

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the;

**Coordinated Review Committee Meeting – May 10th, 2016 at 3:30pm****County Planning Board Meeting – May 11th, 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W: Withdrawn

65 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Subdivision	
Applicant:	Dianetti, Audrey	
Property Owner:	Dianetti, Jack	
Representative:	Swedrock, Lincoln	
Tax Map No(s):	28.03-1-3.100	
Brief Description:	Subdivision request to subdivide a 56 acre lot to create 2 single-family residential lots and leaving the remaining land to the owner. Parcel A would be 1.41 acres and Parcel B 1.57 acres, with 52.5 acres remaining. The project is located at 1398 Brace Road in the Town of Victor.	

**COMMENTS:**

Applicant seeking to subdivide two parcels from the existing parcel to create 2 residential lots. The remainder of the parcel will be left as golf course, which is currently in use. There will be only one curb cut accessing the northern parcel, with easement access to the southern parcel. This is due to a small "pond/wetland" area at the southeast corner of the southern parcel.

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

The intent of this policy is to:

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

**Final Classification:** Class 1

**FINDINGS**

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (*Ontario Co. RPTS Annual Report*)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of 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. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSDEC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.
9. The applicant and referring agency should Consult with the Town Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
10. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.  
  
The applicant and referring agency are also strongly encouraged to involve George Barden, Canandaigua Lake Watershed Inspector - 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.
11. 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 single family residential subdivisions under five lots.

**Class Abbreviations**

AR 1: Administrative Review Class 1

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EX: Exempt

W: Withdrawn

66 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Riedman Acquisitions, LLC	
Property Owner:	Five J Ent, LLC	
Representative:	BME Associates	
Tax Map No(s):	28.04-1-56.100	
Brief Description:	Subdivision request to develop a 28 lot clustered subdivision on 58 acres of a 138 acre parcel.	

**COMMENTS:**

Subdivision request for 28 single family residential lots on a 138 acre parcel. The provided subdivision plan does show a full build out based on code that allows only 68 lots to be subdivided on the overall parcel. The proposed development of 13 acres for the 28 single family homes leaves the potential for future development of 40 additional lots if owner desires, which is shown on the provided maps.

Applicant is applying cluster development concepts proposing to leave 42 acres permanently as open space.

- Further clarification is needed to understand the percentage of land that must be kept as open space with a cluster development in the Town of Victor. And if the already protected space bordering the creek that runs through the property is counted in the total acres being preserved as open space.
- In addition to understanding why the remaining parcel, after subdivision, is left in original owner's name.

**SWCD COMMENTS:**

The majority of the site consists of a gravel pit, surrounded by an area of woods and underbrush, therefore slopes will be moderate to steep which allows half the site to drain northeast to East Victor Road and remainder west to Fish Creek. The proposed stormwater management facility design is to include the installation of a new infiltration basin and grass swales, along with road gutters and a traditional storm sewer system to collect stormwater runoff from the developed areas and convey it to the stormwater management facility. The intent is to detain and treat the stormwater through infiltration. However there will be temporary ponding in the pre-treatment for bays as well as in the infiltration basin during certain rainfall events. After reviewing the design plans and supporting documentation, this office offers the following comments:

1. It is the intent of the developer in this design is to offer to the Town of Victor for dedication, the complete stormwater management facilities to include the infiltration basin. According to the supporting documents, the runoff from this area will infiltrate until the 50 year rain storm event. Once the runoff exceeds the infiltration rate, the runoff is to discharge from the facility and be conveyed into and through an existing 6 inch culvert pipe which directs the drainage offsite to the northeast.

The documents claim the runoff rates leaving the site will be at a reduced rate from the extended detention and infiltration provided by the stormwater facility. If the Town of Victor is going to accept this in dedication, they will be responsible for the operation and maintenance of the facility after / post-construction. It needs to be noted that the infiltration and runoff rates are based on ideal conditions. If the Town of Victor should decide to take this stormwater facility in dedication, it will be the Town of Victor's responsibility to see to it that this facility remains in an ideal condition in order for the facility to operate as designed. In other words, any siltation over time in this infiltration basin that is not periodically cleaned out, may drastically reduce the infiltration rate which could increase the rate and volume of stormwater leaving the site through the existing 6 inch diameter culvert pipe.

