

# ONTARIO COUNTY PLANNING BOARD

Wednesday, December 11, 2024, Time: 7:00 PM

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](http://www.ontariocountyny.gov/97/Planning)

## 1. Call to Order

Chair Passavant called the Wednesday, December 11, 2024 Ontario County Planning Board meeting to order at 7:01PM.

## 2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Terri Brown

Ruth Cahn

Burch Craig

Stephen High

Paul Lambiase (arrived at 7:05 PM)

Edward (Ted) Liddell

Chris Mergler

Leonard Wildman

Ryan Wilmer

Tammy Worden

Mike Woodruff

AJ Magnan

Present Not Voting:

Bessie Tyrrell

Absent: None

Excused:

Jack Dailey, Roslyn Grammer

Present (Voting) - 13, Present (Not Voting) - 1, Absent - 0, Excused - 2

Guests: Sean Wierert (PIG student)

## 3. Approval of Minutes:

AJ Magnan motioned to approve the minutes of the November 13, 2024 meeting. The motion was seconded by Tammy Worden. The motion passed.

4. New Business:

5. City Geneva

|                                                                                                                                                                                                     |                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| <b>224-2024 (CLASS 2)</b> Map Amendment to the City of Geneva's Zoning Map to extend the boundaries of the CB-5 (Central Business - 5 Story) Zone to include additional properties within Downtown. |                              |
| <b>Municipality:</b>                                                                                                                                                                                | City Geneva                  |
| <b>Referring Board:</b>                                                                                                                                                                             | City Council                 |
| <b>Applicant:</b>                                                                                                                                                                                   | City of Geneva, City Council |
| <b>Application Type:</b>                                                                                                                                                                            | Map Amendment                |
| <b>Class:</b>                                                                                                                                                                                       | Class 2                      |
| <b>Property Information (Address &amp; ID):</b>                                                                                                                                                     | n/a                          |

**Description & Review Comments:**

This amendment adds parcels (indicated on the submitted draft zoning map) to CB-5 (Central Business – 5 Story) Zoning District. The Geneva City Council recognizes the area’s important and historic contribution to downtown Geneva’s walkability and accessibility and to increase the value of future development. The submitted Ordinance also mentions that this amendment is “in conformance with the Geneva City Comprehensive Plan in furtherance of the City’s values – which include stewardship of natural resources, a strong economy, its uniquely urban setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets – with its vision of being a beautiful, prosperous, equitable, connected, and sustainable city”. Parcels being added to the CB-5 Zoning District are zoned predominately Central Business (CB) currently – except for the parcels (4 total) along Genesee and Geneva Street that are zoned MDR (Medium Density Residential), and parcels (3 total) along North Street that are zoned NB (Neighborhood Business).

The proposed zoning change would increase the allowable height from 3 stories/45’ to 5 stories 65’ for those properties currently zonied CB Central Business and from 2.5 stories/35’ to 5 stories/65’ for properties currently zoned NB Neighborhood Business. For properties currently zoned Neighborhood Business, the proposed change would permit hotels and winery, brewery, distillery; no longer require a special use permit for multi-family uses with of 7 to 12 dwelling, short term rental, bed and breakfast, indoor recreation, restaurant, tavern, retail shop, outdoor assembly; and would allow multi-family uses with over 12 dwellings and drive-through facility by special use permit. Properties currently zoned NB would also now have a minimum building height of 2 stories/30 feet and re-use of existing buildings would be exempt from off-street parking requirements.

**CRC Comments**

1. What is the reason for increasing development density of some parcels and not others -i.e. the rezoning MLK park, not rezoning parcels along Exchange Street from Canal Street to East Castle Street?
2. Has the referring board considered the potential impact to views/line-of-site of the lake for

residents/visitors? For example, the viewshed from Pulteney Park looking east down Elizabeth Blackwell St. The County Planning Board considers community character (including historic and cultural landscapes) “a key feature of creating a desirable tourism destination and maintaining quality of life for residents” – CPB Bylaws.

3. The referring body may want to explicitly link proposed changes to land use regulations to vision, policies, and goals of the Comprehensive Plan for example maintaining the walkable, urban character of community gateways y
4. Will the proposed changes in development density negatively impact residential uses north of North Street?

**Attachments:**

1. 224-2024 Ordinance C Geneva Map Amendment
2. 224-2024 Zoning Map C Geneva Map Amendment

**CPB Comment**

1. Referring Board should consider if the parking requirements for new buildings in the CB-5 Zoning District align with the vision for downtown Geneva.

Board Motion: To retain referral 224-2024 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: AJ Magnan, seconded by: Paul Lambiase. Vote: Yes 13, No 0, Abstained 0. The motion passed.

**6. Town of Canadice**

**225-2024 (CLASS 1)** Site Plan to construct a 1,492 SF attached bunkhouse addition and site improvements - at 6455 CR36 (FLCC - Muller Station) in the Town of Canadice.

|                            |                  |
|----------------------------|------------------|
| <b>Municipality:</b>       | Town of Canadice |
| <b>Referring Board:</b>    | Planning Board   |
| <b>Applicant:</b>          | FLCC Foundation  |
| <b>Application Type:</b>   | Site Plan        |
| <b>Class:</b>              | Class 1          |
| <b>Property</b>            | 182.00-1-14.100  |
| <b>Information</b>         |                  |
| <b>(Address &amp; ID):</b> |                  |

**Description & Review Comments:**

Muller Field Station is owned and operated by the Finger Lakes Community College Foundation (FLCC Foundation). It is used for field-based education for academic programs, laboratory experiences, research and community outreach for College and K-12 students and teachers, community members and environmental organizations. The existing lodge currently supports educational and community group classes, along with intermittent overnight educational classes.

The proposed bunkhouse (providing up to 26 beds for overnight visitors) will be located on the north side of the existing lodge and will be separated by a firewall.

Improvements other than the bunkhouse include: expanded parking (Existing: 11 spaces, Proposed: 21 spaces – 2 of which are ADA Accessible), site lighting, sidewalks, improvements to the existing paved access drives, and expansion of the existing leach field.

