

## ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;  
**Coordinated Review Committee Meeting - January 12th, 2016 at 3:30pm**  
**County Planning Board Meeting - January 13th, 2016 at 7:30pm**

2nd Floor Conference Room, Room 205, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

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### Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

1 - 2016	Town of Victor Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Finger Lakes Coffee Roasters / High Rust	
Property Owner:	High Rustler LLC	
Representative:	Thorton Engineering LLP	
Tax Map No(s):	15.00-2-15.100	
Brief Description:	Area variance approval to construct a portion of the proposed paved lot within the NYSDEC wetland 100 ft buffer at the existing Finger Lakes Coffee Roasters location. Site Plan approval was previously reviewed under referral # 87-2015. Project is located at 7330 SR 251 in the Town of Victor.	

**COMMENTS:**

- Applicant is requesting variance to construct portion of asphalt parking area within the NYSDEC 100 ft. Wetland buffer. An Article 24 Freshwater Wetlands Permit has been issued by NYSDEC.
- According to ONCOR data;
  - The property is not located within a FEMA floodplain.
  - The property is not located within 500 ft. of an Agricultural District.

**PREVIOUS CPB COMMENTS (Referral #87-2015)**

**Major Watershed:** Irondequoit Creek/Lake Ontario

**Soil/Drainage Characteristics:**

Potentially hydric soils

Slope: <5%

Soil permeability: Slow

Erodibility: Low

**Stormwater Management**

The area of proposed development is located on soils that are poorly drained. There appears to be a drainage course that flows through the rear of the parcel and under roadway/path along the adjoining parcel that flows into the DEC wetland. Though no SWPPP is required, particular attention should be given to the site conditions to assure proper drainage and stormwater management.

2 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Harter, Scott	
Property Owner:	Perrone, Thomas & Gretchen	
Tax Map No(s):	141.13-1-49.000	
Brief Description:	Area variance associated with demolition of existing single family home and construction of a new residence that will create a rear (lake side) setback of 15 ft (30 ft required by code) and a lot coverage of 38% (25% allowed by code). Project is located at 4888 CR 11 in the Town of Gorham.	

Policy AR-5: Applications involving one single family residential site, including home occupations.  
The intent of this policy is to:

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

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- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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

3 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Harter, Scott	
Property Owner:	Manila, John	
Tax Map No(s):	154.12-1-58.000 154.12-1-57.000	
Brief Description:	Area variance associated with the demolition of one residence and addition to existing residence on adjoining parcel (same owner). New addition will result in a front setback of 26.5 ft (30 ft required by code) and a lot coverage of 45% (25% allowed by code). Project is located at 5222 and 5220 Long Point Road in the Town of Gorham.	

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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.

**Class Abbreviations**

- AR 1: Administrative Review Class 1
- AR 2: Administrative Review Class 2
- EX: Exempt
- W : Withdrawn

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

<b>4 - 2016</b>	<b>Town of East Bloomfield Town Board</b>	<b>Class: 2</b>
Referral Type:	Text Amendment	
Applicant:	Town of East Bloomfield	
Brief Description:	Proposed text amendment related to commercial excavation operations.	

COMMENTS will be provided at the Coordinated Review Committee meeting.

<b>5 - 2016</b>	<b>Town of Victor Planning Board</b>	<b>Class: 1</b>
Referral Type:	Site Plan	
Applicant:	Harter, Scott	
Property Owner:	Pesker, Gene	
Representative:	Crane, Mark	
Tax Map No(s):	28.12-1-33.000	
Brief Description:	Site plan approval to redevelop existing car dealership site and building to accommodate a proposed Mark's Pizzeria.  Project is located at 6499 SR 96 in the Town of Victor.	

**COMMENTS:**

- Site plan approval for the reuse of an existing car dealership building and associated parking lot for a proposed Mark's Pizzeria location.
- Project includes an expansion of the existing parking areas to create a total of 55 paved parking spaces.
- Project will utilize existing curb cuts.
- According to ONCOR data;
  - No State or Federal wetlands are present on the property.
  - The property **IS** located within a FEMA floodplain per 1983 mapping. Floodplain is associated with creeks flowing to the west and east of the parcel (including Mud Creek).
  - The property is not located within 500 ft. of an Agricultural District.

<b>5.1 - 2016</b>	<b>Town of Victor Zoning Board of Appeals</b>	<b>Class: AR-2</b>
Referral Type:	Area Variance	
Applicant:	Harter, Scott	
Property Owner:	Pesker, Gene	
Representative:	Crane, Mark	
Tax Map No(s):	28.12-1-33.000	

**Class Abbreviations**

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Brief Description:	Area Variance for signs associated with the redevelopment of an existing car dealership site and building to accommodate a proposed Mark's Pizzeria. Propose sign is larger than that allowed by code.  Project is located at 6499 SR 96 in the Town of Victor.
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**Policy AR-7: Signs**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

**A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.**

**Final classification:** Class 2

**Findings:**

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a *negative impact on community character*.

