

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;
Coordinated Review Committee Meeting – February 9th, 2016 at 3:30pm
County Planning Board Meeting – February 10th, 2016 at 7:30pm

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

This document will serve as both the **Final** minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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Class Abbreviations

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- W: Withdrawn

January 13, 2016 Meeting Attendance

Cities	Member	
Canandaigua	James Mueller	P
Geneva	Mary Bogin	E
Towns		
Bristol	Sandy Riker	P
Canadice	Stephen Groet	P
Canandaigua	David Wink	P
East Bloomfield	Arthur Babcock	P
Farmington	Vacant	V
Geneva	Howard E. Meaker	P
Gorham	Jack Dailey	E
Hopewell	Louis Perryman	P
Manchester	Jaylene Folkins, Chair	P
Naples	Carol O'Brien	P
Phelps	Glen Wilkes	P
Richmond	Leonard Wildman	P
Seneca	Timothy Marks	P
South Bristol	Peter Osborne	P
Victor	Timothy Maher	P
West Bloomfield	Vacant	V
P-Present, E – Excused Absence, A – Absent, V – Vacant		

(Names in bold are members that currently serve on a local Legislative body, Planning Board or ZBA).

Staff Present: Maria Rudzinski, OCPD; Carla Jordan, OCPD; Regina Connelly, OCPD

Guests Present: Passero Associates, Marianne Maynard, Keith Maynard, Dan Holtje, Barclay Damon LLP, Canadice Planning Board rep.

Call to Order/Roll Call: Chair Jaylene Folkins called the 2/10/16 County Planning Board meeting to order at 7:30 p.m., and requested Ms. Jordan do roll call. Upon completion of roll call, Ms. Jordan reported that fourteen (14) members were present meeting quorum requirements.

Minutes:

- **January 13, 2015: Motion was made by Steve Groet, seconded by Dave Wink to approve the January 13, 2015 minutes as presented.**

Fourteen (14) in Favor, 0 Opposed, 0 Abstentions. Motion carried.

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17 - 2016	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	SMB ROC LLC / Smashburger	
Property Owner:	Schottenstein Property Group	
Tax Map No(s):	1.02-1-8.000 / PLZA	
Brief Description:	Site plan approval for an outdoor seating area (to seat up to 20 people) at proposed smashburger restaurant at existing Cobblestone Court complex. Project is located at 190 Cobblestone Court off of S R 96 in the Town of Victor.	

COMMENTS:

- Applicant seeking approval to construct an outdoor seating area for proposed Smashburger restaurant located in existing Cobblestone Court complex. The patio would be approximately 700 sq. ft. and seat up to 20 people. Design has been created to retain as much existing green space as possible.
- Soil Characteristics:
 - Arkport Fine Sandy Loam
 - Permeability: High
Erodibility: High
 - Importance: All areas are prime farmland
Drainage Condition: Well drained
- According to ONCOR data:
 - No State or Federal wetlands are present on the property.
 - The property is not located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.

Stormwater Management

Though the proposed development is located on well drained soils, it will be taking away permeable surface and replacing it with impermeable surface. It is suggested the design of the patio take in consideration permeable pavers or other materials when constructing to help mitigate stormwater drainage.

Board Motion: Referral #17-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: D. Wink

Seconded by: T. Marks

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

18 - 2016	Town of Bristol Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Bristol	
Brief Description:	Revised map and updated text for the L-I districts in the Town.	

COMMENTS: Revision to the LI District of the Town Map and the associated portion of the Code Text, Article 10 Description of Use Districts.

Board Motion: Referral #18-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: T. Marks

Seconded by: G. Wilkes

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

Class Abbreviations

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19 - 2016	Town of Bristol Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Crown Castle/Verizon	
Property Owner:	Ward, Greg	
Representative:	Leja, Andrew	
Tax Map No(s):	123.00-1-56.111	
Brief Description:	Area variance to construct and operate a monopole tower communications facility and ancillary ground shelter. Area variance for proposed 165 ft monopole tower with Town's height requirement of 60 ft. Project is located at 7912 Route 20A in the Town of Bristol.	

