

ONTARIO COUNTY PLANNING BOARDReferrals for Review at the: **Coordinated Review Committee Meeting –Tuesday February 13, 2024, at 3:30pm****County Planning Board Meeting –February 14, 2024 at 7:00pm 20 Ontario St., Canandaigua**

Telephone: 585-396-4455

Referral No / Tax Map No	Municipality	Referring Board	Applicant	Application Type - Class	Pg #
21-2024	Town of Richmond	Zoning Board of Appeals	Clark, Aaron	Area Variance - 1	2
22-2024	Town of Gorham	Planning Board	Venezia Land Surveyors	Site Plan - 1	3
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26-2024	Town of Canandaigua	Zoning Board of Appeals	Rockcastle, Logan	Area Variance - 1	9
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32-2024	Town of Victor	Zoning Board of Appeals	Portland, Melanie	Use Variance - 2	17
33.0-2024	Town of Canandaigua	Zoning Board of Appeals	Lupton, Alan	Area Variance - AR 2	19
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Referral No / Tax Map No	Municipality	Referring Board	Applicant	Application Type - Class	Pg #
34-2024	Town of Gorham	Town Board	Darby Perotte, Town of Gorham	Map Amendment - 2	20
35-2024	Village of Phelps	Village Board	Village, Phelps	Text Amendment - 2	21
36-2024	Town of Richmond	Planning Board	Fitzgerald, Robert	Site Plan - Exempt	22
37-2024	Town of Richmond	Planning Board	Fisher, Jeremy	Site Plan - 1	22
38-2024	Town of Hopewell	Planning Board	Maddock, Christopher	Special Use Permit – 1 (Late Referral)	23
39-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Map Amendment – 2 (Late Referral)	24
40-2024	Town of Naples	Town Board	Town of Naples, Town Board	Text Amendment – 2 (Late Referral)	26

CRC Participants: Steven High, Paul Lambiase, AJ Magnan, Paul Passavant, Leonard Wildman

21-2024	Town of Richmond	Zoning Board of Appeals	Clark, Aaron	Area Variance - 1
149.00-1-86.200	Area variance(s) to build an accessory structure (shed) with: (1) a side setback of 3 ft. when no less than 10 ft. is permitted, and (2) an area of 288 SF when the maximum allowed is 200 SF, at 5077 CR37 in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/42304/21-2024-Aerial-Clark-Shed>

<https://ontariocountyny.gov/DocumentCenter/View/42306/21-2024-Sketch-Clark-Shed>

On the area variance test questions, applicant mentioned that the majority of the property is wooded or on a steep slope. They write that the only other option would be to clear and grade an area in the back yard – which is more expensive/creates more land disturbance. Proposed shed location is 3’ from the north-side property line. The home to the north is over 100’ from the proposed shed (and abutting subject property line). Included in the application materials is a letter of support from the neighbor to the north. An existing shed exists in the back yard (in Oncor – 2021 aerial). According to Oncor, proposed shed location is on an area of little to no slope (0-3% gradient). The rear portion of the parcel is heavily wooded (successional northern hardwoods) with steep to extremely steep slopes (16-60% gradient). Parcel slopes towards stream in

eastern/rear portion of the parcel. Subject parcel and surrounding land uses are residential. Soil in proposed shed location is Darien Silt Loam (partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D).

Comment

1. Could a shed be placed in the back yard, further from the property line? Possibly by moving the trampoline/swing-set.

22-2024 127.15-1- 2.000	Town of Gorham	Planning Board	Venezia Land Surveyors	Site Plan - 1
Site Plan for the construction of a 3,197 SF two-story barn on a currently vacant parcel at 4384 SR364, to the north of Crystal Beach, in the Town of Gorham.				

<https://ontariocountyny.gov/DocumentCenter/View/42451/22-2024-Aerial-Shill-Barn>

<https://ontariocountyny.gov/DocumentCenter/View/42312/22-2024-Site-Plan-Shill-Barn>

The proposed two-story barn’s dimensions are 44’3” x 72’3” and is to be used as a garage (first floor) and an exercise space on the partial second floor (44’3” x 43’). From the highest point (Cupola), the barn will be 45’. Roof level height is proposed at 30’. 9.4-acre parcel is residential vacant land (land cover is successional old field), with surrounding uses being residential or residential vacant. Total disturbance to be 1.8-acres. Owners of the subject parcel also own two abutting lakeside parcels to the west 4380 & 4376 Lincolnwood. Parcel has gentle to no slope (0-9% gradient), sloping from east to west (towards Canandaigua Lake). Soil is Lima Loam (not hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D).

Barn will connect to existing watermain on the southern portion of the property, and will connect to existing sewer along SR364 (Canandaigua Lake Consolidated Sewer District). A stabilized construction entrance and topsoil stockpile will be located at the southern portion of the parcel, coming off of Lincolnwood. A construction staging area will lie just north of the proposed barn. Any slopes 3H:1V or steeper shall be stabilized with erosion control blanket of steep slope seed mix. Two infiltration meadows are to be installed to the west (between barn and lake) of the barn. Also, a ledge stone velocity dissipation structure is to be installed south of the barn. Roof has drain collectors to facilitate water into swale south of the barn. Other plans include a proposed shed and fenced-in garden to the west of the barn, and a surrounding driveway coming off of Lincolnwood.

Comments

1. Will there be any lighting on the barn?
2. Does the height of building need a variance? Will it be visible from the lake?

3. Can you have a barn (accessory structure) without a primary structure? Does this also require a variance?

CLCSD Comment

1. If connection to the public sewer is planned, plan submission and approval is required, as well as permit issuance.

CRC Comment

1. Referring Board should discuss with applicant/make clear that barn will not be used as a short-term rental without proper approval.

