

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;
Coordinated Review Committee Meeting – March 8th, 2016 at 3:30pm
County Planning Board Meeting – March 9th, 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W: Withdrawn

33 - 2016	Town of Naples Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Musclow, Lynn	
Property Owner:	Musclow, Lynn	
Tax Map No(s):	203.12-1-19.000	
Brief Description:	<p>Site Plan approval to construct a 30 ft x 40 ft pavilion behind existing Lynn Lou's ice cream stand. The pavilion is proposed to include an outdoor kitchen along with picnic tables to seat between 30-35 people.</p> <p>The project is located on 8665 SR 21 in the Town of Naples.</p>	

COMMENTS:

- Applicant is requesting a Site Plan to construct a 30 ft by 40 ft pavilion behind existing ice cream stand. Pavilion would serve as additional cover and seating during increasingly popular 'Car Cruise Nights', birthday parties, and other gatherings. Applicant also proposing to build an outdoor kitchen under the pavilion to prepare food for larger gatherings.
- Is the proposed addition going to impact the availability of parking at the facility?
- 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.

34 - 2016	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Stevens, Mark	
Property Owner:	Stevens, Mark	
Representative:	Passero Associates	
Tax Map No(s):	29.00-1-65.000	
Brief Description:	<p>Site Plan approval for the Collett Woods - Phase III project, which includes the development of approximately 92 ranch style and 2-story townhome units. Additional amenities include individual garages, walking trails, & various landscaping. The project is located south of Collett Rd. between West Corporate Dr. and Route 332.</p>	

COMMENTS:

- There is a Federal wetland on the property that the proposed development aims to avoid. How will the wetland area be delineated after construction to ensure that residential buyers do not encroach on the area?

SWCD COMMENTS: Stormwater Management

- No formal SWPPP was provided.
 - The wrong SPDES stormwater permit is listed throughout the SWPPP notes section.
 - The SWPPP notes specify fertilizer to be used. It is suggested that soil tests be completed prior to any fertilizer being applied.
- A 5 acre waiver will more than likely be required. It's important to make sure that the NYS DEC 5 acre waiver requirements are met and maintained.
- On page 7 the construction sequencing notes #5 should include a statement regarding stabilizing the striped topsoil piles.
- Make sure that the perimeter erosion and sediment controls are in place and functioning prior to mass earth work.
- No temporary erosion or sediment controls should be removed until the area above them is fully stabilized.

SITE CHARACTERISTIC

Acres: Total acreage of parcel = 24.5. Total disturbed acreage = 18.

Land Use: Farm Field

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<p>ADJOINING LAND USE / LAND COVER North: Commercial – Gas Station South: Vacant East: Vacant/Commercial/Community Services – Office Buildings West: Developed – Residential Townhomes</p>
<p>WATER RESOURCES Major Watershed: S. Bk-W/S Divide to Hathaway Brook Subwatershed: N/A Stream/Lake: N/A Aquifer: Principal Well Head Study: N/A</p>
<p>WETLANDS / WETLAND SOIL TYPES (HYDRIC SOILS) NWI: Present on property – Freshwater Emergent Wetland and Freshwater Forested/Shrub Wetland DEC: No present on property Hydric Soil: None Potentially Hydric: No</p>
<p>DRAINAGE CHARACTERISTICS Slope: 0-15% Soil permeability: Moderately High Erodibility: High</p>
<p>AGRICULTURAL SOILS / DISTRICT Soils: Palmyra Gravelly Loam Importance: Not Prime Farmland Agricultural District: No Within 500' of District: No</p>
<p>SIGNIFICANT CULTURAL RESOURCES National/State: N/A Local: N/A</p>
<p>IMPORTANT / DESIGNATED VIEWSHEDS None present</p>
<p>INFRASTRUCTURE Public Water: Public Public Sewer: Public Septic/Onsite: No Subsurface Drainage System: Public</p>
<p>STORMWATER MANAGEMENT SWPPP: No details provided Green Infrastructure: No details provided</p>
<p>TRANSPORTATION Adjoins railroad: No State Road: 332 County Road: No Public Sidewalks: No</p>
<p>HIGHWAY CORRIDOR Corridor Study Completed/Name: None provided CPB Priority Highway: Yes – SR 332</p>
<p>ACCESS MANAGEMENT Vehicular/Pedestrian Access: All vehicular access to project site will be via Corporate Drive. Sidewalks across Corporate Dr. will allow pedestrians to</p>