COMMENTS:

- According to ONCOR data:
 - No State or Federal wetlands are present on the property.
 - The property is not located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.
- Soil Characteristics:
 - Darien Silt Loam
 - 3-8% slope
 - Permeability: Moderately High
 - Erodibility: High
 - Drainage Condition: Somewhat poorly drained
 - Importance: Prime farmland if drained
- Erodibility of the soils on this parcel is listed as high. Though the amount of area to be disturbed is listed as less than an acre, Erosion and Control details should be created and utilized.
- The plans submitted in the referral document show that the monopole tower is located on the far Northeast corner of the parcel. Why was this location selected by the applicant? There are areas of the parcel that are higher in elevation elsewhere on the property. Relocation to a more central point in the property would increase the base elevation of the tower thereby reducing the amount of the variance needed, decreasing the capital cost associated with the towers high and increasing the buffer distance between the proposed tower and the adjacent land owner.
- Local Law No. 1-2007 **Promote and Protect the Public Health, Safety, Welfare & Aesthetics of the Town of Bristol by Regulating the Installation of Antennas, Parabolic Dishes, Towers, Windmills & Energy – Creating Devices**, references that towers and commercial broadcast and communications facilities should only be erected in A-C zoned districts. However, the Town code seems internally inconsistent as it references public utilities/facilities as a permitted use within the Light Industrial (L-I) district.

Town code references;

Sec. II Definitions (Page 10)

94. Public Utility. *A regulated private enterprise with a franchise for providing public service.*

95. Public Utility Facilities. *Telephone and electric lines, poles, equipment and structures; water or gas pipes, mains, valves or structures, sewer pipes, valves or structures; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and structures necessary for conducting a service by a government or public utility.*

ARTICLE TEN – USES PERMITTED IN USE DISTRICTS

Section I. Agricultural Conservation (A-C) Use District

C. Special Use Permits Required: (Pg. 30)

10. Public Utilities/Facilities.

Section V. Light Industrial (L-I) Use District

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A. Permitted Uses:

No structure or part thereof shall be erected, altered or used, and no lot shall be used except for one (1) or more of the following uses: (Refer to Article Three, "Definitions")

1. Production and assembly operations.
2. Public Utilities/Facilities.
3. Research and Development laboratories.
4. Retail sales, excluding drive-in restaurants and vehicle sales and services.
5. Wholesaling and warehousing.

- According to the New York State Public Service Commission - Office of Telecommunications, Crown Castle is listed as a utility company with an active status.
- Erodibility of the soils on this parcel is listed as high. Though the amount of area to be disturbed is listed as less than an acre, Erosion and Control details should be created and utilized.

COMMENTS FROM CPB MEETING:

- The fall zone for the tower was discussed. The Town of Bristol Local Law 1-2007 requires a setback of 1.25 times the height of the tower. It appears that the applicant is meeting this requirement with a buffer of only a few additional feet more than what is required.
- The referring Board is *strongly encouraged to grant the minimum variance necessary*. In order to ensure that alternative locations are explored (as referenced above) the Board should request that Crown Castle / Verizon run coverages analysis for different locations on the subject parcel. Higher elevations on the parcel should be explored as they have the potential to achieve the same equipment elevation with a smaller tower (i.e. the natural rise in the landscape provides a higher base elevation for the tower to begin with). Coverages should be reviewed in the context of the balancing test, acknowledging that there may be a different tower location that still provides acceptable levels of coverage on the property. An alternate location on the site could help to buffer adjacent properties. A location picked solely at the direction of the landowner, without taking into account/exploring the coverage potential of other alternatives should be considered as a factor in the balancing test (per NYS Town Law Section 267-b(3));
 - Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance,
 - Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance,
 - Whether the request is substantial,
 - Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
 - Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Board Motion: Referral #19-2016, #19.1-2016, #19.2-2016 be retained as Class 1s and returned to the local board with comments.