23.0-2024	Town of Gorham	Planning Board	Lincoln Hill Farms, LLC	Special Use Permit - 1
114.00-1-45.000	Special Use Permit renewal and Site Plan for proposed stormwater facility at Lincoln Hill Farms, 3792 SR247 in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/42314/230-2024-and-231-2024-Aerial-Lincoln-Hill-Farms-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/42316/230-2024-and-231-2024-Site-Plan-Lincoln-Hill-Farms-SUP>

The project development plan indicates Lincoln Hill Farms received site plan and special use permit approval for an outdoor music venue and overnight platform tents in February 2019. The approval included conditions related to prohibition of drones/model airplanes, fireworks and sparklers, amplified sound extending beyond the property line; limited use of motor vehicles to staff and disabled guests; added trash, compost, and recycling facilities to site, and specified quiet hours and need for overnight security when occupied. The development plan also lists conditions added at the time of a subsequent approval in May 2020 including prohibition on fire arms, paintball, bows and arrows, BB and pellet guns, alcohol sales in tent area, smoking in tents; adding property lines to development plan; and making progress on connecting property to public sewer system.

Project was most recently seen in November 2021 (229-2021) for special use permit renewal. Before that it was referred in November 2017 (subdivision – 243-2017) and May 2016 (Area Variances and Subdivision Approval – 76.0-2016 and 76.1-2016).

The current referral is for the renewal of the special use permit. The referring body in interested in requiring additional stormwater management facilities including a new stormwater management pond west of the event area and a swale conveying stormwater along the south side of the event area, gravel parking areas, and exit driveway.as a condition of the special use permit referral. Additional buildings and parking as shown on the concept

plan are not proposed for construction at this time. The submitted site plan is more accurately considered a concept plan or development plan. There is no scale and no indication it was prepared by a licensed design professional, no indication of the size of the building and other facilities, how the three restroom facilities connect to the absorption field nor how the proposed stormwater management system functions. The applicant did submit a SWPPP which provides the design calculations for sizing of the stormwater facilities.

Comments

1. If the referring body is accepting the stormwater management facility detail as shown on the concept plan in lieu of a stamped site plan, they should formally waive deviation from the requirement for a site plan.

OCSWCD Comments

1. Permitting may be necessary depending on the construction of the proposed pond.
2. Unable to make further comment due to lack of detail.

CRC Comment

1. The Board appreciates the Town of Gorham’s annual Special Use Permit Renewal procedures which provide annual updates on progress towards sewer connection.

23.1-2024	Town of Gorham	Planning Board	Lincoln Hill Farms, LLC	Site Plan - 1
114.00-1-45.000	Special Use Permit renewal and Site Plan for proposed stormwater facility at Lincoln Hill Farms, 3792 SR247 in the Town of Gorham.			

See 23.0-2024

24-2024	Town of Gorham	Zoning Board of Appeals	Coe, William	Area Variance - 1
127.19-2-10.000	Area Variance(s) for: (1) a rear setback of 7 ft. (when 25 ft. is required) and (2) a lot coverage of 34.6% (when max allowed is 30%) for the construction of a new single-family residence on Sylvan Road, in the northern section of the Crystal Beach hamlet in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/42317/24-2024-Aerial-Coe-Home>

<https://ontariocountyny.gov/DocumentCenter/View/42320/24-2024-Site-Plan-Coe-Home>

Subject Parcel is assessed at 0.15-acres and is currently residential vacant land. A majority of the parcel’s land cover is currently wooded (successional northern hardwoods). Surrounding

land uses are all residential or residential vacant. Parcel has a depth of 72' and house has a length of 50', so with the current orientation of the house (50 ft. depth) and by meeting the front setback requirement (15'), a variance is unavoidable. Parcel is a total of 6,480 SF, lot coverage (impervious surface – home, driveway, any possible accessory structures) would have to be less than 1,944 SF (30%) to be in conformance with code.

A new 1500 SF home is proposed, with an associated driveway (no garage). Area of disturbance totals 5,902 SF. A silt fence will be installed surrounding the work area prior to construction. A concrete washout area is proposed at the end of the driveway. Also, a temporary check dam is to be placed behind the proposed home. Swales with curtain drains are to be created to the west of the parcel, and an infiltration trench connected to an overflow pipe which goes to a 12" culvert. Home will connect to existing sanitary main. Electricity to come from existing overhead line (to meet current national electric code).

Parcel has a gentle slope (4-9%) from east to west (towards Canandaigua Lake). Soil is 100% Lima Loam (not hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D).

Comments

1. Could the orientation of the house be adjusted to reduce variance request?
2. How many trees are to be removed? Will anything be planted in its place? Any soil/erosion concerns? Any visual landscape buffering from houses to east/west?
3. Is stormwater drainage management adequate for increased impervious surface (and therefore runoff).

CLCSD Comment

1. Plan submission and approval is required prior to issuance of a sanitary lateral permit.

25-2024	Town of Farmington	Planning Board	Union Crossings Development, LLC	Site Plan - 1
42.00-1-54.120	Site Plan approval modification for the development of a 33.7-acre industrial property. Proposed work includes the construction of a two-building distribution center with a total area of 432,000 SF (Building 1 – 300,000 SF; Building 2 – 132,000 SF) and associated improvements. Subject parcel is located at the northwest corner of the intersections (roundabout) CR41 and CR8 in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/42321/25-2024-Aerial-Blackwood-Industrial-Park>

<https://ontariocountyny.gov/DocumentCenter/View/42324/25-2024-FEAF-Blackwood-Industrial-Park>

<https://ontariocountyny.gov/DocumentCenter/View/42326/25-2024-Landscaping-Plan-Blackwood-Industrial-Park>

<https://ontariocountyny.gov/DocumentCenter/View/42328/25-2024-Site-Plan-Blackwood-Industrial-Park>

This project was previously reviewed in December 2020 as a two-building distribution center with nearly equal size buildings (216,000 SF and a 200,000 SF building with a 50,000 SF future building expansion).

The 33.7-acre site is zoned light industrial and listed in the Build NY Shovel Ready program. The proposed project continues to include access from both CR 8 and CR 41, though the CR 41 access point has been shifted east to accommodate the larger western building. Proposed lot coverage is now 28.4 percent and building heights are 42'. The submittal letter indicates impervious surface will be reduced by 4.2 acres.

It appears this reduction is due to fewer truck loading spaces and passenger vehicle parking spaces. Previously 126 loading space and 455 employee parking space were proposed and site notes indicate there are now 53 loading spaces and 244 passenger vehicle parking space including reserved spaces at each building. The western side of western building includes 15 large and 4 small struck stalls and 15 passenger vehicle parking spaces. The east side includes 26 truck loading stalls. The south side include 85 passenger vehicle parking spaces. There is also a large passenger vehicle parking area in the southeast corner of the site.

