

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:
Coordinated Review Committee Meeting - Tuesday, November 12, 2024, at 3:30 pm at
20 Ontario St., Room 229, Canandaigua, NY

Ontario County Planning Board
Tuesday, November 12, 2024, Time: 3:30 PM
74 Ontario Street, Room 218, Canandaigua, NY 14424

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 www.ontariocountyny.gov/97/Planning

1. Call To Order:

- a. Steve High - Meeting - Call to order
Assistant Chair High called the Tuesday, November 12, 2024 Ontario County Planning Board meeting to order at 3:30.

2. Roll Call:

- a. Roll Call
Upon roll call, the following members were:

Present:
Paul Passavant
Burch Craig
Stephen High
Leonard Wildman

Present Not Voting:

Absent:
Terri Brown
Ruth Cahn
Jack Dailey
Roslyn Grammer
Paul Lambiase
Edward (Ted) Liddell
Chris Mergler
Bessie Tyrrell
Ryan Wilmer
Tammy Worden
Mike Woodruff

Excused:
A.J. Magnan

Present, Voting 4, Present, Not Voting 0, Absent 13, Excused 1

Guests: None

3. New Business:

- a. November Referrals

4. Town of Bristol

- a. 2024-2965 **222-2024** Site Plan for the construction of a new 1,600 SF single-family residence on a currently vacant parcel - at 4551 SR64 in the Town of Bristol.

Municipality:	Town of Bristol
Referring Board:	Planning Board
Applicant:	Melissa Woods
Application Type:	Site Plan
Class:	Exempt - LATE REFERRAL
Property Tax ID:	138.00-1-11.220
Property Address:	4551 State Route 64

222-2024 Site Plan for the construction of a new 1,600 SF single-family residence on a currently vacant parcel - at 4551 SR64 in the Town of Bristol.

Municipality:	Town of Bristol
Referring Board:	Planning Board
Applicant:	Melissa Woods
Application Type:	Site Plan
Class:	Exempt - LATE REFERRAL
Property	138.00-1-11.220
Information	
(Address & ID):	

Description & Review Comments:

Exempt - Exemption 9 (see attached County Planning Board Exemption List)

Attachments:

- 1. 222-2024 PB App Woods Home
- 2. 222-2024 SEAF Woods Home
- 3. 222-2024 Site Plan Woods Home
- 4. 222-2024 ZLD Woods Home
- 5. Exemption List

5. Town Of Canandaigua

- a. 2024-2828 **205-2024** Technical Review of a sketch plan and lot line adjustment for a proposed Hyundai dealership consisting of a building (approximately 22,700 SF) and two parking

lots – at 2440 and 2400-2404 SR332, on the southwest corner of the SR332/Airport Rd. intersection in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Kaitlin Forbes - Complete Cities Planning
Application Type:	Technical Review
Class:	Technical Review
Property Address and Tax ID:	70.00-1-9.100 and 70.00-66.121

205-2024 Technical Review of a sketch plan and lot line adjustment for a proposed Hyundai dealership consisting of a building (approximately 22,700 SF) and two parking lots – at 2440 and 2400-2404 SR332, on the southwest corner of the SR332/Airport Rd. intersection in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Kaitlin Forbes - Complete Cities Planning
Application Type:	Technical Review
Class:	Technical Review
Property Information (Address & ID):	70.00-1-9.100 and 70.00-66.121

Description & Review Comments:

The project will require Site Plan Approval from the Town Planning Board after the technical review process.

The project will also include a lot line adjustment to combine portions of 2440 State Route 332 and 2400-2404 State Route 332. The Zoning Officer mentions that as proposed, the project would require variances. The determination for the variances will be withheld until a site plan application is submitted – for a setback of less than 100 ft. from the blue line stream (located along the current southern parcel boundary) and for percentage of parking as compared to the overall site.

The lot line adjustment would remove roughly 4.5-acres of land from 2440 SR332 (land behind/west of 2400-2404 SR332) and add it to 2400-2404 SR332. This would make 2400-2404 SR332 a 6.8-acre parcel, and 2440 SR332 a 6.6-acre parcel. Both parcels are under the same ownership.

The Subject parcel (for sketch plan technical review) is located at 2400-2404 State Route 332, along the intersection for SR332 and Airport Rd. Generally, driveway access would be provided for from State Route 332 and Airport Road. Both driveways function as two-way driveways. The proposed building is located at the northeast corner of the site. A service area with a covered canopy is located along the southern façade. The western façade will have a service door/bay. The building will include an interior show room and parts department, in addition to the aforementioned service department. There will be 380 parking spaces for onsite vehicle storage west of (behind) the proposed building, as well as further west across Sommers Drive. Sketch (preliminary plans) indicates that trees are to be planted along roadways where parking areas are located, as well as within parking lot islands.

According to OnCor:

- The parcel located west (across Airport Road) of the subject parcel is in Ontario County Agricultural District #1.
- Subject parcel is vacant. Surrounding land uses are predominately commercial or vacant.
- Subject parcel land cover is predominately successional old field. Some successional northern hardwoods lie on the section of the subject parcel across Sommers Drive to the

west. An abandoned parking area lies to the northeast corner of the parcel near the Airport Rd. / SR332 intersection.

- A stream runs through the center of the proposed (lot-line adjusted) parcel. Currently it lies along the southern boundary of 2400-2404 SR332.
- A National wetland exists where the pond is located closest to Airport Rd.
- There is gentle to no slope (0-9% gradient)
- Soil disturbed is predominately:
 - Lakemont Silty Clay Loam: partially hydric, moderately low permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group D.
 - Cayuga Silt Loam: not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D.

Comments

1. How much additional traffic will be generated along SR332 and Airport Road?
2. Proper capture and disposal of fluids/waste from vehicle servicing needs to be ensured.

Attachments:

1. 205-2024 Arch Drawing Hyundai TR
2. 205-2024 Lot Line Adjust Hyundai TR
3. 205-2024 Sketch Hyundai TR
4. 205-2024 ZLD Hyundai TR
5. 205-2024 Aerial
6. 205-2024 LOI Hyundai TR

2024- 206.0-2024 Area Variances (4 total) for the construction of a 324 SF accessory structure
2829 (deck) to the rear of the house – at 3470 Sandy Beach Dr in the Town of Canandaigua.
Area Variance(s) include: (1) a second accessory structure over 100 SF. Remaining three
(3) Area Variances are classified as AR2, as a separate referral - 206.1-2024.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Kevin Farrell
Application Type:	Area Variance
Class:	Class 1

206.0-2024 Area Variances (4 total) for the construction of a 324 SF accessory structure
(deck) to the rear of the house – at 3470 Sandy Beach Dr in the Town of Canandaigua.
Area Variance(s) include: (1) a second accessory structure over 100 SF. Remaining three
(3) Area Variances are classified as AR2, as a separate referral - 206.1-2024.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Kevin Farrell
Application Type:	Area Variance
Class:	Class 1
Property	98.15-1-63.000
Information	
(Address & ID):	

Description & Review Comments:

Subject Parcel is 0.26-acres. In total, area variances requested include:

- A 3.3 ft. south side setback when a minimum of 10 ft. is allowed (AR2; 206.1-2024).
- A lot coverage of 30.6% when a maximum of 30% is allowed (AR2; 206.1-2024).
- A mean high water elevation setback of 23 ft. when a minimum of 25 ft. is required (AR2; 206.1-2024).
- A second accessory structure with an area greater than 100 SF (Class 1; 206.0-2024 – this referral/summary).

The applicant mentions that the proposed deck will cover what is currently exposed concrete block. The deck is proposed to have two (2) large flower boxes on the north and south side of the deck

According to OnCor, the subject parcel:

- Is within the Draft 100- and 500 Year Floodzone, and FEMA Q3 Floodplain.
- Parcel lies between a National Wetland (Canandaigua Lake) to the west and a NYSDEC Wetland on the adjacent parcel to the east.
- Subject and surrounding land uses are residential. The adjacent parcel to the east is rural vacant.
- Parcel has little to no slope (0-3% gradient).
- Soil disturbed is Rhinebeck Silty Clay Loam (somewhat poorly drained, partially hydric, moderately high permeability, very high erodibility, prime farmland if drained, and is in hydrologic soil group C/D).

Attachments:

1. 206.0-2024 (and 206.1) Framing Farrell Deck
2. 206.0-2024 (and 206.1) Landscaping Letter Farrell Deck
3. 206.0-2024 (and 206.1) Sketch Farrell Deck
4. 206.0-2024 (and 206.1) ZLD Farrell Deck
5. 206-2024 Aerial

2024- **206.1-2024** Area Variances (4 total) for the construction of a 324 SF accessory structure
2957 (deck) to the rear of the house – at 3470 Sandy Beach Dr in the Town of Canandaigua.
Area Variance(s) include: (2) a 3.3 ft. south side setback when a minimum of 10 ft. is required, (3) a lot coverage of 30.6% when a maximum of 30% is allowed, and (4) a mean high-water elevation setback (from Canandaigua Lake) of 23 ft. when a minimum of 25 ft. is required.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Kevin Farrell
Application Type:	Area Variance
Class:	AR2

| **206.1-2024** Area Variances (4 total) for the construction of a 324 SF accessory

structure (deck) to the rear of the house – at 3470 Sandy Beach Dr in the Town of Canandaigua. Area Variance(s) include: (2) a 3.3 ft. south side setback when a minimum of 10 ft. is required, (3) a lot coverage of 30.6% when a maximum of 30% is allowed, and (4) a mean high-water elevation setback (from Canandaigua Lake) of 23 ft. when a minimum of 25 ft. is required.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Kevin Farrell
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	98.15-1-63.000

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

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

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

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

Final Classification: 2

Findings:

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

that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Attachments:

1. 206.0-2024 (and 206.1) Framing Farrell Deck
 2. 206.0-2024 (and 206.1) Landscaping Letter Farrell Deck
 3. 206.0-2024 (and 206.1) Sketch Farrell Deck
 4. 206.0-2024 (and 206.1) ZLD Farrell Deck
 5. 206-2024 Aerial
- 2024- **207.0-2024** Site Plan for the tear-down/re-build of an existing single-family home – at 3518
2830 Sandy Beach Dr. in the Town of Canandaigua. Area Variances (6 total) for this project are included in referrals 207.1-2024 (Class 1s) and 207.2 (ARs).