**Final Recommendation** – Disapproval.

6 - 2016	Town of Manchester Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Burkwit, Robert	
Representative:	Shields III, John	
Tax Map No(s):	33.00-1-42.210	
Brief Description:	Use variance request to use existing commercial structure on an agriculturally zoned parcel for construction service operations, outdoor storage of construction materials and installation of above ground storage tank. Potential long term construction of 5-8 new similar use buildings onsite. Project is located at 2896 & 2898 SR 96 in the Town of Manchester.	

**Background**

Prestige Landscaping is located on this six acre parcel and operates under a use variance that was granted in the mid 1980's.

**Proposed Use &Development:**

The propose use is revised from existing commercial structure to construction services operation. The parcel contains a 3,500 sq. ft. building and a single family residence. It is classified by NYS Real Property Services as "283 – Residence with Incidental Commercial Use." The proposed expansion would include five 1,500 sq. ft. buildings, 8,000 gallon asphalt petroleum storage tank, and outdoor storage of construction materials. The site is not served by public sewer; the site plan indicates septic systems configured to serve various buildings. There is a designated federal wetland in the northeast portion of the parcel which has not been delineated.

**Adjoining zoning districts are as follows:**

- East: §325.15 Commercial-1.
- West: §325.11 R-2 Manufactured Home Park
- South: §325.11 R-2 Manufactured Home Park and §325.15 Commercial-1.
- Southwest: Village of Clifton Springs – C-1 Local Shopping District (currently site of Ashton Place, a senior independent and assisted living facility).

**Technical Comments**

**Compatibility with Existing Zoning Districts**

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- The proposed uses are not consistent with those allowed in the zoning districts adjoining the parcel. The proposed uses involved with this use variance application are inconsistent with the allowed uses in the Town C-1 category and R-2 (Manufactured Home Park). They are more compatible with the uses listed in §325-16 M-1 Manufacturing. ((See town zoning code sections cited for use listing.)
- The parcel which is in the Village of Clifton Springs is immediately to the southwest of the parcel across SR 96 contains a senior residential facility complex which was designed for expansion. A retail shopping center is located within 400 yards of the parcel. The current Village zoning district purpose section states:
  - **“§ 120-14. C-1 Local Shopping District. A. Purpose.** The purpose of the C-1 District is to delineate a centralized area where shopping, recreation and cultural facilities are provided for the village as a whole.”

The village is in the final stages of updating its zoning code. The proposed update reaffirms the desire for a neighborhood scale retail shopping district.

The proposed use(s) would be unique to that parcel or ‘spot’ and is consistent with the allowed use and existing development along the corridor in that area.

**Use Variance Criteria**

The expansion of an existing use variance is to be reviewed by the criteria established in NYS Town Law §267-b. 2.

Unnecessary hardship must be shown....

1. Reasonable return
2. Unique hardship
3. Essential character of neighborhood
4. Not self-created

**Current Town/Village Comprehensive Planning**

The town and village are currently involved in a joint comprehensive planning process that is scheduled for completion later this year.

6.1	Town of Manchester Zoning Board of Appeals	Class: 2
Referral Type:	Site Plan	
Applicant:	Burkwit, Robert	
Representative:	Shields III, John	
Tax Map No(s):	33.00-1-42.210	
Brief Description:	Site Plan request to use existing commercial structure on an agriculturally zoned parcel for construction service operations, outdoor storage of construction materials and installation of above ground storage tank. Potential long term construction of 5-8 new similar use buildings onsite. Project is located at 2896 & 2898 SR 96 in the Town of Manchester.	

Comments will be provided at the Coordinated Review Committee meeting.

8- 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	TDK Engineering	
Property Owner:	Dworkin, Wendy	
Tax Map No(s):	98.19-1-11.000	

**Class Abbreviations**

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- W : Withdrawn

Brief Description:	Site plan approval for construction of a shoreline wall stabilization system and replacement of existing deck.  Project is located at 3590 Otetiana Point in the Town of Canandaigua.
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Policy AR-5: Applications involving one single family residential site, including home occupations.  
 The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

C- All other applications subject to policy AR-5.  
 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 storm water and erosion control is also needed to achieve that same end.
4. 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 NYSDEC.
5. **These issues can be addressed by consulting with the Canandaigua Lake Watershed Manager during local review and ensuring that those standards are met.**

COMMENTS RECEIVED BY CANANDAIGUA LAKE WATERSHED MANAGER:  
 The existing timber frame wall is a pre-existing nonconforming structure that artificially extends out beyond the natural shoreline. This wall and material behind it will be removed as part of project and will be replaced by the Versa-Lok wall along with new drainage, Geogrid and reinforced soil. In addition stone will be installed on the lakeside of the wall to reduce wave energy. This work will be done by barge with all materials coming in by barge.