The subject parcel is 48-acres. Disturbance is estimated to be 0.87-acres – a 16'' pine and 18'' maple tree are to be removed. The proposed project will connect to the existing water supply (private well) and wastewater utilities (private septic). Electricity is to be provided through an underground electric service. The submitted engineer's report mentions that the facility is currently served by a septic tank (which is to be expanded) with a 1,250-gallon capacity and the absorption field with a basal area of 2,363 (designed for the use of 50 people). Existing drainage patterns are to remain unchanged, and drain to the existing lawn and ponds. A 2 ft. deep swale is proposed to the east of the parking lot (downhill of the parking lot).

According to OnCor:

- Subject and surrounding parcels are in Ontario County Agricultural District #1.
- Area disturbed is within the FEMA Q3 Floodplain. Eastern portion of the parcel also contains 100-year flood zones. The eastern portion of the parcel also contains national wetlands and NYS DEC wetlands. The pond to the east of the existing lodge is also a national wetland.
- Slope disturbed is predominately moderate (10-15% gradient) and is currently mowed lawn.
- Subject parcel has a community service land use. Surrounding parcels are owned by the NYS DEC. Except for one parcel across CR36 to the west (residential).
- Soil disturbed is predominately Orpark Silt Loam (partially hydric, moderately high permeability, high erodibility, is farmland of statewide importance, and is in hydrologic soil group D).

### **OCSWCD Comments**

1. Consider use of 0 P fertilizer unless otherwise indicated as needed through soil testing.
2. For clarity on plans, curved ends of check dams should point upslope.
3. Location of topsoil stockpile not indicated on plans.
4. Location of concrete truck washout not indicated on plans.
5. Detail for drop inlet protection not included in plans.
6. Piped outlet structure dry swale should be stabilized with stone apron.
7. Silt fence along pond edge should be contiguous with overlapping ends if necessary.
8. Consider signage along silt fence on wetland boundary.
9. Is the existing septic tank (etu) 1250-gallons or 2000-gallons? plan shows both.
10. If drop boxes are replaced during construction, will black plastic boxes be utilized especially if water softeners are installed?
11. Will the new system be designed to handle the existing septic tank at the barn/lab?
12. It is important the existing and new leach areas be mowed and maintained as lawn.
13. It is very important the enhanced treatment unit be pumped, cleaned and serviced regularly.
14. It is very important paint, bleach, paper towels, medication, coffee grounds, cigarette butts, 'flushable' wipes or personal hygiene products do not enter the system.

### **CRC Comment**

1. Existing and draft floodplain extent should be shown on the site plan.

**Attachments:**

1. 225-2024 Prelim Site Plan Muller Field Station
2. 225-2024 Engineer Report Muller Field Station
3. 225-2024 Full Prelim Plans Muller Field Station
4. 225-2024 PB App Muller Field Station
5. 225-2024 SEAF Muller Field Station
6. 225-2024 Submittal Letter Muller Field Station
7. 225 Aerials

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

## 7. Town of Canandaigua

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**237-2024 (EXEMPT)** Site Plan (seeking retroactive approval) associated with the placement of stone, a catch basin, and a culvert in an existing (non-regulated) drainage way - at 5041 CR16 in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Applicant:** Paul Messina (PEJA Partners LLC)  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property** 154.09-1-7.110  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

Exempt (Exemption 9 of OCPB Exemption List)

**Attachments:**

None

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**238-2024 (AR1)** Special Use Permit to construct a (roughly) 25 ft. wall sign on an existing building - at 1947 SR332 in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Applicant:** Ian MacDonald  
**Application Type:** Special Use Permit

|                                                 |                |
|-------------------------------------------------|----------------|
| <b>Class:</b>                                   | AR1            |
| <b>Property Information (Address &amp; ID):</b> | 56.00-1-13.210 |

**Description & Review Comments:**

**Policy AR-7B: Signage complying with local limits on size and number**

**Final Classification:** Class 1

**Findings**

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

**Attachments:**

1. 238-2024 LOI Cafalone Sign SUP
2. 238-2024 Sign Image Cafalone Sign SUP
3. 238-2024 ZLD Cafalone Sign SUP
4. 238-2024 Full Plans Cafalone Sign SUP
5. 238-2024 Waiver Cafalone Sign SUP
6. 238 Aerial

**239-2024 (CLASS 2) Local Law** - an addition to Town Code (Chapter 77) relating to the maintenance of fire alarm systems located within the Town of Canandaigua.

|                                                 |                                 |
|-------------------------------------------------|---------------------------------|
| <b>Municipality:</b>                            | Town of Canandaigua             |
| <b>Referring Board:</b>                         | Town Board                      |
| <b>Applicant:</b>                               | Town of Canandaigua, Town Board |
| <b>Application Type:</b>                        | Text Amendment                  |
| <b>Class:</b>                                   | Class 2                         |
| <b>Property Information (Address &amp; ID):</b> | n/a                             |

**Description & Review Comments:**

The Town of Canandaigua Town Board mentions that there has “been an increase in false alarms causing unnecessary strain on emergency responders with responses for repeated issues related to the activation of an alarm system indicating an emergency when, in fact, no emergency situation exists. The new text code adoption will close a gap in the uniform building code whereas there exists a lack of prompt resolution for such issues triggering a false emergency response”.

The local law creates Chapter 77 Alarms. This chapter includes definitions for: “Alarm System”, “Avoidable Alarm”, “False Alarm”, “Fire Alarm System”, “Fire Department”, “Notice”, “Owner”, and “Town”. Chapter 77 includes minimum standards and regulations for the installation, construction, and maintenance of all fire alarm systems installed within the Town. It also outlines what constitutes a violation and what the penalties are for offenses. Penalties include:

- First and second avoidable alarm (in one year) – written notice
- Third avoidable alarm (in one year) - \$200 Fine
- Fourth avoidable alarm (in one year) - \$300 Fine
- For each avoidable alarm thereafter (in one year) - \$500 Fine
- For each violation of §77-4 Fire Alarm Standards and Regulations - \$500 Fine

**Attachments:**

1. 239-2024 LL T Canandaigua Alarms LL
2. 239-2024 SEAF T Canandaigua Alarms LL

Board Motion: To retain referral 239-2024 as a class 2 and return to the local board with recommendation for approval.

Motion made by: Stephen High, seconded by: Tammy Worden. Vote: Yes 13, No 0, Abstained 0. The motion passed.

