

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

Coordinated Review Committee Meeting – November 8th, 2016 at 3:30pm**County Planning Board Meeting – November 9th, 2016 at 7:30pm**

2nd Floor Conference Room, Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

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165 - 2016	Town of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	BME Associates	
Property Owner:	RainBros Associates, LLC	
Tax Map No(s):	1.02-1-13.000	
Brief Description:	Site Plan approval request for signage for the High Point Retail Phase 2 and 3 Planned Development Districts. Proposed are two monument signs and five building mounted signs. The project is located at 236 High St. in the Town of Victor.	

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 roads as primary travel corridors for tourists visiting Ontario County: **State Route 96**

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.

166 - 2016	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Aldrich, George	
Property Owner:	Williams, Edwin and Donna	
Tax Map No(s):	32.13-2-39.000 32.13-2-40.100	
Brief Description:	Site Plan approval request to renovate an existing building for the production and tasting of craft beer. No exterior renovations to the existing building are proposed. The project is located at 9 North Main St. in the Village of Manchester.	

COMMENTS:

Site Plan approval request renovated an existing building into a small local brewery and tasting room. The applicant will manufacture beer on the premises, serving the majority of the volume on site in the tasting room. There are no plans for large distribution or truck traffic to and from the facility. The facility is planned to be opened Wednesday through Sunday.

There is concern in regards to the waste water discharge that will result from the manufacturing of beer. Gordon Eddington from the wastewater treatment plant has sent the applicant an email with his concerns and standards for waste water, such as the yeast being removed prior to discharging waste water.

According to ONCOR:

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

NYSDOT Comments:

“This entrance was put in under a NYSDOT project in 1992. The opening is the same as when it was put in, and the asphalt and curbing at the entrance is still holding up. Also, seeing that it was a minor commercial entrance, and will continue to be a minor commercial entrance, I believe that no mitigation is needed on the owner’s part and therefore, no work or permit is needed from the NYSDOT, provided they do not propose any work to be done in the highway right-of-way”.

167 - 2016	Town of South Bristol Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of South Bristol	
Brief Description:	Text Amendment request to amend Chapter 170: Zoning.	

SUMMARY

- Revision to Schedule of District Regulations (Attachment 1) – Maximum lot coverage for the Lake Residential District, 1-Acre Residential district and 3- Acre Residential District is changed from “20%” to “20%**.” Schedule Notes ** references that *no lake front lot or parcel bisected by a public or private road shall exceed 40% lot coverage on the lakeside portion of the lot or parcel, and shall not exceed the 20% allowable lot coverage for the entire lot or parcel.*
- Section 170-94 (Site Plan Review) – Uses requiring site plan review revised to add *all uses on lots adjoining Canandaigua Lake in the R-3 District.*

168 - 2016	Town of Hopewell Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Hopewell	
Brief Description:	Text Amendment approval to update the Town's Zoning Ordinance.	

Summary / comments will be provided at the CRC Meeting.

169 - 2016	Village of Victor Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Brien, Robert	
Property Owner:	Brien, Robert	
Tax Map No(s):	28.06-2-8.000	
Brief Description:	Use Variance approval request to convert a single-family building into an upstairs/downstairs multi-family duplex. Parcel is zoned R-2, which by code only allows the dwelling for one family. The project is located at 161 E. Main St. in the Village of Victor.	

COMMENTS:

Applicant is requesting a Use Variance to convert their single-family house into a multi-family duplex. The parcel is zoned R-2: One-Family Residential, which only permits “dwelling(s) for one family with a private garage.”

Under the Use Variance process the applicant is required to meet **all** four prongs of the use variance test, including;

1. That, without the variance, there would be no reasonable rate of return on the property
2. That the hardship is unique to the property in question and does not exist for all properties in the neighborhood
3. That the granting of the variance will not alter the essential character of the neighborhood
4. That the hardship imposed has not been self-created.

170 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Cobblestone Restaurant of Geneva, LLC	
Representative:	Finger Lakes Design	
Tax Map No(s):	104.00-1-4.100	
Brief Description:	Site Plan approval request for the addition and renovation of the Cobbleston Restaurant. The project is located at 3610 CR 6 in the Town of Geneva.	