Initially, the western building is proposed for 200,000 SF there is also a 100,000 Sf building expansion area shown.

The landscaping plan indicates significant landscaping with trees, shrubs and evergreens along CR 41 and adjacent to residential properties to the east of building 2.

It appears the relocated driveway will be separated 200' from Fraser Way as required by Ontario County DPW.

Comments

1. Will the 108-space trailer parking area be relocated when the building expansion is constructed?
2. It appears as though all loading stalls for building 2 will be on the west side of the building away from adjacent residential properties however, no labels or count is provided.
3. No passenger vehicle parking space count is provided for the parking area in the southeast corner.
4. Are Canadian Hemlocks susceptible to wooly adelgid infestation?
5. A highway work permit is required for driveways and utility work in the County ROW. Ontario County DPW previously wrote the applicant a detailed letter outlining requirements for Traffic Impact study, stormwater management, particularly avoiding negative impacts to CR 8, SPDES General Permit applicability, site plan and utility plan details, work zone traffic control
6. The site was formerly used for agriculture and may have existing drainage tiles. Any disturbance of such tiles must be repaired to avoid negative drainage impacts to nearby farmland.

OCSWCD Comments

1. Are any examples available of the proposed in-line sediment basins? More detail needed regarding the silt fence/ straw bale perimeters. The slope of the site suggests that a less intensive solution may function adequately.
2. Additional maintenance needed along drainage ditch proposed as the outlet for SWMF 2. Additional detail needed regarding enhancements to outlet and conveyance structures.
3. See Blue Book for concrete truck washout specs.
4. Have test pits been dug for bioretention areas?
5. The majority of volume entering SWMF 2 will not pass through a bioretention area or receive any pretreatment. Consider redesigning SWMF 2 to include a forebay or incorporating additional bioretention on site.

26-2024	Town of Canandaigua	Zoning Board of Appeals	Rockcastle, Logan	Area Variance - 1
154.09-1-9.000	Area variance and Interpretation for the tear-down and re-build of two single-family residences and pre-existing non-conforming detached garage (Area Variance - Proposed 1070 SF detached garage when max of 900 SF is allowed). Additional proposed construction includes two on-site wastewater treatment systems and two driveways (one being cross-access) at 5051/5055/5057 CR16 in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42330/26-2024-AerialTurek>

<https://ontariocountyny.gov/DocumentCenter/View/42339/26-2024-Site-Plan-Turek>

<https://ontariocountyny.gov/DocumentCenter/View/42337/26-2024-Landscaping-Plan-Turek>

The applicant maintains that an area variance is not needed for the proposed garage based on language in code section 220-9 regarding allowable size of accessory structure. However, to avoid project delay in the event the interpretation by the ZBA requires the variance, the applicant has also submitted a variance for the 1,070 SF detached garage when such accessory buildings are limited to 900 SF.

27.0-2024	Town of Canandaigua	Zoning Board of Appeals	Winterkorn, Garth	Area Variance - AR 2
140.18-1-16.000	Site Plan and Area Variance(s) for the construction of a tennis court with associated improvements (grading, landscaping, retaining wall, fencing, driveway, and drainage improvements). Area variances are for: (1) a third accessory structure on the parcel, (2) a lot coverage of 28.48% (when max allowed is 25%). Project location is at 4885 CR16, just across from Wegmans Organic Farm in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42351/270-2024-and-271-2024-SWPP-Wegman-Tennis-Court>

<https://ontariocountyny.gov/DocumentCenter/View/42342/270-2024-and-271-2024-Aerial-Wegman-Tennis-Court>

<https://ontariocountyny.gov/DocumentCenter/View/42345/270-2024-and-271-2024-Illustrative-Plan-Wegman-Tennis-Court>

<https://ontariocountyny.gov/DocumentCenter/View/42465/270-2024-and-271-2024-Site-Plan-Wegman-Tennis-Court>

<https://ontariocountyny.gov/DocumentCenter/View/42466/270-2024-and-271-2024-Landscaping-Plan-Wegman-Tennis-Court>

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

Part B Development of Lakefront Parcels.

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
 - variances pertaining to side yard setbacks or,
 - variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comment

1. 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.

27.1-2024	Town of Canandaigua	Planning Board	Winterkorn, Garth	Site Plan - Exempt
140.18-1-16.000	Site Plan and Area Variance(s) for the construction of a tennis court with associated improvements (grading, landscaping, retaining wall, fencing, driveway, and drainage improvements). Area variances are for: (1) a third accessory structure on the parcel, (2) a lot coverage of 28.48% (when max allowed is 25%). Project location is at 4885 CR16, just across from Wegmans Organic Farm in the Town of Canandaigua.			

28-2024	Town of Canandaigua	Planning Board	Burley, Keith	Subdivision - Exempt
69.00-1-53.521	Subdivision of a 27.907-acre parent parcel into Lot 1 at 19.020-acres and Lot 2 at 8.887-acres. Parcel is located near the northwest corner of CR30 and New Michigan Rd in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/42353/28-2024-Aerial-Lietz-Subdiv>

<https://ontariocountyny.gov/DocumentCenter/View/42355/28-2024-Subdiv-Plat-Lietz-Subdiv>

29-2024	Town of Canandaigua	Planning Board	Gefell, Evan	Site Plan - 1
84.00-1-41.120	Site Plan for the construction of a 15,800 SF medical office building, a parking lot with 70 spaces, utilities, and three (3) bioretention basins at 4410 SR5&20 - in front of the Holiday Inn in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42359/29-2024-Aerial-Medical-Office>

<https://ontariocountyny.gov/DocumentCenter/View/42362/29-2024-Engineers-Report-Medical-Office>

<https://ontariocountyny.gov/DocumentCenter/View/42369/29-2024-Site-Plan-Medical-Office>

The proposed development is to construct a 15,800 square foot medical office building on a 2.48 parcel in the Town of Canandaigua. The property is located at 4410 Eastern Blvd north of Route 5&20 and adjacent to Canandaigua Outlet. The development was part of a previous development that included the hotel located behind the proposed parcel leaving this parcel

“pad ready”. The development includes the 15,800-sf medical office building, related parking, pedestrian, landscape, and utility improvements. The current property is zoned “CC” community commercial with the proposed development as a permitted use.