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Site Plan
Class:	Exempt

207.0-2024 Site Plan for the tear-down/re-build of an existing single-family home – at 3518 Sandy Beach Dr. in the Town of Canandaigua. Area Variances (6 total) for this project are included in referrals 207.1-2024 (Class 1s) and 207.2 (ARs).

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Site Plan
Class:	Exempt
Property	98.15-1-42.112
Information	
(Address & ID):	

Description & Review Comments:

Exempt - Exemption 9 (see attached County Planning Board Exemption List)

Attachments:

1. 207.0-2024 (207.1 and 207.2) Exist Cond Lechase Home
2. 207.0-2024 (207.1 and 207.2) Full Plans Lechase Home
3. 207.0-2024 (207.1 and 207.2) ZLD Lechase Home
4. 207.0-2024 (207.1and 207.2) Site Plan Lechase Home

- 5. 207-2024 Aerial
- 6. Exemption List

2024- 207.1-2024 Area Variances (6 total) for the tear-down/re-build of an existing single-
2958 family home – at 3518 Sandy Beach Dr. in the Town of Canandaigua. Proposed Area
Variances (1-3) include: (1) a front setback of 18.3 ft. when a minimum of 55 ft. is
required, (2) a building coverage of 30.8% when a maximum of 20% is allowed, (3) a
building height of 28.4 ft. when a maximum of 25 ft. is allowed. Remaining three (3)
Area Variances are classified as AR2, as a separate referral – 207.2-2024

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Area Variance
Class:	Class 1

207.1-2024 Area Variances (6 total) for the tear-down/re-build of an existing single-
family home – at 3518 Sandy Beach Dr. in the Town of Canandaigua. Proposed Area
Variances (1-3) include: (1) a front setback of 18.3 ft. when a minimum of 55 ft. is
required, (2) a building coverage of 30.8% when a maximum of 20% is allowed, (3) a
building height of 28.4 ft. when a maximum of 25 ft. is allowed. Remaining three (3)
Area Variances are classified as AR2, as a separate referral – 207.2-2024

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	98.15-1-42.112

Description & Review Comments:

The existing house has a 3' north side setback which is proposed to be increased to 9.8'; the existing south side setback is greater than 10' and is proposed to be reduced to 1.2'. The front setback is currently 52.3' and is proposed to be reduced to 18.3'. The building coverage is proposed to be doubled from 15.1 percent to 30.8 percent; allowable lot coverage is 20 percent. The existing house has a height less than 25'. In total, referrals for this project include:

- Site Plan (Exempt; 207.0-2024)
- A front setback of 18.3 ft. when a minimum of 55 ft. is required (Class 1; 207.1-2024 – this referral/summary).
- A building coverage of 30.8% when a maximum of 20% is allowed (Class 1; 207.1-2024 – this referral/summary).
- A building height of 28.4 ft. when a maximum of 25 ft. is allowed (Class 1; 207.1-2024 – this referral/summary).
- A south side setback of 1.2 ft. when a minimum of 10 ft. is required (AR2; 207.2-2024).

- A rear (lake) setback of 29.9 ft. when a minimum of 30 ft. is required (AR2; 207.2-2024).
- A lot coverage of 35.1% when a maximum of 30% is (AR2; 207.2-2024).

Subject parcel is 0.25-acres. No site grading will be performed. Additional improvements besides the rebuild of the home include a covered porch and entry ramp. The existing detached private garage (west side of Sandy Beach Dr.) is to remain.

Roof drains are proposed to direct stormwater draining off the house to infiltration trenches (10'' perforated HDPE pipe surrounded by crushed stone) running along the north and south sides of the proposed home. In total, the two trenches have a combined capacity of 435 cubic feet. The project is on public water and sewer. The existing three (3) maple trees on the property are to remain. No driveway is proposed.

According to OnCor, the subject parcel:

- Is within the Draft 100- and 500 Year Floodzone, and FEMA Q3 Floodplain (western half of parcel – area of proposed work).
- A National Wetland (NWI) is directly adjacent (to the west) of the subject parcel – Canandaigua Lake.
- Subject and surrounding land uses are residential.
- Parcel has little to no slope (0-3% gradient).
- Soil disturbed is Rhinebeck Silty Clay Loam: somewhat poorly drained, partially hydric, moderately high permeability, very high erodibility, prime farmland if drained, and is in hydrologic soil group C/D.

Comments

1. Demolition debris should be recycled if feasible or disposed of properly.
2. Will any stormwater management practices (between the lake and proposed home) be used to mitigate this increase in impermeable surface on the property? The County Planning Board has an interest in reducing stormwater quality and quantity impacts and protecting the integrity of Ontario County's natural resources (lakes, streams, forests, and other natural resources).
3. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

Attachments:

1. 207.0-2024 (207.1 and 207.2) Exist Cond Lechase Home
 2. 207.0-2024 (207.1 and 207.2) Full Plans Lechase Home
 3. 207.0-2024 (207.1 and 207.2) ZLD Lechase Home
 4. 207.0-2024 (207.1 and 207.2) Site Plan Lechase Home
 5. 207-2024
- 2024-2831 **207.2-2024** Area Variances (6 total) and for the tear-down/re-build of an existing single-family home – at 3518 Sandy Beach Dr. in the Town of Canandaigua. Proposed Area Variances (4-6) include: (4) A south side setback of 1.2 ft. when a minimum of 10 ft. is required, (5) a rear (lake) setback of 29.9 ft. when a minimum of 30 ft. is required, and (6) a lot coverage of 35.1% when a maximum of 30% is allowed.
-

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Area Variance
Class:	AR2

207.2-2024 Area Variances (6 total) and for the tear-down/re-build of an existing single-family home – at 3518 Sandy Beach Dr. in the Town of Canandaigua. Proposed Area Variances (4-6) include: (4) A south side setback of 1.2 ft. when a minimum of 10 ft. is required, (5) a rear (lake) setback of 29.9 ft. when a minimum of 30 ft. is required, and (6) a lot coverage of 35.1% when a maximum of 30% is allowed.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Anthony Venezia, Venezia Assoc
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	98.15-1-42.112

Description & Review Comments:

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,
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- variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.

5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Attachments:

1. 207.0-2024 (207.1 and 207.2) Exist Cond Lechase Home
 2. 207.0-2024 (207.1 and 207.2) Full Plans Lechase Home
 3. 207.0-2024 (207.1 and 207.2) ZLD Lechase Home
 4. 207.0-2024 (207.1 and 207.2) Site Plan Lechase Home
 5. 207-2024 Aerial
- 2024- **208.0-2024** Special Use Permit and Site Plan to construct and operate a 120 ft. (w/ 4 ft. lightning rod) ACL Wireless telecommunications tower facility and associated improvements – at a parcel located on the east side of CR8 (TM#: 56.00-2-33.312) in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Jared Lusk; Nixon Peabody, LLP
Application Type:	Special Use Permit
Class:	Class 1

208.0-2024 Special Use Permit and Site Plan to construct and operate a 120 ft. (w/ 4 ft. lightning rod) ACL Wireless telecommunications tower facility and associated improvements – at a parcel located on the east side of CR8 (TM#: 56.00-2-33.312) in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Jared Lusk; Nixon Peabody, LLP
Application Type:	Special Use Permit
Class:	Class 1
Property Information	56.00-2-33.312

| (Address & ID):

Description & Review Comments:

Subject Parcel is 76.6-acres. The leased portion of the parcel (northwest corner) has an area of 80' x 120'. Disturbance is estimated at 0.68-acres. The facility will consist of a 120 ft. monopole (with proposed 4' lightning rod) that will support Verizon Wireless antenna array at 115 ft. AGL, and two future carriers. A flash beacon is to be located at the top of the tower. Ground-based improvements include outdoor equipment cabinets on a 11' x 12.5' concrete slab with an ice canopy over it, a cable bridge, 10 ft. H-frame, a 50-kW diesel generator on a 4' x 8' concrete slab, all enclosed by a 36' x 76' (7 ft. tall) chain link fence with a 1 ft. barbed wire top. The compound, generator, proposed tower, wireless telecommunications equipment, transformer, and meter board are all to be located within the leased area. Access to the site will utilize a proposed 12 ft. wide gravel driveway (via proposed 30 ft. wide access and utilities easement) off of County Road 8 to the proposed tower location. The 124 ft. radius fall zone lies within the parcel on an existing agricultural field.

Proposed landscaping includes 16 "Green Giant Western Arborvitae" evergreen trees (5-6 ft. height minimum) are to be planted around the perimeter of the fenced-in area. The existing 65 ft. tree just east of the tower is to remain. All areas disturbed by the project will receive topsoil and will be seeded with a lawn-hydroseed mix.

According to OnCor:

- Subject parcel and surrounding parcels are in Ontario County Agricultural District #1.
- Subject parcel land use is agricultural. Parcels surrounding tower site are primarily residential, with some agricultural to the east.
- Land Cover of the project site is agricultural field.
- A National (NWI) wetland lies in the center of the parcel, where the farm pond is located (>1,000 ft. from proposed tower site).
- Project area has little to no slope (0-3% gradient).
- Soil disturbed is:
 - Odessa Silty Clay Loam - partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D.
 - Ovid Silt Loam – partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.

According to Town Code Section 220-60A(6), "no tower shall be erected on top of any drumlin area, on actively farmed land, within a federal or state freshwater wetland or on a slope greater than 15%. The applicant has requested a waiver from this code section (from the Town Planning Board). If the Town Planning Board denies this waiver, the applicant is required to obtain two area variances: (1) to erect a tower in a drumlin area and (2) to erect a tower on actively farmed land. The applicant mentions that the proposed development will not alter the nature of the existing land form. The access driveway is to be located along the edge of an existing agricultural field and the driveway has been designed to follow existing grade with minimal cuts and fills. Verizon (the applicant) agrees to remove the proposed wireless telecommunications facility and related improvements installed within ninety (90) days if the facility becomes obsolete damaged beyond use or ceases to be used for its intended purpose for a period of twelve (12) consecutive months. A removal cost estimate was provided - \$114,593.50 in total (removal cost + Erosion Control / Permanent Seeding).