COMMENTS:

Site plan for an addition to existing Cobblestone Restaurant. Proposed addition of dining room and deck with pergola for seasonal dining all on the first floor off the back of the building.

According to ONCOR:

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

171 - 2016	City of Canandaigua City Council	Class: 2
Referral Type:	Text Amendment	
Applicant:	City of Canandaigua	
Brief Description:	Text Amendment request to amend Chapter 850 Zoning regarding renewable special use permits.	

SUMMARY:

Proposed text amendment would remove text that pertains to the renewal of special use permits. A table is proposed to outline whether a special use permit is renewable based on its associated use.

Comments

- The proposed table more clearly illustrates what the text had previously represented by listing Uses Permitted by Special Use Permit and then acknowledging whether they are renewable or not.
- It is recommended that the City consider keeping the previous language, or add additional language, that serves to clarify the number of times a permit may be renewed and the process/timing for doing so.

172 - 2016	City of Canandaigua City Council	Class: 2
Referral Type:	Text Amendment	
Applicant:	City of Canandaigua	
Brief Description:	Text Amendment request to amend Chapter 850 Zoning to permit bicycle shops in the C-1 Zone District.	

SUMMARY:

Text amendment to Chapter 850, Section 850-39 seeks to add (m) bicycle shops to the permitted primary uses within the C-1 District.

Ordinance shall be effective 30 days following its enactment.

173 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Long, Daniel	
Property Owner:	Lieberg, Elaine	
Tax Map No(s):	103.00-3-24.110	
Brief Description:	Site Plan approval request for the partial change of occupancy of an existing building from an auto repair shop into a microbrewery and public assembly space for tastings. Exterior of the building will remain untouched except for the signage and installation of an awning. The project is located at 796 CR 6 in the Town of Geneva.	

COMMENTS:

Site plan to renovate an existing building from an auto repair shop into a microbrewery and tasting room. There are no proposed changes to the exterior except updates to the signage and installation of a fabric awning. Applicant is proposing the partial conversion of the rear stone parking area into a seasonal event space, including a self-contained modified 10'x20' shipping container to be used as a band shell.

24 parking spaces are proposed with additional parking in the overflow area on the western portion of the property, which will be used during seasonal events.

Sampson Glass will remain as the other tenant in the southern portion of the building.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located in Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.

174 - 2016	City of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Bateman Properties	
Tax Map No(s):	83.20-2-20	
Brief Description:	Subdivision and Area Variance approval request to divide a 0.636 acre parcel from a 1.281 parent parcel for the construction of a medical office building. According to code a minimum of 90 ft of street frontage is required for medical office buildings. The proposed will not have street frontage, therefore seeking a 90 ft variance. The project is located at 275 Parrish St. in the City of Canandaigua.	

COMMENTS:

Subdivision request to divide a 0.636 acre parcel from a 1.281 acre parcel to build a medical office building. Parcel is located in an already partially developed medical building complex with a private road. City of Canandaigua code requires a minimum of 90ft of street frontage therefore the applicant is seeking a 90 ft variance.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is not located within 500ft of an Agricultural District.
- Soil Characteristics
 - Type: Ovid silt loam
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: High

Canandaigua Lake Watershed Association Comments: There looks to be precedent set with the other parcels off of this private drive, therefore, the 90 foot variance for road frontage doesn't seem to be an issue. However, I think the subdivision plan should show how they are going to be handling drainage and meeting the City's stormwater requirements. The City requires post construction stormwater management on commercial projects of this size.

174.1 - 2016	City of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Bateman Properties	
Tax Map No(s):	83.20-2-20	
Brief Description:	Subdivision and Area Variance approval request to divide a 0.636 acre parcel from a 1.281 parent parcel for the construction of a medical office building. According to code a minimum of 90 ft of street frontage is required for medical office buildings. The proposed will not have street frontage, therefore seeking a 90 ft variance. The project is located at 275 Parrish St. in the City of Canandaigua.	

Comments: See referral #174-2016 for project summary and comments.