The site is located on a 2.48-acre vacant pad ready site on the north side of Eastern Blvd. (N.Y.S. Route 5 & 20) that is currently undeveloped. The site currently has access to utilities located along the shared driveway to the west of the site. Portion of the site are in the 100-year floodplain and a cut fill analysis will be performed to show cuts and fills in the floodplain.

The proposed development will include a 15,800 sq. ft. medical office building footprint consisting of a 6-chair dental office and a medical office serving 8 doctors. The building will have 70 parking spaces which includes 4 ADA accessible spaces including 2 van accessible aisles.

The current parcel has access to an 8” public water main located along the shared drive. A new 6” combined, ductile iron service is proposed running to the rear of the building where it enters the mechanical room where the meter and backflow prevention device is located. The property will have 6 dentist chairs (250 gallons per chair) and 8 doctors (250 gallons per doctor) totaling a total daily demand of 3,500 gallons per day. As for fire protection, there are public fire hydrants located north and south of the proposed building each approximately 100 feet from the proposed building. The building will also be equipped with a fire sprinkler system with a demand of 400 gpm with an additional 500 gpm at the adjacent hydrant. The site has access to 1.5” pvc force main that was installed in the previous development. Given the site constraints, a lift station will be required to pump sanitary waste using the existing 1.5” force main connection to the dedicated sanitary sewer. With the 6 dentist chairs and 8 doctors, 3,500 gpd is expected. Using a 12-hour operation period and a peaking factor of 4, the peak inflow to the lift station will be 20 gpm.

The proposed development previously obtained approvals from the Town of Canandaigua as a part of the Canandaigua Hotel development in 2008. As a result of that project, the hotel to the north of the proposed project was constructed, overall site grading was conducted, the stormwater management basin was installed, an access road and utilities were also constructed. The subject property was also subdivided out of the overall parcel to create the parcel in its current condition. A wetland delineation was completed by Earth Dimensions on 12/08/2023. Per the delineation, State wetlands exist to the south and east of the proposed project. No disturbances to the state wetland or buffer are proposed. A small federal wetland was located onsite, and it is the opinion of the wetland consultant that this wetland is isolated and not under the jurisdiction of the Army Corps of Engineers. A SWPPP was prepared in 2007 for the overall development and included calculations for the required and provided water quantity and quality volumes.

Under developed conditions, the majority of the project area will be directed to bioretention basins before being routed to the existing stormwater management basin located to the north of the existing hotel.

A portion of the project is located within the floodplain (elevation 691.0). the proposed finished floor of the building is proposed to be at elevation 694.0. Approximately 54 cubic yards of fill is proposed to be placed within the floodplain to develop the property. To mitigate the fills, a small basin has been placed to the south of the parking lot. This basin will cut 66 cubic yards from the floodplain. The net result of the cuts and fills is the removal of 12 cubic yards from the floodplain. This creates additional storage within the floodplain and serves to satisfy the requirements of development within a floodplain.

Traffic will enter and exit the site through a shared driveway. Per ITE trip generation guidelines chapter 720, 36 trips per 1,000 are expected resulting in 568 trips with a peak hour of 4.8 trips per 1,000 sf resulting in 75 peak hour trips. As for parking, per town code 2.63 parking spaces are required (1 per 1000 sf) totaling 42 spaces. This development proposes 70 parking spaces that includes an ADA compliant handicap space.

CLCSD Comment

1. Plan submission and approval as well as submission of existing force main testing procedures will be required prior to issuance of sanitary permit

CRC Comments

1. Board appreciates the applicant’s stormwater management plan, specifically the cut in the floodplain exceeding fill.
2. Does the SWPP need updating?
3. Applicant should consider land banking parking spaces.

30-2024	Village of Naples	Village Board	Naples, Village	Text Amendment - 2
n/a	Text Amendment to Village of Naples Code Chapter 385 to provide that adult use cannabis consumption establishments and adult use cannabis retail establishments be permitted uses within the C-1 and C-3 Commercial Zoning Districts of the Village of Naples.			

<https://ontariocountyny.gov/DocumentCenter/View/42373/30-2024-Naples-Text-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/42467/30-2024-Zoning-Map-V-Naples-Text-Amendment>

Proposed text amendment adds “adult use cannabis consumption establishments” and “adult use cannabis retail establishments” as permitted principle uses in the C-1 (Commercial) and the C-3 (Winery) zoning districts. Changes occur in Village Code section 385-19 and 385-21, respectively. These uses are permitted provided that the applicant complies with all licensing, set back, notification, and all other requirements set forth in the “Cannabis Law” of the State of New York as may be amended from time to time.

For reference, see above link showing current Village of Naples Zoning Map.

Comment

1. Will definitions for “adult use cannabis consumption establishment” and “adult use cannabis retail establishment” be added/amended into Village Code as well?

31.0-2024	Town of Farmington	Zoning Board of Appeals	Pintail Crossing, LLC	Area Variance - 1
41.07-1-28.411; 41.07-1-28.412	Area Variances (13) and Preliminary Overall Subdivision of 15.9-acres for 40 market-rate, for-rent units to be constructed as a part of Phase 2 (5792 Pintail Crossing and adjacent parcel to the west) of the Pintail Crossing Subdivision, just south of CR41 in the Town of Farmington.			

<https://ontariocountyny.gov/DocumentCenter/View/42374/31-2024-Aerial-Pintail-Crossing-Sudiv>

<https://ontariocountyny.gov/DocumentCenter/View/42378/31-2024-Subdiv-Plat-Pintail-Crossing-Sudiv>

<https://ontariocountyny.gov/DocumentCenter/View/42375/31-2024-Layout-Plan-Pintail-Crossing-Sudiv>

Preliminary Overall Subdivision of 15.9-acres for 40 market-rate, for-rent units to be constructed as a part of Phase 2 (5792 Pintail Crossing and adjacent parcel to the west) of the Pintail Crossing Subdivision, just south of CR41 in the Town of Farmington.