2. The design plans call for an existing Auburn Footpath Trail to be relocated. A portion of the relocated trail is to run along the northerly top edge of this detention / infiltration basin. Since it is the intent of the developer to have the stormwater facilities, including the detention / infiltration basin, be dedicated to the Town of Victor, the Town of Victor needs to be concerned about the possible liability issues of people walking along the top of the berm of the detention / infiltration basin that may temporarily be holding water after certain heavy rainfall events.

3. After reviewing the construction erosion control plan, it does appear that the soil erosion control measures and the sequence of

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construction notes are sufficient for this proposal.

**SITE CHARACTERISTIC**

**Acres:** Total acreage of parcel = 138. Total disturbed acreage = 14.

**Land Use:** Rural/Forest/Agriculture

**ADJOINING LAND USE / LAND COVER**

**North:** Residential/Agricultural

**South:** Residential/Vacant

**East:** Agricultural/Residential

**West:** Recreation and Entertainment

**WATER RESOURCES**

**Major Watershed:** S. Bk-W/S Divide to Hathaway Brook

**Subwatershed:** N/A

**Stream/Lake:** Yes- Class C

**Aquifer:** Kame, Kame Terrace, Kame Moraine, Outwash or Alluvium

**Well Head Study:** N/A

**WETLANDS / WETLAND SOIL TYPES (HYDRIC SOILS):**

**NWI:** There are no NWI wetlands mapped on the site, however this map is not definitive in determining whether there are federal wetlands and the applicant is encouraged to field verify whether federal wetlands exist on the site through a wetland delineation.

**DEC:** None

**Hydric Soil:** None

**Potentially Hydric:** None

**DRAINAGE CHARACTERISTICS**

**Slope:** 0-25%

**Soil permeability:** Moderately High

**Erodibility:** Very High

**AGRICULTURAL SOILS / DISTRICT**

**Soils:** Dunkirk silt loam/Hemlock silty clay loam/palmyra gravelly loam

**Importance:** Not Prime Farmland

**Agricultural District:** No

**Within 500' of District:** Yes

**SIGNIFICANT CULTURAL RESOURCES**

**National/State:** None

**Local:** None

**IMPORTANT / DESIGNATED VIEWSHEDS**

No

**INFRASTRUCTURE**

**Public Water:** Yes

**Public Sewer:** Yes

**Septic/Onsite:** No

**Subsurface Drainage System:** Yes

**STORMWATER MANAGEMENT**

**SWPPP:** No

**Green Infrastructure:** Some

**TRANSPORTATION**

**Adjoins railroad:** No

**State Road:** No

**County Road:** No

**Public Sidewalks:** No

**HIGHWAY CORRIDOR**

**Corridor Study Completed/Name:** N/A

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<b>CPB Priority Highway:</b> No
<b>ACCESS MANAGEMENT</b> <b>Vehicular/Pedestrian Access:</b> Curb-cut off of East Victor Rd. <b>Internal Circulation/Linkages:</b> <b>Vehicular:</b> One internal road leading to a cul-de-sac. Two parcels will have curb-cuts directly off of East Victor Rd. <b>Pedestrian:</b> None <b>Bicycle Parking:</b> None
<b>OPEN SPACE/ RECREATION</b> <b>Borders/proximity to public recreation:</b> Located on existing golf course. Town park just east of development. <b>Dedicated open space:</b> 44 acres <b>Linkages:</b> None
<b>COMMUNITY CHARACTER</b> <b>Lighting (Full cutoff of off sight light spillage):</b> Street lighting along internal road <b>Signage:</b> Unknown <b>Landscape Plan:</b> Yes <b>Retention of Natural Vegetation:</b> Some <b>Buffering:</b> Yes <b>Streetscape:</b> Yes <b>Building façade:</b> Unknown

67 - 2016	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sanford Industrial Contractors	
Tax Map No(s):	32.13-1-8.110	
Brief Description:	Site plan approval for development of shop,warehouse space and a small business park within the existing Sanford school building. Project is located at 49 North Main Street (SR 21) in the Village of Manchester.	

**July 2015 NOTES:** To the extent practical, staff will prepare the referral review for late submissions. This referral is for a small business park located in the form Manchester School building. The applicant did not submit a comprehensive site plan or information about internal circulation, parking, external access to SR 96 or SR 21, type and intensity of proposed uses, etc.