This project is more than a refacement of an existing wall. It is a complete tear down and rebuild of an existing non-conforming structure. Although the top of the deck is being slightly reduced in size by removing the cantilevering of the deck (to protect from ice damage), the lakeside extent of the wall/stone is going further out.

It is critical that if the Town Planning Board decides to approve this project that very specific conditions be established on this project so it does not set the precedent for future projects along the shoreline.

One of the main conditions that should be considered is that this is being done due to wall failure on the southern half of the wall. Another condition that should be considered is that the nonconforming use cannot reasonably be reduced in size because the new wall needs to be installed before the old wall is removed otherwise there would be significant soil loss into the lake. Finally, the stone placement at the toe is being installed to reduce the wave energy that would otherwise be deflected along the wall to neighboring properties. The stone size should be increased from 14-18 inches to 24 inch stone size based on the smaller stone possibly moving due to wave/ice action.

I understand the owner's concern of losing flat usable area on this narrow/steep lot. However, these bump outs, if allowed around the lake, have a cumulative effect of negatively impacting the important littoral zone of the lake. If these conditions can be placed on the approval it will hopefully reduce the potential precedent that this project could create.

Final Recommendation –The CPB will make no formal recommendation to deny or approve.

8 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Marathon Engineering	
Property Owner:	Brewer, Edward & Patricia	
Tax Map No(s):	140.11-1-30.000	
Brief Description:	Site Plan and area variance associated with demo of existing building and construction of new single family residence. Variances include; Height of 29 ft (25 ft allowed by code), Lake setback of 41 ft (60 ft required by code), Building lot coverage of 19% (15% is allowed by code) and Lot coverage of 33% (25% allowed by	

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	code). Project is located at 4727 CR 16 in the Town of Canandaigua.
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COMMENTS will be provided at the CRC meeting

8.1 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Marathon Engineering	
Property Owner:	Brewer, Edward & Patricia	
Tax Map No(s):	140.11-1-30.000	
Brief Description:	Site Plan and area variance associated with demo of existing building and construction of new single family residence. Variances include; Height of 29 ft (25 ft allowed by code), Lake setback of 41 ft (60 ft required by code), Building lot coverage of 19% (15% is allowed by code) and Lot coverage of 33% (25% allowed by code). Project is located at 4727 CR 16 in the Town of Canandaigua.	

COMMENTS will be provided at the CRC meeting.

9 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	F&B Enterprises, LLC	
Property Owner:	Zocor, LLC	
Tax Map No(s):	97.02-1-44.000	
Brief Description:	Special Use Permit associated with new operator of existing Bed and Breakfast.  Property is located at 3179 SR 21 in the Town of Canandaigua.	

**COMMENTS:**

- Special Use approval for transfer of ownership associated with an existing Bed and Breakfast.
- No changes to the existing facility are proposed/included in the referral documents.
- According to ONCOR data;
  - No State or Federal wetlands are present on the property.
  - The property is not located within a FEMA floodplain.
  - The property IS located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board.

10 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Bidleman, Kimberly	
Property Owner:	2418 State Route 332 LLC	
Brief Description:	Special Use Permit for proposed sign at the existing Grayce Chapman Salon location.  Project is located at 2418 SR 332 in the Town of Canandaigua.	

**Policy AR-7: Signs**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the following road as a primary travel corridor for tourists visiting Ontario County: **State Route 332**

The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as

**Class Abbreviations**  
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possible.

- B. Applications for signs 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.

11 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Buchanan, Melissa	
Property Owner:	Case, Mark	
Tax Map No(s):	70.11-1-24.000	
Brief Description:	Special Use Permit for sign at existing Studio B Fitness and Wellness Location.  Project is located at 2465-2485 SR 332 in the Town of Canandaigua.	

**Policy AR-7: Signs**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified the following road as a primary travel corridor for tourists visiting Ontario County: **State Route 332**

The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

- B. Applications for signs 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.

12 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	German Brothers Marina	
Tax Map No(s):	70.00-1-69.110	
Brief Description:	Site Plan approval for construction of a boat storage and repair facility.  Project location is North Street in the Town of Canandaigua.	