175 - 2016	Town of Farmington Town Board	Class: 2
Referral Type:	Moratorium	
Applicant:	Town of Farmington	
Brief Description:	Moratorium on solar collection systems and solar farms. The purpose is to enable the Town of Farmington to have sufficient time to review existing laws pertaining to solar and to recommend modifications.	

SUMMARY

- The statement of legislative intent that was provided seeks to enable the Town of Farmington to have sufficient time to review existing laws pertaining to solar collection systems or solar farms and to recommend modifications to those laws or new laws regarding such operations.
- The local law details state that the proposed review is in accordance with the Town of Farmington Comprehensive Plan.
- Moratorium would suspend the approval of all expansions to existing operations and approval of new such operations.
- Moratorium shall be in effect for period of 6 months from the effective date of the proposed Local Law.

COMMENTS:

The Town of Farmington is commended for their dedication to ensuring a well-organized and easily understood code that encourages compatible land uses, protection of the environment and consistent operations as it pertains to such facilities.

176 - 2016	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Finger Lakes Mulch & Soil Facility	
Property Owner:	Tamarac Farms LLC	
Representative:	Advance Engineering & Surveying PLLC	
Tax Map No(s):	31.20-1-22.000	
Brief Description:	Site Plan approval request to construct a landscaping processing center, including the processing and storage of mulch, bark, chips and topsoil on a 15 acre parcel. The project is located at 155 State St. in the Village of Manchester.	

COMMENTS:

Applicant, owner of Green Renewable, Tamarac Farms, and Finger Lakes Mulch and Soil LLC and tenant to Oldcastle Lawn and Garden Inc. is seeking site plan approval to expand south of existing Oldcastle operations onto a 15 acre parcel in the Village of Manchester. Applicant proposing to construct designated areas for stockpiling and grinding of bark, pine chips, brush, mulch, and compost. Truck traffic is proposed to access and exit the parcel from the north crossing, through existing Oldcastle operations, out to State Route 21. Hours of operation are to be between 7am-6pm, with extended hours during the busy season (Feb.-Jun.) of 3pm-11pm.

Parcel lies at the corner of the Village of Manchester, Town of Manchester, and Town of Farmington municipal lines.

According to ONCOR:

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is not located within 500ft of an Agricultural District.
- Soil Characteristics
 - Type: Collamer silt loam (16%)
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High
- Soil Characteristics
 - Type: Schoharie silty clay loam (27%)
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

- Soil Characteristics
 - Type: Schoharie silty clay loam (54%)
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High

OCSWCD Comments:

At your request, this office has reviewed a Stormwater Pollution Prevention Plan (SWPPP) and Site Plan for the above referenced property with regards to soil erosion and sediment control during the period of construction. After review of this SWPPP and the plan provided, I offer the following comments:

1. The proposed project consists of approximately 15 acres of land that has historically been utilized for agricultural purposes. This site generally slopes in a north, northeasterly direction at approximately 4% slope. Of these 15 acres, approximately a little over 5 acres is to be paved with asphalt. Even though this area is designated for grinding and coloring operations, stock piling for premium mulch, dried black mulch, dried brown mulch, dried red mulch, compost stockpile and a loading area, it does create an impervious area of approximately H the total 15 acres that previously was agricultural ground which allowed percolation during rainfall events. Even with the stockpile s being identified to be placed on this paved area , water collected in these areas will run off to the north, northeast to the drainage channel being constructed for the stormwater management area.
2. After reviewing the Soil Erosion Control Plan, it does not appear there has been any attempt to divert offsite clean water from the construction / disturbed area of this project along the west and southwest corner of the property and also along the southerly property line going to the east.
3. Sequence of Construction Notes are located in the SWPPP document, however the Sequence of Construction Notes should be placed in the Soil Erosion Control Plan. In the Sequence of Construction Notes on Page 24, f. states: "construct temporary diversions and install level spreader and vegetative disturbed areas". Also on Page 25 under Erosion and Sediment Control Features, b. Temporary Diversion describes the temporary diversions to be constructed above 3:1 cu t slopes and to borrow fill area in a temporary diversion dike constructed along the top edge of the fill slope. Neither of these items is shown on the Soil Erosion & Sediment Control Plan. Under Sequence of Construction Notes on Page 2 4, f. states: "rough grade stockpile topsoil and construct channels install utilities". Based on this project, the only utility conduit work to be installed appears to be a 165 lineal ft. 24 inch stormwater pipe under one portion of the entrance and another 32 ft. length of 24 inch stormwater pipe near the stabilized construction entrance, i. also describes maintaining diversions along the top of fill slope which again, I cannot find on the Soil Erosion Control Plan.

Conflict with Local Zoning

§100-37 E. (I-2 Zoning District) Other provisions and requirements for uses in the I-2 District. Includes all provisions and requirements for uses in the I-1 Restricted Industrial District. Those provisions included:

§100-36 E. (I-2 Zoning District)	<u>Comment</u>
(1) Any use of a light industrial nature is permitted which involves only the processing, assembly, compounding or packaging of previously prepared or refined materials, provided that at no time shall such use result in or cause: (a) Dissemination of dust, smoke, smog, observable gas, fumes or odor or other atmospheric pollution, objectionable noise, glare or vibration that will be evident beyond the property line.	The open air grinding areas for this site will create noise and odors are present at the existing facility.
(2) The manufacturing of all goods, including, but not limited to, the processing, assembly, compounding and packaging of materials, <i>shall be performed in a fully enclosed building.</i>	There are open air grinding areas proposed for this site. The materials are listed are pigmented but it does not state if this process is done in open air or enclosed.

<p>(3) Incidental storage out-of-doors may be permitted, provided that such materials are shielded from view from public streets and adjacent off-street parking areas by fencing, landscaping or other appropriate measures.</p>	<p>All materials are being stored outdoors which is not “incidental”.</p>
<p>(4) All permitted uses shall set aside not less than twenty percent (20%) of the lot area to be devoted to seeding, planting, retention of tree cover or other landscaping. This area shall be used for no other purposes.</p>	<p>The parcel approaches 100% coverage by processing, storage, and internal circulation. No areas are delineated as the 20% minimum set aside that is to be devoted to landscaping/vegetative cover.</p>
<p>(8) Where lot lines coincide with or are located within residential district boundaries, there shall be planted along such lines evergreen trees of such type and spacing as may be required by the Planning Board.Such trees shall be not less than six (6) feet in height at initial planting and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residential districts.</p>	<p>The southern boundary of the parcel adjoins land that is in the Town of Manchester and is zoned Single Family Residential. The site plan does not indicate provision for any such planting. The code states that the “view from adjoining properties” and doesn’t limit it to parcels with residences.</p>

Neighborhood & Intermunicipal Impacts

1. The parcel immediately to the northwest of the Red Jacket School district campus in the Town of Manchester. Processing activities are greatest through the spring when sports fields are in active use and windows are open for ventilation as the District’s buildings are not air conditioned and can be disruptive to school operations and activities.

2. Buffering, as required by the village zoning code, to the Town’s Single Family Residential District is not provided. While the current owner may not intend to develop the parcel for residences, that does not preclude such development by a future owner.

Hours of Operation The site plan’s note states, “*NOISE GENERATED FROM PRODUCTION ACTIVITIES BETWEEN THE HOURS OF 11: 00 PM AND 7: 00 AM WILL BE KEPT TO A MINIMUM BY UTILIZING NOISE MITIGATION METHODS*”. This indicates that this will be a 24 hr. operation. There is no explanation of what ‘noise mitigation methods’ will be employed for an outdoor operation.

Water Wells The site plan states, *WELL(S) WILL BE INSTALLED FOR MANUFACTURING USE AND FIRE PREVENTION*. The site plan does not identify the location of the well(s), amount of flow needed, or any technical data regarding flow rate, depth, etc. or adequacy for fire flow.

- The adjoining Old Castle parcel to the north and east is the site NYSDEC Spill #1204265 petroleum spill. The Soil and Groundwater Management Plan (Plan) for the site was prepared in June 2015 to address residual soil and groundwater impacts associated with this spill. This Plan “should be implemented when work performed at the Site has the potential to disturb soil/fill and/or groundwater in the vicinity of the NYSDEC Spill #1204265 area.”