- Staff advised the Village Code Enforcement Officer that a recommendation of “Incomplete” would be made to the CPB and referral could be made when the additional information was available.
- Referral Withdrawn

**2016 COMMENTS:**

Applicant seeking to renovate the inside of an old school house, which they are currently using for industrial storage business (Sanford Industrial Contractors). Renovations include the construction of offices, addition of 2 bathrooms near main entrance and refurbishing the main entrance back to 1931 time period style. Proposed uses for renovated spaces include storage and warehousing of customer equipment as well their own and dividing the newer/renovated portions of the building into a “business park”. No renovation plans for the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Other site modifications include resurfacing part of existing parking lot to create 58 parking spaces and installing landscape lighting at the front of the building.

Site plan includes details on proposed outdoor storage, loading areas, proposed paved access and associated parking, pedestrian access, signage and landscaping.

As the applicant looks to further develop the property further, care should be made to ensure that the proposed uses are compatible.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.

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- The property not located within a FEMA floodplain.
- The property is not located within 500 ft. of an Agricultural District.

68 - 2016	Village of Clifton Springs Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Village of Clifton Springs	
Representative:	Congdon, Paul	
Tax Map No(s):	34.18-3-2.100; 34.00-3-47.100	
Brief Description:	Site Plan approval for a proposed solar array to be installed in two sections at an existing wastewater treatment plant site. Other improvements will include perimeter fencing and access roads. The arrays will be approx. 9 ft high and setback 30 ft from property line. The project is located at 50-52 Ladue Ave in the Village of Clifton Springs.	

**COMMENTS:**

Site Plan approval for the construction of a 1.5 acre solar array on the existing Village of Clifton Springs Waste Water Treatment Plan property. Construction will include the installation of solar panels on pier style foundations, a perimeter fence, electric service improvements and gravel access drives. The trees that now cover the northeast corner of the parcel will be cleared, with the overall disturbance being 2 acres. No SWPPP was provided, but there was mention of the development of a NYSDEC stormwater plan to be prepared. The land where construction will occur will be leased to RER Energy Group by the Village of Clifton Springs.

The property appears to be split between the Village of Clifton Springs and the Town of Phelps. While the Village can make a determination on the site plan for the portion of the development within their municipality they cannot take action on the development proposed outside the Village lines. The proposed solar array deployments appear to be designed to be contained within each respective municipality, however given the combined nature of the project the Village should not take action on the site plan until such time as they have coordinated their review with the Town of Phelps.

**According to ONCOR:**

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

**SWCD COMMENTS:**

For the purpose of this review, this office has received very little information about the project. There is a plan showing the existing conditions prior to development and a site improvement plan which does not show any contours, existing or proposed/finished contours and no stormwater or drainage facilities, nor any stormwater management plan and proposed practices. Therefore, at this stage of the review, we are unable to offer any further comments.

69 - 2016	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Napolitano, Kenneth	
Tax Map No(s):	141.07-1-13.000	
Brief Description:	Area Variance request for proposed replacement of existing 2-story cottage with a single story storage garage. Applicant is requesting sideyard setbacks of 8 ft on both the North and South sides and a 3 ft height variance. The project is located at 4662 Lake Dr. in the Town of Gorham.	

**OCDPW COMMENTS:**

A sewer disconnect permit from the Canandaigua Lake County Sewer District (CLCSD) is required for the building demolition. A sewer renovation permit TBD may be required for the new building. Applicant to submit site plan to CLCSD.

**Class Abbreviations**

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- W: Withdrawn

**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.

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**

70 - 2016	Village of Victor Planning Board	Class: Withdrawn
Referral Type:	Subdivision	
Applicant:	Ferris, William	
Representative:	BME Associates	
Brief Description:	Subdivision approval for a 3-story proposed 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.	

**COMMENTS:** Staff is currently working on technical review comments to be presented to the village. Village has decided to withdraw their referral until they have reviewed staff comments.

70.1 - 2016	Village of Victor Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	Ferris, William	
Representative:	BME Associates	
Brief Description:	Site Plan approval for a proposed 3-story 28,600 sq ft mixed-use - grocery/retail/apartment project. The proposed development will consolidate 6 parcels to make one 2.65 acre parcel. Project located at intersection of SR 96 and School St. in the Village of Victor.	