**240-2024 (CLASS 2)** Local Law - repeal and replacement of Municipal Code (Chapter 88) of the Town of Canandaigua, which provides regulations for the removal and repair of unsafe buildings. The proposed Local Law expands the policy and procedures for resolution of vacant buildings and property neglect issues.

**Municipality:** Town of Canandaigua  
**Referring Board:** Town Board  
**Applicant:** Town of Canandaigua, Town Board  
**Application Type:** Text Amendment  
**Class:** Class 2  
**Property Information (Address & ID):** n/a

**Description & Review Comments:**

Changes include:

- Article I General Provisions: §88-1 Policy and Purpose and §88-2 Definitions

-The chapter will no longer have an independent definition of “Unsafe Structures” and aligns itself with the NYS Uniform Code.

-Definitions added include: “Building”, “Code Enforcement Officer”, “Emergency Situation”, “Operator”, “Owner”, “Secured by Other Than Normal Means”, “Uniform Code”, “Unoccupied”, “Unsecured”, and “Vacant Building”.

- Article II General Requirements: §88-3 General Requirements; Incorporation of Codes By Reference
- Article III Inspection of Buildings and Properties: §88-4 Inspection Authorization
- Article IV Vacant Buildings: §88-5 Policy and Purpose, §88-6 Vacant Building Registration, §88-7 Property Maintenance Company Registration, and §88-8 Vacant Building and Property Maintenance

-The proposed ordinance has legislation for the creation and maintenance of a vacant building registry.

-Companies maintaining or responsible for a vacant building shall register with the Code Enforcement Office to provide up to date information and contacts.  
-This article also provides for general conditions for which applicable properties and structures are to be maintained to.

- Article V Unsafe Buildings: §88-9 Findings; Purpose, §88-10 Investigation and Report, §88-11 Public Hearing; Notice; Order to Repair or Remove, §88-12 Failure to Comply with Order, and §88-13 Payment and Assessment of Cost

-“In the event of the refusal or neglect of the owner to comply with said Town Board order, the Town Board shall provide for the repair or demolition and removal of such building or structure either by Town employees or by contract”.

- Article VI Enforcement: §88-14 Notice of Violation and Order to Remedy, §88-15 Appearance Tickets, §88-16 Penalties for Offenses, §88-17 Civil Penalties, §88-14 Injunctive Relief, and §88-19 Remedies Not Exclusive

-This article provides policy and procedures for remediation of violations as it relates to Chapter 88.

-“Any owner or operator who shall violate any provisions of this chapter shall be punishable by a fine of not less than \$500 and not more than \$1,000. Each day that a violation continues shall be deemed a separate offense”.

### **Comment**

1. Article IV Vacant Buildings looks to have a typo. “Policy and Purpose” and “Vacant Building Registration” are labeled “§66-5” and “66-6”, respectively. It looks like they should be “§88-5” and “§88-6”.

### **Attachments:**

1. 240-2024 LL T Canandaigua Prop Maint
2. 240-2024 SEAF T Canandaigua Prop Maint

### **CPB Comments:**

Board Motion: To retain referral 240- 2024 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Tammy Worden, seconded by: Mike Woodruff. Vote: Yes 13, No 0, Abstained 0.  
The motion passed.

## **8. Town of Farmington**

**241-2024 (CLASS 2)** Map Amendment to rezone 2.6-acres of a 9.7-acre parcel from RMF (Residential Multi-Family) to GB (General Business), making the entire parcel zoned GB. Project is located at 6200 SR96 (Meyer's RV Superstore), at the northeast corner of the SR96/Mertensia Rd. intersection in the Town of Farmington.

**Municipality:** Town of Farmington  
**Referring Board:** Town Board

|                                                 |                |
|-------------------------------------------------|----------------|
| <b>Applicant:</b>                               | Mark D. Meyer  |
| <b>Application Type:</b>                        | Map Amendment  |
| <b>Class:</b>                                   | Class 2        |
| <b>Property Information (Address &amp; ID):</b> | 29.00-1-70.110 |

**Description & Review Comments:**

The 2.6-acre section (formerly part of TM# 29.00-1-68.000) to be rezoned to GB (General Business) was recently acquired (lot line adjustment) and added to the subject parcel (TM# 29.00-1-70.110). The desired plans (if the rezoning is granted) for this newly acquired section is for the expansion of the existing RV dealership.

According to T. Farminton Town Code:

- §165-37(4): Off Street Parking and Loading - Screening and Landscaping

-A. Off-street parking areas for more than five but less than 100 vehicles shall be effectively screened on each side by a fence of acceptable design, unpierced masonry wall, earthen berm or compact evergreen hedge. Such fence, wall or hedge shall not be less than six feet in height and shall be maintained in a good condition.

-B. In parking areas with a capacity of 100 vehicles or more, landscaping plans must be submitted showing the area broken up into smaller sectors by aisles and landscaping, with adequate pedestrian walkways.

-C. When a parking area for five or more vehicles adjoins a residential area, a planted buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining residential area. In those instances where an industrial use abuts a residential area, the minimum width of such buffer strip shall be 20 feet. Such buffer strips shall include a fence of acceptable design, unpierced masonry wall, earthen berm or compact evergreen hedge of not less than six feet in height, which shall be maintained in good condition without any advertising thereon.

-D. The face side of any fence screening a parking area from a residential area shall be erected toward the adjoining residential area.

- §165-34 MTOD Major Thoroughfare Overlay District

-F. Dimensional requirements. Dimensional requirements for development within the Major Thoroughfare Overlay District shall be those setbacks, lot size and lot coverage provisions of the underlying or base zoning district within which the subject property lies, as outlined in Schedule I of this Zoning Chapter, unless otherwise provided by this chapter.

-G. Setbacks. Properties located in the Major Thoroughfare Overlay District shall be governed by the following setbacks:

1. Side yard: 30 ft.
2. Setback from and access road: 50 ft.
3. Setback from State Route 96, County Road 8 and County Road 41: 70 ft., and setback from State Route 332: 100 ft.

- §165 Schedule I - Lot Area, Bulk and Coverage Requirements (for the GB - General Business Zoning District)

-Front Setback: 75 ft.

-Rear Setback: 30 ft.

-Side Setback: 30 ft.

**CRC Comment**

- 1. When developing a site plan for rezoned property, the owner should minimize visual impact of RV storage and security lighting on adjacent residential uses.

