient). The rear (east) of the parcel has steep slopes (16-30% gradient).
- A stream runs through the northern portion of the parcel.

Applicant representative was present, and mentioned that they will be cutting into the hillside (removing soil) for the proposed parking lot addition. They will be restoring the unpaved disturbed area with lawn.

Comments

1. Is there adequate turnaround space for emergency vehicles?

2. Proposed 50-space parking lot has two (2) ADA accessible spaces currently – which meets the ADA requirement (for a lot of 26-50 parking spaces) of a minimum of two (2) ADA accessible spaces. Will any additional ADA accessible parking spots be added?
3. Are there any landscaping plans? Referring body should consider requesting a vegetative buffer / additional screening of the parking lot addition from the neighboring parcel to the south (and the road - west). Additional trees/vegetation are also helpful in stabilizing disturbed steep slope areas.

Board Motion: To retain referral 130-2024 as a class 1 and return to the local board with comments. **Motion made by: Tammy Worden Seconded by: Ted Liddell**
Vote: 10 in favor, 0 opposed, 0 abstentions. Motion Carried

131.0-2024	Town of Victor	Planning Board	Uhaul	Special Use Permit - 1
6.00-1-7.210	Site Plan and Special Use Permit (and lot combination of 6.00-1-7.110 and 6.00-1-7.210) for a proposed 13,600 SF self-storage facility (U-Haul) located along the south side of SR96, just south of the Monroe County line, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44221/1310-2024-and-1311-2024-Aerials-Storage>

<https://ontariocountyny.gov/DocumentCenter/View/44228/1310-2024-and-1311-2024-Site-Plan-Uhaul-Storage>

Subject parcel is 9.3-acres; 0.10 of which is to be disturbed. Land use of subject parcel (and surrounding land uses) is commercial. An existing 14,100 SF UHaul building lies on the parcel (TM#: 6.00-1-7.210), which is used as retail/warehouse. Parcel is zoned Commercial – which allows for the use of “self-storage facilities” as a specially permitted use. The proposed pre-fabricated metal self-storage units are to be placed within the footprint of the existing pavement area. The storage facility will be secured via a proposed security fence and gate. Per conversation with the Fire Marshall, a private on-site fire hydrant will be added in lieu of a fire sprinkler system.

Work/Improvements include:

- Removal of an existing light pole and concrete ramp.
- Some of existing pavement to be saw-cut and replaced. 21 parking spaces are proposed.

- Six (6) additional (storage) buildings varying (1,400 SF to 3,800 SF) in size are to be constructed.
 - 45 building-mounted LED lights are to be installed on the proposed buildings.
- Comments**
1. Is there expected to be a large increase in traffic? How many visitors/customers do you anticipate a day? Are there any employees on site?
 2. State Route 96 is considered a primary travel corridor for tourists visiting Ontario County. Referring body should consider requesting a vegetative buffer / additional screening of the facility from the road.
 3. How many storage units are there in total?
- OCSWCD Comment**
1. Stormwater plans not provided.
 2. Any additional development of this parcel should incorporate stormwater management that meets current standards. There is space available on the parcel to accommodate appropriate stormwater management facilities. It also doesn't appear that anything has been maintained by looking through aerial images of the property. The area indicated on the plans almost looks like it is being used for storage by the adjacent business. There is a small pond that is barely visible that looks to be the outlet of the drop inlets that come all the way from 96.

Board Motion: To retain referrals 113.0-2024, 113.1-2024, 114-2024, 115.0-2024, 116.1-2024, 118-2024, 119.0-2024, 121-2024, 131.0-2024, and 131.1-2024 as class 1s and return them to the local boards with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammar
Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried**

131.1-2024	Town of Victor	Planning Board	Uhaul	Site Plan - 1
6.00-1-7.210	Site Plan and Special Use Permit (and lot combination of 6.00-1-7.110 and 6.00-1-7.210) for a proposed 13,600 SF self-storage facility (U-Haul) located along the south side of SR96, just south of the Monroe County line, in the Town of Victor.			

See 131.0-2024

132-2024	City of Geneva	City Council	Geneva, City of	Text Amendment – 2/A
n/a	Text Amendment to the Short-Term Rental (STR) zoning ordinance in the City of Geneva.			

<https://ontariocountyny.gov/DocumentCenter/View/44300/132-2024-Narrative-C-Geneva-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/44301/132-2024-Ordinance-C-Geneva-Text-Amendment>

The City of Geneva is amending Chapter 15-44 Short-Term Rental Operator License and related sections of Chapter 350 Zoning.

The proposed changes to Chapter 215 include addition of definitions, removal of requirement for affidavits, and the addition of information on noise/nuisance/parking violations.

The proposed changes in Chapter 350 include removal of the no events verbiage (there remains a maximum occupancy limit of 10 people), changing from Special Use Permit to Permitted in the zones where SUP was previously required, and changing the parking requirement to 1 per dwelling unit rather than 1 per room.

Comments

- Members of the public may have difficulty reviewing proposed changes because updated zoning and short-term rental codes adopted earlier this year are not available from the City website.
- A number of editorial comments have been submitted directly to the applicant.

Board Motion: To retain referral 132-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Tammy Worden Seconded by: Ryan Wilmer**
Vote: 11 in favor, 0 opposed, 0 abstentions. Motion Carried

133-2024	Town of Phelps	Town Board	Phelps, Town of	Text Amendment – 2/A (Late Referral)
n/a	Local Law to establish procedures, regulations and requirements for allowing accessory dwelling units in the Town of Phelps.			

<https://ontariocountyny.gov/DocumentCenter/View/44309/133-2024-LL-T-Phelps>

The Town of Phelps wants to increase its supply of rental and affordable housing while preserving property values and rural character. The Town is therefore amending its zoning code to allow attached or detached accessory dwelling units by special use permit in any zoning district where a single-family dwelling is a permitted or special permit use. Other purposes of the new law include making efficient use of existing housing stock, increasing housing diversity, and encourage aging in place.

The special use permit standards include standards on number, application of district dimensional standards, occupancy of one of the units by the property owner, Department of Health/Licensed Engineer compliance/report regarding adequacy of water supply and wastewater treatment, requirements for independent water connection, parking, size, access, lot coverage increase, and maximum of 2 bedrooms.

Comments

1. Ontario County appreciates the Town of Phelps effort to expand housing diversity and meet housing needs of local and regional households.
2. Public review of the change to Chapter 111 Short-Term Rentals as this code chapter is not available on-line. Chapter 145-20.1 and 145-20.2 are also not available on-line.

OCSWCD Comments

1. Ontario County Public Health does not regulate or review septic systems. Section B (5) on page 4 should reference New York State Department of Health and/or Ontario County Soil and Water Conservation District review for compliance with septic system requirements.

CRC Comment

1. Are there independent water meters for each water connection?

Board Motion: To accept 133-2024 and 134-2024 as late referrals. **Motion made by:** Paul Lambiase **Seconded by:** AJ Magnan **Vote:** 10 in favor, 0 opposed, 0 abstentions. **Motion Carried**

Board Motion: To retain referral 133-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by:** Ryan Wilmer **Seconded by:** Roslyn Grammar **Vote:** 10 in favor, 0 opposed, 1 abstentions (Chris Mergler stepped out). **Motion Carried**

134-2024	Town of East Bloomfield	Town Board	Town of, East Bloomfield	Text Amendment – 2/A (Late Referral)
n/a	Local law to establish a twelve (12) month moratorium on large-scale solar energy systems in the Town of East Bloomfield.			

<https://ontariocountyny.gov/DocumentCenter/View/44311/134-2024-LL-T-E-Bloomfield-Solar-Moratorium>

NYS Department of State provides resources on planning and zoning topics including adoption of moratoria. Such resources are available at the following link:
<https://dos.ny.gov/land-use-moratoria-0>

As NYSDOS outlines the requisite parts of land use moratoria are as follows:

1. Have a reasonable time frame – 12 months is generally considered a reasonable timeframe to work out questions of how to appropriately regulate uses such as large scale solar.
2. A valid public purpose
3. Address a situation where the burden imposed by a moratorium is shared by public at large
4. Strictly adheres to the procedures for adoption laid down by the enabling acts, and
5. Have a time certain when the moratorium will expire.

Moratorium should also contain a mechanism that allows landowners to apply for relief from the moratorium. This may be an appeal to the Zoning Board of Appeals for zoning or to the governing board; if the moratorium includes appropriate language about superseding state statues pertaining to the variance authority of boards of appeals. If superseding NYS statute regarding default subdivision approval, this section of town, city or Village law must be referenced. A moratorium should also clearly define the activities affected and the manner in which it is affected. Does it affect construction? The issuance of permits? The actions of boards or commissions? Review of application materials?

Comment

1. Referring body should consider amending the moratorium to include language regarding variance procedures and additional detail regarding affected activities. The body has been provided with a sample.

Board Motion: To accept 133-2024 and 134-2024 as late referrals. **Motion made by: Paul Lambiase** **Seconded by: AJ Magnan** **Vote: 10** in favor, **0** opposed, **0** abstentions. **Motion Carried**

Board Motion: To retain referral 134-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Roslyn Grammar** **Seconded by: Tammy Worden** **Vote: 11** 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.

- Wed. June 26, 2024 from 6 to 8 PM via zoom Monroe County Planning Board Training Stormwater Management Requirements for Solar Projects
<https://cip.monroecounty.gov/train/register>
- 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, 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
- NYSDOS training schedule <https://dos.ny.gov/training-assistance> Includes links to YouTube recordings of NYSDOS 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 Department Senior Planner (Linda Phillips) made the following announcements:

1. The City of Canandaigua's Director of Development had comments / a response to the OCPB's (Ontario County Planning Board's) denial recommendation on the 108-2024 (YMCA property) Use Variance referral at the May 2024 OCPB meeting:
 - C. Canandaigua Director of Development: The OCPB acted beyond their jurisdiction in issuing a recommendation of denial, and that they have substituted their judgement for that of the authorized board – the City of Canandaigua ZBA (Zoning Board of Appeals). There is no mention of how the proposed use might impact to the adjacent state routes, county roads, or nearby county facilities. I will pass the referral on to the ZBA, but will direct them to disregard this action as being inappropriate.
 - OCPB: The OCPB refers to Town Law Section 267 B2 and New York State Zoning Laws. In order to be granted a use variance, application materials need to satisfy the use variance requirements outlined by New York State Law Section 267 B2. 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. OCPB has consistently recommended denial when referred materials do not include dollars and cent documentation of hardship. The referred materials merely state "The land is currently zoned R-1 which permits single-family residential and larger institutional type users (nursing homes, philanthropic users, etc.) and due to its size, the approximately 55,000 square foot does not lend itself to conversion to the permitted uses. It is the OCPB's opinion that the application materials do not include dollar and cents document, which is the reason for the recommendation of denial. OCPB will continue to recommend denial of use variance when no dollars and cents documentation is submitted and is cautioned against substituting its judgement for that of local ZBAs in cases where such documentation is submitted.
2. The applicant representative for 100-2024 (Special Use Permit for proposed CMAC parking @ 4303 SR 5&20) had additional information / a response to the OCPB's denial recommendation at the May 2024 OCPB meeting, specifically to NYSDOT Comment 1. Comment and applicant response below.
 - 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.

- Applicant Representative: We have an active application for apartments on this parcel as well. The project will take 2-3 years to complete and they will terminate the proposed parking special use once construction begins. There is no planned disturbance for the proposed parking lot special use. Parking lot will be used for CMAC event parking during concerts (roughly 10-13 times per year). The lot will be managed by four (4) attendants. They would like to point out that similar parking areas have been permitted before – Star Cider (3365 SR 364). After reviewing the AADT (Average Annual Daily Traffic), they mentioned that their parking lot is a more suitable location for CMAC parking, as it would help reduce traffic on the SR364 and Lakeshore Drive / SR 5& 20. Traffic from proposed parking area would be directed eastbound on SR 5&20. They would be willing to provide a temporary barricade (traffic cones / directional signs). The County has failed to inform the NYSDOT of the parking issues in the greater Canandaigua areas that are a result of CMAC concerts and is failing to provide a solution for the upcoming busy CMAC season(s). They ask that the NYSDOT provide comment on a revised set of plans showing the temporary barricade, for the May 2024 T. Hopewell Planning Board meeting.
 - Ontario County Planning Director provided applicant additional information on parking arrangements and parking need. In summary, given available CMAC parking, the willingness of private commercial establishments in Parkway Plaza, and Widewaters Plaza (Runnings/Walmart/Lowes) to allow free event parking, and other smaller private pay lots there is sufficient parking available for CMAC events.
3. The Ontario County PEQ (Planning and Environmental Quality) Committee has asked the WRC (Water Resources Council) to generate a list of water quality improvement projects identified in adopted watershed plans. The WRC currently has some funds to provide a maximum of \$5,000 per project. The Committee has also requested WRC to outline the process for allocating additional county funds, if they were available.

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

Motion to adjourn made by Paul Lambiase seconded by Roslyn Grammar.

Vote: 11 in favor, 0 opposed, 0 abstentions. **Motion Carried** 6/12/24 CPB meeting adjourned at 8:31 PM.