

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – March 10, 2020 at 3:30pm**
DRAFT County Planning Board Meeting – March 11 at 7:00pm
 2nd Floor, Conference Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

This document will serve as both the 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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Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
Canandaigua	Thomas Lyon PB	P		
Geneva	Paul Passavant	P		
Towns				
Bristol	Sandy Riker			A
Canadice	Stephen Groet PB	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff PB		E	
Farmington	Patti Wirth		E	
Geneva	Steven High	P		
Gorham	Jack Dailey	P		
Hopewell	Bill Namestnik		E	
Manchester	VACANT			
Naples	Carol O’Brien PB	P		
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Timothy Marks PB	P		
South Bristol	Albert Crofton ZBA		E	
Victor	Marty Avila		E	
West Bloomfield	Sue Boardman ZBA	P		

Guests: Ashley Champion, Nixon Peabody LLP, Evan Gefell, Costich Engineering

Staff: Linda Phillips - OCPD, Erin Holley – OCPD, Maria Rudzinski - OCPD

Call To Order/Roll Call: Chair Len Wildman called the 3/11/20 CPB meeting to order at 7:06, and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were eleven (11) members present, meeting the quorum requirement.

Approval of the January 8, 2020 and February 12, 2020 CPB meeting minutes was postponed because not enough members who were present at the two meetings were in attendance this evening to hold a vote.

29 - 2020	Town of Victor Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Woodstone Custom Homes	
Tax Map No(s):	14.00-1-58.100	
Brief Description:	Technical review of a proposed clustered subdivision of 53 homes on 162 acres east and west of Willis Hill Road north of Modock Road in the Town of Victor. Subdivision is further proposed to receive transfer of development rights for 35 additional lots from Blumont Stables property south of CR 41 at East Victor Road. https://www.co.ontario.ny.us/DocumentCenter/View/22663/29-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/22664/29-2020-Subdivision-Overall-Layout-Plan https://www.co.ontario.ny.us/DocumentCenter/View/22665/29-2020-Incentive-Overall-Layout-Plan	

The development site includes 161 total acres with 55 acres located east of Willis Hill Road and 106 acres located to the west. The portion of the property west of Willis Hill Road includes frontage on Strong Road. The property is zoned R-2 and subject to residential overlay A. The allowable development density is .33 homes/acre with a minimum lot size of 25,000 SF or a clustered lot size of 17,299 SF. The proposed cluster development would preserve 95.8 acres or 59 % of the development site.

The clustered subdivision includes 24 lots on 55 acres east of Willis Hill Road. These lots are mostly .5 to 1 acre in size although there are 7 lots of 1 to 4 acres and 1 lot with 27 acres, including 23 of the 27 acres proposed for conservation easement in this area. Three of the midsize lots on the end of the cul-de-sac also include conservation land. The 3 largest lots are flag lots with narrow frontage on proposed Road A.

The clustered subdivision includes 29 lots on 106 acres west of Willis Hill Road with 68 acres proposed for conservation easements. The 29 lots would include an existing residence on a 34 acre parcel. The conservation easement would include 18 acres on this lot. The clustered subdivision includes 3 new 7 to 12 acre lots along Strong Road and a cul-de-sac (Road B) off Willis Hill Road north of proposed Road A with 25 lots ranging in size from .4 to 4 acres depending on the extent of conservation easement lands on the lot. Typical lots include 15,000 SF outside the conservation easement.

If the transfer of development rights is approved, the section west of Willis Hill Road would include 64 lots along Road B which would extend through to Strong Road, and Road C (a cul-de-sac off Road B). The conservation easement would be reduced from 50 acres to 47 acres.

Each proposed section includes a small area designed for stormwater management within a private lot along Willis Hill Road near the proposed road A and B connection. The conceptual drainage plan indicates the 6.2 acres of development area along Strong Road, 15.7 acres of development area along Road B west of Willis Hill Road and 27 acres of development area along Road A east of Willis Hill Road.

Comments

1. The concept plan should show the location of the development areas on the existing conditions/existing topography plan sheet to determine the suitability of proposed roads, lots, and conservation areas and the impact of potential removal of trees at the edge of the existing tree line and outside the conservation area.
2. The concept plans should include a scale and provide access connection spacing distances along Strong Road and along Willis Hill Road including spacing of existing residential driveways north and south of the property and between Murdock Road, Road A, Road B, a driveway to lot 21.
3. The referring body may want to identify access location(s) for any future development of the Turner Subdivision and possibly seek alignment with the driveway to Lot 21.
4. Will the 3 western most lots off the cul-de-sac (Road B) west of Willis Hill Road drain to the proposed SWMF at Willis Hill Road or continue to sheet flow to the west?

5. What is the approximate size of the two small areas identified for SWMF? These facilities are shown located on private lots: how will access and maintenance costs be handled?
6. Many of the lots west of Willis Hill have only small areas (-+ 15,000 SF) outside the conservation area. Is this area sufficient?
7. How will these homes be connected to the Town of Victor parks and trails system?
8. There appear to be utility infrastructure proposed in the conservation easement areas including drainage facilities in the conservation area east of Willis Hill Road and a water line from Strong Road to the Road B cul-de-sac west of Willis Hill Road. What impact do these development activities have on the value of such conservation lands?
9. Will there be any shared or public access to conservation lands? Are any trails proposed in the conservation areas? Will trails be developed along areas disturbed for infrastructure improvements in the conservation areas?
10. Will drainage from this development impact on drainage to the gully on the Turner property?

OCSWCD Comments

No SWPPP provided at this stage; will need to review proposed SWMF to determine capacity as site plan has limited footprint for storage in relation to drainage area/development areas.

30 - 2020	Town of Richmond Town Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Town of Richmond	
Brief Description:	Repeal of existing Mobile Home Parks chapter and replacement with new Manufactured Home Park regulations in the Town of Richmond. https://www.co.ontario.ny.us/DocumentCenter/View/22684/30-2020-Local-Law_Chapter200-40-2-11-2020-2	

The proposed amendment to the Town of Richmond Zoning Code requires a minimum of 10 acres for a Manufactured Home Park, 7,200 SF lots plus 1,000 SF of open space, 600 SF minimum unit size, maximum of one 196 SF accessory building, minimum of 2 dedicated parking spaces plus guest spaces, minimum 60’ lot width and front, side and rear setbacks to interior roads and external park boundaries. The regulations also outline development standards for individual lots.

Comments

1. Manufactured home parks are not a permitted or specially permitted in any zoning district in the Town of Richmond. The Town Board must decide whether to amend district regulations or to draft a mapped or floating Manufactured Home Park District. In 2018 the Village of Shortsville adopted a revised zoning code with a Mobile Home Park District allowing new parks only by special use permit, outlining regulations for individual homes and parks and their applicability to existing and new parks. The Planning Board is responsible for site plan and special use permit review of Mobile Home Parks. The draft code submitted for CPB review is available [here](#). Please check with the Shortsville village clerk regarding whether any changes were made prior to adoption.
2. The Town Board should consider whether it is desirable for the Town Board, Planning Board and Zoning Board of Appeals to all be involved in review and approval of Manufactured Home Park development or expansion.
3. The Chapter as drafted references an application procedure for development or expansion of a Manufactured Home Park and site plan review (C24) as well as both requirements for a special use permit (2 year) and license (1 year). These provisions are redundant and/or conflicting. Also any license or transfer fees should be in the consolidated Town fee schedule for ease of amending.
4. The referring body may want to reconsider appropriate interior road and driveway development standards (C 11) to provide safe movement of vehicles, bikes, and pedestrian while minimizing stormwater run-off.
5. Are underground fuel tanks allowed by current NYS Building Code? If fuel tanks used for heating are installed underground, consider whether the park owner should be responsible for repair and maintenance, while tenants are responsible for purchase of fuel oil.