**Attachments:**

- 1. 241-2024 Image MDM Rezone
- 2. 241-2024 LL MDM Rezone
- 3. 241-2024 LOI MDM Rezone
- 4. 241-2024 Resolution MDM Rezone
- 5. 241-2024 SEAF MDM Rezone
- 6. 241-2024 Survey MDM Rezone
- 7. 241-2024 Letter to Town MDM Rezone

**CPB Comment**

- 1. If additional parking is to be added, (during the site plan process) the referring board should consider additional stormwater management infrastructure to mitigate runoff from the increased impervious surface.

Board Motion: To retain referral 241- 2024 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, seconded by: Tammy Worden. Vote: Yes 13, No 0, Abstained 0.  
The motion passed.

**9. Town of Gorham**

**226-2024 (EXEMPT)** Subdivision of a 0.50-acre parcel into two parcels (Parcel 1: 0.22-acres, Parcel 2: 0.28-acres) - at 4260 SR364 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Thomas Smith  
**Application Type:** Subdivision  
**Class:** Exempt  
**Property** 127.11-1-33.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**  
Exempt (Exemption 11 of OCPB Exemption List)  
**Attachments:**  
None

**227.0-2024 (CLASS 1)** Subdivision (of a 2.52-acre parent parcel into two parcels) and

Area variances for: (1) Parcel 1 having a lot area of 0.66-acres and (2) Parcel 2 having a lot area of 1.86-acres when a minimum of 2.0-acres is required, and for Parcel 2 to have a lot depth of 172 ft. when a minimum of 200 ft. is required. Project is at 3932 CR17, located at the northwest corner of Depew Rd. and CR17 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Zoning Board of Appeals  
**Applicant:** Mark's Engineering  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property** 115.00-1-24.111  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The subject Parcel is currently divided by County Road 17. The subdivision would make these two sections separate parcels. Submitted documents indicate that there are future plans to construct a single-family dwelling and attached garage on the 1.86-acre parcel to the east of CR17 (site plan approval would be required).

According to Oncor:

- The subject parcel and surrounding parcels are in Ontario County Agricultural District #1.
- The subject parcel has residential land use. The surrounding parcels are all agricultural.

**Attachments:**

1. 227.0-2024 (and 227.1) Subdiv Plat Lightfoote Variance
2. 227.0-2024 (and 227.1) Test Questions Lightfoote Variance
3. 227.0-2024 (and 227.1) Prelim Plans Lightfoote Variance
4. 227.0-2024 (and 227.1) SEAF Lightfoote Variance
5. 227.0-2024 (and 227.1) ZBA App Lightfoote Variance
6. 227 Aerial

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

**227.1-2024 (AR1)** Subdivision (of a 2.52-acre parent parcel into two parcels) and Area variances for: (1) Parcel 1 having a lot area of 0.66-acres and (2) Parcel 2 having a lot area of 1.86-acres when a minimum of 2.0-acres is required, and for Parcel 2 to have a lot depth of 172 ft. when a minimum of 200 ft. is required. Project is at 3932 CR17, located at the northwest corner of Depew Rd. and CR17 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board

|                                                 |                    |
|-------------------------------------------------|--------------------|
| <b>Applicant:</b>                               | Mark's Engineering |
| <b>Application Type:</b>                        | Subdivision        |
| <b>Class:</b>                                   | AR1                |
| <b>Property Information (Address &amp; ID):</b> | 115.00-1-24.111    |

**Description & Review Comments:**

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

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

**Final Classification:** Class 1

**Findings**

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report).
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of onsite sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. 8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

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

**Comment for new or relocated access onto a County road:**

The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).

**Attachments:**

None

**228-2024 (CLASS 1)** Site Plan for the construction of a new dry goods store (farmer's market, ag & craft supplies) with a parking lot and loading dock, and additional site improvements (grading, drainage, utilities) - at 3090 CR18 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Nelson Nolt  
**Application Type:** Site Plan  
**Class:** Class 1  
**Property** 143.00-1-8.120  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The subject parcel is 9.64-acres. The project is estimated to have 0.86-acres of disturbance. A frame house and garage exist on the parcel, as well as a steel-clad barn in the rear yard. Existing driveway entrance is to be removed. A class C stream runs along the western edge of the parcel.

The site plan indicates that the “contractor shall verify the location of existing service and coordinate all work with utility providers. [They will] Relocate water and sanitary piping as required”. The business will connect to underground electric. A new gravel entrance (east of the existing) and driveway is to be constructed, leading to the store. Four parking spaces are proposed, and a loading dock will be placed on the rear/western side of the structure. A retaining wall will be installed along the northern (rear) edge of the proposed building.

According to Oncor:

- The subject parcel and surrounding parcels are in the Ontario County Agricultural District #1.
- Subject and surrounding land use is agricultural, except for residential parcels to the west.
- Area disturbed is currently/recently a horse pasture.
- Soil disturbed is predominately Palmyra Gravelly Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).
- Area of proposed work is in gentle slope (4-9% gradient).

**Comments**

1. Are there any landscaping plans? The referring Board should consider requiring landscaping – in order to visually buffer the business from adjacent residential uses to the west and to maintain the rural/agricultural community character of sparsely developed areas.
2. Is there any proposed lighting? Will it be contained on site? Is it dark sky compliant?
3. What is the expected number of employees for the business? How many customers are expected per day?
4. What will the hours of operation be?

**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.

2. What is the size of the drainage pipe leaving the catch basin, and what material is the pipe? Please note that on the plans.
3. Applicant shall keep the stormwater system on their property and not discharge into the County Right-Of-Way as this portion of County Road 18 does not have a conveyance system.
4. What are the limits of disturbance for this project? If it is over an acre, a SWPPP will be required prior to any permits being issued by OCDPW. Please place the limits of disturbance somewhere on the drawings.