Motion made by: C. O'Brien

Seconded by: L. Wildman

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

19.1 - 2016	Town of Bristol Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Crown Castle/Verizon	
Property Owner:	Ward, Greg	
Representative:	Leja, Andrew	
Tax Map No(s):	123.00-1-56.111	
Brief Description:	Special Use Permit request to construct and operate a monopole tower communications facility and ancillary ground shelter. Area variance for proposed 165 ft monopole tower with Town's height requirement of 60 ft. Project is located at 7912 Route 20A in the Town of Bristol.	

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COMMENTS: See referral #19-2016 for project summary and comments.

19.2 - 2016	Town of Bristol Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Crown Castle/Verizon	
Property Owner:	Ward, Greg	
Representative:	Leja, Andrew	
Tax Map No(s):	123.00-1-56.111	
Brief Description:	Site Plan request to construct and operate a monopole tower communications facility and ancillary ground shelter. Area variance for proposed 165 ft monopole tower with Town's height requirement of 60 ft. Project is located at 7912 Route 20A in the Town of Bristol.	

COMMENTS: See referral #19-2016 for project summary and comments.

20 - 2016	City of Canandaigua City Council	Class: 2
Referral Type:	Text Amendment	
Applicant:	City of Canandaigua	
Brief Description:	Text amendment to local zoning ordinance to permit tobacco stores in C-1 Zone Districts. C-1 is Restricted Commercial District zone.	

COMMENTS: Text amendment to permit Tobacco Stores in the C-1 Zoning District. Tobacco stores now listed under permitted primary uses. No comments.

Board Motion: Referral #20-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: S. Groet

Seconded by: C. O'Brien

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

21 - 2016	Town of Phelps Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Phelps	
Brief Description:	Text amendment to local code to add topsoil preservation regulations in the Town of Phelps zoning code.	

Comments

The Town of Phelps is proposing to regulate the removal of top soil in order to protect its high quality, agricultural soil resources in the R-AG Zoning District. The proposed local law states:

“Sec. 1 Purpose In order to maintain and sustain farming and agriculture within the Town of Phelps, the Town Board finds that the topsoil within the R-AG District is a public asset which should be preserved and safeguarded. The protection and preservation of topsoil is of vital concern to the citizenry of the Town and that its protection will promote and enhance the general welfare of the Town's citizens, now and in the future.”

The proposed law regulates the handling of topsoil which must be removed during an activity that lowers the existing topography. Exemptions are included for normal agricultural operations, construction regulated by a site plan with erosion control and stormwater measures included, and construction of utilities and public roads.

Comments from OC SWCD

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The local law is written in a manner that is understandable to the lay person.

The provision in D. 2. that states:

“The Code Enforcement Officer shall not issue any building permit or certificate of occupancy for any property that is in violation of this section and which has not been restored pursuant to paragraph D. 1. herein.”

This is an important provision to ensure compliance.

Board Motion: Referral #21-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: C. O’Brien

Seconded by: L. Wildman

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

22 - 2016	Town of Canadice Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Crane, Catharine	
Tax Map No(s):	174.00-2-35.000	
Brief Description:	Site Plan request to build seasonal, weekly vacation rentals in a Rural District. Scope of project includes 4 cabins, 1 teepee, and 1 Lodge, with total renter capacity being 25 persons. Project is located at 6338 CR 36 in the Town of Canadice.	

2014 COMMENTS: Referral #22-2014 discussed at March 2014 CPB meeting.

- Ontario County DPW correspondence to Grove Engineering regarding their review of the revised site plan and request for additional information is attached for review.
- Due to the very high erodibility of the soils within the project location, all work should be completed in conformance with a SWPPP. (A SWPPP was not provided with this referral.)

SITE CHARACTERISTIC

Acres: Total acreage of parcel = 42 acres. Total acreage of project = 3 acres.

Land Use: Rural

ADJOINING LAND USE / LAND COVER

North: Rural

South: Rural

East: Rural

West: Rural

WATER RESOURCES

Major Watershed: Honeoye Lake

Subwatershed: Headwaters Honeoye Creek

Stream/Lake: None present

Aquifer: None present

Well Head Study: None

WETLANDS / WETLAND SOIL TYPES (HYDRIC SOILS)

NWI: Present on property on the opposite site of Route 36.

Not present in proposed project area.

DEC: Present on property on the opposite side of Route 36.

Not present in proposed project area.

Hydric Soil: No

Potentially Hydric: No

DRAINAGE CHARACTERISTICS

The majority of the project lies within a M1 soil classification. Mardin and Langford soils exhibit the following characteristics;

Slope: 25-45%

Soil permeability: Moderate

Erodibility: Very High

AGRICULTURAL SOILS / DISTRICT – Not Applicable

Soils: Mardin and Langford soils

Importance: None noted

Agricultural District: No

Within 500’ of District: Yes. Borders Agricultural District ONT09

SIGNIFICANT CULTURAL RESOURCES

National/State: No details provided

Local: No details provided

IMPORTANT / DESIGNATED VIEWSHEDS

None present

INFRASTRUCTURE

Public Water: Private

Public Sewer: Private. Restrooms in welcome center building with black & grey water holding tanks.

Septic/Onsite: Nothing noted in project summary.

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Subsurface Drainage System: Nothing noted in project summary.
STORMWATER MANAGEMENT SWPPP: No details provided Green Infrastructure: No details provided
TRANSPORTATION Adjoins railroad: N/A State Road: N/A County Road: Vehicular access to site will be via CR- 36 Public Sidewalks: N/A
HIGHWAY CORRIDOR Corridor Study Completed/Name: None CPB Priority Highway: None present
ACCESS MANAGEMENT Vehicular/Pedestrian Access: Vehicular access to project site will be via CR-36. No pedestrian access detailed. Internal Circulation/Linkages: Vehicular: Vehicular access circles building to parking areas located adjacent to and south of the welcome center Pedestrian: Stone steps to ropes course paths. Existing logging trails will be used as paths. Bicycle Parking: No details provided
OPEN SPACE/ RECREATION Borders/proximity to public recreation: Proposed project will

create recreational space (i.e. ropes course, kayak storage & rental. Dedicated open space: 3 acres of the 42 acre parcel will be developed as support facilities for the proposed project Linkages: None detailed
COMMUNITY CHARACTER Lighting (Full cutoff of off sight light spillage): No details provided Signage: Landscape Plan: No details provided Retention of Natural Vegetation: 3 acres of the 42 acre parcel will be developed as support facilities for the proposed project. Property characteristics will remain the same. Buffering: No details provided Streetscape: No details provided Building façade: No details provided

<p>2016 COMMENTS:</p> <ul style="list-style-type: none"> • Application previously reviewed as Referral #22-2014 in March of 2014. See above for previous meeting minute comments. • Applicant is requesting a Site Plan to construct seasonal, weekly vacation rental cabins. <ul style="list-style-type: none"> ○ Proposed construction to include: 4 cabins, 1 teepee, and 1 lodge. • According to ONCOR: <ul style="list-style-type: none"> ○ The eastern portion of the property is located within a State and Federal Wetland. ○ The eastern portion of the property is located within a FEMA floodplain. ○ The eastern portion of the property is located within 500 ft. of an Agricultural District. An Agricultural Data Statement should be reviewed prior to action by the referring board. ○ * No construction is proposed to take place on the eastern portion of the property. All construction to occur on western portion on other side of CR 36. • Emergency Access: Referral documents include a letter dated January 24, 2016 from the Richmond Fire Department Chief that state they Department has inspected the property at 6338 County Road 36 on January 23, 2016 and that they “have no concern on being able to have accessibility to the property.” • Septic: There is a proposed septic system noted that will include a 1000 gal septic tank, effluent filter, distribution box and speed levelers. The system design should be inspected and approved by NYS Department of Health to ensure that the system will have no negative impact on the surrounding water quality including that of the lake. • Proposed water supply includes utilizing a 1100 gallon tank to store water. The NYS Department of Health should be consulted to ensure that there’s no additional requirements involved related to the storage of potable water for use by patrons. • NYS Dept of Health needs to be contacted since the proposed project involves public accommodations. <p>SWCD Comments:</p> <ul style="list-style-type: none"> • How will the drainage/runoff be controlled from the existing logging trail and the mulched walkway and the existing parking area and gravel driveway? It is not shown on the plans. <p>Email from Tad Gerace on February 8, 2016:</p> <ol style="list-style-type: none"> 1- The NYS DOH states that the maximum length of absorption line shall be 60 feet (not 70 feet+). 75-a.7 2- 100’ setback to all creeks from leach areas should be met. 3- The Town of Canadice has a 85’ setback from all roads for any leach area.

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- 4- NYS DOH maximum slope for leach areas is 15%. 75-a.4
- 5- 1000-gallon septic tank is the NYS DOH minimum. 75-a.6
- 6- holding tanks shall not be permitted for new home construction – NYS DOH 75-a.10

COMMENTS FROM CPB MEETING:

- Is the parking provided adequate for the anticipated use of the property? In the event that renters of a cabin bring multiple vehicles where will overflow parking be located?
- Do the cabins require sprinkler systems due to the fact that they're providing public accommodations?
- The stormwater items noted in a letter provided by Grove Engineers should be noted on the site plan.

The Chairman of the Canadice Planning Board was in attendance and he stated that no human waste would be handled through the proposed septic system. The system would be for utilized for wash water (shower, sink) only. A septic company would provide servicing of port-o-lets.

Board Motion: *Referral #22-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with modifications.*

Modification: *The County Planning Board has always had an interest in the protection of natural features as referenced in Section 2.4 of the County Planning Board Bylaws. A waterbody by its very nature is intermunicipal. The parcel designated for the proposed development is within close proximity to Canadice Lake. The New York State Department of Health should be consulted prior to any action being undertaken by the Planning Board to ensure that all requirements relative to the proposed public accommodations and the associated septic and potable water plans meet their requirements.*

Motion made by: P. Osborne

Seconded by: S. Riker

Vote: 13 in favor, 0 opposed, 1 abstention (S. Groet). **Motion carried.**

23 - 2016	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Rayburn, Donald & Karen	
Property Owner:	Thompson, Robert and Diane	
Tax Map No(s):	133.16-1-3.200	
Brief Description:	Special Use Permit to convert a single family residence into a Bed and Breakfast. The parcel is located at 4375 SR 14 (West Lake Rd) on Seneca Lake in the Town of Geneva.	

COMMENTS:

- Special Use Permit approval to convert a single family residence to a Bed and Breakfast.
- No proposed changes to the existing structure are included in referral documents.
- Referring board is encouraged to contact local emergency response to ensure there is adequate space for responders in the event of an emergency.
- According to ONCOR:
 - The property is located next to Seneca Lake.
 - The property is located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.

CRC MEETING COMMENTS:

- Water for property is public, while sewer is private.

Board Motion: *Referral #23-2016 be retained as a Class 1 and returned to the local board with comments.*

Motion made by: G. Wilkes

Seconded by: D. Wink

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

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24 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Area Variance	
Applicant:	Enterprise Holdings	
Property Owner:	Marchenese, Joe	
Representative:	Keplinger Freeman Associates	
Tax Map No(s):	103.04-1-42.000	
Brief Description:	Area variance request to demolish existing residential building and associated garage to construct a prototype Enterprise Rental building on a 1 acre parcel. Construction would result in a front yard set back of 44 ft when 50 ft is required and a side yard setback of 23 ft when 25 ft is required. Project is located at 830 Rte. 5&20 in the Town of Geneva.	

COMMENTS: See referral #24.1-2016 for project summary and comments.

24.1 - 2016	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Enterprise Holdings	
Property Owner:	Marchenese, Joe	
Representative:	Keplinger Freeman Associates	
Tax Map No(s):	103.04-1-42.000	
Brief Description:	Site Plan request to demolish existing residential building and associated garage to construct a prototype Enterprise Rental building on a 1 acre parcel. Construction would result in a front yard set back of 44 ft when 50 ft is required and a side yard setback of 23 ft when 25 ft is required. Project is located at 830 Rte. 5&20 in the Town of Geneva.	

COMMENTS:

- According to ONCOR data:
 - No State or Federal wetlands are present on the property.
 - The property is not located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.
- No SWPPP was provided. Stormwater erosion and sedimentation control details should be determined prior to construction, grading, paving, etc.

SWCD Comments:

- Dust control will be needed throughout the entire project, especially the demo phase. Also, any soil piled on site should be properly stabilized from erosion as soon as it sits idle. No other erosion or sediment control plans were provided for review.

CRC MEETING COMMENTS:

- Due to the presence of a NYSDEC cleanup site adjacent to the property the committee asked Dept staff to look into whether or not basements exist at the currently constructed building and whether they're proposed with the new development. The existing building on the property does not have a basement (referral documents reference a concrete slab), and the proposed building does not include one.

Board Motion: Referral #24-2016 and #24.1-2016 be retained as Class 1s and returned to the local board with comments.

Motion made by: T. Marks

Seconded by: L. Perryman

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

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25 - 2016	Town of Geneva Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Fox, Stephen	
Property Owner:	Fox, Stephen	
Tax Map No(s):	147.08-1-8.100	
Brief Description:	Area variance for the construction of a proposed addition of a garage to a single family residence resulting in a 4 ft side yard setback when 12 ft is required. Project is located at 4599 White's Point on Seneca Lake in the Town of Geneva.	

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

Email from Tad Gerace on February 8, 2016:

See report from this office dated 2/27/14 and 3/27/14 at the code enforcement office (Geneva Town Hall).

- 1- System did not appear to be functioning properly and system in close proximity to old garage. It is unknown to me if the old system was replaced or if the location of the new garage compromises the existing septic system.

26 - 2016	Town of Farmington Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Farmington	
Property Owner:	Frank Shumway, III c/o Ontario Properties	
Representative:	S.B. Ashley Management	
Tax Map No(s):	29.00-1-9.111	
Brief Description:	Map Amendment to rezone a 25 acre parcels from RB - Restricted Business to RMF - Residential Multiple-Family, to construct a 100 townhouse development located on the southwest corner of Collett Rd. and SR 322 in the Town of Farmington.	

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

COMMENTS:

The Town of Farmington is considering a request rezone the 25 acre parcel located at the SW corner of Collett Rd. and SR 332 and West Corporate Rd. from RB – Restricted Business to RMF – Residential Multiple Family to accommodate a 100 unit townhouse development. The developer also owns the adjoining multiple family residential development and wants to provide a different type of residential product at this location.

- The current Restricted Business District allows for a wide variety of uses including offices, banks, hotels/motels, etc. Link to zoning code: [Town of Farmington, RB Zoning District](#)
- The Town’s Comprehensive Plan identifies this location as:
Subarea 5 - The Future Land Use Plan Map continues to recommend RB Restricted Business
 use for the parcel of land located at the southwest corner of the intersection of State Route 332 and Collett Road. This parcel of land has frontage along State Route 332, Collett Road and Corporate Drive West.
- The parcel has many ‘shovel ready’ components including proper zoning, public water and sewer, an intersection designed for commercial/light industrial development that is not encumbered with high levels of congestion, a high visibility, gateway location to Ontario County. Such locations are important for the County’s economic development portfolio.
- While providing residential opportunities is important, the Town of Farmington has a substantial inventory of diverse existing and planned residential developments.

CRC MEETING COMMENTS:

During the meeting a representative of the potential developer read comments provided by the Farmington Planning Board in support of the proposed rezoning and associated residential town home project. Comments included statements that the Planning Board believes the rezoning is consistent with the land use goals of the town. They also questioned the appropriateness of continuing to wait for a project that would fit within the existing zoning classification, when the parcel has sat for over 25 years without any proposed development.

Board Motion: Referral #26-2016 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: D.Wink

Seconded by: P. Osborne

Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion carried.**

27 - 2016	Village of Victor Planning Board	Technical Review
Referral Type:	Site Plan	
Applicant:	Ferris, Dr. Bill	
Property Owner:	Ferris Properties	
Representative:	BME Associates	
Tax Map No(s):	16.17-2-36 16.17-2-37 16.17-2-38 16.17-2-39 16.17-2-40.21 16.17-2-40.22	
Brief Description:	Site Plan request to construct a 28,600 sq ft mixed-use - grocery/ retail / apartment project. The proposed development will consolidate 6 parcels, 4 of which are currently residential in use and 2 of which are vacant to make the total parcel 2.65 acres. Project located at intersection of SR 96 and School St. in the Village of Victor.	

Technical comments from the Department Staff will be provided to the municipality by the end of the month.

28 - 2016	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Rawson Road Partners LLC	
Property Owner:	Rawson Road Partners LLC	
Representative:	MRB Group	

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Tax Map No(s):	27.08-1-1.121
Brief Description:	Site Plan request to construct a 66k sq ft industrial/office on a 7.3 acre parcel. Project is located at 100 Rawson Rd. in the Village of Victor.

COMMENTS:

- According to ONCOR data:
 - Both State and Federal (Freshwater Forested/Shrub Wetland) wetlands are present on the property.
 - The property is not located within a FEMA floodplain.
 - The property is not located within 500 ft. of an Agricultural District.
- Rawson Road Partners LLC has purchased the property from Per-Con Management who had previously designed plans for a 66,000 sq. ft. industrial/office building. Plans were previously approved by the Town and the Village in 2001. Referral documents state that no changes to the plans have been made from the previously approved set of plans.
- The majority of the proposed development occurs within the Village limits with a small portion of the development occurring within the Town of Victor.
- When the site plan was previously approved by both municipalities the portion of the development slated to occur was actually located on a small parcel within the Town. Since that time the property has been re-merged and the parcel as it exists today is one lot. The Village should not take action on the proposed development until approval or sign off has been officially given by the Town Planning Board.
- Proposed site improvements include the addition of a driveway, parking, utilities and stormwater layout.
- Proposed structure would be metal with masonry skirting.

SWCD Comments:

- No erosion or sediment control information was provided for review. This project will require SPDES stormwater permit coverage. The wetland was delineated 16 years ago. A recent delineation would be beneficial to ensure accuracy and to confirm that wetland boundaries are clearly marked in the field. How will the wetlands on site/adjacent to the site be protected during construction? There are no limits of clearing shown on the plans.

Board Motion: Referral #28-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: T. Maher

Seconded by: G. Wilkes

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

29 - 2016	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Mitchell Design Build	
Property Owner:	Victor Self Storage LLC	
Representative:	Turner-Adams, Roseanne	
Tax Map No(s):	28.05-1-56.210	
Brief Description:	Site Plan request to expand existing use on 5.7 acre property by constructing two additional buildings (4,320 sq ft & 6,250 sq ft) and extend existing pavement. Project is located at 200 School St. in the Village of Victor.	