**COMMENTS:** See referral #70-2016 for project summary and comments.

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- AR 1: Administrative Review Class 1
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- W: Withdrawn

71 - 2016	Town of Canandaigua Zoning Board of Appeals	Class: Withdrawn
Referral Type:	Area Variance	
Applicant:	TAD East Lake LLC	
Tax Map No(s):	98.15-1-74.000	
Brief Description:	Area Variance request to modify a preexisting non-conforming use by adding an addition to the principal buildings, that would join the two buildings together. The applicant is asking for a variance for the rear setback. The project is located at 3445 SR 364 in the Town of Canandaigua.	

**OCDPW COMMENTS:**

Sewer renovation permit from Canandaigua Lake County Sewer District (CLCSD) is required. Applicant to submit site/building plans to CLCSD. The sewer lateral for the northern structure has a lateral exiting from the east side. From our drawings the lateral will end up under the proposed structure and will need to be relocated outside the proposed structure.

72 - 2016	Town of Phelps Zoning Board of Appeals	LATE REFERRAL Class: 2
Referral Type:	Area Variance	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Area Variance request for a proposed Verizon Wireless communication facility. The .5 acre site would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**SITE CHARACTERISTIC**

**Acres:** Total acreage of parcel =1.8. Total disturbed acreage = .83.

**Land Use:** Dairy Farm -Ag. District #8

**ADJOINING LAND USE / LAND COVER**

**North:** Agriculture

**South:** Agriculture

**East:** Agriculture/Residential

**West:** Residential

**WATER RESOURCES**

**Major Watershed:** S. Bk-Hathaway Brook to Canandaigua Outlet

**Subwatershed:** Canandaigua Outlet

**Stream/Lake:** N/A

**Aquifer:** N/A

**WETLANDS / WETLAND SOIL TYPES (HYDRIC SOILS)**

**NWI:** Freshwater Forested/Shrub Wetland

**DEC:** None

**Hydric Soil:** No

**Potentially Hydric:** No

**DRAINAGE CHARACTERISTICS**

**Slope:** 3-8 percent

**Soil permeability:** Moderately High

**Erodibility:** Medium

**Class Abbreviations**

AR 1: Administrative Review Class 1

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**AGRICULTURAL SOILS / DISTRICT****Soils:** Ontario fine sandy loam – 41%**Importance:** Prime Farmland**Agricultural District:** Ag. District #8**Within 500' of District:** Yes**ACCESS MANAGEMENT****Vehicle/Pedestrian Access:** Access off of Neider Road on East border.**COMMUNITY CHARACTER****Lighting (Full cutoff of off sight light spillage):** Not Specified**Signage:** Not Specified**Landscape Plan:** Not Specified**Retention of Natural Vegetation:** Not Specified**Buffering:** 7 ft chain link fence with barbwire**COMMENTS:** Comments to be provided at the CRC Meeting.

72.1 - 2016	Town of Phelps Planning Board	LATE REFERRAL Class: 2
Referral Type:	Site Plan	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Site Plan approval for a proposed Verizon Wireless communication facility. The .5 acre site would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**COMMENTS:** See referral #72-2016 for project summary and comments.

72.2 - 2016	Town of Phelps Planning Board	LATE REFERRAL Class: 2
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic Mobile of Rochester, L.P.	
Property Owner:	Adams, Marvin	
Representative:	Burgdorf, Robert	
Tax Map No(s):	24.00-1-4.000	
Brief Description:	Special Use Permit request for a proposed Verizon Wireless communication facility. The .5 acre site would consist of a 155 ft freestanding tower with other site improvements. Applicant is asking for variances for height, lot size, side setback, and strobe light. The project is located at 606 Neider Rd. in the Town of Phelps.	

**COMMENTS:** See referral #72-2016 for project summary and comments.

73 - 2016	Town of Victor Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Vital Signs, Sign and Graphic	
Property Owner:	Reh Stark Real Estate 1 LLC (Gorbel)	
Tax Map No(s):	6.00-1-58.121 6.00-1-58.122 6.00-1-58.123 6.00-1-58.124	

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Brief Description:	Area Variance request for the addition of 4 freestanding signs for the purpose of visitor wayfinding. Per local code the signs fall under 'traffic control' and must not exceed 2 sq ft. Therefore the applicant is asking for a 10 sq ft variance for each individual sign. The project is located at 600 Fishers Run 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 US Route 90 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** – Denial

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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 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.

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### **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 1

### **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)