**Attachments:**

1. 228-2024 Site Plan Nolt Store
2. 228-2024 Full Plans Nolt Store
3. 228-2024 PB App Nolt Store
4. 228-2024 SEAF Nolt Store
5. 228 Aerial

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

## 10. Town of Hopewell

**229-2024 (CLASS 1)** Area Variance for a front setback of 31.1 ft. when 100 ft. is required, for the construction of a new 5,760 SF building with gravel parking (contractor's yard) - at 4125 SR5&20 in the Town of Hopewell.

|                            |                         |
|----------------------------|-------------------------|
| <b>Municipality:</b>       | Town of Hopewell        |
| <b>Referring Board:</b>    | Zoning Board of Appeals |
| <b>Applicant:</b>          | NACL Properties, LLC    |
| <b>Application Type:</b>   | Area Variance           |
| <b>Class:</b>              | Class 1                 |
| <b>Property</b>            | 99.00-1-26.000          |
| <b>Information</b>         |                         |
| <b>(Address &amp; ID):</b> |                         |

**Description & Review Comments:**

Project was referred last month Nov 2024 for special use permit and a site plan (218.0- and 218.1-2024). Upon realization that an area variance is needed, the project was re-referred. The project has not changed, so the site plan portion of the application is exempt (was not referred).

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.

#### **Relevant Nov 2024 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?

#### **Relevant Nov 2024 OCSWCD Comments**

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. 229-2024 Site Plan Stagliano Contracting
2. 229-2024 Test Questions Stagliano Contracting
3. 229-2024 Full Plans Stagliano Contracting
4. 229-2024 SEAF Stagliano Contracting
5. 229-2024 ZBA App Stagliano Contracting

6. 229 Aerial

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

11. Town of Manchester

**230-2024 (EXEMPT)** Subdivision of an 83.2-acre parent parcel into two separate parcels (Parcel 1 - 65.7-acres, Parcel 2 - 17.6-acres) - at 3456 Hopewell Townline Rd., on the north side of the T. Hopewell / T. Manchester municipal boundary, in the Town of Manchester.

**Municipality:** Town of Manchester  
**Referring Board:** Planning Board  
**Applicant:** Gary Vogal  
**Application Type:** Subdivision  
**Class:** Exempt  
**Property Information (Address & ID):** 45.00-1-54.110

**Description & Review Comments:**  
Exempt (Exemption 11 of OCPB Exemption List)

**Attachments:**  
None

**231.0-2024 (CLASS 1)** Special Use Permit and Site Plan to construct and operate a 125 ft. (+4 ft. lightning rod) monopole telecommunications tower and associated improvements - on a parcel (TM# 44.00-1-23.112) located on the south side of Shortsville Rd. in the Town of Manchester.

**Municipality:** Town of Manchester  
**Referring Board:** Planning Board  
**Applicant:** Bell Atlantic Mobile System  
**Application Type:** Special Use Permit  
**Class:** Class 1  
**Property Information (Address & ID):** 44.00-1-23.112

**Description & Review Comments:**  
Subject Parcel is 17.8-acres. The leased portion of the parcel has an area of 100 ft. x 100 ft. (0.23-acres). The owners of the subject parcel also own the adjacent parcel to the east. The proposed

tower will include nine (9) attached wireless telecommunications antennas. The tower appears to have ground space for 2 additional carriers (3 total). Ground improvements include: equipment cabinets on a 137.5 SF concrete slab (with an ice canopy above), a cable bridge (connects to underground local utilities via easement), a propane generator on a 32 SF concrete slab, a 500-gallon propane tank on a 40 SF concrete slab, an H-frame, all enclosed by a 7 ft. tall chain-link fence w/ barbed wire. Access to the tower will utilize a 940 ft. (12 ft. wide) gravel driveway off of Shortsville Rd (via a 30-ft. wide access easement). Construction of the road will require some tree clearing. Two stream / wetland crossings are proposed to provide access to the site. HDPE Pipes are proposed to go under the road at these crossings in order to mitigate wetland disturbance (3.8-acres total). The tower is setback 180 ft. or more from property lines. The 129-ft. fall zone lies within the parcel in an open field. There is no landscaping indicated. The field in which the tower is located is surrounded by wetlands (to the north) and forested land. A visibility study was done – views of the tower are primarily on adjacent parcels, as well as to the west (roughly 1.5 miles) near the Shortsville Rd. / Sandhill Rd. intersection.

According to Oncor

- Adjacent parcels to the south are in Ontario County Agricultural District #1.
- Subject Parcel land use is vacant w/ improvements (contains an accessory structure). Surrounding parcels are predominately residential.
- Land cover is successional old field.
- A National Wetland lies on the adjacent parcel to the west.
- Project area has gentle to no slope (0-9% gradient).
- Soil Disturbed is primarily Loamy Fine Sand and Fine Sandy Loam

-Elnora Loamy Fine Sand (not hydric, high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B).

-Lamson Fine Sandy Loam (partially hydric, high permeability, high erodibility, is considered farmland of statewide importance, and is in hydrologic soil group B/D).

Verizon agrees to remove the proposed wireless telecommunications facility and related improvements installed within ninety (90) days if the facility becomes obsolete, or ceases to be used for its intended purposes. A removal cost estimate was provided - \$75,000.

## **Comments**

1. How many trees need to be removed for construction? Will any trees be planted in their place?
2. Does the telecommunications pole require lighting? Will it be rotating? What color?
3. Referring Board should ensure that the end of use / decommissioning estimate is reviewed as needed for inflation.

## **OCSWCD Comments**

1. See blue book for design specs for concrete truck washout.
2. Silt fence should not be placed across areas of concentrated flow. Plans show silt fence in areas of proposed culvert installation.
3. Will any topsoil be stockpiled on site? If so indicate location on plans?

## **Attachments:**

1. 231.0-2024 (and 231.1) Project Descript Verizon Tower
2. 231.0-2024 (and 231.1) Renderings Verizon Tower

3. 231.0-2024 (and 231.1) Site Plan Tower
4. 231.0-2024 (and 231.1) Ag Data Verizon Tower
5. 231.0-2024 (and 231.1) Colocation Policy Verizon Tower
6. 231.0-2024 (and 231.1) Compliance1 Verizon Tower
7. 231.0-2024 (and 231.1) Compliance2 Verizon Tower
8. 231.0-2024 (and 231.1) FEAF Verizon Tower
9. 231.0-2024 (and 231.1) Full Plans Verizon Tower
10. 231.0-2024 (and 231.1) Lease Agreement Verizon Tower
11. 231.0-2024 (and 231.1) Legal Standards Verizon Tower
12. 231.0-2024 (and 231.1) PB App Verizon Tower
13. 231.0-2024 (and 231.1) Removal Verizon Tower
14. 231.0-2024 (and 231.1) RF Analysis Verizon Tower
15. 231.0-2024 (and 231.1) Site Selection Verizon Tower
16. 231.0-2024 (and 231.1) Structural Capacity Verizon Tower
17. 231.0-2024 (and 231.1) Submittal Letter Verizon Tower
18. 231.0-2024 (and 231.1) Tower Locations Verizon Tower
19. 231 Aerial

### CPB Comment

1. The Town Board may want to amend Chapter 111 Administrative Fees to allow reimbursement of expenses for professional consultants to review annual reports and decommissioning cost updates.

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

**231.1-2024 (CLASS 1)** Special Use Permit and Site Plan to construct and operate a 125 ft. (+4 ft. lightning rod) monopole telecommunications tower and associated improvements - on a parcel (TM# 44.00-1-23.112) located on the south side of Shortsville Rd. in the Town of Manchester.

|                                                 |                             |
|-------------------------------------------------|-----------------------------|
| <b>Municipality:</b>                            | Town of Manchester          |
| <b>Referring Board:</b>                         | Planning Board              |
| <b>Applicant:</b>                               | Bell Atlantic Mobile System |
| <b>Application Type:</b>                        | Site Plan                   |
| <b>Class:</b>                                   | Class 1                     |
| <b>Property Information (Address &amp; ID):</b> | 44.00-1-23.112              |

### Description & Review Comments:

See 231.0-2024

**Attachments:**

None

Board Motion: To retain referrals 225-2024, 227.0-2024, 228-2024, 229-2024, 231.0-2024, 231.1-2024 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Mike Woodruff. Vote: Yes 12, No 0, Abstained 1 (Burch Craig). The motion passed.

## 12. Town of Naples

**232-2024 (CLASS 1)** Area Variance for a 21 SF electronic ground sign when code allows for no greater than 4 SF - at 8833 SR53 (Naples Bible Church) in the Town of Naples.

|                            |                         |
|----------------------------|-------------------------|
| <b>Municipality:</b>       | Town of Naples          |
| <b>Referring Board:</b>    | Zoning Board of Appeals |
| <b>Applicant:</b>          | Naples Bible Church     |
| <b>Application Type:</b>   | Area Variance           |
| <b>Class:</b>              | Class 1                 |
| <b>Property</b>            | 204.00-1-74.200         |
| <b>Information</b>         |                         |
| <b>(Address &amp; ID):</b> |                         |

**Description & Review Comments:**

Subject Parcel is 3.69-acres. Disturbance is estimated at 3 SF. Sign will be placed on a 40'' pedestal. The sign will be roughly 6.5 ft. x 3.3 ft., and roughly 6.7 ft tall. The sign will be located 22 ft. from the right-of-way and 262 ft. south of the entrance drive to the church. The applicant mentions the area is 55 mph and a larger sign is needed for people to safely see the sign at that speed. They also mention the sign will be turned off at night.

According to Oncor:

- Surrounding parcels are all residential.
- Subject and surrounding parcels are in the Ontario County Agricultural District #1.
- Area where the sign is located is currently mowed lawn.
- Area disturbed has a gentle slope (4-9% gradient).

American Planning Association prepared a research based report in conjunction with the US Sign Council, PAS Report 580 Street Graphics and the Law 4<sup>th</sup> edition 2015. Full report is available for purchase at Planning.org or for download to subscribers of Planners Advisory Service.

Presentation visibility and sign/letter size graphics and tables are from this report.

See also the publicly available site <https://www.signazon.com/help-center/sign-letter-height-visibility-chart.aspx>. Remember this is a sign industry site and your community may prefer to allow “readable” letter heights, not “best impact” letter heights

The following link provides information on NYSDOT standards for Commercial Electronic Variable Message Signs (CEVMS). Key characteristic include message duration, transition time,

spacing, and maximum day and night time brightness.

<https://www.dot.ny.gov/divisions/engineering/real-estate/repository/cevms-criteria-for-website.pdf>

### **Comment**

1. Will the existing sign be removed?

### **CRC Comment**

1. Referring Board should consider if this area variance request meets the requirements of the area variance test questions and whether the benefit to the applicant outweighs community character impact. Would a lesser variance than the one requested be appropriate? Or are there alternatives available to the applicant which would not require an area variance?

### **Attachments:**

1. 232-2024 Sign Location Church Sign
2. 232-2024 ZLD Church Sign
3. 232-2024 SEAF Church Sign
4. 232-2024 ZBA App Church Sign
5. 232-2024 Dimensions Church Sign
6. 232 Aerial

### **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.

### **Must the variance, if granted, be exactly what was applied for by the applicant?**

Whether the ZBA decides to grant a use or area variance, State law requires the ZBA to grant the minimum variance necessary to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. For these same reasons, the ZBA may also impose reasonable conditions on the grant of any variance.

Excerpt from NYSDOS James A. Coon Local Government Technical Series Guidelines for

**CPB Comments**

1. State law requires the ZBA to grant the minimum variance necessary to provide relief, while at the same time taking care to protect the character of the neighborhood and the health, safety and welfare of the community. 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.
2. The Town Board should consider clarifying/amending code regarding electronic and illuminated signs.

Board Motion: To retain referral 232-2024 as a class 1 and return to the local board with comments.

Motion made by: AJ Magnan, seconded by: Leonard Wildman. Vote: Yes 13, No 0, Abstained 0. The motion passed.

**13. Town of Richmond**

**233-2024 (AR2)** Area Variance to replace a deck with a 1.6 ft. south side setback when a minimum of 5 ft. is required by code - at 5201 CR36 in the Town of Richmond.

**Municipality:** Town of Richmond  
**Referring Board:** Zoning Board of Appeals  
**Applicant:** Mack of all Trades  
**Application Type:** Area Variance  
**Class:** AR2  
**Property** 149.15-1-15.100  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

According to the applicant the existing deck/porch on the sides of the cottage were removed since it was old/unsafe. The applicant mentions that the southeast corner of the deck was 1.6 ft. from the south side parcel line (the new deck will not encroach this setback any further than what has existed in the past). The new build will be approximately 38 ft. x 16 ft. on the lakeside – which the applicant mentions will be the same exact size/layout as what used to exist.