Extraction of groundwater to spray/water the storage piles or for fire flow could have an impact on the groundwater flow regime in the spill area. NYS DEC must be directly involved with any proposal to for groundwater extraction to determine if such a proposal will impact groundwater at the project site and adjoining spill parcel before any further consideration or review is given to this project. ¹

Village code prohibits private wells. Further consideration of this site plan seems premature.

Access The site is accessed by a private road, some of which is improved. This road is going to carry heavy trucks.

¹ NOTE: 5.0 The Engineering Controls of the Plan states, “Engineering controls may be warranted as part of the future redevelopment conducted in the vicinity of the NYSDEC Spill #1204265 are. In the event that engineering controls are deemed necessary, the appropriate regulatory agencies (i.e., the NYSDEC, and/or the NYSDOH) should be consulted to approve proposed controls.

- No information is provided regarding whether the construction of the current roadway can level of truck traffic including fire equipment and turning movement standards can be met.
- The roadway should meet, at a minimum, village road construction standards for truck use.
- A cross access easement is necessary since the parcels are owned by to different entities.
- Engineering documentation should be provided to the Planning Board and the Village DPW

The owner of the adjoining parcel should be required to submit a site plan to the Village that provides engineered details on the access roadway and where traffic will enter and exit the site from State St. or SR 21.

NOTE: The DEC must be consulted regarding the roadway since it is located on the parcel subject to the Soil and Groundwater Management Plan for Spill #120426.

177 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Herman, Keith	
Property Owner:	2510 Rochester Road LLC	
Tax Map No(s):	70.11-1-5.110	
Brief Description:	Special Use Permit approval request to remove existing multiple signs on a Tom Wahls and install 156 sq ft of new signage. Permit required for commercial speech signs within the CC - Community Commercial District. The project is located at 2510 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 roads as primary travel corridors 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.

- C. Applications for signs complying with local limits on size and number.

Final Classification: Class 1

Findings

- 2. 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.

178 - 2016	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sparatta, James	
Property Owner:	Sutter Creek, LLC	
Tax Map No(s):	71.00-1-25.100	
Brief Description:	Site Plan approval request to construct a 15,680 sq ft boat storage facility on a vacant 13 acre parcel. Proposed building meets all required setbacks. The project is located at 2790 CR 10 in the Town of Canandaigua.	

COMMENTS:

Site plan to construct a 15,680 sq ft boat storage facility.

- Proposed building meets all required design and setback requirements.
- Proposed driveway is shared between the parcel in question and the parcel to the south, which is owned by the same company and currently used as outside boat storage.

According to ONCOR:

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

- The parcel is located within a FEMA floodplain on the Northwest corner where the Canandaigua Outlet is located.
- The property is located within 500 ft of Agricultural District #1 and #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
 - Type: Schoharie silty clay loam (29%)
 - Slope: 0 to 3 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High
- Soil Characteristics
 - Type: Schoharie silty clay loam (59%)
 - Slope: 3 to 8 percent
 - Soil permeability: Moderately High
 - Erodibility: Very High
- Soil Characteristics
 - Type: Wayland silt loam (11%)
 - Slope: 0 to 3 percent
 - Soil permeability: High
 - Erodibility: Very High

OCSWCD Comments:

The proposed boat storage facility is located in the southeast corner of this 14.3 acre piece of land which is also at the highest and driest part of this acreage. This acreage slopes in a general northerly direction from south to north towards the Canandaigua Lake Outlet. The percent grade of slope at the location of the proposed storage facility is at approximately 2% slope.

The approximate disturbance in this area appears to be approximately 9/10 of an acre. Given the small area to be disturbed for a boat storage facility, minimal excavation is being shown. Stormwater drainage around this building drains towards the existing highway drainage along County Road 10 and to the north. A 30 ft. wide gravel fire access driveway is to be provided around the perimeter of the building.

The downspouts from the building will be directed to splash blocks at 20 ft. intervals around the building. Silt fence is being proposed around the perimeter of this disturbed area. The proposed Construction Sequence with regards to soil erosion and sediment control appear to be adequate.

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: l, (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

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 I, 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.

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	Variations 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)