Comments

1. Who is responsible for maintaining/replacing evergreen trees after completion of the work?
2. The referring Board should consider requiring increased landscaping along the access drive to County Road 8 - in order to visually buffer the tower site from adjacent residential uses and to maintain the rural/agricultural community character of sparsely developed areas.
3. The proposed project should repair field tile drainage during installation.
4. Has the applicant submitted structural analysis documenting the ability of the tower to support the proposed equipment?
5. Will the flash beacon be rotating? What color?
6. The referring Board should ensure that the end of use / decommissioning estimate is reviewed annually for inflation / cost increases

OCDPW Comments

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 website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>. In addition, Applicant's contractors will also be required to provide insurance per attached insurance schedule; proof of Worker's Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form. Work permit will also include a fee for the highway department to relocate/move the intersection sign, this fee will be determined at the time the application is submitted.
2. Please edit "Existing intersection sign to be relocated" on sheet CA100, to read "Existing intersection sign to be relocated by County Highway Department".

OCSWCD Comments

1. Refer to Blue Book for correct concrete truck specifications. Detail does not meet minimum design criteria or location.
2. Consider the use of 0 P fertilizer unless otherwise indicated through soil testing.
3. Proposed driveway culvert elevations compared to property to the north suggests concerns for ponding of water within roadside drainage.

Attachments:

1. 208.0-2024 (and 208.1) Renderings Sensenig Tel Tower
2. 208.0-2024 (and 208.1) Site Plan Sensenig Tel Tower
3. 208.0-2024 (and 208.1) Site Selection Analysis Sensenig Tel Tower
4. 208.0-2024 (and 208.1) Summary Sensenig Tel Tower
5. 208.0-2024 (and 208.1) Tower Locations Sensenig Tel Tower
6. 208.0-2024 (and 208.1) Waiver Sensenig Tel Tower
7. 208.0-2024 (and 208.1) ZLD Sensenig Tel Tower
8. 208.0-2024 (and 208.1) Ag Data Sensenig Tel Tower
9. 208.0-2024 (and 208.1) Compliance Report Sensenig Tel Tower
10. 208.0-2024 (and 208.1) Concept Plan Sensenig Tel Tower
11. 208.0-2024 (and 208.1) Decomiss Letter Sensenig Tel Tower
12. 208.0-2024 (and 208.1) Drumlin Letter Sensenig Tel Tower
13. 208.0-2024 (and 208.1) Engin Report Sensenig Tel Tower

14. 208.0-2024 (and 208.1) FAA Report Sensenig Tel Tower
15. 208.0-2024 (and 208.1) FEAFF Sensenig Tel Tower
16. 208.0-2024 (and 208.1) Full Plans Sensenig Tel Tower
17. 208.0-2024 (and 208.1) Grading Plan Sensenig Tel Tower
18. 208.0-2024 (and 208.1) Landscape Plan Sensenig Tel Tower
19. 208.0-2024 (and 208.1) Mercy Flight Letter Sensenig Tel Tower
20. 208.0-2024 (and 208.1) PB App Sensenig Tel Tower
21. 208-2024 Aerial

2024- 208.1-2024 Special Use Permit and Site Plan to construct and operate a 120 ft. (w/ 4 ft. lightning rod) ACL Wireless telecommunications tower facility and associated improvements – at a parcel located on the east side of CR8 (TM#: 56.00-2-33.312) in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Jared Lusk, Nixon Peabody LLP
Application Type:	Site Plan
Class:	Class 1

208.1-2024 Special Use Permit and Site Plan to construct and operate a 120 ft. (w/ 4 ft. lightning rod) ACL Wireless telecommunications tower facility and associated improvements – at a parcel located on the east side of CR8 (TM#: 56.00-2-33.312) in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Jared Lusk, Nixon Peabody LLP
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	56.00-2-33.312

Description & Review Comments:

See 208.0-2024

Attachments:

1. 208.0-2024 (and 208.1) FAA Report Sensenig Tel Tower
2. 208.0-2024 (and 208.1) FEAFF Sensenig Tel Tower
3. 208.0-2024 (and 208.1) Full Plans Sensenig Tel Tower
4. 208.0-2024 (and 208.1) Grading Plan Sensenig Tel Tower
5. 208.0-2024 (and 208.1) Landscape Plan Sensenig Tel Tower
6. 208.0-2024 (and 208.1) Mercy Flight Letter Sensenig Tel Tower
7. 208.0-2024 (and 208.1) PB App Sensenig Tel Tower
8. 208.0-2024 (and 208.1) Renderings Sensenig Tel Tower
9. 208.0-2024 (and 208.1) Site Plan Sensenig Tel Tower
10. 208.0-2024 (and 208.1) Site Selection Analysis Sensenig Tel Tower
11. 208.0-2024 (and 208.1) Summary Sensenig Tel Tower
12. 208.0-2024 (and 208.1) Tower Locations Sensenig Tel Tower

13. 208.0-2024 (and 208.1) Waiver Sensenig Tel Tower
 14. 208.0-2024 (and 208.1) ZLD Sensenig Tel Tower
 15. 208.0-2024 (and 208.1) Ag Data Sensenig Tel Tower
 16. 208.0-2024 (and 208.1) Compliance Report Sensenig Tel Tower
 17. 208.0-2024 (and 208.1) Concept Plan Sensenig Tel Tower
 18. 208.0-2024 (and 208.1) Decomiss Letter Sensenig Tel Tower
 19. 208.0-2024 (and 208.1) Drumlin Letter Sensenig Tel Tower
 20. 208.0-2024 (and 208.1) Engin Report Sensenig Tel Tower
 21. 208-2024 Aerial
- 2024- **209-2024** Site Plan for the expansion of an outdoor vehicle storage area at an existing
2834 storage facility (McAlpin Self-Storage) – at 3130 CR10 in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: William Grove
Application Type: Site Plan
Class: Class 1

209-2024 Site Plan for the expansion of an outdoor vehicle storage area at an existing storage facility (McAlpin Self-Storage) – at 3130 CR10 in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: William Grove
Application Type: Site Plan
Class: Class 1
Property 84.00-1-37.100
Information
(Address & ID):

Description & Review Comments:

Subject Parcel is 8.2-acres. Disturbance is proposed at 0.95-acres. Parcel currently has seven (7) existing self-storage buildings. New outdoor storage area is proposed just north of the existing storage buildings. Proposed work includes four (4) new 3,000 SF outdoor storage areas (concrete slabs) separated by 30 to 40 ft. wide gravel laneways. The two (2) outer slabs will contain the RV storage areas (15 spaces per slab, 30 total) and the two (2) inner slabs will contain the general outdoor vehicle storage area (30 spaces per slab, 60 total). The new storage area will be gated by a chain-link fence.

There is no water/wastewater service existing or proposed. In the SEAF, the applicant mentions that the “stormwater will be infiltrated or will surface flow to existing swale and then sheet flow westerly”. Plans indicate a second (new) swale is proposed along the east side of the proposed outdoor parking area. Catch basins along the southern edge of the proposed storage area will help direct stormwater to the swales. Three (3) downlit pole-mounted lights with security cameras are proposed along the northern edge of the new storage area. 110 V outlets are proposed for each RV storage space (30 spaces total).

According to OnCor:

- The Canandaigua Outlet (NYS DEC Wetland) lies on the western portion of the parcel.
- The western portion of the parcel is within the Draft 100- and 500 Year Floodzone, FEMA Floodway, and FEMA Q3 Floodplain (outside area of proposed work).
 1. Proposed work is to remain outside of the 100 ft. NYSDEC Wetland buffer.
- Subject parcel has a commercial use (self-storage). Adjacent parcels to the south are also commercial. Adjacent parcel to the east is agricultural (plant nursery). Adjacent parcel to the north is vacant (Creekview Apartments). Remaining nearby parcels are vacant.
- Area of proposed work has little to no slope (0-3% gradient).
- Soil disturbed is Odessa Silt Loam and Schoharie Silty Clay Loam
 1. Odessa Silt Loam: partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is hydrologic soil group D.
 2. Schoharie Silty Clay Loam: not hydric, moderately high permeability, very high erodibility, is and area of prime farmland, and is hydrologic soil group D.
- Land disturbed is successional old field.

Comments

1. The referring Board should consider requiring increased landscaping along the north side of the parcel in order to visually buffer the use from adjacent (future) residential areas (Creekview Apartments).
2. Is stormwater management capacity sufficient to mitigate this increase in impermeable surface on the property? Referring board should consider requiring additional stormwater management structures/facilities. The County Planning Board has an interest in reducing storm water quality and quantity impacts and protecting the integrity of Ontario County's natural resources (lakes, streams, forests, and other natural resources).

CRC Comments

1. Proper containment of leaked oil/gas from parked vehicles needs to be ensured, so that is does not negatively impact the surrounding area/environment.
2. Is 30 - 40 ft. sufficient for emergency vehicle turnaround? Orientation of the lanes between storage areas should be designed so sufficient space is available for emergency vehicles to enter/exit.
3. Applicant should consider relocating light poles to the storage aisles to avoid the poles getting hit by maneuvering vehicles.

Attachments:

1. 209-2024 Full Plans McAlpin Storage
2. 209-2024 SEAF McAlpin Storage
3. 209-2024 Site Plan McAlpin Storage
4. 209-2024 ZLD McAlpin Storage
5. 209-2024 Aerial

2024-2835 **210-2024** Site Plan to construct a new single-family residence – on a parcel (TM#: 69.00-1-38.111) on the west side of Cooley Rd. in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Logan Rockcastle, Marks Engineering

Application Type: Site Plan
Class: Exempt

210-2024 Site Plan to construct a new single-family residence – on a parcel (TM#: 69.00-1-38.111) on the west side of Cooley Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Logan Rockcastle, Marks Engineering
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 69.00-1-38.111

Description & Review Comments:

Exempt - Exemption 9 (see attached County Planning Board Exemption List)

Attachments:

1. 210-2024 NYSPRHP Letter Beck Home
2. 210-2024 SEAF Beck Home
3. 210-2024 Site Plan Beck Home
4. 210-2024 SWPPP Beck Home
5. 210-2024 ZLD Beck Home
6. 210-2024 Full Plans Beck Home
7. 210-2024 Layout and Elevations Beck Home
8. Exemption List

2024- **211-2024** Subdivision of a 30.9-acre parent parcel into 2 lots (Lot 1 – 20.9-acres, Lot 2 –
2908 10-acres) – at 5705 Goodale Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: David Kent, William Kent Inc
Application Type: Subdivision
Class: Exempt

211-2024 Subdivision of a 30.9-acre parent parcel into 2 lots (Lot 1 – 20.9-acres, Lot 2 – 10-acres) – at 5705 Goodale Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: David Kent, William Kent Inc
Application Type: Subdivision
Class: Exempt
Property Information (Address & ID): 125.00-1-45.200

Description & Review Comments:

Exempt - Exemption 11 (see attached County Planning Board Exemption List)

Attachments:

- 1. 211-2024 SEAF Naples Subdiv
- 2. 211-2024 Subdiv Plat Naples Subdiv
- 3. 211-2024 ZLD Naples Subdiv
- 4. Exemption List

2024-2909 **212-2024** Local Law to change the required minimum square footage for dwelling units in the Town of Canandaigua. Options include either: (1) eliminating the minimum size requirement altogether or (2) reducing the minimum size requirement to 720 SF.

Municipality:	Town of Canandaigua
Referring Board:	Town Board
Applicant:	Town Of Canandaigua
Application Type:	Text Amendment
Class:	Class 2

212-2024 Local Law to change the required minimum square footage for dwelling units in the Town of Canandaigua. Options include either: (1) eliminating the minimum size requirement altogether or (2) reducing the minimum size requirement to 720 SF.

Municipality:	Town of Canandaigua
Referring Board:	Town Board
Applicant:	Town Of Canandaigua
Application Type:	Text Amendment
Class:	Class 2
Property Information (Address & ID):	N/A

Description & Review Comments:

There have been many discussions surrounding the minimum required size dwelling units in the Town of Canandaigua. The proposed changes to Town code would allow for greater flexibility for property owners when considering building a new home and for developers when proposing both single family and multifamily developments. It may also help provide more affordable housing in the Town.

There are two versions of proposed changes:

- 1. One version proposes to reduce the minimum size of single-family units to 720 sf. This version also reduces the minimum size of multi-family units (including apartments) to 720 sf for any required to be greater than 720 (3- and 4-bedroom apartments are currently required to be larger than 720 sf and 2- and 3-bedroom townhomes are required to be larger than 720 sf).
- 2. The other version of the draft law eliminates the minimum area requirement for both single-family and multifamily dwelling units. Those portions of town code that dictate size requirements for dwelling units are removed.

For all dwelling units, applicants would still be required to meet all applicable state and/or federal code requirements as dictated by the Code Enforcement Officer in order to be approved and granted a building permit.

CRC Comments

- 1. Eliminating all minimum dwelling standards will signal that the Town of Canandaigua is amenable to tiny houses.
- 2. NYS Housing and Community Renewal published guidelines for minimum size and bulk storage by unit type for housing funded with state monies. Any minimum size requirements should not exceed NYS guidelines. The dwelling unit size guidelines can be found on page 38 at this link. [NYS Design Guidelines](#)
- 3. Consider whether related changes are needed in definition or other standards for accessory dwelling units.
- 4. If the intention of reducing or eliminating the minimum unit size is to allow development of lower cost housing, the town should consider increasing gross density of mutli-family development to more than 8 units per acre.

Attachments:

- 1. 212-2024 FEAF T Canandaigua Text Amendment
- 2. 212-2024 Revisions T Canandaigua Text Amendment

6. Town Of Farmington

- a. 2024-2940 **213-2024** Subdivision of a 14.3-acre parent parcel into six lots (Lot 1: 2.1-acres, Lot 2: 1.2-acres, Lot 3: 1.4-acres, Lot 4: 0.9-acres, Lot 5: 2.5-acres, Remaining Lands – Lot 6: 6.3-acres) – on a parcel (TM#: 29.00-2-12.100) southwest of the Collett Rd/CR8 intersection in the Town of Farmington.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Applicant:	Jeff Shear - Shear Homes
Application Type:	Subdivision
Class:	Class 1
Property Address and Tax ID:	29.00-2-12.100

213-2024 Subdivision of a 14.3-acre parent parcel into six lots (Lot 1: 2.1-acres, Lot 2: 1.2-acres, Lot 3: 1.4-acres, Lot 4: 0.9-acres, Lot 5: 2.5-acres, Remaining Lands – Lot 6: 6.3-acres) – on a parcel (TM#: 29.00-2-12.100) southwest of the Collett Rd/CR8 intersection in the Town of Farmington.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Applicant:	Jeff Shear - Shear Homes
Application Type:	Subdivision
Class:	Class 1
Property	29.00-2-12.100
Information	
(Address & ID):	

Description & Review Comments:

According to OnCor, the property and all adjacent properties south of Collett Road are in OC Agricultural District #1. The property is not constrained by steep slopes, wetlands, or floodplains. The property is bisected by a Niagara Mohawk utility corridor, though the property is

characterized as vacant. Dominant site soils and their characteristics are summarized below:

Lakemont silty clay loam 40 percent

Farmland of Statewide Importance

Permeability: moderately low **Erodibility:** very high

Hydrological Group D **Partially Hydric**

Palmyra gravelly loam 35 percent

Prime Farmland

Permeability: high **Erodibility:** medium

Hydrological Group B **Not Hydric**

Rhinebeck silty clay loam 25 percent

Prime Farmland if drained

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

Hydrological Group C/D **Partially Hydric**

Comment

1. The referring body should ensure the remainder of the lot between the power easement and the railroad and lots on CR 8 have access to public roads; access easements may be required.

OCDPW Comments

1. Applicant is required to obtain a highway work permit for each driveway along a County Road 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 website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>. In addition, Applicant's contractors will also be required to provide insurance per attached insurance schedule; proof of Worker's Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.
2. The cross-culvert underneath County Road 8 is a double-barreled cross culvert, 2-15" culvert pipes side by side, please depict that on the plans.
3. Please include driveway profiles for each driveway along County Road 8 that shows a descending tangent from the pavement edge of County Road 8 back to the right-of-way line (33.0' from centerline). The grade of the tangent shall be no flatter than - 1.5% and no steeper than -3%. The tangent shall connect to the ascending tangent with a sag vertical curve. The length of the sag vertical curve shall be determined by applicable design standards. This is to keep water from driveways coming back on County roadways
4. Applicant's engineer must provide the actual and desired intersection sight distances to the left and right for each driveway along County Road 8 at 45mph.

Attachments:

1. 213-2024 Ag Data Alexander Shear Subdiv
2. 213-2024 FEAF Alexander Shear Subdiv
3. 213-2024 PB App Alexander Shear Subdiv
4. 213-2024 Prelim Plans Alexander Shear Subdiv
5. 213-2024 Subdiv Plat Alexander Shear Subdiv
6. 213-2024 Aerial

7. **Town Of Geneva**

- a. 2024- **214-2024** Area Variance for an attached deck to have a rear (lake) setback of 12 ft. when a
2941 minimum of 25 ft. is required – at 4827 Henson Dr. in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Zoning Board of Appeals
Applicant:	Christopher & Sharon Arthur
Application Type:	Area Variance
Class:	Exempt
Property Address and Tax ID:	147.16-1-24.00 - 4827 Henson Dr, Genrva 14456

214-2024 Area Variance for an attached deck to have a rear (lake) setback of 12 ft. when a minimum of 25 ft. is required – at 4827 Henson Dr. in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Zoning Board of Appeals
Applicant:	Christopher & Sharon Arthur
Application Type:	Area Variance
Class:	Exempt
Property Information (Address & ID):	147.16-1-24.00 - 4827 Henson Dr, Genrva 14456

Description & Review Comments:

Exempt - Exemption 1 (see attached County Planning Board Exemption List)

Attachments:

1. 214-2024 Elevations Arthur Deck
2. 214-2024 Images Arthur Deck
3. 214-2024 Sketch Arthur Deck
4. 214-2024 ZBA App Arthur Deck
5. Exemption List

- b. 2024- **215-2024** Site Plan to remove existing buildings to construct a 4,500 SF convenience store
2942 with fueling island at 803 CR4, 000 CR4, and 510 CR6 - located on the southwest corner of the CR4/CR6 intersection in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Planning Board
Applicant:	Dandy Mini- Marts Inc.
Application Type:	Site Plan
Class:	Class 1
Property Address and Tax ID:	90.03-1-17.000, 90.03-1-14.000, 90.03-1-15.000

215-2024 Site Plan to remove existing buildings to construct a 4,500 SF convenience store with fueling island at 803 CR4, 000 CR4, and 510 CR6 - located on the southwest corner of the CR4/CR6 intersection in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Planning Board
Applicant:	Dandy Mini- Marts Inc.
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	90.03-1-17.000, 90.03-1-14.000, 90.03-1-15.000

Description & Review Comments:

Project was previously referred in May 2024 (as referral # 103-2024) for a site plan for the construction of a 4,500 SF convenience store with fueling island. The County Planning Board returned the referral to the Town of Geneva Planning Board as Incomplete due to the lack of clarity/consistency of referral materials regarding the lack of a site plan and stormwater management plan.

Plans indicate parcels (TM#: 90.03-1-17.000; 90.03-1-14.000; 90.03-1-15.000) are to be combined as one lot. Features to be removed from the parcel(s) include: an existing convenience store, fuel island (8 pumps), office building, surrounding pavement and the old sign at the CR4/CR6 intersection. Plans show that the historic sign along CR4 is to remain, and a Phase IA study/report has been completed and submitted to SHPO for their review and coordination with the Seneca Indians regarding the burial mound. A Stormwater bioretention area and forebay basin are proposed on the southwest portion of the to-be combined parcel, receiving stormwater from grates in the parking/fueling area. A septic mound is proposed along the southern boundary. A parking area (6 spots) is proposed on the adjacent parcel to the south is proposed. The largest difference in elevation (land slopes downhill towards the south) occurs along the southern edge of the parking area — where there is in 8 ft difference/ retaining wall. Five (5) Spring Snow Crabapple trees (mature height of 15 ft. to 25 ft.) are to be planted along the road edge. Multiple plantings are to go around the bioretention area as well.

In the submitted materials (Letter from Engineer) the applicant mentions:

- that there will be five (5) signs proposed for the gas station: 1 free standing monument sign, 2 building mounted signs, and 2 canopy mounted signs.
- There is no sanitary sewer collection system that serves this property. The current plan calls for an on-site wastewater treatment system to dispose of sanitary waste. The team is in the beginning stages of discussion to see if it is a better option to extend the sewer to the project site rather than have an on-site wastewater treatment system.
- 20 stalls (1 per employee, 15 per gross square foot of food service) are required. The plan shows 24 proposed parking stalls (2 ADA accessible).
- Since the last submittal, the access road around the building has been increased to a width of 20 ft.

According to OnCor:

- Subject Parcel land use is commercial. Surrounding parcels are predominately community services (Cornell Agritech) and commercial (self-storage buildings) on the adjacent parcel to the west.
- Parcel directly to the north across CR4 is in the Ontario County Agricultural District #1 (Cornell Agritech).

- Land disturbed is located on an existing asphalt parking/fueling area.
- Subject parcel(s) have moderate to no slope (0-15% gradient).
- Soil disturbed is Ontario Loam and Lima Loam
 1. Ontario Loam: not hydric, moderately high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.
 2. Lima Loam: partially hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B/D.

Relevant May 2024 Comments

1. T. Victor Access Management Plan indicates that parcel entrance/exit should be at least 125' away from an intersection for local roads (40 mph or less). The proposed CR6 entrance should meet this standard.

Relevant May 2024 OCDPW Comments

1. We would like to see the entrance along County Road 6 moved another 10'+ to the south, as it does not currently meet the minimum NYSDOT requirements from the intersection.
2. Curbing will need to be placed in the areas where access is being closed off, see NYSDOT standard sheet 609-01, Sheet 1 "Near Vertical Face"
3. The drainage structures in the area may have to be relocated or modified. The drainage structure at the existing gas station parking lot and the ones at the southern parcel parking lot all tie into the County drainage system. When the site plans become more detailed, please provide details on the plans for either new drainage or removing the existing drainage and the existing drainage system connections.

Relevant May 2024 CRC Comments

1. Stormwater currently flows to Castle Creek. With the proposed increase in impervious surface (and given existing Castle Creek concerns), the CPB encourages the local Board to require the installation of a stormwater management facility if they are not applying undeveloped standards, or as recommended in 2022 Draft NYS Stormwater Design Manual.
2. How will the Native American monuments and burial grounds be protected/maintained?
3. Demolition debris should be recycled if feasible or disposed of properly.
4. Where will snow removal be located?

Relevant May 2024 CPB Comments

1. Is there a minimum buffer distance required to be maintained between proposed work and existing Native American burial grounds/monuments?
2. Will this new convenience store/fueling station significantly increase traffic on the parcel?
3. Applicant and Town should contact the Cornell AgriTech (New York State Agricultural Experiment Station) and see if they have any concerns with this expanded use (and its impacts) being adjacent to the experimental agricultural fields to the west.

Comments November 2024

1. Parking area illustrated on the adjacent parcel to the south is owned by Cornell University. Is there an agreement/plans with them to construct these spaces?
2. Site Plan labels spaces along the south side of the proposed convenience store as EV. Will there be EV charging stations installed?

OCSWCD Comments

1. Existing conditions do not represent the extent of proposed work area.
2. Concrete truck washout should be located a minimum of 100 feet from all stormwater inlets
3. Fencing should be placed around burial mound with signage to prevent any disturbance to the area.
4. Will existing stormwater infrastructure, including drop inlets, be removed entirely during step 5?
5. Consider the use of 0 P fertilizer unless otherwise indicated through soil testing.
6. Ends of silt fence should curve upslope to capture sediment laden runoff (see north western edge).
7. How will access be maintained for stormwater facility post construction given the placement of a raised bed septic system, burial mound and proposed electric vehicle charging stations?

OCDPW Comments

1. Applicant shall modify the driveway from County Road 6 to be a right-in/right-out driveway. We are advising this for the following reasons:
 - a. The north edge of the driveway is approximately 60ft from the edge of County Road 4. This is approximately 35ft less than the NYSDOT minimum standard for a driveway distance from an intersection. The distance to the existing stop bar along County Road 6 is less than 40ft from the edge of the driveway, which would make left turns a challenge if cars were queued up in either the left turn lane or the far lane during peak times. According to our traffic counts from 2022, this portion of County Road 6 sees more than 300 vehicles per hour in each direction for more than 8 consecutive hours every day.
 - b. The accidents at this intersection are above the state average for a rural 4 legged, signalized intersections over the last 5 years.
 - c. Examples of other commercial driveways in Ontario County with a right-in/right-out driveway include:
 - i. Tim Hortons/Rite Aid Plaza located near the County Road 28 and RT 332 intersection in Canandaigua
 - ii. Longhorn/Chase Bank/New York Beer Project Plaza near the intersection of High Street and RT 96
across from Eastview Mall in Victor
 - iii. Hopewell Market near the RT 5&20 and RT 247 intersection in Hopewell
2. Applicant's engineer should remove sidewalk and trees from Ontario County Right-of-Way.
3. Please provide curb detail for the curb being modified from the entrance on County Road 6, down to the

entrance to the proposed Parking area south of the gas station.

4. Is the parking area paved or is it gravel?

5. Please provide a utility re-location plan. It appears the utility pole may have to be relocated as the elevations are being modified in that area towards the SE corner of the property.

6. Please also provide a plan to remove existing catch basins. How are the pipes that go between the drainage

system in the road and the ones in the parking lot going to be removed?

CRC Comments

1. Referring Board should consider requiring fencing/landscaping at retaining wall to prevent vehicles (and people/children) from accidentally walking/driving over retaining wall.
2. What is the status of the gravel parking (Cornell property) on the parcel to the south? Is there some sort of agreement / plan?
3. Will there be an oil separator as part of the wastewater treatment system for the parcel?
4. Will the 3 proposed EV charging stations be level 3 chargers?
5. Is a 1,000 gallon septic tank sufficient?
6. Are there on-site monitoring wells due to previous underground fuel tank leakage? Will they be retained? Will there be soil tests / monitoring associated with removing existing fuel tanks?

Attachments:

1. 215-2024 Engineer Letter Dandy Mart
2. 215-2024 Full Plans Dandy Mart
3. 215-2024 Grading Plan Dandy Mart
4. 215-2024 Landscape Plan Dandy Mart
5. 215-2024 PB App Dandy Mart
6. 215-2024 Renderings Dandy Mart
7. 215-2024 Site Plan Dandy Mart
8. 215-2024 Aerial

8. Town Of Gorham

- a. 2024- 216.0-2024 Area Variance (front setback of 26 ft. when a minimum of 50 ft. is required) and Site Plan for the construction of a new attached garage and three season room - at 4773 CR11 in the Town of Gorham.

Municipality:	Town of Gorham
Referring Board:	Zoning Board of Appeals
Applicant:	Daniel and Judith Novak
Application Type:	Area Variance
Class:	Class 1

216.0-2024 Area Variance (front setback of 26 ft. when a minimum of 50 ft. is required) and Site Plan for the construction of a new attached garage and three season room - at 4773 CR11 in the Town of Gorham.

Municipality: Town of Gorham

Referring Board:	Zoning Board of Appeals
Applicant:	Daniel and Judith Novak
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	141.10-1-36.100

Description & Review Comments:

Subject Parcel is 0.57-acres. The area variance is for the front setback of the proposed deck on the north side of the house. Disturbance is proposed at 0.15-acres. The existing (detached) garage (north of existing home) on the parcel is to be removed, and portions of the existing asphalt driveway are to be reconstructed. Downspouts are to be placed around the new garage and will connect to a 30' x 3' infiltrator just south of the garage.

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

The applicant submitted the following responses to the Five (5) Area Variance Test Questions above:

1. No, the proposed garage will enhance the character of the neighborhood and is an enhancement to the property. Many of the existing homes in the area already have similar or less setbacks from their property line. The new garage will be setback further from both the front and side property lines as exists today.
2. No other feasible method to achieve the benefit sought by the applicant is evident. The existing home is already breaching the front setback line. The design of the new garage is tailored to have the variance requests be reasonable and accommodate the family's needs.
3. The front setback variance should not be considered substantial as [it is] not a reduction of

- over 50% from the required 50 ft. setback in the code. The garage connects to the existing home on the south side which is already encroaching the front setback line.
4. No adverse effects or impacts will be created in regard to environmental conditions in the neighborhood.
 5. The alleged self-difficulty is not self-created but created by the fact the existing home is already encroaching the front setback line.

Note/Clarification: The area variance is for a front setback of 26 ft. when 50 ft. is required. This setback is due to the proposed deck on the northside of the house. The area variance is not for the “garage setback” as the applicant mentions, as it is further from the front parcel line (27.2 ft.) than the deck.

According to OnCor:

- The western portion of the parcel (across CR11) to within the Draft 100- and 500 Year Floodzone, and FEMA Q3 Floodplain. Proposed work is outside this area.
- A National Wetland (NWI) is directly adjacent (to the west) of the subject parcel – Canandaigua Lake.
- Subject and surrounding parcels have a residential land use.
- Parcel has gentle to steep slope (4-30% gradient).
- Soil disturbed is Honeoye Loam: well drained, not hydric, moderately high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group B.

OCDPW Comment

1. Applicant is required to obtain a highway work permit for each driveway along a County Road 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 website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>. In addition, Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.

Attachments:

1. 216.0-2024 (and 216.1) NYSPRHP Letter Novak Garage
 2. 216.0-2024 (and 216.1) PB App Novak Garage
 3. 216.0-2024 (and 216.1) SEAF Novak Garage
 4. 216.0-2024 (and 216.1) Site Plan Novak Garage
 5. 216.0-2024 (and 216.1) Sketch Novak Garage
 6. 216.0-2024 (and 216.1) Full Plans Novak Garage
 7. 216.0-2024 (and 216.1) ZBA App Novak Garage
 8. 216-2024 Aerial
- 1 2024- 216.1-2024 Area Variance (front setback of 26 ft. when a minimum of 50 ft. is required) and Site Plan for the construction of a new attached garage and three season room - at 4773 CR11 in the Town of Gorham.

Municipality:
Referring Board:

Town of Gorham
Planning Board

Applicant:	Daniel and Judith Novak
Application Type:	Site Plan
Class:	Exempt

216.1-2024 Area Variance (front setback of 26 ft. when a minimum of 50 ft. is required) and Site Plan for the construction of a new attached garage and three season room - at 4773 CR11 in the Town of Gorham.

Municipality:	Town of Gorham
Referring Board:	Planning Board
Applicant:	Daniel and Judith Novak
Application Type:	Site Plan
Class:	Exempt
Property Information (Address & ID):	141.10-1-36.100

Description & Review Comments:

Exempt - Exemption 9 (see attached County Planning Board Exemption List)

Attachments:

1. 216.0-2024 (and 216.1) NYSPRHP Letter Novak Garage
2. 216.0-2024 (and 216.1) PB App Novak Garage
3. 216.0-2024 (and 216.1) SEAF Novak Garage
4. 216.0-2024 (and 216.1) Site Plan Novak Garage
5. 216.0-2024 (and 216.1) Sketch Novak Garage
6. 216.0-2024 (and 216.1) Full Plans Novak Garage
7. 216.0-2024 (and 216.1) ZBA App Novak Garage
8. 216-2024 Aerial
9. Exemption List

9. Town Of Hopewell

- a. 2024-2945 **217-2024** Special Use Permit to keep small animals (chicken coop) in a non-agricultural zoning district - at 2101 SR21 in the Town of Hopewell.

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	Kelly Biery
Application Type:	Special Use Permit
Class:	Class 1
Property Address and Tax ID:	58.00-1-34.200

217-2024 Special Use Permit to keep small animals (chicken coop) in a non-agricultural zoning district - at 2101 SR21 in the Town of Hopewell.

Municipality:	Town of Hopewell
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Referring Board:	Planning Board
Applicant:	Kelly Biery
Application Type:	Special Use Permit
Class:	Class 1
Property Information (Address & ID):	58.00-1-34.200

Description & Review Comments:

Subject Parcel is in the HDR (High Density Residential) Zoning District. The submitted sketch indicates, a “chicken enclosure” is to be constructed in the southeast corner of the parcel (located in the back yard). According to Hopewell Town Zoning Ordinance Section 807C states, “The keeping of large and small animals is permitted as a Special Use in non-agricultural zoning districts, and the Town Planning Board shall consider the following, in addition to the regulations and standards set forth in this Ordinance, in determining approval or denial of such applications:

1. The number and type of animals.
2. Whether the proposed location of the fencing, containment, and/or shelter of such animals would be too close to the principal building on the same or adjoining premises.
3. The adequacy and suitability of the fencing, containment, and shelter proposed.
4. The closeness or proximity and number of neighbors.
5. The use of adjoining premises and the character of the neighborhood.”

According to OnCor:

- Subject and adjacent parcels are residential use. The Finger Lakes Railway (active) and Canandaigua Outlet lies on the adjacent parcel to the east.

Attachments:

1. 217-2024 Code Biery Chicken Coop
 2. 217-2024 Sketch Biery Chicken Coop
 3. 217-2024 Aerial
- b. 2024-2946 **218.0-2024** Site Plan and Special Use Permit to construct new 5,760 SF building (with gravel parking) to operate as a contractor's yard - at 4125 SR5&20 in the Town of Hopewell.

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	NACL Properties, LLC
Application Type:	Site Plan
Class:	Class 1
Property Address and Tax ID:	99.00-1-26.000

218.0-2024 Site Plan and Special Use Permit to construct new 5,760 SF building (with gravel parking) to operate as a contractor's yard - at 4125 SR5&20 in the Town of Hopewell.

Municipality:	Town of Hopewell
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Referring Board:	Planning Board
Applicant:	NACL Properties, LLC
Application Type:	Site Plan
Class:	Class 1
Property	99.00-1-26.000
Information	
(Address & ID):	

Description & Review Comments:

Subject parcel is 1.87-acres. Existing conditions include one (1) 647 SF frame office building, five (5) crushed stone pads with manufactured homes displayed on them and a interconnected concrete walkway between the pads. Proposed work includes the new 5,760 SF building with parking (20 spaces) areas on both sides of the building. The two access locations along SR5&20 are to remain the same. A new gravel pad and dumpster pad are to be place on either side of an existing frame garage at the rear (south) end of the parcel. A curtain drain is proposed just south of the proposed building. Building cover will remain below the required maximum of 75%.

According to OnCor:

- A majority of surrounding parcels are within Ontario County Agricultural District #1.
- Subject Parcel currently has a use of “medium retail” – AGL Homes Model Home Center. Surrounding parcels have different uses – residential (west), Agricultural (east), vacant (south), Miami Motel-commercial (north).
- Land cover of the project site is mowed lawn with a parking area. Trees buffer the south and east parcel boundary.
- There is little to no slope on the parcel (0-3% gradient).
- Soil disturbed is Darien Silt Loam – partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.

Comments

1. Will parking area be paved or stone?
2. What utilities will be provided to the new building? It is difficult to tell with the plans/materials provided.
3. How much disturbance will there be?
4. The referring Board should consider requiring increased landscaping along the west side of the parcel in order to visually buffer the use from adjacent residential uses and to maintain the rural/agricultural community character of sparsely developed areas.
5. Will contracting work be done on the parcel? It should be ensured that the disposal of waste/materials related to the use is done properly.
6. What will the hours of operation of this use be?
7. What is the expected number of employees for the business? How many customers per day?

Comments OCSWCD

1. Concrete truck washout should be included on plans.
2. This area has experienced flooding in recent large storm events. Consider onsite stormwater retention in addition to purposed curtain drain and swale due to increase in impervious surfaces.

3. Location of top soil stockpile not indicated on plans.

Attachments:

1. 218.0-2024 (and 218.1) Code Stagliano Contracting
 2. 218.0-2024 (and 218.1) Full Plans Stagliano Contracting
 3. 218.0-2024 (and 218.1) PB App Stagliano Contracting
 4. 218.0-2024 (and 218.1) Site Plan Stagliano Contracting
 5. 218-2024 Aerial
- 1 2024- 218.1-2024 Site Plan and Special Use Permit to construct new 5,760 SF building (with
2947 gravel parking) to operate as a contractor's yard - at 4125 SR5&20 in the Town of
Hopewell.
-

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	NACL Properties, LLC
Application Type:	Special Use Permit
Class:	Class 1
Property Address and Tax ID:	99.00-1-26.000

218.1-2024 Site Plan and Special Use Permit to construct new 5,760 SF building (with gravel parking) to operate as a contractor's yard - at 4125 SR5&20 in the Town of Hopewell.

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	NACL Properties, LLC
Application Type:	Special Use Permit
Class:	Class 1
Property Information (Address & ID):	99.00-1-26.000

Description & Review Comments:

See 218.0-2024

Attachments:

1. 218.0-2024 (and 218.1) Code Stagliano Contracting
2. 218.0-2024 (and 218.1) Full Plans Stagliano Contracting
3. 218.0-2024 (and 218.1) PB App Stagliano Contracting
4. 218.0-2024 (and 218.1) Site Plan Stagliano Contracting
5. 218-2024 Aerial

10. Town Of Manchester

- a. 2024- 219.0-2024 Use Variance and Site Plan to use an existing building as a library when such
2943 use is not permitted in the Agricultural Zoning District - at 1777/1779 SR21 in the Town of
Manchester.
-

Municipality:	Town of Manchester
Referring Board:	Zoning Board of Appeals
Applicant:	James Lynch
Application Type:	Use Variance
Class:	Class 2
Property Address and Tax ID:	44.03-1-26.000

219.0-2024 Use Variance and Site Plan to use an existing building as a library when such use is not permitted in the Agricultural Zoning District - at 1777/1779 SR21 in the Town of Manchester.

Municipality:	Town of Manchester
Referring Board:	Zoning Board of Appeals
Applicant:	James Lynch
Application Type:	Use Variance
Class:	Class 2
Property Information (Address & ID):	44.03-1-26.000

Description & Review Comments:

The site includes a home and 4,000 square foot building and associated parking previously used as a medical office. The site has existing access from SR 21 and from Standpipe Road. The Standpipe Road access will be widened to a minimum of 20’.

Allowable uses in the Ag Agricultural district include agricultural operations, winery/brewery/distillery, single family and multi-family residential use, day care, kennel or animal hospital, and religious institution.

The use variance application includes dollars and cents information on purchase price, current value and mortgage, tax, and maintenance carry costs. The application also references efforts to rent as an agricultural use in November 2023, received offers, and narrative of building investments. The application does not estimate a rate of return for any allowable uses and offers.

Comments

1. The provided documentation indicates the owner has received offers to buy the building and convert to a housing. The owner has not documented that such offers would not result in a reasonable return on investment.
2. If supportive of a project that cannot meet the dollars and cents standards of no reasonable return on any permitted or specially permitted use, the Town Board can consider whether re-zoning of property (ies) is warranted.

CRC Comment

1. The parking lot and lighting is adjacent to residential properties. Will the lighting be dark sky compliant?

Attachments:

1. 219.0-2024 (and 219.1) PB App Lynch Library
2. 219.0-2024 (and 219.1) SEAF Lynch Library
3. 219.0-2024 (and 219.1) Site Plan Lynch Library
4. 219.0-2024 (and 219.1) ZBA App Lynch Library
5. 219-2024 Aerial

- 1 2024- **219.1-2024** Use Variance and Site Plan to use an existing building as a library when
2944 such use is not permitted in the Agricultural Zoning District - at 1777/1779 SR21 in the
 Town of Manchester.

Municipality:	Town of Manchester
Referring Board:	Planning Board
Applicant:	James Lynch
Application Type:	Site Plan
Class:	Class 1
Property Address and Tax ID:	44.03-1-26.000

219.1-2024 Use Variance and Site Plan to use an existing building as a library when such use is not permitted in the Agricultural Zoning District - at 1777/1779 SR21 in the Town of Manchester.

Municipality:	Town of Manchester
Referring Board:	Planning Board
Applicant:	James Lynch
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	44.03-1-26.000

Description & Review Comments:

See 219.0-2024

Attachments:

1. 219.0-2024 (and 219.1) PB App Lynch Library
2. 219.0-2024 (and 219.1) SEAF Lynch Library
3. 219.0-2024 (and 219.1) Site Plan Lynch Library
4. 219.0-2024 (and 219.1) ZBA App Lynch Library
5. 219-2024 Aerial

11. Town of Naples

- a. 2024- 223-2024 Local Law to establish a one-year moratorium on certain energy systems in the
3038 Town of Naples.

Municipality:	Town of Naples
Referring Board:	Town Board
Applicant:	Town of Naples, Town Board

Application Type:	Text Amendment
Class:	2 - LATE REFERRAL
Property Tax ID:	N/A
Property Address:	N/A

223-2024 Local Law to establish a one-year moratorium on certain energy systems in the Town of Naples.

Municipality:	Town of Naples
Referring Board:	Town Board
Applicant:	Town of Naples, Town Board
Application Type:	Text Amendment
Class:	2 - LATE REFERRAL
Property	N/A
Information	
(Address & ID):	

Description & Review Comments:

The Town Board is concerned that approval of certain energy systems under the existing laws may not support the best uses for lands within the Town of Naples.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all of the energy systems enumerated in this local law on lands within the Town of Naples. This will afford the Town sufficient time to review the Town of Naples Comprehensive Plan and the Town Code and, if determined to be necessary, amend pertinent sections of the Town of Naples Comprehensive Plan or of the Town Code or to draft new provisions to the Town Code.

The Town of Naples established a six-month moratorium on the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection anywhere within the Town of certain energy systems effective January 4, 2024 with the filing of Local Law No. 1 of 2024 with the New York State Department of State and established a second six-month moratorium on the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection anywhere within the Town of certain energy systems effective July 5, 2024 with the filing of Local Law No. 5 of 2024 with the New York State Department of State. After consideration of the scope of the review and possible revisions to the Town of Naples Comprehensive Plan and to the Town Code, the Town Board deems it necessary to adopt an additional one-year moratorium on the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection anywhere within the Town of the Energy Systems set forth in this law.

The Town Board hereby enacts a moratorium, which shall prohibit the review, approval, creation, establishment, placement, relocation, construction, reconstruction, enlargement, modification or erection anywhere within the Town of any of the following energy systems (collectively referred to herein as an “Energy System” or “Energy Systems”):

1. major *solar collector systems*,
2. *wind turbines*,
3. electric energy storage systems,
4. farm waste energy systems,

5. fuel cell electric generating systems,
6. fuel-flexible linear generator electric generating systems,
7. micro-combined heat and power generating equipment systems, and
8. micro-hydroelectric energy systems

Attachments:

1. 223-2024 LL Solar Moratorium T Naples

12. Town Of Seneca

2024- 220-2024 Comprehensive Plan update amending the 2013 Town of Seneca Comprehensive
2910 Plan.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Text Amendment
Class:	Class 2

220-2024 Comprehensive Plan update amending the 2013 Town of Seneca Comprehensive Plan.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Text Amendment
Class:	Class 2
Property Information (Address & ID):	N/A

Description & Review Comments:

In 2023, the Town of Seneca decided to work with the Ontario County Planning Department to affirm/amend as necessary its 2013 Comprehensive Plan. The proposed Comprehensive Plan amendment includes a summary of demographic, development, and traffic trends; updates Goals, Policies, and Actions; and provides information on other new and changing topics. The amendment to the Goals, Policies, and Actions includes a new Goal #18 to address need for regional efforts to preserve farm viability, protect farmland, and promote agricultural economic developments and other changes to Policies and Actions in the 2013 Plan. The revised Policies and Action include:

1. Added Action regarding retention/expansion of agricultural support businesses, value-added businesses, and agri-tourism
2. Added Policies regarding provision of land zoned for development to minimize encroachment into agricultural areas.
3. Added Policy regarding collaboration with Ontario Pathways on trail maintenance and Action to identify location, partners, and funding to connect existing sidewalks to crate a walking loop in hamlet of Hall.

4. Calls for Code amendments to guide short term rental and special event venue uses.

The Comprehensive Plan amendment includes summary of 2002 SR5/US 20 Corridor Management Plan; status updates on activities identified in the 2013 Plan including anticipated sewer line from Ontario County Landfill to City of Geneva Wastewater Treatment Plant and Town Board resolution supporting cessation of landfill operation at end of lease December 31, 2028; updated environmental constraints and zoning reference map in the Plan; updates on resources for protecting farmland and farm viability and wetland regulations; and added resources on livability, sustainability, and resiliency.

Attachments:

1. 220-2024 2013 Comp Plan T Seneca
2. 220-2024 2024 Comp Plan T Seneca

CRC Comments:

2024- 221.0-2024 Zoning Law (adding definitions and regulations) and Zoning Map update –
2911 Town of Seneca.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Text Amendment
Class:	Class 2

221.0-2024 Zoning Law (adding definitions and regulations) and Zoning Map update –
Town of Seneca.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Text Amendment
Class:	Class 2
Property	N/A
Information	
(Address & ID):	

Description & Review Comments:

The zoning text amendment includes adding definitions for farm support business and special event venue and allowing both uses as specially permitted uses in the AG Agricultural zoning district. Special event venue is also added as a special permit use in the C-1 General Mixed Use district, C-2 Community Commercial district and added as permitted with site plan review to the M-1 General Industrial district.

The zoning amendment also removes duplicated listing of health club and fitness facilities from the special permit use list of the C-1 General Mixed Use Commercial and C-2 Community Commercial district as it is allowed as a permitted use, removes duplicated listing of retail sales and services in the C-2 Community Commercial district special use permit list as it is a permitted use.

Comments

1. Consider adding Farm Support Business as a use allowed with site plan review if under 5,000 sq.ft.in the C-1 General Mixed Use districts, as a specially permitted use in the C-2 Community Commercial districts, and as a permitted with site plan use in the M-1 General Industrial district.
2. The last clause in the definition of Farm Support Business should be removed or edited to clarify intent.

Attachments:

1. 221.0-2024 (and 221.1) Subject Parcel Seneca Zoning
2. 221.0-2024 (and 221.1) Zoning Law Seneca Zoning
3. 221-2024 Aerial

2024- 221.1-2024 Zoning Law (adding definitions and regulations) and Zoning Map update –
2912 Town of Seneca.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Map Amendment
Class:	Class 2

221.1-2024 Zoning Law (adding definitions and regulations) and Zoning Map update – Town of Seneca.

Municipality:	Town of Seneca
Referring Board:	Town Board
Applicant:	Town of Seneca Town Board
Application Type:	Map Amendment
Class:	Class 2
Property Information (Address & ID):	159.00-1-10.111

Description & Review Comments:

The proposed zoning map amendment would rezone tax parcel 159.00-1-10.111. a 65 acre parcel between SR 14 A and Wilson Road south of the Hamlet of Hall from Ag Agricultural to C-1 General Mixed Use. The parcel includes a farmstead with a home, barns, and other farm structures. The parcel and all adjacent parcels are in OC Agricultural District #1; all soils are prime farmland or prime if drained.

CRC Comment

1. Does the property owner have plans for commercial use?

Attachments:

1. 221.0-2024 (and 221.1) Subject Parcel Seneca Zoning

2. 221.0-2024 (and 221.1) Zoning Law Seneca Zoning
3. 221-2024 Aerial

13. Town Of Victor

2024- 202-2024 Area Variance to construct a 240 SF accessory structure (pergola) forward of the
2792 frontline of the principal building – south of SR96 at Phoenix Mills Plaza in the Town of Victor.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Hendler & Associates, LLC
Application Type:	Area Variance
Class:	Class 1

202-2024 Area Variance to construct a 240 SF accessory structure (pergola) forward of the frontline of the principal building – south of SR96 at Phoenix Mills Plaza in the Town of Victor.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Hendler & Associates, LLC
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	28.12-1-19.111

Description & Review Comments:

Pergola is to be built in the front grass area of Phoenix Mills Plaza (commercial use – shops/restaurants). Applicant mentions it will be a place to grow flowers and bushes with mulch covered ground surrounded by stone pavers matching existing clock/flower landscape area. The structure is to be decorative and will have no use for customers (there is no siting area). The location of the pergola structure will be located 15 ft. off of the pavement parking area and 46 ft. in from SR96 right-of-way boundary.

Attachments:

1. 202-2024 SEAF Phoenix Mills
2. 202-2024 Sketch Phoenix Mills
3. 202-2024 ZBA App Phoenix Mills
4. 202-2024 ZLD Phoenix Mills
5. 202-2024 Images Phoenix Mills
6. 202-2024 LOI Phoenix Mills
7. 202 Aerial

2024- 203.0-2024 Area Variance and Site Plan for the construction of a 17,000 SF addition on the
2793 western side of an existing building - at 51 Victor Heights Pkwy, on the northwest corner of the Victor Heights/SR251 intersection in the Town of Victor. The area variance is for a setback of 65.6 ft. (when 100 ft. is required) between an industrial structure and the boundary line of a residential district.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Postler & Jaeckle
Application Type:	Area Variance
Class:	Class 1

203.0-2024 Area Variance and Site Plan for the construction of a 17,000 SF addition on the western side of an existing building - at 51 Victor Heights Pkwy, on the northwest corner of the Victor Heights/SR251 intersection in the Town of Victor. The area variance is for a setback of 65.6 ft. (when 100 ft. is required) between an industrial structure and the boundary line of a residential district.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Postler & Jaeckle
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	15.01-1-36.000

Description & Review Comments:

Total acreage of the subject parcel is 4.8-acres. Disturbance is estimated at 0.8-acres. Elevation drawings of the proposed building addition show one overhead door on the north side of the addition, and two on the south side. Surrounding the addition is an asphalt drive and loading area that connects to the existing parking lot (to match existing). No additional parking is proposed (currently 82, 4 of which Are ADA accessible). The applicant mentions that stormwater runoff from increased impervious surface will be directed to an existing on-site storm sewer to the Town of Victor's storm system.

According to OnCor

- Subject Parcel has an manufacturing use. Applicant (Postler & Jaeckle) is a mechanical contractor / fabrication business. Surrounding land uses are all industrial, vacant industrial and commercial – except for the residential adjacent parcel along the southwest corner of the subject parcel, as well as residential parcels across SR251 (to the south).
- Subject parcel has little to no slope (0-3% gradient), except for a elevated (roughly 2 ft) treed section along the southwest corner of the parcel.
- Addition will be placed on what is currently mowed lawn and gravel parking areas. The addition has an elevated wooded/treed area to the west and south. A large vacant field lies to the north.