The original Pintail Crossing project consisted of 112 apartment unit buildings, plus a 3,300 SF community building on 15.9-acres that were rezoned by the Town Board to RMF (Residential Multiple Family). Phase 1 of the project was approved by the Planning Board in 2018 and consisted of the construction of the Community Building, 8 buildings containing 64 apartments (16 1-bedroom units, 32 2-bedroom units, and 16 3-bedroom units), associated parking lots, both stormwater management facilities, and the Bus Loop. Phase 1 also

included the extension of Quentonshire Drive (Dedicated Road) by 350 ft. and the construction of 875 ft. of Pintail Crossing (Private Road).

Phase 2 was envisioned to include the construction of 6 buildings containing 48 apartments (8 1-bedroom units, 32 2-bedroom units, and 8 3-bedroom units), associated parking lots, and the remaining portion of Pintail Crossing (private road).

After Phase 1 was constructed, funding was not received for Phase 2 and that portion of the project is in the process of being sold and will now be developed by Brickwood Management; that development section is called the Creekwood Extension, with the primary change being 40 market-rate, for-rent units to be constructed verses the 48 units originally anticipated. The Town of Farmington has requested to take dedication of the currently private road known as Pintail Crossing after Conifer & Brickwood install some infrastructure improvements to the roadway. This will assist the Town in maintaining access through the Farmbrook neighborhood during planned infrastructure improvements.

Dedication of the Pintail Crossing roadway will result in the creation of 4 lots:

Pintail Crossing - now a dedicated roadway (+2.56 acres)

1. Lot 1 - Pintail Phase 1 on the east side of Pintail Crossing (+2.77 acres)
2. Lot 2 – Pintail Phase 1 on the south side of Pintail Crossing (+5.27 acres)
3. Lot 3 – Creekwood Extension on the north side of Pintail Crossing (+2.84 acres)
4. Lot 4 – Creekwood Extension on the south side of Pintail Crossing (+2.45 acres)

Creating these lots has created a ratio of 7.8 dwelling units per acre (104 units / 13.33 acres = 7.8 units/acre), excluding road area. Also, as a result of the re-subdivision, 13 area variances are now required as there are now additional property lines from which setbacks must be calculated.

The following variances have been requested from the Zoning Board of Appeals:

LOT 1 (Pintail Phase 1 on the east side of Pintail Crossing)			4 variances
ITEM	REQUIRED	PROPOSED	COMMENT
Max # Units per Acre §165-79-B	8.0	8.7	Variance Req'd
Min Front Setback §165-79-G-1	70 FT	33 FT	Variance Req'd
Min Rear Setback §165-79-G-2	40 FT	32 FT	Variance Req'd
Min Side Setback §165-79-G-2	40 FT	> 40 FT	ok
Parking Lot Location §165-79-K	Rear Yard	Front &/or Side Yards	Variance Req'd
Max Lot Coverage §165-79-L	30%	12%	ok
Buffer for Parking §165-37-4-c	10 FT	> 10 FT	No Change

LOT 2 (Pintail Phase 1 on the south side of Pintail Crossing)			4 variances
ITEM	REQUIRED	PROPOSED	COMMENT
Max # Units per Acre §165-79-B	8.0	7.6	ok
Min Front Setback §165-79-G-1	70 FT	2 FT	Variance Req'd
Min Rear Setback §165-79-G-2	40 FT	31 FT	Variance Req'd
Min Side Setback §165-79-G-2	40 FT	31 FT	Variance Req'd
Parking Lot Location §165-79-K	Rear Yard	Front &/or Side Yards	Variance Req'd
Max Lot Coverage §165-79-L	30%	11%	ok
Buffer for Parking §165-37-4-c	10 FT	> 10 FT	No Change

LOT 3 (Creekwood Extension on the north side of Pintail Crossing)			3 variances
ITEM	REQUIRED	PROPOSED	COMMENT
Max # Units per Acre §165-79-B	8.0	10.6	Variance Req'd
Min Front Setback §165-79-G-1	70 FT	26 FT	Variance Req'd
Min Rear Setback §165-79-G-2	40 FT	43 FT	ok
Min Side Setback §165-79-G-2	40 FT	41 FT	ok
Parking Lot Location §165-79-K	Rear Yard	Front &/or Side Yards	Variance Req'd
Max Lot Coverage §165-79-L	30%	24%	ok
Buffer for Parking §165-37-4-c	10 FT	> 10 FT	No Change

LOT 4 (Creekwood Extension on the south side of Pintail Crossing)			2 variances
ITEM	REQUIRED	PROPOSED	COMMENT
Max # Units per Acre §165-79-B	8.0	4.1	ok
Min Front Setback §165-79-G-1	70 FT	15 FT	Variance Req'd
Min Rear Setback §165-79-G-2	40 FT	> 40 FT	ok
Min Side Setback §165-79-G-2	40 FT	> 40 FT	ok
Parking Lot Location §165-79-K	Rear Yard	Front &/or Side Yards	Variance Req'd
Max Lot Coverage §165-79-L	30%	7%	ok
Buffer for Parking §165-37-4-c	10 FT	> 10 FT	No Change

OCSWCD Comments

1. Additional detail needed to make comment regarding erosion and sediment controls.

31.1-2024	Town of Farmington	Planning Board	Pintail Crossing, LLC	Subdivision - 1
41.07-1-28.411; 41.07-1-28.412	Area Variances (13) and Preliminary Overall Subdivision of 15.9-acres for 40 market-rate, for-rent units to be constructed as a part of Phase 2 (5792 Pintail Crossing and adjacent parcel to the west) of the Pintail Crossing Subdivision, just south of CR41 in the Town of Farmington.			