**COMMENTS:**

- Applicant seeking approval to construct a boat storage and repair facility. Acres to be disturbed = approx. 9.6 acres of 41.5 acre lot.
- Construction is proposed in 3 phases;
  - Phase 1 = construction of proposed office and boat repair facility, 2 boat storage building and associated parking

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- lot/ driveway (4.9 acres).
  - o Phase 2= construction of 1 additional boat storage building and associated driveway (1.1 acres)
  - o Phase 3 = construction of final 3 boat storage buildings and associated driveway (3.6 acres)
- Soil Characteristics;
  - o Odessa Silt Loam
  - o Erodibility: Very High
  - o Permeability: Moderately Low
  - o Importance: Prime farmland if drained
- According to ONCOR data;
  - o No State or Federal wetlands are present on the property.
  - o The property is not located within a FEMA floodplain.
  - o The property IS located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board.
- Stormwater – Erosion and sedimentation control / SWPPP details were provided with the referral documents.

13 - 2016	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text amendment to code section regarding Environmental Conservation Board - increasing membership from 5 to 7 and amending section that requires one of the members be the recording secretary.	

**COMMENTS:**  
 The proposed text amendment would increase the number of Environmental Conservation Board (ECB) members from the current five to seven members (Chapter 18, Section 2). This action would also amend Chapter 18, Section 3 to no longer require a recording secretary be chosen from among the ECB members. The 2016 Town budget includes a line item for an ECB Secretary, and it's the Town's intent that a secretary would be provided for the ECB meetings to records minutes.

14 - 2016	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Geneva	
Brief Description:	Text amendment related to short term residential rentals.	

**Proposed Revision**  
 The local law allows short term residential use of a dwelling unit for a minimum period of seven nights or, if less, no more than one rental within a seven night period. A revocable short term permit is required.

**Technical Comments**

1. To avoid confusion, consideration should be given to using "seven consecutive nights" if that is the Town's intent.
2. Town code defines dwelling unit as "A building or portion thereof providing complete housekeeping facilities for one family." This could be interpreted to apply to a non-single family dwelling unit. Is that the intent?
3. An increasingly common practice is acquisition of residences by vacation rental businesses for that purpose with no intention as renting them as a year round residence. Would that situation be covered by this local law?
4. The zoning code regulates the allowed use(s) of land and structures. The short term permit that is included in this revision is of an operational or license nature such as dog licensing or special event permits. They should be handled outside the zoning code as a separate stand alone local law.
5. Which zoning districts are short term residential rentals allowed in?

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15 - 2016	Village of Victor Planning Board	Class: 1 LATE REFERRAL
Referral Type:	Site Plan	
Applicant:	Melton, Robert	
Representative:	Sciarabba, John	
Tax Map No(s):	25.05-1-21.000	
Brief Description:	Site plan approval for approx. 370 ft of asphalt driveway/parking and associated cross access easement.  Project is located at 61 School Street in the Village of Victor.	

**COMMENTS:**

- Site plan approval for parking plan containing 33 spaces primarily within existing asphalt limits. Approx. 370 sq ft of new asphalt pavement is proposed.
- Cross access easement with adjacent parcel was submitted as part of the referral documentation.
- According to ONCOR data;
  - No State or Federal wetlands are present on the property.
  - The property is not located within a FEMA floodplain.
  - The property is not located within 500 ft. of an Agricultural District.

16 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Vanderhoof, James	
Tax Map No(s):	98.15-1-56.000	
Brief Description:	Area Variance and Site plan approval requested for the construction of a proposed addition to single family residence resulting in a lot coverage of 37% when 30% is allowed by code. Project was previously reviewed as referral #158-2015. Plan has been revised since then to remove proposed addition to existing garage structure. Project is located at 3490 Sandy Beach Drive in the Town of Canandaigua.	

COMMENTS: See referral #16.1-2016 for project summary and comments.

16.1 - 2016	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	Vanderhoof, James	
Tax Map No(s):	98.15-1-56.000	
Brief Description:	Area Variance and Site plan approval requested for the construction of a proposed addition to single family residence resulting in a lot coverage of 37% when 30% is allowed by code. Project was previously reviewed as referral #158-2015. Plan has been revised since then to remove proposed addition to existing garage structure. Project is located at 3490 Sandy Beach Drive in the Town of Canandaigua.	

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

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

#### **Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

## General Information

The Ontario County Planning Board 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 Disapproval).

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

### Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

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 disapproval 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.

### **Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

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### 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 AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR-1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR-2	Applications that are withdrawn by the referring agency
AR-3	Permit renewals with no proposed changes
AR-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-5 A. Class 2 Disapproval	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR-5 B.	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR-5 C.	All other applications involving a site plan for one single-family residence.
AR-6	Single-family residential subdivisions under five lots.
AR-7 A. Class 2 Disapproval	Variances for signs along major designated travel corridors.
AR-7 B.	Applications involving conforming signs along major travel corridors.
AR-8	Co-location of telecommunications equipment and accessory structures on existing tower and sites (Applications for new towers or increasing the height of an existing tower will require full Board review)