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety

and welfare that may be suffered by the community.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

The applicant submitted the following responses to the Five (5) Area Variance Test Questions above:

1. The proposed use is an allowed use in the Light Industrial zoning district and the building addition's aesthetics fit with the existing building. There is no undesirable change in the character of the neighborhood.
2. Strictly complying with the buffer requirements would preclude the applicant from constructing the previously approved addition, significantly reducing the benefits of this location for their business.
3. The requested variances are not substantial, they will not be apparent to the casual observer.
4. The area immediately to the west is either undeveloped, vacant land or the entrance drive into the Eastview Manor Apartment complex, with the nearest building located an additional 200 feet westward. There will not be any adverse impact on the physical or environmental conditions in the neighborhood.
5. As the variances are for setbacks from lot boundaries, arguably this is a self-created difficulty.

Code Enforcement Officer mentions that should an Area Variance be granted, site plan approval by the Town Planning Board is required.

Comments

1. Is this increase in space expected to increase the number of employees/customers per day? Is parking sufficient?
2. Will any additional stormwater management areas be implemented to mitigate this increase in impermeable surface on the property? The County Planning Board has an interest in reducing stormwater quality and quantity impacts and protecting the integrity of Ontario County's natural resources (lakes, streams, forests, and other natural resources).

OCSWCD Comments

1. Plans do not include details for stormwater management areas.
2. Locations of erosion and sediment control practices not indicated on plans.
3. Plans show paved surface inlet protection design, will the same practices be implemented prior to paving gravel areas?

Attachments:

1. 203.0-2024 (and 203.1) Full Plans Postler Jaeckle
2. 203.0-2024 (and 203.1) Grading Plan Postler Jaeckle
3. 203.0-2024 (and 203.1) LOI Postler Jaeckle
4. 203.0-2024 (and 203.1) PB App Postler Jaeckle
5. 203.0-2024 (and 203.1) SEAF Postler Jaeckle
6. 203.0-2024 (and 203.1) Site Plan Postler Jaeckle
7. 203.0-2024 (and 203.1) Test Questions Postler Jaeckle
8. 203.0-2024 (and 203.1) ZBA App Postler Jaeckle
9. 203.0-2024 (and 203.1) ZLD Postler Jaeckle
10. 203.0-2024 (and 203.1) Elevations Postler Jaeckle
11. 203-2024 Aerial

2024- **203.1-2024** Area Variance and Site Plan for the construction of a 17,000 SF addition on
2794 the western side of an existing building - at 51 Victor Heights Pkwy, on the northwest corner of the Victor Heights/SR251 intersection in the Town of Victor. The area variance is for a setback of 65.6 ft. (when 100 ft. is required) between an industrial structure and the boundary line of a residential district.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	Marathon Engineering
Application Type:	Site Plan
Class:	Class 1

203.1-2024 Area Variance and Site Plan for the construction of a 17,000 SF addition on the western side of an existing building - at 51 Victor Heights Pkwy, on the northwest corner of the Victor Heights/SR251 intersection in the Town of Victor. The area variance is for a setback of 65.6 ft. (when 100 ft. is required) between an industrial structure and the boundary line of a residential district.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	Marathon Engineering
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	15.01-1-36.000

Description & Review Comments:

See 203.0-2024

Attachments:

1. 203.0-2024 (and 203.1) Elevations Postler Jaeckle
2. 203.0-2024 (and 203.1) Full Plans Postler Jaeckle
3. 203.0-2024 (and 203.1) Grading Plan Postler Jaeckle
4. 203.0-2024 (and 203.1) LOI Postler Jaeckle
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8. 203.0-2024 (and 203.1) Test Questions Postler Jaeckle
9. 203.0-2024 (and 203.1) ZBA App Postler Jaeckle
10. 203.0-2024 (and 203.1) ZLD Postler Jaeckle
11. 203-2024 Aerial

2024- **204.0-2024** Area Variance and Site Plan for 2,400 SF of building additions and site
2795 improvements – at 634 Rowley Rd. in the Town of Victor. The Area Variance is for a 73 ft. front setback when a minimum of 80 ft. is required.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Storybrook Farms, LLC
Application Type:	Area Variance
Class:	Class 1

204.0-2024 Area Variance and Site Plan for 2,400 SF of building additions and site improvements – at 634 Rowley Rd. in the Town of Victor. The Area Variance is for a 73 ft. front setback when a minimum of 80 ft. is required.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Applicant:	Storybrook Farms, LLC
Application Type:	Area Variance
Class:	Class 1
Property	6.00-1-28.200
Information	
(Address & ID):	

Description & Review Comments:

The front setback area variance is due to the placement of the northern building addition (silo).

Subject parcel is 2.0-acres. Disturbance is proposed around 0.3-acres. The proposed (Veterinary Hospital) building additions will expand the existing facility to provide additional space for both patrons and staff. The building additions (north side addition - ramp entrance/retaining wall, south side addition - silo/staircase, entrance canopy, and cupula) expand the facility by approximately 45% by adding 2,400 SF of new floor space, bringing a total proposed floor space of 7,735 SF.

The existing structure is a single-story building, with a second-story loft area, and a full basement with direct access from the rear.

Besides the addition, minor site improvements include: addition of two (2) new ADA parking spaces and walkways into the facility, parking lot modifications (10' x 18' spaces to be striped, 25 total), downspout collection piping, (dark sky compliant) building lighting, and relocation of the kennel structure within the existing rear fenced area. The two (2) ADA parking spaces are proposed to be in the front yard with a 32 ft. setback when 80 ft. is required. The applicant is

requesting that the Planning Board allow this reduction in setback. Due to existing parking lot grades, the ADA spaces cannot be incorporated into the parking area without extensive removal and regrading. The proposed location of the ADA spaces will help reduce the distance between the parking space and building entrance.

No changes to the existing access location or entrance from Rowley Road are proposed. No modifications are proposed to the existing water service from the public watermain along Rowley Rd. In addition, no modifications are proposed to the existing private sanitary sewer pump station, force main, or connection to the public sewer system along Rowley Rd. For stormwater management, downspouts shall discharge to storm laterals. New dark sky compliant building mounted lights and up-light fixtures are proposed surrounding the building. No parking lot light fixtures are proposed. There is an existing pole-mounted light fixture at the entrance of the property that provides light to the entrance and parking area. The addition's exterior is to match the existing. The existing metal roof kennels are to be relocated west (behind building).

According to OnCor:

- Subject Parcel has a commercial use. Surrounding parcels have different uses: cemetery to the north, commercial use to the west, vacant commercial to the south, and the thruway and a residential parcel to the east (across Rowley Rd.).
- Slope is gentle to moderate (4-15% gradient). According to LiDar - Land slopes downhill from east to west, roughly an 8 ft. difference from the east side of the building to the west.
- Soil disturbed is Arkport Fine Sandy Loam (not hydric, high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group A).
- Area disturbed is predominately what is currently parking area and mowed lawn with trees. Trees run along the northern and western boundaries of the parcel. A vacant field lies to the south of the parcel. Across Rowley road (to the east) are predominately wooded (successional northern hardwoods).

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

The applicant submitted the following responses to the Five (5) Area Variance Test Questions above:

1. The applicant contends there will be no undesirable change to the character of the neighborhood if the requested variance is granted. The relief requested is along the eastern side of the existing structure and property, where no commercial or residential [property] would be impacted. The reduction of the building setback will not be noticeable to motorists traveling along Rowley Road and will not be visible while traveling along Route 96.
2. The applicant contends the benefit cannot be achieved by any other method than the variance to allow the reduction of the front building setback. Relief from the setback is requested to allow for the proposed building addition and planned internal layout, including the expansion to the waiting area in the northeast corner of the facility. The relief also allows the existing building barn architectural style to be maintained and enhanced with the addition of a new front canopy and silo feature which are shown on the enclosed architectural elevation and graphics.
3. The requested variance from 80' to 73' represents a variance of 7' or approximately a 8.75% reduction from the required front building setback.
4. The applicant contends approval of the variance will not affect the physical or environmental conditions of the neighborhood. The area of relief for the proposed building expansion is currently maintained as lawn and expansion of the structure in this location will not alter any of the physical or environmental conditions in the area.
5. The request to reduce the front building setback results from the need to expand the existing facility to support the growing business. Due to limitations of the existing structure and grades, the building expansions are primarily restricted to the north and south elevations. In general, the building additions are proposed on the north and south sides which comply with the front setback along the eastern side, however the relief requested allows for a new front entrance canopy and silo feature, which will enhance the existing architectural barn style of the building.

Comments

1. Will any additional stormwater management areas be implemented to mitigate this increase in impermeable surface on the property? The County Planning Board has an interest in reducing stormwater quality and quantity impacts and protecting the integrity of Ontario County's natural resources (lakes, streams, forests, and other natural resources).
2. Will any trees be removed for the proposed additions?

Attachments:

1. 204.0-2024 (and 204.1) Elevations Storybrook Farms
2. 204.0-2024 (and 204.1) Full Plans Storybrook Farms
3. 204.0-2024 (and 204.1) Grading Plan Storybrook Farms
4. 204.0-2024 (and 204.1) LOI Storybrook Farms
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7. 204.0-2024 (and 204.1) Site Plan Storybrook Farms

8. 204.0-2024 (and 204.1) Test Questions Storybrook Farms
9. 204.0-2024 (and 204.1) ZBA App Storybrook Farms
10. 204.0-2024 (and 204.1) ZBA SEAF Storybrook Farms
11. 204-2024 Aerial

2024- **204.1-2024** Area Variance and Site Plan for 2,400 SF of building additions and site
2796 improvements – at 634 Rowley Rd. in the Town of Victor. The Area Variance is for a
73 ft. front setback when a minimum of 80 ft. is required.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	BME Associates
Application Type:	Site Plan
Class:	Class 1

204.1-2024 Area Variance and Site Plan for 2,400 SF of building additions and site
improvements – at 634 Rowley Rd. in the Town of Victor. The Area Variance is for a
73 ft. front setback when a minimum of 80 ft. is required.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	BME Associates
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	6.00-1-28.200

Description & Review Comments:

See 204.0-2024

Attachments:

1. 204.0-2024 (and 204.1) Grading Plan Storybrook Farms
2. 204.0-2024 (and 204.1) LOI Storybrook Farms
3. 204.0-2024 (and 204.1) PB App Storybrook Farms
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11. 204-2024 Aerial

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)