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<p>enter and exit project site and enter and exit adjoining residential complexes.</p> <p>Internal Circulation/Linkages:</p> <p>Vehicular: Vehicular access throughout the proposed complex for residents, one section of homes is isolated on south side of property.</p> <p>Pedestrian: Constructing a sidewalk along Corporate Dr. for residential use, they will also connect to neighboring complexes that are owned by the same owner.</p> <p>Bicycle Parking: No details provided</p>
<p>OPEN SPACE/ RECREATION</p> <p>Borders/proximity to public recreation: None</p> <p>Dedicated open space: Dedicated open space to buffer the wetland present on the property.</p> <p>Linkages: Walkways and sidewalks will link to adjacent properties to the west and south, which are also residential complexes, owned by the same owner.</p>
<p>COMMUNITY CHARACTER</p> <p>Lighting (Full cutoff of off sight light spillage): Holophane RSL-350 LED buried post lights, approx. 20 ft tall.</p> <p>Signage: No details provided</p> <p>Landscape Plan: Shrubbery and berm along Eastern border to buffer SR 332. Tree planting around infiltration basins and throughout the complex.</p> <p>Retention of Natural Vegetation: Some</p> <p>Buffering: Some</p> <p>Streetscape: Some</p> <p>Building façade: Ranch style homes, with garage prominent in the front.</p>

35 - 2016	Town of Victor Town Board	Class: 1
Referral Type:	Other	
Applicant:	Lynaugh Road Properties LLC	
Property Owner:	Lynaugh Road Properties LLC	
Representative:	BME Associates	
Tax Map No(s):	16.00-1-46.000	
Brief Description:	Petition approval for the annexation of 2.2 acres of a 17 acre parcel (Gallace residential development) from the Town of Victor to the Village of Victor.	

<p>Comments:</p> <p>The annexation of 2.2 acres into the Village is being done to 1) Align the access road to the proposed Gullace residential development across from Hillcrest Dr. and 2) Allow construction of single family homes which is not currently allowed in the town Multiple Family District. Water and sewer utilities for the 2 acre parcel will be provided by the Village of Victor. The portion of the development in the Town of Victor will be provided by Monroe County Water Authority and sewer service from the Town of Farmington.</p> <p>The project was reviewed by the CPB (#49-2014) at the June, 2014 meeting</p> <p>OCDPW - No comments since they already consider Church St. a village road at Hillcrest.</p>

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36 - 2016	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text Amendment to local law to increase the density requirements to 130 units and decrease the minimum lot size requirements to 0.35 acres for the Happiness House Planned Unit Development. Project located at 5415 CR 30 in the Town of Canandaigua.	

Proposed text amendment to the Happiness House PUD. Per the referral documents; since the date of the local law filing and completion of Lot 1 of this project, New York State Homes and Community Renewal (the projects funding source) has revised its design criteria for the low income housing component, reducing the interior open and common space requirements. The change in criteria now allows for an increased number of dwelling units (20 units originally, now 22). Additionally, the amendment seeks to clear up inconsistencies between the local law and associated reference map, requesting a minimum lot size of 0.35 acres for transitional housing units.

37 - 2016	Town of Canandaigua Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Text Amendment to Town Code 220-18 relating to the permitted principal uses in the SCR-1 Zoning District.	

- Text amendment would revise Code Section 220-18 to include principle uses in the SCR-1 Zoning District that were previously eliminated as part of Local Law 2-2013.
- Principle Permitted Uses within the Southern Corridor Residential District would include;
 - One single-family dwelling per lot
 - One single-family dwelling with accessory apartment
 - Agricultural uses and agricultural structures

38 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Property Owner:	Twombly, Jeffery & Laurie	
Tax Map No(s):	126.12-2-13.100	
Brief Description:	Site Plan approval to remove existing residential home and rebuild a 2-story house with attached garage, covered porch, and patio with an outdoor kitchen. Project is located next to Canandaigua Lake at 4341 Tichenor Point Dr. 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

C- All other applications subject to policy AR-5.

Final Classification: Class 1

Class Abbreviations

- AR 1: Administrative Review Class 1
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Findings:

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (*Ontario Co. RPTS Annual Report*)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. 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.
6. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
7. The local Board is encouraged to grant the minimum variances necessary.
8. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
9. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

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

39 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Tyman, Andy	
Property Owner:	Tyman, Andy	
Representative:	Caruso, John	
Tax Map No(s):	70.11-1-29.000	
Brief Description:	Area Variance request due to the misplacement of a surveying marker during the design phase. The building has been built, which is when the applicant realized it did not meet the rear and side setback requirements. The rear setback is 2 ft under the minimum and the side setback is 2.6 ft under the minimum. Project is located at 5251 Parkside Dr. in the Town of Canandaigua.	