6. Since the “lots” in a Manufactured Home Park on not subdivided lots, they cannot be individually sold. The referring body should ensure any required shared infrastructure is on the same parcel as the lots/units it serves to prevent sale of a portion of the park rather than the provisions of J regarding sale of portion of lot invalidating permit.
7. Additional comments regarding repetitive language that should be consolidated, provisions to be clarified, and other editorial comments have been provided directly to the referring agent.
8. The term manufactured home lot, pad, and are defined but not used.

31 - 2020	Town of East Bloomfield Town Board	Class: 2
Referral Type:	Comprehensive Plan	
Applicant:	Town of East Bloomfield	
Brief Description:	Comprehensive Plan for the Town of East Bloomfield including the Village of Bloomfield. https://documentcloud.adobe.com/link/track?uri=urn%3Aaaid%3Aascds%3AUS%3Ab35bb58f-eb28-4da3-ab71-dabdb7c6f08	

The vision of the Town and Village of East Bloomfield Comprehensive Plan is to main an affordable, attractive and historic rural atmosphere. The Plan recognizes the interconnection of maintaining the Village as the social, cultural, and commercial heart of the community and retaining the rural character of the Town. The following summarizes some of the key information from the Joint Comprehensive Plan:

1. The Comprehensive Plan documents a 60% decline in the number of residents age 25 to 40 and a 48 % increase in residents age 65 and older between 2000 and 2010.
2. Nearly half of residents are focused on affordability not new or expanded infrastructure or services. Those that are interested/willing to invest in infrastructure and services are most interested in walking, jogging, hiking and biking trails. The community survey also documents support for primarily single-family development and for expansion of senior activities and services.
3. The Comprehensive Plan recognizes that preserving the rural character of the Town (84 % of land in Agricultural Districts #1 and 75 % of that used for cropland or pasture) is tied to preserving the viability of private agricultural businesses and that scattered rural residential development can create land use conflicts that negatively impact such businesses. The Plan identifies a slight increase in frontage lot residential development typically lots of 2 or more acres and located on CR 39, Pond Road, Whalen Road and Bailey Road.
4. The Plan supports limitations on development in areas subject to flooding or erosion, wetlands, or with slopes greater than 15 % as well as lands within 500’ of the municipal wells or over the aquifer.
5. The Plan identifies the 230-year-old village center and portions of NYS 5/US 20 at SR 64 and at SR 444 as desirable locations for additional commercial uses including retail, restaurant, professional service, and specialty shop uses. The Plan recognizes that both Town and Village locations will most likely accommodate neighborhood scale businesses.
6. The Plan identifies the Village industrial area and build out of the Center Pointe West (1/2 mile west of Village) as serviced and appropriate areas for industrial development.
7. The Village water system is currently operating at 33 percent of capacity including water provided to Town district #1 outside the Village from approximately 15,000’ of water line. The Village water system uses a well on Oakmont Street and has a second well on Michigan Street available for emergency use. Town water district #2 along NY 5/US 20 east of SR 444 is supplied by the Town of Canandaigua. The Plan encourages looping the water system and interconnections with adjacent municipalities for redundancy.
8. The Town’s groundwater supplied water system is susceptible to pollution and should be protected in accordance with the Aquifer and Recharge Delineation Report prepared in 2012 by the NY Rural Water Association and filed with NYSDEC.
9. The Village wastewater treatment system located west of Elm Street operates at 55 percent of capacity and serves the Village and users along 8,500’ of sewer line by the side of NYS 5/US 20 west of the Village. The Plan encourages an additional sewer district along NYS 5/US 20 east of SR 444.
10. The Town contributes funds to the T. Bristol Transfer Station to provide an alternative to private waste haulers for Town and Village residents. The Town also participates in the NYS Clean Energy Communities program and both municipalities use renewable energy.
11. The Plan identifies need to address existing stormwater problems in the Village and concerns in the town; to expand affordable access to high speed internet services, and to encourage use of renewable energy and recycling of organic and non-organic materials.

12. The Plan encourages a diversified transportation system to serve the needs of motorists, pedestrians, bicyclist, and farm equipment operators. This includes working with the Recreation Consortium to expand trails and sidewalks especially from the Village to Veterans Park and from Boughton Park to Victor, management of access to major highways in accordance with the 2004 NYS 5/US 20 Corridor Study and provision of stub roads to facilitate an interconnected street network, and establishing uniform subdivision street design standards for the Town and Village.
13. The Plan encourages protection of floodplains, wetlands, and woodlots beyond minimum existing regulations through incentive zoning and conservation subdivisions.
14. The Plan encourages private investments in 51 listed historic properties and complementary design/modifications on all unlisted properties within the historic district boundaries.
15. The Plan recommends creation of a NFP Bloomfield Development Corporation to market existing commercial and industrial buildings/sites and implement recommendations of the 2011 SR 444 Improvement Committee.

Based on consideration of Plan vision and goals and the existing zoning district purpose statements, the Plan recommends the following changes to the Village and Town zoning districts:

1. Village to review mapping of R-1-15 and R-1-20 zoning districts and actually lot sizes and ensure appropriate mapping of each district. In particular homes along Main Street, Maple Avenue, Elm Street and Oakmont Avenue are zoned R-1-20 but developed more densely.
2. Village to review whether Community Commercial CC zoning is appropriate for residential lots along the north side of State Street opposite the Holloway House.
3. Village to combine LI Light Industrial and GI General Industrial districts and map in a location with public water and sewer.
4. Village to consider allowing residential uses such as upper floor residential in the Community Commercial and Restricted Business Districts by special permit or by right with appropriate requirements to protect district character.
5. Town to review appropriateness of AR-2 zoning adjacent to and near the Village boundary. Such areas have or could easily have public utilities could support higher density residential development.
6. Town to define drive thru/drive-in and draft regulations reflecting community preferences to allow and appropriately regulate or prohibit such uses.
7. Town to consider drafting a Limited Commercial district intended to accommodate commercial uses excluding gas stations, auto repair and servicing, and other similar high impact uses. Such a district could be mapped adjacent to the Village/Village residential areas (Oakmont Road/5 & 20 area).
8. Town to consider draft a Business Non-Retail districts to provide allow low impact commercial in some areas such as the 5&20/Cannan Road area.
9. Town to consider allowing mixed commercial/residential use on parcels with direct access from 5 & 20 in the Center Pointe Park industrial area.
10. The Town to consider combining GI and LI districts and to map near the water tower/West Park and south of NY 5/US 20 based on availability of public water and sewer service.

The Plan also includes recommended outline for annual review of Comprehensive Plan and outlines process for amending the Plan. The 2011 Town of Canandaigua Comprehensive Plan Update Appendix B also includes a proposed progress report template.

Comments

1. The Plan identifies future through road connections within the Village and nearby areas of the Town. These road connections should be formalized by adoption of Official Town and Village Maps.
2. The Town may want to establish a Community Choice Aggregation Program (see City of Canandaigua [Chapter 320: Community Choice Aggregation Program](#)) to allow the Town to purchase gas and/or electricity on behalf of all residential and non-residential users who are not exempt or have opted out and to establish an Energize NY Open C-Pace Financing Program (See City of Canandaigua [Chapter 358: Energize NY Open C-Pace Financing Program](#)) to allow non-residential property owners to finance energy efficiency measures and renewable energy systems to be repaid through charges on their real property tax bills.

CRC Comment – What is the time period of the 7.6% and 4.1 % Town/Village growth rates?

Board Motion: A motion to retain referral 31-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: S. Groet
Seconded by: P. Passavant
Vote: 11 in favor, 0 opposed, 0 abstention **Motion carried.**

32 - 2020	Town of Gorham Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Proctor Enterprises	
Representative:	Shelley, Frederick	
Tax Map No(s):	144,10-1-40.100	
Brief Description:	Site plan for proposed retail service business and private motor vehicle service garage at 2630 Main Street adjacent to Flint Creek in the Town of Gorham https://www.co.ontario.ny.us/DocumentCenter/View/22666/32-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/22667/32-2020-Site-Plan	

The 3.97 acre site is currently used in conjunction with a roofing business. The use does not have a special use permit and no outdoor storage of materials or equipment is allowed. The site includes a vehicle repair facility for the roofing company fleet vehicles. The property is located partially in the Hamlet Commercial district and partially in the Hamlet Residential district. The existing brick building and existing parking are in the Hamlet Commercial district. The proposed parking area and the shed are on land partially in each district. -

The existing parking area will be stripped to provide 17 parking spaces including an accessible space adjacent to the brick building. This area will also accommodate a concrete pad and 10’x20’ dumpster enclosure. The new parking to the north and west of the shed will include an additional 17 parking space. The proposed snow storage area is adjacent to Flint Creek. The site plan is unclear whether some portions of the site are changing from gravel to asphalt. The proposed parking is in excess of parking required based on the site of the building, but the CEO indicates the parking is needed for business operations.

No changes are proposed to drainage flows on developed portion of the site. The site plan indicates a 100’ long drainage swale to accommodate 2.5’ of water and reduce post development run-off to predevelopment rates. This swale is also expected to meet sediment, erosion control and runoff attenuation. No green infrastructure or landscaping is indicated on the site plan.

The submitted materials also include a photo of 3 existing signs on the property. Town code allows 2 signs with a total of 75 SF of sign face. Total existing sign area is less than 75 SF. The double sided sign at the front of the building is 3 feet from ROW when min 10’ required. The building mounted sign to the rear of the building appears to be for a business that is not currently operation on the site.

According to OnCor, the northern portion of the lot is in the Flint Creek Floodplain.

The EAF indicates disturbance of .4 acres though the drainage report only calculates increased stormwater discharge for .26 acres. The EAF identifies adjacent Flint Creek as class A stream and that stormwater will flow to adjacent properties. The EAF also identified the site as adjacent to the Ford Garage Environmental Cleanup site B00153 at 2624 Main Street (owned by the Town of Gorham) with a classification of C- remediation complete.

Comments

1. Is parking an allowed use in the Hamlet Residential district?
2. Does the proposed parking in the Hamlet Residential districts exceed allowable 30 percent impervious coverage for this portion of the site?

3. Is any landscaping or buffering required to screen the parking area or protect the water quality of Flint Creek?

OCSWCD Comments

Proposed grass spillway on north eastern portion of lot has potential to overwhelm current low area and negatively affect neighboring properties. Additional retention may be required in area. Maintenance of area would be critical.

CRC Comment The use should be equipped to contain any spill of toxic materials, dispose of such materials properly, and especially prevent toxic materials from entering Flint Creek.

CPB Comment: Site improvements should be designed in a manner that preserves the character of the Hamlet.

Board Motion: A motion to retain referral 32-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: S. Groet
Vote: 10 in favor, 0 opposed, 1 abstention (Jack Daily) Motion carried

33 - 2020	Town of Farmington Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	DiMartino, Mark	
Tax Map No(s):	29.65-1-2.000	
Brief Description:	Area variance for two additional building signs with 143 SF of sign face on north and south ends of building when only the 64 SF internally illuminated sign on east facade of the dentist office at 137 5 Hathaway Drive in the Town of Farmington is allowed.	

The 1.97 acre site has been developed as dentist office.

The applicant is seeking an area variance to exceed the maximum number of signs. Two building mounted signs with 143.58 SF of sign face are proposed for mounting on the north and south facades. The additional 64 SF illuminated sign on the east building face is intended to provide “visibility in spite of trees within NYS owned, environmentally protect strip of land.” The Applicant state they are the only business on Hathaway Drive without” direct unobstructed view from SR 332.

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the SR 332 as primary travel corridors 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. Applications for signs located on property located on SR 332 that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land along 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

34 - 2020	Town of Farmington Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Madeline Allen, Dan Bieck	
Representative:	DH Lewis Engineering PLLC	
Tax Map No(s):	10.00-1-32.100	
Brief Description:	Technical review of exempt site plan for 4,500 SF home/garage east of Yellow Mills Road north of Fox Road in the Town of Farmington.	

This 11.8 acre lot was created in the northwest corner of the parent parcel. The subdivision map indicates the created lot is not an approved building lot. Typically in Farmington that means no documentation of suitability of soils for on-site wastewater treatment system was required at the time of lot subdivision. No such documentation, nor proposed house or driveway location is provided with the referral.

OWSWCD Comments

1. No setback and lack of stormwater best management practices on driveway means neighbor most likely will experience increased concentrated flows onto property.
2. DOH recommends 100% future expansion rather than 50%.
3. Leach line proposed is adequate for 3 bedrooms; given poor soil conditions, additional leach line would be desirable.
4. Engineer used 110 gal/per day per person. Perc rate is 37 min/inch which is marginal – probably 130 gal/per person would be more appropriate

35 - 2020	Town of Farmington Planning Board	Class: AR 1
Referral Type:	Subdivision	
Applicant:	Johnson, Earl	
Tax Map No(s):	19.00-1-8.120	
Brief Description:	Subdivision of 13.6 acre lot at 4650 Rushmore Road west of Yellow Mills Road in the Town of Farmington into 2 lots of 4.3 and 5.3 acres and combining of land locked 4.2 acre remainder parcel with lot to the west.	

The applicant owns three large lots along Rushmore Road in this area. He recently completed a lot line adjustment to combine 4.3 acres from the rear portion of the subject lot to the frontage lot to the west. The current subdivision involves creating a new 4.3 acre lot along the road frontage. No percolation testing has been completed on this lot and the subdivision shows it as not an approved building lot. Following this subdivision, the parent parcel would be 5.3 acres with 150’ of road frontage and the new lot would have over 400’ of road frontage.

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

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

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.

2. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
3. The applicant and referring agency are also strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
4. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
5. According to OnCor, the acreage of the existing parent lot is 13.57 acres. The subdivision indicates 4.3 acres combined with adjacent lot, 5.3 acres associated with existing house to be sold, and 4.3 acres in a new frontage lot. This totals 13.9 acres.
6. **Final Recommendation:** The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

36 - 2020	Town of South Bristol Town Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Sciremammono, Frank	
Property Owner:	Ayers Funding LLC	
Representative:	Champion, Ashley	
Tax Map No(s):	168.12-1-1.001 to 168.12-1-1.0	
Brief Description:	Technical review of FEIS for Everwilde Inn and Spa on 20 lots between Bristol Harbour Gulf Course and Canandaigua Lake including 4 lots on Seneca Point Road and 16 lots along Storm Haven in the Town of South Bristol.	