See 31.0-2024

32-2024	Town of Victor	Zoning Board of Appeals	Portland, Melanie	Use Variance - 2
1.03-1-49.100	Use Variance to allow the hosting of periodic outdoor events (600 SF temporary tent is proposed) limited to 50 people at the corner of Valentown Rd. and CR9, located at 242 CR9 in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/42380/32-2024-Aerial-Portland-Use-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/42383/32-2024-Sketch-Portland-Use-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/42385/32-2024-Variance-Criteria-Portland-Use-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/42470/32-2024-State-Criteria-Portland-Use-Variance>

Events are to take place under a 20' x 30' temporary tent (to be taken down after each event). Subject parcel is assessed at 7.1-acres. Parking will be provided on site (30 spaces proposed). Events are to be held on Fridays and Saturdays from May to September, and are to conclude by 10:00 PM. Applicant mentions parcel is home to a functioning 1830's historic Bed and Breakfast home. They would like to pair overnight stays with the hosting of small weddings or events. Event tent is to lie behind the frame barns along CR9 and in front of the existing home. Parking area is to be located at a similar depth across the driveway to the west. A portable toilet is to be placed near tent/driveway (behind the east-most barn). The parcel lies within the Residential 2 zoning district. It is the Code Enforcement Officer's opinion that this use as an event space does not meet the definition of a HOME OCCUPATION and therefore is not a permitted use within the Residential 2 zoning district. Therefore, a use variance has been requested. **Use variance criteria is attached above.**

A stream, the Draft FEMA 2023 100-year flood zone, and a National Wetland (of the National Wetland Inventory) are on the rear (west) portion of the property within by a conservation easement area. The Parcel slopes towards the stream from east to west, with moderate to steep slopes (10-30%). Soils are a mix of 81% (by area) Dunkirk Silt Loam (gentle to steep slope) and 19% Wayland Silt Loam. Dunkirk Silt loam is: not hydric, moderately high permeability, very high erodibility, ranges from prime to non-prime farmland (as slope increases), and is hydrologic soil group C. Wayland Silt Loam is: partially hydric, high permeability, very high erodibility, is not prime farmland, and is in hydrologic soil group B/D. Subject and surrounding parcels are in Ontario County Agricultural District #1. Surrounding land uses are residential and open space/conservation.

Comments

1. Referred materials do not include any dollars and cents information to document financial hardship.
2. Does the applicant also live on the property? Will they be hiring any staff?
3. Will 30 parking spaces be adequate (up to 50 guests, staff, caterers, residents, etc.)?
4. Will parking area be paved/gravel/remain grass?
5. Are measures for visual and sound screening/buffering being taken to lessen impact on properties to the south?

CRC Comments

1. The applicant mentioned that the tent will be "dismantled immediately following each event". Does this mean they will be taking the tent down between Friday/Saturday events as well?
2. Has the applicant appealed the CEO's home occupation interpretation?

33.0-2024	Town of Canandaigua	Zoning Board of Appeals	Lupton, Alan	Area Variance - AR 2
98.05-3-3.000	Area variance (Lot Coverage of 38.2% when max allowed is 30%) and Site Plan for the construction of an in-ground swimming pool, a surrounding concrete patio with a hot tub pad and an aluminum fence enclosure with associated land improvements and grading. Subject parcel is split by Town/City of Canandaigua municipal boundary, at 4961 Island View Drive in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/42392/330-2024-and-331-2024-Presentation-Lupton-Pool>

<https://ontariocountyny.gov/DocumentCenter/View/42387/330-2024-and-331-2024-Aerial-Lupton-Pool>

<https://ontariocountyny.gov/DocumentCenter/View/42393/330-2024-and-331-2024-Site-Plan-Lupton-Pool>

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

Part B Development of Lakefront Parcels.

1. The following applies to all development on parcels with lake frontage that require;
2. variances pertaining to lot coverage or,
3. variances pertaining to side yard setbacks or,
4. 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:

5. Protection of water features is a stated goal of the CPB.
6. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
7. Increases in impervious surface lead to increased runoff and pollution.
8. Runoff from lakefront development is more likely to impact water quality.
9. 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.
10. Protection of community character, as it relates to tourism, is a goal of the CPB.

11. 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.

12. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comment

1. 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.

33.1-2024	Town of Canandaigua	Planning Board	Lupton, Alan	Site Plan - Exempt
98.05-3-3.000	Area variance (Lot Coverage of 38.2% when max allowed is 30%) and Site Plan for the construction of an in-ground swimming pool, a surrounding concrete patio with a hot tub pad and an aluminum fence enclosure with associated land improvements and grading. Subject parcel is split by Town/City of Canandaigua municipal boundary, at 4961 Island View Drive in the Town of Canandaigua.			

34-2024	Town of Gorham	Town Board	Darby Perotte, Town of Gorham	Map Amendment - 2
n/a	The comprehensive Zoning Map update implements zoning map change recommendations of the 2023 Comprehensive Plan. Noticeable zoning map changes include changes to HC Hamlet Commercial in Crystal Beach, changing some undeveloped lots on the upland side of CR 11, south of Jones Road from R-1 Single Family to RR Rural Residential.			

https://ontariocountyny.gov/DocumentCenter/View/42395/34-2024-Town-of-Gorham2022-Page1_of_3-Arch-D-Size

https://ontariocountyny.gov/DocumentCenter/View/42396/34-2024-Town-of-Gorham2022_Page2_of_3_Arch-D

https://ontariocountyny.gov/DocumentCenter/View/42397/34-2024-Town-of-Gorham2023-Draft-Page3_of_3-Arch-D-Size

The following projects additional detail on the location and number of lots impacted by changes to the zoning map as part of the comprehensive map update. The zoning district boundary is adjusted to follow parcel lines in the HC Hamlet Commercial district (impacts 5 lots) in the hamlet of Crystal Beach, the RR Rural Residential district lines on residentially developed lots on Lake-to-Lake Road (impacts 13 lots). The new map removes RR Rural Residential district from the undeveloped frontage of agricultural parcel 130.00-1-32.110 and changes the zoning of undeveloped lots on the upland side of CR 11 south of Jones Road from R-1 single Family to RR Rural Residential. (Impacts 18 lots) The revised zoning map also adjusts zoning district boundaries for the following tax parcels to include the parcel all in one district: 130.00-1-32.110, 144.00-1-14.100, 128.00-1-3.300, 129.00-1-36.111, 144.00-1-4.100, and 144.10-1-88.000 and rezones portions of the 144.00-1-10.100 to reduce number of districts mapped on the parcel.

The revised zoning map also makes minor adjustments to the zoning district boundaries to align with GIS parcel lines and municipal boundaries as warranted, and refines the Floodplain Overlay District boundary based on the 2019 lidar topographic information.

CRC Comment

1. CPB applauds T. Gorham for implementing zoning changes recommended in the comp plan.

35-2024	Village of Phelps	Village Board	Village, Phelps	Text Amendment - 2
n/a	Text Amendment to amend the Village of Phelps zoning law to add solar energy systems regulations. Amendment includes: the purpose of the regulations, definitions, applicability, general requirements, and permitting requirements (for Tier 1 and Tier 2 solar energy systems).			