COMMENTS:

Project Description:

Area variance requested due to the discovery of a misplaced survey marker during design phase. Project was approved by the board back in October 2012, and since then the building in question has been built. The building does not meet the rear and side setback requirements.

2012 September (121-2012)/October (139-2016 & 139.1-2016) Minutes

September 2012 Comments for 121-2012:

This project will meet a serious need for housing for veterans including those with families. This is a good location given its proximity to the Canandaigua VA Center, near CATS public transportation service, public schools, and retail businesses (grocery, drug store, restaurants) and is within walking distance of Blue Heron Town Park.

The Town is encouraged to coordinate site planning for this development as well as the proposed adjoining multifamily development in order take advantage of joint planning for stormwater management, maximize usable open space, and provide pedestrian linkages.

With the amenities and location, this subarea of the Town has great potential for developing as a neighborhood that reflects the scale and character of the City of Canandaigua if developed with that neighborhood-scale in mind.

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Verification of Location and Activities within the pipeline/transmission line easement: The applicant is proposing site improvements that are located on top of the pipeline.

- It is strongly recommended that any approval of the area variance applications by the ZBA for setbacks and additional road access be subject to receipt of the pipeline company’s written approval of proposed site improvements that may impact the pipeline.
- Before the town planning board considers action on the project, it is strongly recommended that the applicant be required to consult with the pipeline company and received the company’s written approval of any activities proposed for the area under the easement prior to approving the site plan.

Stormwater Management (OC SWCD)

- Soils on this site are very poorly drained.
- Page 2 of the SWPPP indicates there are no federal wetlands on site. However, on page 6 the SWPPP calls for silt fence to be installed next to wetland locations. Are there wetland/hydrologically sensitive areas on site? Has this been determined by the site owner/engineer.
- A truck wash down area is called for in the SWPPP on page 7, but does not show on the grading and erosion control plan.
- In appendix 1 the order of activities should be revised to protect the existing vegetation on the first step of the sequencing.
- Will this project require a 5-acre waiver? If so, special conditions will apply.
- On page 2 of appendix 1 it calls for adding fertilizer to the disturbed area prior to seeding and mulching. Soil tests should be done prior to ensure fertilizer is even needed.
- Dust control will be crucial during all phases of construction. How will this be addressed?
- The SWPPP inspection form should clearly list all BMP’s to inspect and be specific to the site. Also, the SWPPP documents must be signed prior to construction.
- On page C-103 the construction sequence should follow the suggested revisions listed above, in the SWPPP.

2016 Comments:

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.

40 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Wegman, Colleen	
Property Owner:	Wegman, Joy	
Representative:	Venzia & Associates	
Tax Map No(s):	126.16-2-3.310	
Brief Description:	Site Plan approval for the demolition of existing single-family residence and detached garage, to construct a new single-family residence with an attached garage, deck, patio(s), breezeway, and courtyard. Project is located next to Canandaigua Lake at 4417 CR 16 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.

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- Address impacts to ground and surface waters

D- All other applications subject to policy AR-5.

Final Classification: Class 1

Findings:

10. 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*)
11. Collectively individual residential developments have significant impacts on surface and ground water.
12. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
13. Proper storm water and erosion control is also needed to achieve that same end.
14. 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.
15. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
16. The local Board is encouraged to grant the minimum variances necessary.
17. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
18. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

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

41 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Bayer, Mark	
Property Owner:	Reiser, Joel	
Tax Map No(s):	140.11-1-25	
Brief Description:	Area Variance request to remove existing detached garage and single-family residence to construct a new single-family residence and attached garage. Variances are needed for multiple reasons, including lakefront setback for the residence. Project is located next to Canandaigua Lake at 5265 Menteth Dr. in the Town of Canandaigua.	

COMMENTS:

- Applicant is encouraged to maintain stream buffer.

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

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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

42 - 2016	Town of Victor Planning Board	AR-1
Referral Type:	Special Use Permit	
Applicant:	New Cingular Wireless PCS, LLC (AT&T)	
Property Owner:	Ontario County	
Tax Map No(s):	15.00-2-74.000	
Brief Description:	Special Use Permit requested to mount 3 additional radios on a 140 ft self-support communication tower to bring advanced wireless voice, text and data communications services to the surrounding areas. Tower is located at 701 High St. in the Town of Victor.	

Policy AR-8: Co-location of telecommunication equipment and accessory structures on existing towers and sites

Co-location of telecommunication equipment and accessory structures on existing towers and sites have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Proposals for specially permitted uses are not covered under this policy. Applications for new towers or increasing the height of an existing tower will require full Board review.