The Everwilde project has been undergoing environmental review since 2015. The action before the South Bristol Town Board is the rezoning of 25 acres of the 47 acres project site from R-3 to PD and development with a 95,000 SF Inn and Spa with 50 rooms, a 25 seat café, 75 seat restaurants, two banquet rooms accommodating a total of 300 guest, 10 boat docks accessible via a 12’ paved path and a tram, waterside restroom and food and beverage service, 273 parking spaces, and connection to the water supply and wastewater treatment system serving Bristol Harbor, which is not owned by the applicant. If the rezoning is approved, the applicant could proceed with a site plan application. Both the rezoning and any future site plan application require referral to County Planning when the application is complete.

Given the complexity of the project, it is desirable to have County input on the currently proposed project at the earliest opportunity rather than waiting till formal applications are complete. Therefore, the South Bristol Town Board has referred the recently filed Final Environmental Impact Statement (FEIS) summarizing responses to comments received during the EIS for Technical Review. At this point in the environmental review process, technical review comments are intended to assist the Town Board and Planning Board in drafting their Statements of Finding which is a weighing of potential adverse environmental impacts and likely socio-economic benefits of the project and identifying project conditions necessary to minimize environmental impacts.

It is anticipated that the Town Board will formally refer the Everwilde re-zoning application to County Planning Board after the Town Board’s public hearing on the re-zoning request and receipt of the South Bristol Planning Board’s report on the revised project in this summer.

At this time, OCPD staff are reviewing submitted materials and seeking input from CPB review agencies, especially Canandaigua Lake Watershed Council. We anticipate comments regarding sufficiency of documentation regarding feasibility of connection to Bristol Harbor water supply and wastewater disposal facilities and compliance of docking alternatives with the Uniform Docks and Moorings Law (UDML) will be included in the draft and/or final CPB March minutes.

Staff Comments at CPB Meeting L. Phillips gave an overview of the project review process being followed by the South Bristol Town Board for the proposed rezoning. She highlighted the areas of likely comments as noted in the technical review (issues related to sufficient capacity of the wastewater treatment plant (WWTP) and the docking facility). She noted that detailed comments would be included in the March 11, 2020 CPB meeting minutes.

Ashley Champion, representative of the applicant was present at the meeting and noted that if the DEC determines that the current WWTP does not have adequate capacity to meet the expected flows generated by the project, the applicant would pay for any upgrades necessary to the WWTP.

37 - 2020	Village of Clifton Springs Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	FLACRA	
Representative:	TAB Design Architects	
Tax Map No(s):	34.13-1-003	
Brief Description:	Site plan for construction of administrative office space and 625 SF Opioid Crisis Center in a 10,643 SF new building on 2.3 acre lot at 71 Kendall Street in the Village of Clifton Springs. https://www.co.ontario.ny.us/DocumentCenter/View/22668/37-2020-Site-Plan	

The site currently accommodates a 5,000 SF medical office building. The total project area includes 1.3 acres – the existing building and parking to be renovated/repaved, the proposed building, and 50 new parking spaces. The new building and parking will account for .97 acres of the 1.3 acre disturbance on the 2.3 acre site. The future building coverage will be 15.7 percent and impervious surface coverage will be 57 percent.

The site plan shows a retention pond south of the proposed building. The stormwater management report indicates a slight increase in run off for 1 year to 25 year storms and a decrease in site stormwater discharge for the 100 year storm as the infiltration basin has been sized to infiltrate all run-off from new impervious surfaces except a small area near the road frontage. The report recommends annual clean out of the stormwater basin rather than the more typical recommendation for clean out when 50 percent full of sediment.

The landscaping plan identifies preservation of several trees in the eastern undisturbed portion of the site. It also shows existing trees between the 2 buildings in the area of the proposed stormwater facility.

The lighting plan indicates appropriate .5 foot-candlelight levels at the edge of the parking area. Adjacent land uses are office and commercial uses.

Comments

1. The site plan does not indicate any landscaping around the new building, to the north of new parking area, or along the streetscape,
2. CR 25 extends to SR 96 and the northern Village line. Kendall Street is a Village street.
3. Does the site plan include interior curbing/wheel stops to protect building and landscaping as required in Article 51 Off-Street Parking, Loading, and Access 120-51.3 C.4?
4. Does the site plan identify pedestrian circulation routes from parking areas and the public sidewalk to building entrances as required in 120-51.3 C 8?
5. The referring body may want additional site landscaping and detail on the size and location of trees to be preserved and removed.

OCSWCD Plans reviewed and no comments or recommendations notes.

Board Motion: A motion to retain referral 37-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried

38 - 2020	Town of Richmond Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Thompson, Pete	
Property Owner:	BK Ward Enterprises	
Tax Map No(s):	121.00-1-34.00	
Brief Description:	Special use permit for use of 1,700 SF of existing building at the northwest corner of CR 15/CR 37 in the Town of Richmond with an address of 8982 CR 15. https://www.co.ontario.ny.us/DocumentCenter/View/22669/38-2020-Aerial	

The proposed use would be repair of motorcycles and 4 wheelers.

No site modifications are proposed and no site plan is provided. According to OnCor, the existing 5,000 SF building the shop will partially occupy is located in the building located furthest from the intersection. The 10 acre lot is bisected by a floodplain to the north of Honeoye Creek where it runs east-west through the northern portion of the site. The assessment information identifies the site as a junk yard. The 2018 aerial photograph does not show much evidence of such use, though there appears to be miscellaneous debris to clean up on the rear portion of lot. Other existing site features include a fence along the CR 37 frontage north of the existing building and a second older 2,200 SF building facing the intersection. In October 2019 the property received a certificate of occupancy for a 6,270 SF storage building location behind the proposed use.

The site currently has no defined driveways or frontage landscaping and the buildings are located 25 to 35 feet from the road ROW.

Adjacent land uses include 2 single family homes to the north along CR 37 and to the east of CR 37; other adjacent lands are owned by the State of NY and coded as parkland.

Comments

The referring board may want to see placement of planters or other attractive barrier that does not interfere with sight distances to define a 20’ to 30’ wide access from CR 15. Such access should be located as far west of the intersection as practical. At 45 mph, desirable intersection/access spacing is 440’.

CRC Comments

1. The former junk yard on this site was cleaned up with NYSDEC oversight.
2. The use should be equipped to contain a spill of toxic materials and to dispose of all such materials properly.
3. Will the special use permit allow all types of vehicle repair including passenger vehicles? Heavy duty vehicles?

Board Motion: A motion to retain referral 38-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

39 - 2020	Town of Richmond Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Miceli, Tom	
Property Owner:	Mill Creek Holdings	
Tax Map No(s):	136.00-1-70.110	
Brief Description:	Special use permit for operation of a bakery/deli in former office space at 8608 Main Street in the Town of Richmond. https://www.co.ontario.ny.us/DocumentCenter/View/22670/39-2020-Aerial	

The existing building is 1,868 SF. The .48 acre site shares access with the Honeoye Business Park. Adjacent land uses include a gas station to the east, a small retail use and a funeral home to west and manufacturing use further west and to north. To the south across SR 20A are additional manufacturing uses.

Board Motion: A motion to retain referral 39-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions **Motion carried**

40 - 2020	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Marks Engineering	
Property Owner:	BTY Holdings, LLC	
Tax Map No(s):	84.00-1-17.100	
Brief Description:	Site plan, area variance, and special use permit for mini storage facility at 2970 CR 10 north of CR 46 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/22671/40-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/22672/40-2020-Grading-Plan	

The applicant proposes to build twelve 4,500 SF storage buildings and to commercially store boats and boat accessories outdoors. The variance is required because the proposed front setback is 61’ when 75’ required. The special use permit is required for the outdoor storage. All such storage areas must be enclosed/screened from street or residential district. The applicant indicates up to 106,000 SF may be used for outdoor storage prior to site build out. No details are provided regarding screening of such storage areas from CR 10. The variance adjacent to building 1 is required due to a wider ROW at the culvert under CR 10 to allow facility maintenance.

The 7.3 acre industrially zoned lot was recently subdivided from the adjacent solar facility. The lot has nearly 900’ of frontage on CR 10 and mostly a depth of 350’. The proposed storage buildings would be located along the CR 10 frontage. The primary site entrance will be at the southern end of the site approximately 350’ north of the intersection and very close to the site driveway to solar facility. This primary entrance will have an automatic sliding gate with fob or key code access. A secondary emergency driveway will be located along the northern property boundary.

Submitted materials indicate the site drains to the west and indicates the stormwater management facility on the western edge of the site incorporates a 2,800 SF infiltration basis, 90’ of perforated pipe, a vegetative filter strip, and retention pond. No reference is made to the stormwater management facility shown along the CR 10 frontage on the site plan except to reference the diversion swale and culvert to carry CR 10 run-off to its existing discharge point. The site plan indicates 6.7 acres of disturbance but no more than 5 acres of disturbance at any time. The landscape and lighting plan indicate appropriate lighting levels along property boundaries and shade trees every 100’ along the CR 10 frontage. There is no documentation of 30 percent green space.

The applicant has requested a PB waiver to allow a rear setback for the stone outdoor storage area of 25’ when 40’ is required.

Comments

1. The proposed primary entrance is too close to an existing access connection on the property to the south and depending on the speed limit, likely too close to the access to the motor vehicle repair shop the opposite site of CR 10 to the north. The referring body should encourage the applicant to appropriately space site access given existing access connections.
2. A phasing plan for site disturbances should be provided.
3. Will the site topsoil be sold?
4. Site plan notes include conflicting text.

OCWSCD Comments

1. No SWPPP provided.

2. Test pits for infiltration basin provided but soils on this site are extremely poor draining soils (Odessa silt loam and Collamer silt loam) and infiltration basin may not handle volume with increased impervious surface.
3. Stormwater retention pond outlets are also close to property lines and could create drainage issues on adjacent sites given presence of soils with poor drainage characteristics.

OCDPW Comments A highway work permit will be required for construction of proposed access points on CR 10.

Board Motion: A motion to retain referral 40-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

40.1 - 2020	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Marks Engineering	
Property Owner:	BTY Holdings, LLC	
Tax Map No(s):	84.00-1-17.100	
Brief Description:	Site plan, area variance, and special use permit for mini storage facility at 2970 CR 10 north of CR 46 in the Town of Canandaigua.	

See information at 40-2020

Board Motion: A motion to retain referral 40.1-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

40.2 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Marks Engineering	
Property Owner:	BTY Holdings, LLC	
Tax Map No(s):	84.00-1-17.100	
Brief Description:	Site plan, area variance, and special use permit for mini storage facility at 2970 CR 10 north of CR 46 in the Town of Canandaigua.	

See information at 40-2020.

Board Motion: A motion to retain referral 40.2-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

41 - 2020	Town of Canandaigua Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Venezia Associates	
Property Owner:	Willy Jones, Terry Dekouski	
Tax Map No(s):	70.00-1--2.111 70.06-1-68.10	

Brief Description:	<p>Technical review of subdivision sketch plan of 53 acre parcel southeast of the intersection of Thomas Road and Brickyard Road in the Town of Canandaigua. Parcel has 6 acres of constrained land and base density of 70 lots. Applicant proposing 72 lots and conservation of 20 acres.</p> <p>https://www.co.ontario.ny.us/DocumentCenter/View/22673/41-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/22674/41-2020-Conceptual-Plan</p>
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In November 2019 (referral 215-2019), CPB reviewed sketch plan for the 28.9 acre western parcel at the intersection of Thomas Road and Brickyard Road owned by the applicant. That clustered subdivision shows 30 duplex lots of 6,500 to 16,400 SF with 41 to 85' of frontage. The sketch plan indicated an allowable base density of 39 units based on adjusting the developable acreage for the 1.79 acres in the gas corridor but not adjusting for any internal roads or constrained land. The sketch plan shows an estimated 9 acres south of the single-family homes on Thomas Road and north of the gas/trail corridor reserved for future development.

The remaining 11.5 acres was allocated for a stormwater management facility (2.1 acres) and for 7 conservation easement areas (9.35 acres). Conservation areas include 3 areas with 1.79 acres for a corridor along the gas easement to be developed with a walking trail; lands along all road frontages not occupied by road, trail or stormwater facilities, providing a buffer to industrial zoned lands to the south; and a buffer along the rear property lines of single family homes along Thomas Road.

Adjacent land uses include townhouse across Thomas Road to the north, undeveloped residentially zoned land to the east, and industrially zoned land to the west and south with the Canandaigua Central School District bus depot south off Airport Road. The applicant owns an adjacent 24 acre property to the east. Review of the Airport Airspace Plan indicates there are no airspace restrictions for this area.

According to OnCOR, the property is not constrained by steep slopes, wetlands, or floodplains and is not in or adjacent to lands in an agricultural district.

Much of this property is discussed in Priority Area 5 of the February 2019 Uptown Canandaigua study. Priority Area 5 is envisioned to provide locations for expanded residential options within walking distance to employment centers, trails, and retail/services. The Uptown study envisions a Mixed Residential zoning district in this area to foster a neighborhood with a variety of living opportunities and public spaces that contribute to the social interaction, recreation, and visual enjoyment of residents.

The sketch plan shows an existing gas line running from northwest to southeast through this property. The Uptown study identified this ROW for a multi-use greenway trail. The Uptown study raises the possibility that the gas line easement could extend 150' on either side of the gas line. The sketch plan shows a second parallel gas line easement through the applicant's adjacent property.

November 2019 Comments

1. The sketch plan should include a scale to judge the width of the trail corridor, buffer areas, and other development features.
2. The sketch plan shows a future road connection to the property to the south. A road in this location may or may not be desirable given the industrial zoning of the adjacent property, but a bike/pedestrian easement should definitely be required.
3. The Uniform Code requires secondary vehicle access for development of more than 30 unsprinklered residential units. The sketch plan should show a road layout for phase 2 development (potential for 9 units) on the subject property and a second access via the applicant's property to the east or a second access from Brickyard Road.

The revised sketch plan applies to the applicant's entire 53 acre holdings and shows 72 duplex lots and 20 acres of conserved land (42%), including 2 acres for stormwater management. The conservation analysis indicated 5.59 acres of constrained land and a base density of 70 lots. The proposed lots include 4 lots on Brickyard Road, 10 lots in two locations on Thomas Road; and two access points off Thomas Road with 58 lots and an interconnection internal street system with a connection to the property to the south.

Since the initial review, the applicant has completed a conservation analysis and the Town of Canandaigua Agricultural Advisory Committee and Environmental Conservation Board have reviewed the site. The Town of Canandaigua Agricultural Advisory Committee reviewed the sketch plan and determined that the site, while farmed, ranked low with regard to agricultural or open space protection based on soils, natural resources, and location. The committee acknowledges that although this land is currently farmed, the part of the town is designated to accommodate future growth and this isolated farm field is likely to become more difficult to farm as area development increases based on the existence of water, sewer, and zoning for development.

The Environmental Conservation Board recommended concentration of preserved lands along the southern property boundary to maximize the woodland and wildlife value of such conserved lands and the adjacent wooded area on the property to the south. The Board also recommended that the site walking trail plan be modified to reflect the proposed route for the Auburn Trail along Brickyard Road and along the gas line (**mobile or Tennessee**) to a SR 332 crossing near Blue Heron Park. The revised sketch plan concentrates 15 of 20 acres of conserved land near the southern property boundary. Additional undeveloped lands 5.2 acres within the two parallel gas easements running northwest to southeast through the site, 3.2 acres along Brickyard Road and in the southeast corner of the site for stormwater management, and 1.7 acres of conservation lands around the wider northern Tennessee Natural Gas Company easement.

Comments

Proposed pedestrian circulation system including sidewalks and the Auburn Trail should provide a reasonably direct link from proposed lots and existing residences to the trail system

OC Industrial Development Agency Comment – Has the applicant considered alternatives to wet ponds to minimize impact of attracting waterfowl to lands near the near airport?

42 - 2020	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Marathon Engineering	
Property Owner:	Canandaigua Crossing, LLC	
Tax Map No(s):	70.11-1-7.110	
Brief Description:	Site plan for clearing of land at 2536 SR 332 by Monro Muffler in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/View/22675/42-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/22676/42-2020-Site-Plan	

This is a retroactive approval of clearing and grubbing activities that were completed without necessary approvals.

<p>Board Motion: A motion to retain referral 42-2020 as Class 1 and return it to the local board with comments. Motion made by: D. Wink Seconded by: J. Daily Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried</p>

43 - 2020	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	

Brief Description:	Text amendment to revise definitions and regulations related to exterior lighting in the Town of Canandaigua.
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Comments

1. Regarding purpose and intent in 220-77 A. 2.(2), the referring body may want to separate “aiding in law enforcement function” by providing lighting for visual surveillance and “enhancing the attractiveness of businesses” as they are different purposes of lighting.
2. The regulations do not define “white light”. The referring body may want to review the Promise and Challenge of LED lighting https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/IDA_LED_handout_48.pdf regarding reasons and standards for regulating the blue component of LED lights to Correlated Color Temperature (CCT) less than 3,000 Kelvin with a 1.2 S/P (lumens under scotopic vision [night]/lumens under photopic vision [day]) in order to reduce light impacts on chronic disease, sky glow, and glare.
3. The regulations allow a maximum height of 33’ for a light fixture (luminaire) in mixed, multi-family, commercial and industrial zoning districts and 20’ in residential zoning districts. Maximum luminaire heights of 14’ are recommended in areas where night pedestrian circulation is desired. The referring body may want to include language about both desirable and maximum allowable luminaire height.
4. Edit 220-77 E to clarify what lighting is exempt from regulations and what standards apply to all light in residential and mixed, multi-family, commercial and industrial districts.
5. Consider requiring any under canopy lighting, not just current typical application on gas station islands to be completely recessed and full cut off.
6. A cross reference to 220-77 Lighting Standards and Regulations should be added to Article VII Site Plan Regulations. Alternatively, the regulations in section G and H could be added to Article VII.
7. The draft amendment should be edited to consistently use defined terms such as luminaire instead of lamp or light or luminance.

Board Motion: A motion to retain referral 43-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: C. O’Brien
Seconded by: G. Wilkes
Vote: 11 in favor, 0 opposed, 0 abstention **Motion carried.**

44 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Thorn, Rodney	
Property Owner:		
Representative:	294 Skuse Road,	
Tax Map No(s):	85.03-1-3.000	
Brief Description:	Site plan and special use permit for special event parking for 54 vehicles at 4392 CR 50 (Lakeshore Drive) in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/22677/44-2020-Event-Parking-Plan	

This .6 acre property is located at the north east corner of CR 10 and CR 50. The site plan shows a parking layout with four 13.5’ to 19’ wide driveways to parking areas ranging in size from 3 to 29 spaces with no interconnectivity. The unimproved entry/exit from the largest parking area to CR 50 has no indicated width and appears to partially overlap with the main driveway to CMAC parking on the adjacent site to the east. The remaining unimproved driveway to CR 50 serves 13 cars and is located approximately 20’ from the

other driveway and 60’ from the intersection. There are also 9 spaces accessed off CR 10 via the existing driveway, and 3 spaces on a paved area between the buildings. The applicant indicates all vehicles will be required to back into spaces.

Comments

1. The applicant should be required to provide evidence of a cross access easement for the eastern most driveway on CR 50.
 2. It appears the proposed parking space layout would require removal of several trees on the property.
- The EAF indicates on-site staffing during vehicle entry and exiting times. It will be difficult for less than 4 people to monitor the 4 designated access point.

Board Motion: A motion to retain referral 44-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

44.1 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Thorn, Rodney	
Representative:	294 Skuse Road,	
Tax Map No(s):	85.03-1-3.000	
Brief Description:	Site plan and special use permit for special event parking for 54 vehicles at 4392 CR 50 (Lakeshore Drive) in the Town of Hopewell.	

See information at 44-2020

Board Motion: A motion to retain referral 44.1-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried

45 - 2020	Town of Geneva Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Nicholson, Brian	
Tax Map No(s):	103.00-3-45.112 103.00-3-40.100	
Brief Description:	Map amendment to change zoning of properties at 957 SR 5/US 20 and 3655 Berryfield Road from Agricultural to Town Center Arterial in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/22678/45-2020-Aerial	

On the 2013 Town zoning map, these lots are zoned B-1 General Business district. When zoning map changes were made following completion of the comprehensive plan, only the frontage of these lot were included in the successor commercial district - Town Center Arterial. The intent of this rezoning is to correct this oversight.

The 16.5 acre lot off SR 5/US 20 is coded by the assessor for produce sales and has two buildings. There is a 17,400 SF building with 12,100 SF built in 1980 and 5,274 SF built in 1991 and a second building with 7,800 SF build in 1980. The 21 acre lot off Berryfields Road is coded by the assessor as a manufacturing use and was provided a Payment In Lieu of Taxes (PILOT) from the Ontario County Industrial Development Agency (OCIDA) that ended during summer 2019. The OCIDA will be removed from the deed shortly. Assessment records indicate a 12,000 SF building with 9,000 SF, 2016 SF and 1,800 SF appendages for 24,800 SF built in 2009.

According to OnCor, both lots are in the agricultural district and not constrained floodplains, wetlands or steep slopes, although there is a 53 acre NYSDEC regulated wetlands to the west of the property

The rezoning from Agriculture to Town Center Arterial would substantially expand the list of allowable uses to include retail sales and services, offices, food services, hotels, car washes and gas stations. The rezoning would also reduce front, side, and rear setbacks to 10' and increase the maximum lot coverage from 20 % to 80 %. The Town Center Arterial District also has building mass and articulation standards to ensure buildings include pedestrian friendly street fronts including minimum of 20% ground and upper story façade transparency and maximum wall length of 50' without 2' off set.

Board Motion: A motion to retain referral 45-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: D. Wink
Seconded by: S. Boardman
Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.

46 - 2020	Town of Geneva Zoning Board of Appeals	Class: 2 Withdrawn
Referral Type:	Use Variance	
Applicant:	Guererri, Daniel	
Tax Map No(s):	133.00-1-78.112	
Brief Description:	Use variance for placement of a 1,200 SF accessory building on a lot with no principal building on 2.4 acre lot on north side of Turk Road between SR 14 and Snell Road in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/22679/46-2020-Aerial	

The 2.4 acre lot is in the R-2 Rural Residential district. The lot has 100' of frontage on Turk Road and approximately 1,000' of frontage on Ridgeview Road, a stone surface private drive off Turk Road. Due to the shape of the lot, the developable area remaining after application of the existing setback requirements (50' front, 30'side, 50' rear for principal building and 10' for accessory building) would be very constrained.

OnCor does not identify any site constraints due to wetlands, steep slopes or floodplains and the lot is not in the agricultural district. The ecological community of the southern portion of the site is not mapped, however, the proposed home and barn sites appear to be within the wooded/brush area closest to Turk Road. OnCor identifies the ecological community on the rear portion of the lot as mowed lawn.

Comments

1. A use variance would allow permanent use of the lot with no principal building.
2. The applicant may want to ask the CEO or ZBA for an interpretation to assure the lot frontage and therefore front setback is measured from Turk Road, not Ridgeview Road.
3. It seems the principal and accessory building may need one side setback variance unless both structures can be placed a minimum of 30' from both side lot lines.

47 - 2020	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Brubaker, Kristen	
Tax Map No(s):	147.00-1-17.121	
Brief Description:	Area variance for a pole barn located in front of the planned principal building on 10 acre lot on south side of Armstrong Road between CR 6 and SR 14 in the Town of Geneva.	

The 10.3 acre lot is zoned Agricultural while adjacent lots north of Armstrong Road are zoned R-2. The subject property includes a National Wetlands Inventory potential wetland area along the center of the lot frontage about 35' from the ROW. Submitted

information indicates the pole barn is setback 50' from the ROW. No information is provided regarding the location of the proposed house.

The applicant letter indicates the pole barn location was chosen to avoid the wet area, the removal of trees, and potential erosion from a longer access road. The applicant letter and photograph seem to indicate the pole barn is screened from the road.

Board Motion: A motion to retain referral 47-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions **Motion carried**

48 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Brown, Rodney	
Representative:	Jess Engineering	
Tax Map No(s):	60.00-1-22.100	
Brief Description:	Site plan for 3.3 million gallon manure storage facility at 2586 SR 488 between Shekell Road and Waddell Road in the Town of Hopewell. https://www.co.ontario.ny.us/DocumentCenter/View/22681/48-2020-site-plan	

The proposed 350'x210' manure storage area would disturb 3-4 acres of the 186 acre farm. The project involves installation of a pump station by the barns and 5,300' of pipe across the farm fields to the storage area.

The project has been reviewed by OCSWDC and they identified no site plan deficiencies.

Board Motion: A motion to retain referral 48-2020 as Class 1 and return it to the local board with comments.
Motion made by: D. Wink
Seconded by: J. Daily
Vote: 11 in favor, 0 opposed, 0 abstentions **Motion carried**

49 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Airosmith Development agent for New Cinc	
Property Owner:	Ontario County/FLCC	
Representative:	Infinigy Engineering	
Tax Map No(s):	99.00-1-2.100	
Brief Description:	Site plan for placement of temporary and then permanent telecommunications infrastructure on the roof of the FLCC gym at 4255 Lakeshore Drive in the Town of Hopewell.	

FLCC staff has worked with AT&T to come up with a solution that did not involve building a new tower. From a Public Safety point of view, the County supports this application as AT&T is the official state provider of a dedicated public safety wireless network, known as FirstNet. Unlike Verizon or Sprint networks, FirstNet provides priority handling of registered public safety users. The concept is simple, if you are in a big crowd where there is a lot of network traffic (such as the Naples Grape Festival or a concert at CMAC) commercial mobile (cellular) networks tend to get overwhelmed by traffic and calls do not go through or data rates drop dramatically. FirstNet provides registered public safety users with their full bandwidth and capacity. As a result, the County uses FirstNet in its Mobile Command Vehicle. We do not currently use FirstNet for our deputies' mobile data network because Verizon has much better coverage across the county. The County would likely move to AT&T for its mobile data network if AT&T had similar

coverage. So, the addition of a site at FLCC that will increase AT&T coverage at CMAC is a good thing from a public safety point of view.

<p>Board Motion: A motion to retain referral 49-2020 as Class 1 and return it to the local board with comments. Motion made by: D. Wink Seconded by: J. Daily Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried</p>
<p><u>Consideration of Acceptance of Late Referrals</u></p>
<p>Board Motion: A motion to add the following referrals submitted after the deadline to the agenda of March 11, 2020 meeting: Numbers 50-2020, 51-2020, 51.1-2020, 51.2-2020. Motion made by: T. Lyons Seconded by: J. Daily Vote: 11 in favor, 0 opposed, 0 abstentions Motion carried</p>

50 - 2020	Town of Canandaigua Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Canandaigua	
Tax Map No(s):	83.00-1-8.000	
Brief Description:	Map amendment to rezone portion of parcel located at 5150 Bristol Road from AR-2 to R-1-20 in the Town of Canandaigua. https://www.co.ontario.ny.us/DocumentCenter/Index/1641 https://www.co.ontario.ny.us/DocumentCenter/View/22729/50-2020-aerial	

Technical review of a sketch plan for this lot and the frontage lot already zoned R-1-20 was previously completed in July 2019 (#143-2019) At that time, the proposal was a clustered subdivision to develop 10 single family homes on a cul-de-sac and preserve 3.5 acres. The review indicated no mapped floodplains, wetlands or steep slopes on the site and available public water and sewer service.

The AR-2 zone has a minimum lot size of 2 acres. With the rezoning to R-1-20, the allowable development density increases from 9 to 15 units. The applicant is currently proposing 15 clustered single family homes with 8' side setbacks instead of 40'; 20' rear setbacks instead of 15'; 58' frontage instead of 100'; 8,300 SF to 13,500 SF lots instead of 20,000 SF lots; and 3.8 undeveloped acres not specifically designated as conservation lands. The proposed development is estimated to have 22 percent building coverage when 20 percent is allowed; no detail is provided regarding the assumed unit SF/footprint.

Adjacent land use and zoning includes a townhouse development, The Hammocks, in a Multi-Residential district to the northeast, a 10.8 acre lot with a single family home and apartment in an R-1-20 district to the southwest, a 55 acre lot with a house and agricultural use in the R-1-20 district to the north, and single family homes zoned R-1-20 and Quail Summit zoned Multiple Residential across Bristol Road to the south. The sketch plan continues to show an on-site stormwater management facility near Bristol Road adjacent to the Hammocks access point.

Comments

1. The referring board may want to condition the rezoning on the proposed sketch plan (adding specified conservation area) and/or require that the applicant begin construction within 12 to 18 months or the re-zoning reverts.
2. The proposed re-zoning takes advantage of available public utility infrastructure. The undeveloped lands potentially proposed as conservation lands have no particular conservation value and don't contribute to the Town's vision of protecting its natural, scenic, historic, and cultural resources. As an alternative, the referring body could consider encouraging an incentive zoning proposal that would allow increased density of development on these properties (if utility capability exists) and preserves other desired resources or diversifies the housing options available to Town residents.

Comments at CPB

Incentive zoning does not apply to the AR-2 District. The applicant could request incentive zoning after it was rezoned to R-1-20.

Does the 3.8 acres satisfy the conservation/open space requirement for clustering.

Board Motion: A motion to retain referral 50-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: D. Wink
Seconded by: T. Marks
Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.

51 - 2020	Livonia Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Livonia	
Brief Description:	A local law to amend the Zoning Ordinance of the Town of Livonia, Livingston County, New York to modify Section 150-31 NR Neighborhood Residential District to allow professional services as a conditional use. https://www.co.ontario.ny.us/DocumentCenter/View/22730/LL--2---2020-Add-professional-services-to-NR-Late-referral	

Board Motion: A motion to retain referral 51-2020 as a Class 2 and return it to the local board with recommendation of approval without comments.
Motion made by: T. Marks
Seconded by: G. Wilkes
Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.

51.1 - 2020	Livonis Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Livonia	
Tax Map No(s):		
Brief Description:	A local law to amend the Zoning Map of the Town of Livonia, Livingston County, New York to rezone an area from Agricultural Residential Conservation -3 to Gateway Commercial https://www.co.ontario.ny.us/DocumentCenter/View/22731/LL-3-2020-Amend-Boundaries-of-ARC3-GC-Bruckel-Late-referral	

Comment Zoning best practice avoids assigning more than 1 zoning districts to a single parcel. Given the clear intent to retain a portion of lot 65.1-101 in the ARC-3 zoning district, the referring body may want to require subdivision of the lot.

Board Motion: A motion to retain referral 51.1-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.
Motion made by: T. Marks
Seconded by: G. Wilkes
Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.

51.2 - 2020	Livonia Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Livonia	

Brief Description:	A Law amending the zoning ordinance of the Town of Livonia, modifying and adding provisions for an event center subject to a conditional use permit in the Gateway Commercial (GC) district and adding agricultural uses related to production of wine, craft style beer, cider or liquor. https://www.co.ontario.ny.us/DocumentCenter/View/22732/LL-4-2020-Allow-Event-Center-in-GC-Late-referral
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CPB Comment

Event center definition includes provision for “on-site short-term temporary accommodations for patrons or visitors”. This is an unusual provision for an event center and should be clarified to avoid confusion. Does this mean camping or recreational vehicles that are part of the event center that can be rented out?

<p>Board Motion: A motion to retain referral 51.2-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.</p> <p>Motion made by: T. Marks</p> <p>Seconded by: G. Wilkes</p> <p>Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.</p>
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New Business

Change November CPB Meeting Date

The current meeting date is November 11 which is a legal holiday. The proposed meeting date is November 12 but requires Board action.

<p>Board Motion: A motion change the November CPB meeting date to November 12, 2020.</p> <p>Motion made by: L. Wildman</p> <p>Seconded by: S. High</p> <p>Vote: 11 in favor, 0 opposed, 0 abstention Motion carried.</p>

- Clearing House Reviews – none
- Report on Protection of Woodlots training is postponed due to Bill Namestnik’s absence.
- Report from Water Resources Council:
- L. Wildman reported that the WRC approved funding for eight projects that meet WRC’s water quality priorities. He also reported on a project that restored Honeoye Creek which had been channelized earlier in the 20th century to its normal meandering course. This project restores wetlands which increase the flood storage capacity of the creek. It also included plantings.
- **Upcoming Training**
March 23, 2020 9am-1pm Water Quality Protection in Agricultural Landscapes Workshop hosted by Finger Lakes Institute and Seneca Watershed Intermunicipal Organization at the Finger Lakes Boating Museum in Hammondsport. **RSVP by March 18**
<https://senecawatershedio.wordpress.com/events/> Future topics in this series of workshops will include Water Quality Protection in Urban and Residential Areas (May) and Emerging Issues in Water Quality (July).
Tuesday evenings April 14 to May 19, 2020 Ontario County Citizens Academy – Registration link available March 1
<http://www.co.ontario.ny.us/1790/Citizens-Academy-Program-2020>

April 8, 2020 NYSDOS: Land Use Moratoria and Public Meetings and Hearing
6:00 pm to 8:15 pm @ Cayuga-Onondaga BOCES, 1879 West Genesee Street Auburn, NY 13021
<https://www.cayugacounty.us/688/Training>

April 29, 2020 9am -2pm **RSVP by March 20** <https://survey.zohopublic.com/zs/gTB37x>

May 15, 2020 8:30-5 Genesee/Finger Lakes Regional Planning Conference Training, Pittsford. Session information and registration link will be posted here -<http://www.gflrpc.org/local-government-workshops.html>

April 29, 2020: Municipal Training Day sponsored by the Town of Canandaigua. 8:30am – 2:00pm To register go to <https://survey.zohopublic.com/zs/gTB37x>

June 1, 2020: Ontario County Local Municipal Official Training Workshop 5p- 9:30p Ontario County Safety Training Center. Sessions will include training on use variances and spot zoning presented by NYS Department of State local government training staff.

Motion to adjourn: Made by L. Wildman. Seconded by T. Marks. Motion carried unanimously.

Minutes submitted by:

Maria Rudzinski, Senior Planner

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: l, (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 1

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)

CPB Annual Report – staff discussed contents of draft CPB annual report and deemed report ready for submission to the Board of Supervisors. The following summary is from the Feb. 12, 2020 CPB 2010 Annual Report distributed with these minutes:

Trends, Innovations, and Concerns

1. Commercial Solar Generation Facilities –Project size is expected to increase from the 4 to 6 MW/30 to 40 acres of land removed from other productive uses associated with recent projects to 80 to 100 or more MW/600-1,000 acres based on activity elsewhere in the state including Seneca and Livingston Counties.
2. The CPB is sometimes entreated by concerned residents to weigh in on matters of local concern. CPB, as a public body, hears and reports all public input. Board comments and recommendations on character are, however, limited to referrals that impact county-wide quality of life or tourism and avoid comments and recommendations based on question of appropriate neighborhood character.
3. The Town and Village of Victor adopted Access Management Local Laws and Official Maps as well as related zoning and subdivision amendments to implement their Access Management Plan.
4. The Town of Victor adopted and the Town of Canandaigua continues to work on adapting incentive zoning regulations to more effectively address preservation of open space and the myriad agricultural, environmental, and social benefits such spaces provide.
5. The Towns Canandaigua and Victor are working on amendments to their definitions and regulations for agriculture to conform to regulations of the NYS Department of Agriculture.
6. CPB discussion on preparing for climate change. Staff beginning to share information on adaptation and mitigation of likely impacts.
7. OCIT rolled out Explore Area computer application to facilitate local review of development site features, identify applications requiring referral, and eventually to accept electronic referrals.