

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the;

**Coordinated Review Committee Meeting – January 10th, 2017 at 3:30pm****County Planning Board Meeting – January 11th, 2017 at 7:30pm**

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

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
1 - 2017	Town of Naples	Zoning Board of Appeals	Deusenbery, Tony & Holly	Area Variance	1	2
2 - 2017	Town of Victor	Planning Board	Karp, Jesse	Site Plan	1	2
3 - 2017	Town of Victor	Planning Board	Rawleigh, Jamie	Site Plan	AR-1	2
4 - 2017	Town of Manchester	Town Board	Town of Manchester	Moratorium	2	3
5 - 2017	City of Canandaigua	Planning Commission	U of R Medicine - Thompson Health	Site Plan	1	3
6 - 2017	Town of Farmington	Planning Board	Pignato, Michael	Subdivision	1	5
6.1 - 2017	Town of Farmington	Zoning Board of Appeals	Pignato, Michael	Area Variance	1	5
7 - 2017	Town of Farmington	Planning Board	Home Leasing, LLC	Subdivision	2	5
7.1 - 2017	Town of Farmington	Planning Board	Home Leasing, LLC	Site Plan	2	7
8 - 2017	Town of Victor	Zoning Board of Appeals	Brostek, Robert	Area Variance	AR-1	7
9 - 2017	Town of Gorham	Zoning Board of Appeals	Pontillo, David & Denise	Area Variance	AR-2	8
10 - 2017	Town of Canandaigua	Zoning Board of Appeals	Bayer, Mark	Area Variance	LATE REFERRAL AR-2	8
11 - 2017	Town of Canandaigua	Planning Board	Hanlon Architects	Site Plan	LATE REFERRAL AR-2	9
11.1 - 2017	Town of Canandaigua	Zoning Board of Appeals	Hanlon Architects	Area Variance	LATE REFERRAL AR-2	10
12 - 2017	Town of Gorham	Town Board	Town of Gorham	Text Amendment	LATE REFERRAL 2	10
<b>General Information</b>						11

1 - 2017	Town of Naples Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Deusenbery, Tony & Holly	
Tax Map No(s):	203.00-1-39.110	
Brief Description:	Area Variance approval request for the construction of a 34ft x 64ft pavillion located adjacent to the existing clubhouse on at the Reservoir Creek Golf course. Project is located at 8613 SR 21 in the Town of Naples.	

**COMMENTS:**

Proposed construction of a 34ft x 64ft pavillion to the west side of the existing clubhouse at the Reservoir Creek Golf course. Variances needed due to proposed side yard setback being 8ft when 40ft is required and proposed front yard setback being 52ft when 80ft is required.

Acreage to be disturbed is 0.1 acres. An existing concrete slab is currently in place where the pavillion is proposed to be constructed.

**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 within 500ft of Agricultural District #9. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.

2 - 2017	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Karp, Jesse	
Property Owner:	Eastview Mall LLC	
Representative:	Black & Veatch New York LLP	
Tax Map No(s):	6.00-1-12.100	
Brief Description:	Site Plan approval to install a high powered electric vehicle charging station. Project will include 8 parking stalls, charging posts, and RG&E pad mount transformer. Project located at Eastview Mall Dr. in the Town of Victor.	

**COMMENTS:**

Proposed high powered electric vehicle charging station will provide 8 non-prime parking stalls, each equipped with Tesla charge posts, after hours lighting, and directional signage to be installs on a new curbed median. An existing adjacent curbed island will be cleared to allow for the installation of an RG&E pad-mount transformer and other necessary equipment. The applicant will also be providing new plantings to provide screening around the newly installed electrical equipment.

3 - 2017	Town of Victor Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Rawleigh, Jamie	
Property Owner:	Wilmorite Inc.	
Tax Map No(s):	6.00-1-12.500	
Brief Description:	Site Plan approval request to replace the front of existing illuminated cabinet sign on Regal Movie Theaters with new graphics. Project is located at 70 Eastview Mall Dr. 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.

4 - 2017	Town of Manchester Town Board	Class: 2
Referral Type:	Moratorium	
Applicant:	Town of Manchester	
Brief Description:	Moratorium on solar collection systems and solar farms, to enable the Town sufficient time to review existing laws pertaining to solar collection systems and solar farms and make necessary recommendations of modification.	

**SUMMARY:**

- The statement of legislative intent that was provided seeks to enable the Town of Manchester 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.
- 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 Manchester 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.

5 - 2017	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Site Plan	
Applicant:	U of R Medicine - Thompson Health	
Tax Map No(s):	83.20-2-21	
Brief Description:	Site Plan approval request to demolish existing medical building and construct a 42,745 sq ft, two-story medical office building. Existing curbcuts off of Parrish St. will remain, along with a new cur bcut off of Middle Cheshire Rd. Project is located at 335 Parrish St. in the City of Canandaigua and within 500 ft of Rte. 5&20.	

**COMMENTS:**

Proposed construction of a 42,745 sq ft, two-story medical office building. The project includes the redevelopment of approximately 7.4 acres of the existing Thompson Health Medical Office complex. The existing 31,000 sq ft medical office building will remain until construction is completed, which then will be demolished and removed. The two existing curb cuts off of Parrish St. will remain, however a new curb cut is proposed off of Middle Cheshire Rd. Per R. Brown - The space in front of the building will be left as green space with no future building proposed.

**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.

**Canandaigua Lake Watershed Commission Comments - per George Barden:**

At your request, this office has reviewed the Stormwater Pollution Prevention Plan (SWPPP) for the above referenced project. The project consists of redevelopment of approximately 7.4 acres of the Thompson Health Medical Office Complex by removing the existing 31,000± s.f. medical office building and replacing it with a 42,745 s.f. two-story medical office building with an expanded parking area. To maintain existing services, it is proposed that the existing 31,000 s.f. medical office building will be razed at the completion of the construction of the new two-story medical office building.

After reviewing the SWPPP document, along with supporting plans, Drawing CA120, Grading and Erosion Control Plan, and Drawings CA503 and CA504, Detail Sheets, this office offers the following comments:

1. PRE-DEVELOPED CONDITIONS, Page 3 of 12 - The first paragraph refers to a drawing entitled "Existing Drainage Area Map" (See Appendix 1). This is incorrect as this Existing Drainage Area Map is actually Appendix 2. The last paragraph on this page refers to the drainage area primarily flowing overland away from southeast to northwest. Referencing the Existing Drainage Area Map in Appendix 2, there is no north arrow on this map. After placing the north arrow on this map properly, it became evident that this statement in the last paragraph is incorrect. The drainage area of this site primarily flows overland away from northwest to southeast.
2. POST -DEVELOPED CONDITIONS, Page 4 of 12 - The first statement regarding these conditions states that the developed drainage area is shown on drawing entitled "Developed Drainage Area Map" (See Appendix 2). This incorrect as the "Developed Drainage Area Map" is actually Appendix 3.
3. WATER QUALITY AND STREAM CHANNEL PROTECTION VOLUME AND RUNOFF REDUCTION VOLUME, Page 6 of 12 - The second paragraph refers to overland surface flows being directed to vegetative swales with generally flat grades, etc. It also refers to the drainage west of the proposed building utilizing a bioretention and filter strip to collect runoff from parking areas. This paragraph also states that the impervious areas were designed with a minimum of storm sewers and catch basins to promote overland flow versus piping. After reviewing the Grading and Erosion Control Plan CA120 along with the Developed Drainage Area Map in Appendix 3, I have the following comments:
  - a. Based on the Storm Sewer Layout and Design from D through D-6 and the Finished Grading Plan, approximately 80,000 s.f.± of impervious parking area drain to the storm sewers and catch basins of this storm drainage system from D to D-6, not overland flow, and enters the forebay of the Stormwater Management Facility at the southeast corner of the property. It needs to be noted that this is the smallest of the forebays of the Stormwater Management System and is also within 40 feet± of the discharge structure from this Stormwater Management Facility. This setup allows for the potential for short-circuiting of this 80,000 s.f.+ of impervious pavement stormwater run-off to the outlet structure without the proper treatment.
  - b. Approximately 22,000 s.f.+ of impervious pavement area on the west side of the proposed building which includes the pavement area of the entrance off of Middle Cheshire Road does drain towards the bioretention area and is collected by a catch basin DB-1 to DB and enters the forebay at the west end of the Stormwater Management Facility. It needs to be noted that this forebay of the Stormwater Management Facility is the larger of the two forebays, but only receives approximately 22,000 s.f.± of impervious pavement area surface drainage after it has been filtered through the bioretention area, as opposed to approximately 80,000 s.f.+ that is piped to the smaller forbay.
4. New York State DEC's definition of a bioretention is: "a water quality practice that utilizes landscaping and soils to treat urban stormwater runoff by collecting it in shallow depressions before filtering through a fabricated planting soil media". As stated above, the bioretention area proposed is located where it will receive approximately 22,000 s.f.+ of impervious pavement runoff from the parking area west of the proposed building and the pavement area of the entrance off of Middle Cheshire Road. However, this bioretention area is also going to receive overland flow through a vegetative area north of this entrance off of Middle Cheshire Road between this and the property line of the Church of Jesus Christ of Latter Day Saints. This volume or area, approximately 33,000 s.f.+ of surface overland flow will already be going through a vegetative area is in less need of the filtering through fabricated planting soil media of this bioretention area and is also larger than the square foot area of drainage from the impervious area, 22,000 s.f.+.
5. Given all that I have stated above, it is the recommendation of this office that the Stormwater Management Design be re-evaluated such that we place the approximate 80,000 s.f.± impervious drainage area into the largest forebay on the west end of the Stormwater Management Facility and possibly locate another bioretention area such that the system will treat more of the stormwater runoff off impervious pavement areas.
6. TEMPORARY & PERMANENT EROSION CONTROL MEASURES, Page 9 of 12 - The sequence of construction which starts on this page and ends at the top of Page 10 of 12 appears to be very generic and general and not site specific. Also on Page 10 of 12, the project is broken into two phases with PHASE I being the construction and installation of the new medical building and infrastructure work and PHASE II being specifically the razing of the previous building and demolition and pavement removal of the existing facilities.
7. LOCATION OF EROSION CONTROL MEASURES refers to Appendix IV for drawings for location, size and lengths of erosion control measures for 6 above. However, Appendix IV consists only of a blank Notice of Intent form and a copy of a DEC General Construction Activity Permit, Effective Date: January 29, 2015 and Expiration Date: January 28, 2020. There does not appear to be a drawing for location size and length of erosion control measures within the SWPPP. The only location of erosion control measures, is the silt fence on the Grading and Erosion Control Plan CA120. Also, on Page 9 of 12, it states that "components of activities will be completed and stabilized with stone check dams in channels" yet on the Grading and

Erosion Control Plan CA120 and Details CA503 and CA504, there is no location or detail of stone check dams.

8. Page 8 of 12, first paragraph states that "A stabilized construction entrance will be installed where the proposed entrance to the subdivision will be located." The Erosion Control Plan shows three entrances of the finished development yet there is no designation as to which one of these is to be the construction entrance. This I think would be of particular concern to the City of Canandaigua since two of those entrances are off Parrish Street and the third entrance is off Middle Cheshire Road.

**SUMMARY:**

After review the Stormwater Pollution Prevention Plan (SWPPP) with the supporting Erosion Control Plan and Detail drawings, it is the opinion of this office that the Stormwater Management Design be re-evaluated such that we place the approximate 80,000 s.f.± impervious drainage area into the largest forebay on the west end of the Stormwater Management Facility and possibly locate another bioretention area such that the system will better treat more of the stormwater runoff off impervious pavement areas. Also, the lack of a drawing for location, size, and length of erosion control measures as indicated is in Appendix IV in the SWPPP, makes the review of the erosion and sediment control along with the sequence of construction incomplete.

6 - 2017	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Pignato, Michael	
Representative:	Marks Engineering, PC	
Tax Map No(s):	29.65-1-3.000	
Brief Description:	Subdivision and Area Variance request to divide a 1.5 acre lot into 2 lots. Both lots need variances for total lot size and front set backs. Project located at 1386 Hathaway Dr. in the Town of Farmington.	

**COMMENTS:**

Proposed project includes the subdivision of a 1.5 acre lot into two half acre lots. The southernmost lot will contain the existing FLOCRA (recovery and treatment) building. The applicant is proposing to construct a new 5,500 sq ft building on the northernmost lot, but is currently only seeking subdivision and area variance approval. Once subdivided both lots become non-conforming since neither meet the required minimum lot size for the district, and the existing building does not meet front yard setbacks.

**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.

6.1 - 2017	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Pignato, Michael	
Representative:	Marks Engineering, PC	
Tax Map No(s):	29.65-1-3.000	
Brief Description:	Subdivision and Area Variance request to divide a 1.5 acre lot into 2 lots. Both lots need variances for total lot size and front set backs. Project located at 1386 Hathaway Dr. in the Town of Farmington.	

Comments: See referral #6-2017 for project summary and comments.

7 - 2017	Town of Farmington Planning Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Home Leasing, LLC	
Property Owner:	Mercier, George	
Representative:	McMahon LaRue Assoc.	
Tax Map No(s):	29.00-1-23.110	

Brief Description:	Subdivision and Site Plan request to develop a 14 acre parcel with 13 apartment buildings, containing 104 units, 3 storage buildings, and 20,000 sq ft of restricted business. Previously rezoned to inc entive zoing in July 2016. Project located on SR 332 in the Town of Farmington.
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**COMMENTS:**

Proposed project to develop an 18 acre parcel with 13 apartment buildings, totaling 14 apartment units, 3 storage buildings for residents, and 20,000 sq ft of restricted business office space. The proposed development will also include a new dedicated Town road connecting the existing Hathaway Dr. with Mercier Blvd., along with associated parking, sanitary sewers, storm sewers, water mains, and other available utilities.

Current proposed parking:

Apartment parking – 212  
Office parking – 76

Previously proposed parking:

Apartment parking – 176  
Office parking – 100

***Previous July 2016 Comments:*** (reviewed as a change of zoning from Restricted Business to Residential Multi-Family)

Applicant is seeking to change the use for lot #4 (previously approved as restricted business) to residential multi-family. The request is to eliminate 5 two story office buildings totaling 50,000 sq. ft. and replace them with 10 apartment buildings, two storage buildings and a community center.

- *In addition, applicant is requesting a change to portion of lot #5, eliminating 1 two story 43,200 sq. ft. office building and replacing it with 4 two story office buildings totaling approximately 20,000 sq. ft.*
- *The amendment is proposing a larger stormwater management basin to accommodate increased water volumes. The amendment also proposes the extension of the hiking trail connecting to the existing trail located on lot #2 (senior housing).*
- *Proposed amendments result in an overall net reduction of 380 parking spaces.*
- *Memo from the Town Planning Board Chair included in the referral package states that “The Planning Board finds that the proposed amendments to Lot #4 and #5 are generally consistent with the overall plan for the incentive zoning project and recommends the Town Board continue with the formal amendment process.”*
- *A trip comparison study is included in the referral package. The study concludes that the proposed changes to the lots as outlined above would generate approx. 121 fewer vehicles entering and 25 more vehicles exiting the development during the peak AM hour, and 21 more vehicles entering and 137 fewer vehicles exiting the development during the peak PM hour.*
- *A SWPPP was not included with the referral package. If a SWPPP was reviewed as part of the initial IZ approval, it should be revised to include the proposed changes in development. The SWPPP should be reviewed by the Ontario County Soil and Water Conservation District prior to the start of construction.*
- *The referral documents list the following as incentives to be received by the Town in connection with the project;*
  - *Dedicated road connection between Hathaway Drive and Mercier Blvd.*
  - *Pedestrian interconnection with eventual continuation to RT 96 & 332 commercial areas including the Southerly connection from Hathaway Drive to Perez Dr.*
  - *Water main connection between dead end on Hathaway and Mercier Blvd.*
  - *Reduction in peak hour traffic as a result of change from business to residential for a portion of the site.*
  - *Construction of stormwater facilities that will improve drainage and lessen flooding for adjoining properties.*
  - *Street lighting along Hathaway from Mercier Blvd to the end of the project.*
- *The local Board is encouraged to review these incentives to ensure that they represent something offered to the Town that is above and beyond what would be would reasonably requested/ required as part of the development process (i.e. stormwater management, lighting).*

**ADDITIONAL JAN. 2017 COMMENTS:****According to ONCOR:**

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

**OCSWCD Comments:**

- The soils on the site are very poorly drained and are associated with a high water table.
- Silt fence is shown very close to the top of the creek bank. It is recommended that the silt fence be kept back 20 feet from the top of the bank.
- Note #12 on page 9 of 12 needs to be changed to more accurately describe the site inspection requirements of the 5 acre waiver which will be required.
- Make sure all approved ESC/Stormwater BMP's are installed as per the APPROVED SWPPP design details.
- For the raingardens, try to only use native plant species.
- Please make sure that ESC symbols shown on the plans follow the symbols shown on the details page which are from the NYS DEC Standards and Specs for Erosion and Sediment Control.
- Clearly show all raingardens on the plans.
- Make sure that all limits of clearing are clearly marked in the field prior to construction.
- No details were provided for the stream crossing of Beaver Creek. Any disturbance to Beaver Creek will require authorization from the NYS DEC and the US Army Corps of Engineers.

7.1 - 2017	Town of Farmington Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Home Leasing, LLC	
Property Owner:	Mercier, George	
Representative:	McMahon LaRue Assoc.	
Tax Map No(s):	29.00-1-23.110	
Brief Description:	Subdivision and Site Plan request to develop a 14 acre parcel with 13 apartment buildings, containing 104 units, 3 storage buildings, and 20,000 sq ft of restricted business. Previously rezoned to inc entive zoning in July 2016. Project located on SR 332 in the Town of Farmington.	

Comments: See referral #7-2017 for project summary and comments.

8 - 2017	Town of Victor Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Brostek, Robert	
Tax Map No(s):	38.00-1-7.100	
Brief Description:	Area Variance approval request to construct a garage addition on the front of an existing residence. According to Town code, 'no accessory structure shall be forward of the front line of the primary building.' Project is located at 7971 CR 41 in the Town of Victor.	

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

The intent of this policy is to:

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

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

**Final Classification:** Class 1

**Findings:**

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (*Ontario Co. RPTS Annual Report*)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper storm water and erosion control is also needed to achieve that same end.
4. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
5. 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.
6. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager 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.

9 - 2017	Town of Gorham Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Pontillo, David & Denise	
Representative:	Identity Design, PLLC	
Tax Map No(s):	113.15-1-1.000	
Brief Description:	Area Variance approval request to demolish existing 1-story residence and construct a 2-story residence. Variances needed for house on both side yards and front and rear yards and side yards for associated garage. Project located at 3848 Cove Content Rd. in the Town of Gorham.	

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

The intent of this policy is to:

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

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

**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**

**OCDPW Comments:**

If the variances are granted, applicant will be required to submit site/utility drawings to the Canandaigua Lake County Sewer District for review and apply for a sewer renovation permit.

**Canandaigua Lake Watershed Program Manager Comments:**

10 - 2017	Town of Canandaigua Zoning Board of Appeals	LATE REFERRAL Class: AR-2
Referral Type:	Area Variance	
Applicant:	Bayer, Mark	
Property Owner:	Wegman, Joy	

Tax Map No(s):	126.16-2-3.300
Brief Description:	Area Variance approval request to construct stairs to access their dock and expand their patio. Variances needed since the stairs are 0 ft from the rear property line when 15 ft is required. Project is located at 4415 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.
- 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**

**Canandaigua Lake Watershed Program Manager Comments:**

11 - 2017	Town of Canandaigua Planning Board	LATE REFERRAL Class: AR-2
Referral Type:	Site Plan	
Applicant:	Hanlon Architects	
Property Owner:	Reiser, Joel	
Tax Map No(s):	140.11-1-25.000	
Brief Description:	Site Plan and Area Variance approval request to demolish existing residence, shed, and portions of driveway to construct a new single-family residence, attached garage, detached garage, patio, and associated structures. Multiple variances are needed for setbacks. Project is located at 5265 Menteth 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

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**

**Canandaigua Lake Watershed Program Manager Comments:**

11.1 - 2017	Town of Canandaigua Zoning Board of Appeals	LATE REFERRAL Class: AR-2
Referral Type:	Area Variance	
Applicant:	Hanlon Architects	
Property Owner:	Reiser, Joel	
Tax Map No(s):	140.11-1-25.000	
Brief Description:	Site Plan and Area Variance approval request to demolish existing residence, shed, and portions of driveway to construct a new single-family residence, attached garage, detached garage, patio, and associated structures. Multiple variances are needed for setbacks. Project is located at 5265 Menteth Dr. in the Town of Canandaigua.	

Comments: See referral #11-2017 for project summary and comments.

12 - 2017	Town of Gorham Town Board	LATE REFERRAL Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Gorham	
Brief Description:	Text Amendment to Chapter 31: Zoning Local Law in regards to comprehensive compliance, solar farms, allowance of hens in certain districts, and definition changes.	

Comments to be provided at the CRC Meeting.

## 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 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.

### 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)