Final classification shall be Class 1

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on an existing tower and sites.
2. It does not include a proposal for a new tower or increasing the height of an existing tower.
3. The above described application presents little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites.

42.1 - 2016	Town of Victor Planning Board	AR-1
Referral Type:	Site Plan	
Applicant:	New Cingular Wireless PCS, LLC (AT&T)	
Property Owner:	Ontario County	
Tax Map No(s):	15.00-2-74.000	
Brief Description:	Site Plan approval requested to mount 3 additional radios on a 140 ft self-support communication tower to bring advanced wireless voice, text and data communications services to the surrounding areas. Tower is located at 701 High St. in the Town of Victor.	

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COMMENTS: See referral #42-2016.

43 - 2016	Village of Rushville Planning Board	Class: 1
Referral Type:	Area Variance	
Applicant:	Rushco Inc.	
Property Owner:	Phil Catlin	
Tax Map No(s):	171.05-1-23.221	
Brief Description:	Area Variance request to construct an addition to existing building for additional storage. Proposed addition does not meet the required 75 ft setback; therefore applicant is requesting a 37.5 ft variance. Project is located at 1 Warehouse St. in the Village of Rushville.	

COMMENTS:
 Area Variance request for an addition to existing storage building, to provide inside storage for material that is currently stored outside. Property is currently a gas station and fuel storage facility. The new addition does not meet the required setback of 75 ft, put in place to provide adequate buffering to residential districts, thus applicant is seeking a 37.5 ft variance.

- The consolidation of the two parcels has not been set in motion. Therefore currently the proposed addition would need two additional variances for side setbacks, per local law Article XI – Dimensional Requirements.
- The FEMA floodplain on the property due to the West River that runs through the property has not been delineated on the site plan.
- Since proposed building would fall into portion of the FEMA floodplain present on the property, we recommend the applicant reconsider the layout of the addition to extend towards the road away from the floodplain and residential district. Thus avoiding any complications with building in a floodplain and building a sufficient buffer. Only one variance would still be needed for the front setback.

According to ONCOR data:

- No State or Federal wetlands are present on the property.
- The property is located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

SWCD COMMENTS: Stormwater Management

- When/if downspouts are installed on the new proposed building, that they be routed to a grass/lawn area.

NOTE: The applicant has been asked to provide additional information regarding delineation of the floodplain which is not available at this time. Consolidation of the two parcels was requested. An updated subdivision map has not been submitted as of March 7th.

43.1 - 2016	Village of Rushville Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Rushco Inc.	
Property Owner:	Phil Catlin	
Tax Map No(s):	171.05-1-23.221	
Brief Description:	Site Plan approval to construct an addition to existing building for additional storage. Proposed addition does not meet the required 75 ft setback; therefore applicant is requesting a 37.5 ft variance. Project is located at 1 Warehouse St. in the Village of Rushville.	

COMMENTS: See referral #43-2016 for project summary and comments.

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44 - 2016	Village of Rushville Village Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Rushville	
Brief Description:	Text Amendment to Article 7.2 C-2, to decrease the setback of a screened buffer from 75 ft to 20 ft and to increase the minimum height requirement from 4 ft to 6 ft.	

NOTE: The draft local law was not submitted with the referral. A memo from the Code Enforcement Officer to the Village Board recommending the text changes was submitted. The Village has been asked to submit a copy or else the CPB will have to determine if the application is incomplete.

Existing Village code requires that industrial operations adjacent to any residential district maintain side and rear set-backs of a minimum of 75 feet, of which 20 feet shall be used to create a screened buffer zone. Screening must not be less than 4 feet in height and be accompanied by deciduous and/ or evergreen plantings or by a fence of acceptable design, to be maintained.

The proposed amendment to Article 7.2 C-2 would revise the language to state;

- Side and rear property lines adjacent to any residential district shall create a screened buffer which shall be located within 20 feet of the adjacent property line,
- The minimum screening height is increased to 6 feet,
- Acceptable screening must be evergreen or a solid type fence of acceptable design,
- Buffer is still required to be maintained by owner of industrial property.

The referral documents reference that the proposed amendment is meant to rectify a section of the code that can be too restrictive and not realistic relative to the smaller lot sizes within the Village.

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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 I, 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.

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W: Withdrawn

General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2.

Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

Legal Obligations for Referring Agencies

Class 1: If an application has been returned to the referring agency as a Class 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

Class 2: If the CPB has voted to deny or modify a referred application then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB approvals without modification require no extraordinary local action. However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

Incomplete Applications

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m I

Reporting back to the CPB

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or 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

EX: Exempt

W: Withdrawn

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)

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn