
**Planning Board Minutes
July 20, 2023**

Planning Board Members Present, Steve Lester, Julie Pellett, Daniel Compton, Matt Rogers, Michelle Rhoda
Absent: Michael Woodruff, Daniel Morley, Kimberly Duvall
Others Present, Christel Daggett (Secretary) James Davis (Applicant)

Lester opened the meeting at 7:30 pm

1. Waiver of Subdivision, TW1-23 Owner James Davis, Tax Map #80.00-2-7.000
of 102+/- acres removing 49+/- acres of farmland leaving 53+/- acres of parent parcel.

Lester stated from the map it shows that 400 ft. of road frontage then drawing a line straight south labeled parcel A will be taken off from the Parent Parcel labeled B. Davis stated yes, almost splitting property in half. There were no other comments from the Board.

Pellett arrived at 7:40, Lester motioned to declare SEQR a type II with no further action required.

Lester motioned Compton seconded to approve the Waiver of Subdivision, TW1-23 Owner James Davis, Tax Map #80.00-2-7.000 of 102+/- acres removing 49+/- acres of farmland leaving 53+/- acres of parent parcel.

Whereas:

- 1. Accept maps provided for land transfer only.**

Record of Vote:

Lester Aye **Compton** Aye **Rogers** Aye **Rhoda** Aye **Pellett** Aye
Vote was carried.

II. Discussion:

Lester discussed with the board that the Ontario County Planning Board reviewed the Text amendment and proposed new code for temporary and permanent farm stands, along with agricultural tourism in the Town of East Bloomfield and their comments and findings were:

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The proposed amendment adds definitions for Agricultural Tourism, Agriculturally Related Projects, Non-Agriculturally Related Products, Agriculturally Related Uses, Non-Agriculturally Related Uses, Agriculture, and Farm Enterprise. The amendment also defines standards for permanent and non-permanent structures for display/sale of agricultural products.

Comments

1. It is important to avoid overlapping definitions and to use defined terms consistently throughout a zoning code. The East Bloomfield Zoning Code currently has definitions for agribusiness, agricultural operations, agricultural products, and roadside stand. Only the agricultural products definition references Article 25-AA of the State Agricultural and Markets law regarding agricultural districts/agricultural exemptions. The referring body may need to make additional amendments to delete unneeded definitions and to use defined terms in district purpose statements and permitted and specially permitted use lists. Care must be taken in changing definitions and use lists. For instance, Agricultural Operations is defined to include woodcutting and firewood sales; firewood cutting and sales is also listed as a special permit use in the AR-2 district. If the definition of Agricultural Operations is replaced by Farm Enterprise, then all instances of firewood cutting and sales would require a special use permit, though currently only those not operated as an agricultural operation require a special use permit.

2. *The proposed zoning code amendment includes cider mills, farm brewery, and wineries in the definition of agritourism. The referring body may want to consider whether to include distillery/farm distillery and whether to locally define farm and non-farm alcohol production or reference the definitions of farm brewery, farm cidery, farm distillery, and farm winery in the New York State Alcohol Beverage Control law.*
3. *In proposed code sections 135-42 C. (4) A. (4) and 135C. (4) B (2) consider specifying that no use of off-street parking space shall require backing onto any public street.*
4. *Typical parking standards for retail sales are one space per 250 to 400 SF of gross floor area. Unless the proposed standards of 1 parking space per 150 SF of gross floor area in permanent buildings and the minimum of 8 spaces required for temporary farm stands of less than 500 SF are based on analysis of actual parking demand at farm stands in East Bloomfield or the Finger Lakes Region, the referring body should consider lowering the parking requirement. The referring body should also consider why temporary farm stands of similar size on property with and without an agricultural exemption have different parking requirements and consider allowing the Planning Board to waive and landbank required parking for both permanent and temporary farm enterprises.*

2023 CPB Comments

1. *A moratorium could be considered to allow for more time to draft all the necessary amendments to appropriately regulate farm enterprises protected by NYS Department of Agricultural and Markets Article 25 AA and agritourism uses that can be regulated as the commercial uses they are irrespective of their operation by a farm or in Ontario County Agricultural District #1.*
2. *Text amendment adds definitions regarding Ag-tourism but does not add newly defined uses to district permitted or allowed with special permit use lists.*
3. *Attention needs to be paid to site distance and not blocking visibility for cars entering/exiting the parking areas of roadside produce stands.*

Findings

County Planning Board has an interest in Town of East Bloomfield adopting zoning amendments that avoid impermissible regulation of customary agricultural practices on farms in OC Agricultural District #1 and effectively regulate agritourism and other accessory commercial uses that contribute to farm viability.

Board Motion: To retain referral 122-2023 as class 2 and return it to the local board with recommendation for approval with comments. **Motion made by:** Paul Lambiase **Seconded by:** Ted Liddell

Vote: 9 in favor, 4 opposed, 0 abstentions **Motion does not carry.**

Board Motion: To retain referral 122-2023 as class 2 and return it to the local board with recommendation for denial with comments. **Motion made by:** Mike Crowley **Seconded by:** Roslyn Grammar

Vote: 10 in favor, 3 opposed, 0 abstentions **Motion carried.**

Lester stated that Rayburn, Woodruff, and himself will be meeting and going over the recommendations of what the Ontario County Planning Board suggests, then bring it back in front of the Planning Board for further discussion.

Topics for review 2023

1. Continued review of the Comprehensive Plan's suggested updates for zoning districts changes.
2. 5 G placement of antenna's
3. Battery Storage
4. More research and code considerations for cannabis in the future
5. Look into code for event centers vs current code that allows for a SUP for each event on 50 acres or more.
6. Look at the schedules for any items that need to be updated or clarified.

IV. Meeting Adjourned

Lester motioned Rogers seconded to adjourn @ 7:45 pm.
All Board members present voted Aye; Vote was carried.

Respectfully submitted,

Christel Daggett
 Planning & Zoning Board Secretary