**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. Runoff from lakefront development is more likely to impact water quality.
4. 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.
5. Protection of community character, as it relates to tourism, is a goal of the CPB.
6. 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.
7. 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. 233-2024 Sketch Adleman Deck
2. 233-2024 Test Questions Adleman Deck
3. 233-2024 ZBA App Adleman Deck
4. 233 Aerial

**234-2024 (EXEMPT)** Subdivision of a 62.8-acre parcel into two parcels (Parcel 1: 60.8-acres, Parcel 2: 2.0-acres) - 4876 Purcell Road in the Town of Richmond.

**Municipality:** Town of Richmond  
**Referring Board:** Planning Board

|                                                 |                 |
|-------------------------------------------------|-----------------|
| <b>Applicant:</b>                               | Jeff Orman      |
| <b>Application Type:</b>                        | Subdivision     |
| <b>Class:</b>                                   | Exempt          |
| <b>Property Information (Address &amp; ID):</b> | 134-00-1-26.211 |

**Description & Review Comments:**

Exempt (Exemption 11 of OCPB Exemption List)

**Attachments:**

1. 234-2024 Plat Orman Subdiv
2. 234-2024 PB App Orman Subdiv
3. 234-2024 SEAF Orman Subdiv

## 14. Town of Victor

**235.0-2024 (CLASS 2)** Local Law to amend and/or repeal Chapter 103 (Energy Systems) of the Victor Town Code and amend Chapter 211 (Zoning) of the Victor Town Code to regulate the development and placement of solar photovoltaic systems and facilities within the Town.

|                                                 |                            |
|-------------------------------------------------|----------------------------|
| <b>Municipality:</b>                            | Town of Victor             |
| <b>Referring Board:</b>                         | Town Board                 |
| <b>Applicant:</b>                               | Town of Victor, Town Board |
| <b>Application Type:</b>                        | Text Amendment             |
| <b>Class:</b>                                   | Class 2                    |
| <b>Property Information (Address &amp; ID):</b> | n/a                        |

**Description & Review Comments:**

Currently, Victor Town Code allows building and roof mounted solar photovoltaic systems and small scale ground mounted systems as of right. The Code allows large scale solar PV systems in any district, except the Limited Development district, with a special use permit.

The proposed text and map amendments would restrict all types of large scale solar PV systems (defined as more than 25kW or more than 110 percent of on-site usage) to areas within the new Large Scale Solar System Overlay District. The Overlay District includes some properties in the Commercial, Commercial-Light Industrial, Light Industrial, Multi-Dwelling, Planned Development, and Residential -3 zoning district. All large scale solar PV systems would be subject to special use permit regulations. Victor would continue to allow small scale solar PV systems of all types as of right.

The proposed regulations also add a definition for energy storage device and allow as of right on-farm solar systems in OC Agricultural District #1 if providing energy to a farm operation.

**Comments**

- a. Are any of the terms defined in the amendment already defined in section 211-12 of the zoning code? The solar regulations are currently in a stand alone chapter which

- appropriately includes definitions. The referring body should consider locating some or all of the proposed definitions in section 211-12.
- b. The amendment defines the term “energy storage device”; the amendment should use this term in 211-63 L which identifies the maximum capacity of such storage devices.
  - c. 211-62 C. submission requirements. If general site plan or special use permit submission requirements are listed elsewhere, this section can be referenced and list only additional requirements.
  - d. The proposed amendment appears to include a few inconsistencies:
    - a. Section 211-60 A (2) allows small scale roof mounted solar systems, while Section 211 62 A (4) requires a special use permit for solar systems of any size mounted on carports or parking canopies.
    - b. Section 211-60 B (4) allows up to 40 percent total lot coverage for building coverage and solar coverage while section 211-63 H references lot coverage requirements of the Overlay District. Overlay District. Section 211-27.17 D. (1) (c ) of the Overlay District references the maximum lot coverage requirements of principal uses in the underlying zoning district. The referring body should simplify and clarify maximum allowable lot coverage for principal and accessory large and small scale solar systems.
5. The referring body should clarify reporting requirements regarding change of ownership, annual report of energy generation, and whether decommissioning cost needs to be updated annually.
  6. The referring body should confirm that the CEO's determination of abandonment and revocation of the special use permit can be appealed to the Planning Board, rather than the Zoning Board.
  7. The referring body has been advised of additional recommended editorial edits

**Attachments:**

1. 235.0-2024 (and 235.1) Code T Victor Solar LL
2. 235.0-2024 (and 235.1) Resolution T Victor Solar LL
3. 235.0-2024 (and 235.1) SEAF T Victor Solar LL

Board Motion: To retain referrals 235.0-2024 and 235.1-2024 as class 2s and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, seconded by: Mike Woodruff. Vote: Yes 13, No 0, Abstained 0. The motion passed.

**235.1-2024 (CLASS 2)** Map Amendment to establish an overlay zoning district in which large-scale solar facilities may be permitted.

|                         |                            |
|-------------------------|----------------------------|
| <b>Municipality:</b>    | Town of Victor             |
| <b>Referring Board:</b> | Town Board                 |
| <b>Applicant:</b>       | Town of Victor, Town Board |
| <b>Application</b>      | Map Amendment              |
| <b>Type:</b>            |                            |
| <b>Class:</b>           | Class 2                    |
| <b>Property</b>         | n/a                        |
| <b>Information</b>      |                            |

| (Address & ID):  
**Description & Review Comments:**  
See 235.0-2024.

**Attachments:**

1. 235.0-2024 (and 235.1) Zoning Map T Victor Solar LL

Board Motion: To retain referrals 235.0-2024 and 235.1-2024 as a class 2s and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, seconded by: Mike Woodruff. Vote: Yes 13, No 0, Abstained 0. The motion passed.

## 15. Village of Phelps

**236-2024 (CLASS 2)** Local Law for the Village of Phelps - adding a new definition and regulations for "accessory dwelling units", and to amend the Schedule of Regulations to add accessory dwelling units as a permitted use in additional zoning districts. The proposed Local Law also includes an amendment to the Schedule of Regulations to add "Retail" as a new permitted special use (along with the corresponding dimensional requirements).