<https://ontariocountyny.gov/DocumentCenter/View/42398/35-2024-LL-V-Phelps-Solar>

The purpose of the local law is to protect public health, safety, and welfare of the Village of Phelps by creating regulations for the installation and use of solar-energy -generating systems. Definitions added include: building-integrated solar energy system, glare, ground-mounted solar energy system, roof-mounted solar energy system, solar access, solar energy equipment, solar energy system, and solar panel. General requirements include site plan approval by the planning board. There are separate additional requirements for Tier 1 and Tier 2 solar energy systems.

The local law identifies 2 tiers of solar energy systems – Tier 1 and Tier 2. Tier 1 includes: (1) Roof-mounted solar energy systems and (2) Building-integrated solar energy systems. Tier 2 includes: (1) Ground-mounted solar energy systems with capacity up to 25 kW AC and that

generate no more than 110% of the electricity consumed on the site over the previous 12 months; and (2) Ground-mounted solar energy systems with a total surface area of all solar panels on the lot of up to 4,000 SF and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

The Village of Phelps referred a text amendment to add solar energy systems regulations in November 2023 (228-2023). The previous referral had three (3) tiers of solar facilities, while the current referral only has two (2). Tier 3 (all other solar energy systems) has been removed from the local law.

36-2024	Town of Richmond	Planning Board	Fitzgerald, Robert	Site Plan - Exempt
135.14-1-15.000	Site Plan for the construction of a 3-bay community car wash with a 2,100 SF commercial building, just north of Main St., at 4815 CR37 in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/42399/36-2024-Aerial-Norton-Car-Wash>

<https://ontariocountyny.gov/DocumentCenter/View/42403/36-2024-Landscaping-Plans-Norton-Car-Wash>

<https://ontariocountyny.gov/DocumentCenter/View/42406/36-2024-Site-Plan-Norton-Car-Wash>

37-2024	Town of Richmond	Planning Board	Fisher, Jeremy	Site Plan - 1
136.17-1-39.221	Site Plan for the addition of one (1) 2,000 SF, one-story, metal-framed self-storage building (3 currently exist), to the north of Mill Creek at 4889 CR33 in the Town of Richmond.			

<https://ontariocountyny.gov/DocumentCenter/View/42407/37-2024-Aerial-Fisher-Storage>

<https://ontariocountyny.gov/DocumentCenter/View/42410/37-2024-Sketch-Fisher-Storage>

Subject Parcel is 0.82-acres and currently has a “self-storage” commercial use. Surrounding uses are a mix of commercial, residential, and vacant. There are three existing storage buildings (Two 1,650 SF and one 1,200 SF). Site Plan is for a fourth (2,000 SF) storage structure to be placed in the center of the parcel (in between buildings). New structure will have a concrete slab with metal framing.

According to OnCor, the front/western two-thirds (area of proposed storage building) of the parcel have little to no slope (0-3% gradient). The rear portion of the parcel has extremely

steep slopes (31-60% gradient), sloping downhill as you go from east to west (elevation drop of 60 ft.). Area of proposed work soil type is Geneseo Silty Clay Loam (not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C). Project area lies within the Draft 2023 FEMA 500-year flood zone.

Comment

1. Is there proper access (ingress/egress) for vehicles. Even if busy / there are cars parked in the laneway?
2. Any stormwater mitigation? This parcel sits at the bottom of a very steep slope. With this low-lying area being dense with impervious surface, what potential stormwater impacts does this have?
3. Any proposed landscaping to visually buffer the buildings/use from the residential properties to the north and west?

38-2024	Town of Hopewell	Planning Board	Maddock, Christopher	Special Use Permit – 1 (Late Referral)
85.00-1-3.200	Special Use Permit for the proposed construction of a family/caregiver apartment (for future medical and other issues regarding elder care) on a parcel on the north side of CR46, between the CR10 and Smith Rd. roundabouts, in the Town of Hopewell.			

<https://ontariocountyny.gov/DocumentCenter/View/42436/38-2024-Subdiv-Plat-Senior-Apartments>

<https://ontariocountyny.gov/DocumentCenter/View/42433/38-2024-Aerial-Senior-Apartments>

Comment

1. Has applicant documented compliance with special use permit standards including maximum occupancy of 2 persons in the caregiver apartment and maximum size of 40 percent of the overall building SF?

39-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Map Amendment – 2 (Late Referral)
n/a	Map amendment to rezone 2625 CR22 from AR-1 (Agricultural Rural Residential) to MUO (Mixed-Use Overlay) in accordance with Town Code Section 220-33 and to amend the official zoning map of the Town of Canandaigua to reflect said change.			

<https://ontariocountyny.gov/DocumentCenter/View/42437/39-2024-Aerial-T-Canandaigua-Map-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/42441/39-2024-LL-T-Canandaigua-Map-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/42440/39-2024-Landscaping-Plan-T-Canandaigua-Map-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/42442/39-2024-Site-Plan-T-Canandaigua-Map-Amendment>

<https://ontariocountyny.gov/DocumentCenter/View/42469/39-2024-Zoning-Map-T-Canandaigua-Map-Amendment>

Subject parcel is 4.91-acres (vacant agricultural). With this local law, the Town Board establishes the following setback, dimensional, and other area requirements for the subject parcel:

- Setbacks
 - Minimum Front Setback to County Road 22: 61 ft.
 - Minimum Side Setbacks: 33 ft.
 - Minimum Rear Setback: 150 ft.
- Maximum Building Height: 35 ft.
- Minimum Distance Between Buildings: 40 ft.
- Maximum Building Coverage: 13%
- Minimum Parking Stall Size: 19 ft. x 9 ft.
- Minimum Parking Spaces Required for Proposed Indoor Sports Facility: 63
- Minimum Lot Size: 4.9-Acres

The requirements established within the local law are specific to the project descriptions and plans submitted to the Town. If, in opinion of the Town Board, the project changes significantly, or if the applicant fails to receive approvals from the Town of Canandaigua Planning Board for the above-described project, these requirements shall be void and all bulk and area requirements established shall revert back to those set for the AR-1 zoning district in Town Code chapter 220. **See Town of Canandaigua Zoning Map link above for reference.**

According to OnCor, subject parcel contains: a Class C stream (connected to Canandaigua outlet to the east), FEMA 100-year floodplain, and Draft FEMA 100-year flood zone along the northern parcel boundary. Parcel has gentle to no slope (0-9% gradient), sloping to the north. There are two soil types Lakemont Silty Clay Loam (40.1%) and Schoharie Silty Clay Loam (59.9%). The Lakemont Silty Clay Loam is partially hydric, has moderately low permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group D. The Schoharie Silty Clay Loam is not hydric, has moderately high permeability, very high erodibility, is prime farmland, and is in hydrologic soil group C/D. Surrounding land use varies - agricultural, commercial (commercial cleaners), recreation/entertainment (gymnastics building), or vacant. Subject and surrounding parcels are in Ontario County Agricultural District #1.

Related Referral is 227-2023 (October 2023) – Site Plan. The development includes two (2) new indoor sports facility buildings at +/- 14,300 SF each (28,600 SF total). The proposed development will also include parking areas now with 63 parking spots, 2 of which are ADA accessible and 4 are bus parking. Previous plans showed 55 (including 3 Handicap) parking spots for cars and 4 parking spots for buses. A stormwater management facility will be constructed to mitigate stormwater on the site from system by increased impervious surface. The property does not have sewer hookups, so a wastewater treatment is proposed at the rear (north-end) of the property. Water service will connect to the existing watermain located along the west side of County Road 22.

Downspouts are located at the corners of the building to discharge to splash blocks. Rip-rap sections to be laid in areas of high flows (road-side entrance, near stormwater management facility). A 5,123 SF bio-retention stormwater management facility is proposed to the rear (north-side) of the property, between the proposed structures and the stream. A pre-treatment stone diaphragm is proposed to surround the stormwater management facility. Silt fences and temporary check dams are being installed surrounding the area of disturbance. There is a proposed stabilized construction entrance off of the east-side of County Road 22. Nine (9) trees are proposed to surround the parking lot area: seven (7) on the east-side of the property, and two (2) on the north-side of the property. Of these nine (9) trees: there are three (3) Autumn Blaze Freeman Maple, three (3) Black Gum, and three (3) Red Oak. All areas not paved or planted will be covered with lawn seed. Lighting (Dark -Sky Compliant) to be provided surrounding the parking lot (5 light fixtures total).

October 2023 Comments

1. "Any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of 10% of those spaces as reserved only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least 14 feet in width and 20 feet in depth." – Town Code Section 220-73(B)(4). According to the plans, there 59 parking spots with only 3 of which designated as a handicap spot.
2. When full, the parking lot seems as if it would be difficult to turn around in. Is the access sufficient for the turnaround of emergency vehicles?
3. Is there any proposed screening/vegetation buffer from County Road 22?

4. What will the hours of operation be?

2023 OCSWCD Comments

1. Will the 100% raised septic leach expansion area be built during initial construction and does it adhere to the FEMA setback?
2. Will the raised leach area be dosed properly as common with greater than 500 lineal feet of leach lines?

CRC Comments

1. OnCor and Zoning Map indicate that this parcel is already within the MUO (Sub-Area 3).
2. Does the rezoning expire if no building permit is issued within a given time frame (ex: 6-12 months)?
3. The MUO district appears to allow buildings up to 40,000 SF, with a footprint of no more than 20,000 SF; each buildings appears to be 24,300 SF.

40-2024	Town of Naples	Town Board	Town of Naples, Town Board	Text Amendment – 2 (Late Referral)
n/a	Text Amendment to Town of Naples Town Code Section 132-15 regarding the "preservation of natural resources" to have a stream setback of 100 ft. from the top of the bank.			

<https://ontariocountyny.gov/DocumentCenter/View/42452/40-2024-T-Naples-Text-Amendment>

Project was previously referred in May 2023 (as referral 86-2023). The text amendment referred as 86-2023 (amending sub-section 132-15A), stated that “no structure shall be built within **twenty-five (25) feet from the center of the bed of a stream which contains running water on the average of six (6) months during a calendar year**”. This was to amend (reduce the setback) municipal code which currently exists, stating “**no structure shall be built within 100 ft. from the center of the bed of a stream carrying water on an average of six months of the year**”. Now, as proposed in the current text amendment (referral 40-2024), it is stated that “the setback distance from a watercourse shall be **100 feet from the top of the bank of the watercourse to the closest point of the structure being proposed**”. This amendment changes the measurement point from the “center of the stream” to “top of the bank” as suggested in the May CPB comments, and returns the setback from 25 ft. back to 100 ft. as suggested in the May 2023 CPB comments. The new text amendment also removes the language “which contains running water on the average of six (6) months during a calendar year” – due to the fact that it may be difficult for a CEO to determine this in a timely manner (also suggested in May CPB comments).

In addition, the currently proposed text amendment outlines the definition of: watercourse, bed (of watercourse), and bank (of watercourse), which are new terms added to the local law. Lastly, a section on conditions for granted area variances was added as well. They include:

1. A report prepared by a professional engineer licensed by the State of New York finding that the proposed structure will not be in a location that will be susceptible to danger from water emanating from the watercourse in question;
2. Any other documentation or information requested by the Zoning Board of Appeals;
3. A document executed by the property owner(s) waiving any liability on the part of the Town with respect to the granting of a variance by the Town, further waiving any claims for damages as a result of said variance which may be incurred by the property owner(s) or any other person as a result of water emanating from the subject watercourse and involving the subject structure, its contents and/or occupants. Such document shall be executed in a form and content to allow for the recording thereof with the Ontario County Clerk's Office and be so recorded by the Town at the expense of the applicant.

May 2023 CRC Comments

1. See DEC website for information on best management practices for stream buffers. <https://ontariocountyny.gov/DocumentCenter/View/38419/NYSDEC-brochure-re-stream-buffers>
2. See Honeoye Lake Watershed Taskforce Stormwater Toolkit for information on required permits and best management practices for disturbance in wetlands and flood plains, soil erosion and sedimentation control, and agricultural and forestry practices. https://www.honeoyelakewatershed.org/files/ugd/e6fc30_63844f11326940518986a2e8c32f27b0.pdf