**Municipality:** Village of Phelps  
**Referring Board:** Village Board  
**Applicant:** Village of Phelps, Village Board  
**Application Type:** Local Law  
**Class:** Class 2  
**Property** n/a  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

Changes Include:

- Definition of “Accessory Dwelling Unit” added to Section 1-4 (Definitions) of Chapter 1 (General Provisions) of the Code of the Village of Phelps
- §175-8.1 – The Schedule of Regulations is hereby amended with the insertion of Accessory Dwelling Units as a new Permitted Special Use in the following zoning districts:
  - R-1-13.5 Residential Zone District
  - R-2 Residential Zone District
  - C-2 Commercial Zone District
  - B-O Business and Office Zone District
  - M-1 Industrial Zone District (w/ specific dimensional requirements)
- Article V (General Regulations) is to be amended with the insertion of a new section §175-10.18 (Accessory Dwelling Units). Items within this new section include:
  - A. Purpose
  - B. Zoning Districts – “an accessory dwelling unit is permitted in all zoning districts where a

single-family dwelling is allowed as a permitted use or special use” ...

-C. General Requirements and Standards – some highlights include:

- No more than one (1) accessory dwelling unit may be attached to the single-family dwelling on the premises.
- One (1) or more accessory dwelling units may be constructed by conversion of an existing, detached, accessory building located on the same premises as the single-family dwelling to which such building is accessory.
- One of the dwelling units on a lot containing an accessory dwelling unit must be the principal residence of at least one of the lot owners.
- An accessory dwelling unit shall have a separate water service connection. Under no circumstances shall an accessory dwelling unit have its water connection come from the single-family dwelling or another accessory dwelling unit on the lot.
- Parking. A minimum of one (1) additional space shall be provided for the accessory dwelling unit.
- Access. Separate direct access to the exterior shall be provided from the accessory dwelling unit. Access between the single-family dwelling unit and the accessory dwelling unit is permissible provided any doors providing access must be “lockable” from both sides.
- Lot Coverage. Lot Coverage “shall not increase by more than 10%...to accommodate an accessory dwelling unit”.
- Bedroom. An accessory dwelling unit shall not contain more than two (2) bedrooms. An efficiency unit (0 bedrooms) with a clearly defined sleeping area but not a fully enclosed bedroom, also, shall be allowed in lieu of providing an enclosed bedroom.

-D. Application

-E. Planning Board Review

-F. Building Permits and Certificates of Occupancy

-G. Ownership Verification

-H. NYS Building Code

### **CRC Comment**

1. How will wastewater be handled for accessory dwelling units? Will it require its’ own sewer connection or septic? Does it take into account the septic capacity needed to service both the primary and accessory dwelling unit?

### **Attachments:**

1. 236-2024 LL V Phelps LL
2. 236-2024 Summary V Phelps LL

### **CPB Comment**

1. Proposed amendment indicates that “one (1) or more accessory dwelling units may be constructed by conversion of an existing, detached, accessory building located on the same premises as the single-family dwelling to which such building is accessory”. The Town Board should clarify whether or not a *new* detached accessory dwelling unit can be constructed on a parcel where this special use is permitted.

Board Motion: To retain referral 236-2024 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Paul Lambiase, seconded by: Stephen High. Vote: Yes 13, No 0, Abstained 0. The motion passed.

## 16. Privilege of the Floor

- Erin Holley (Planning Department) - all CPB members are required to submit their 2024 mileage form. Anyone CPB member who was not at the meeting needs to submit their form ASAP.
- AJ Magnan – It would be beneficial for staff to invite other departments from the County (economic development, Housing, Tourism, etc.) to hold a discussion/training on topics that County Planning Board should be aware of (and may be able to help with).
- Linda Phillips (Planning Department) – CPB members (and Ontario County residents) are encouraged to take and submit the East Bloomfield walkability survey being held by the Ontario County Active Communities Project.

a East Bloomfield Survey - [link to e bloomfield walkability survey](#)

## 17. Upcoming Trainings:

**An updated list of training opportunities can be found at: <https://www.ontariocountyny.gov/192/Training>**

### **NYS Department of State, Division of Local Government Services webinars**

- Monday December 16, 2024 from 6 to 8 pm Floodplain Regulations for Local Review Boards
- <https://meetny-gov.webex.com/meetny-gov/k2/j.php?MTID=t72f2375604ba303153930fd22c674451>
- Monday January 6, 2025 from 6 to 8 pm Planning Board Overview
- <https://meetny-gov.webex.com/meetny-gov/k2/j.php?MTID=t18bc172fc03bbc7bb5df698795f8be88>
- Monday January 13, 2025 from 6 to 8 pm Zoning board of Appeals Overview
- <https://meetny-gov.webex.com/meetny-gov/k2/j.php?MTID=t6ab68bdf30b5bd616988227a9fbced33>

**Hancock Estabrook Municipal Bootcamp, SESSION 10: Santa's and Nice and Naughty List – the best and worst of 2024**

Registration link, <https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/>

- Thursday, December 19, 2024 – 6:00 PM – 7:00 PM; (Remote)

**NYSDOS Local Government Training Schedule** <https://dos.ny.gov/training-assistance>

*Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SERQ basics trainings*

*(CERTIFICATE OF COMPLETION NOT PROVIDED)*

**NYSDOS On-Demand Training** [https://dos.ny.gov/training-courses?f%5B0%5D=filter\\_term%3A2236](https://dos.ny.gov/training-courses?f%5B0%5D=filter_term%3A2236)

*- Use link to access recorded webinars including Introductory courses on Planning and Zoning Boards. The courses are 1-2 hours each.*

*You may choose to complete a final quiz on each topic. Print the quiz to provide documentation of course completion.*

*You may need to disable your browser's pop-up blocker to access links in the training.*

**The NY Planning Federation offers virtual and recorded webinars for members:**

- Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email [nypf@nypf.org](mailto:nypf@nypf.org)

**The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities:**

- <https://www.nycom.org/training/webinars>

**18. Adjournment:**

Board Motion: To Adjourn the December 11, 2024 CPB meeting at 8:41 PM. Motion made by: Mike Woodruff, seconded by: Terri Brown. Vote: Yes 13, No 0, Abstained 0. The Motion passed.

## 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.<br>Class 2 Denial                                                       | Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.                                                                                                                   |
| AR Policy 5 B.<br>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.<br>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) |