COMMENTS:

- Applicant is requesting a Site Plan to expand the existing use of the property, with two additional buildings and an extension of existing pavement.
- Construction of two new buildings, #7: 4,230 sq. ft. & #8: 6,250 sq. ft.
 - Discrepancy in square footage of building #8 between Site Plan (5,750 sq. ft.) and Site Plan Review Application (6,250 sq. ft.).
- Disturbance area: 0.98 acres
- According to ONCOR data:
 - No State or Federal wetlands are present on the property.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

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

SWCD Comments:

- No erosion or sediment control information was provided. Also, the landscaping notes call for fertilizer. Soil tests should be conducted to determine if fertilizer is needed prior to applying fertilizer. Also, jute netting is referenced in the landscape notes. The location of the jute netting is not shown on the plans. Also, a raingarden seed mix is specified in the landscaping notes. Where will this seed be used?

Board Motion: Referral #29-2016 be retained as a Class 1 and returned to the local board with comments.

Motion made by: G. Wilkes

Seconded by: S. Riker

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

30 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Rochester Road LLC	
Property Owner:	Rochester Road LLC	
Tax Map No(s):	70.00-1-8.221	
Brief Description:	Special Use Permit for proposed sign at the existing Admar location. Project is located at 2390 SR 332 in the Town of Canandaigua.	

Policy AR-7: Signs

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

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

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

Final Classification: Class 1

Findings

- 1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

Final Recommendation: The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

31 - 2016	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Area Variance	
Applicant:	DVC for Schottland	
Property Owner:	Schottland, Peter	
Tax Map No(s):	140.11-1-20.000	
Brief Description:	Area variance requested for the construction of a patio addition and outdoor grill. The proposed will have a side yard setback of 8.3 ft when 12 ft is required and a lot coverage of 37.5% when 25% is allowed. Project is located at 4711 N Menteth Dr. off of CR 16 on Canandaigua Lake in the Town of Canandaigua.	

COMMENTS: See referral #31.1-2016 for project summary and comments.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

31.1 - 2016	Town of Canandaigua Planning Board	Class: AR-2
Referral Type:	Site Plan	
Applicant:	DVC for Schottland	
Property Owner:	Schottland, Peter	
Tax Map No(s):	140.11-1-20.000	
Brief Description:	Site Plan approval requested for the construction of a patio addition and outdoor grill. The proposed will have a side yard setback of 8.3 ft when 12 ft is required and a lot coverage of 37.5% when 25 % is allowed. Project is located at 4711 N Menteth Dr. off of CR 16 on Canandaigua Lake 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

32 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Rose Richman	
Property Owner:	Rose Richman	
Representative:	Meagher Engineering	
Tax Map No(s):	137.00-2-52.000	
Brief Description:	Area variance approval for the construction of a new single family home proposed to be 35 ft high when 30 ft is allowed. Property located at 7679 Evert Rd. in the Town of Bristol.	

COMMENTS: See referral #32.1-2016 for project summary and comments.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

32.1 - 2016	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Site Plan	
Applicant:	Rose Richman	
Property Owner:	Rose Richman	
Representative:	Meagher Engineering	
Tax Map No(s):	140.11-1-20.000	
Brief Description:	Site Plan approval for the construction of a new single family home proposed to be 35 ft high when 30 ft is allowed. Property located at 7679 Evert Rd. in the Town of Bristol.	

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 design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSDEC.
6. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
7. The local Board is encouraged to grant the minimum variances necessary.
8. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.
9. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

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

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

NEW BUSINESS:

- The resignation of Peter Osborne, representative from the Town of South Bristol, was accepted. Peter was acknowledged and sincerely thanked by Planning Department Director Tom Harvey, for his many years of service on the County Planning Board.
- Director Harvey let the Board know that effective this month the Department Staff providing technical support to the Board would be transitioning from Maria Rudzinski to Carla Jordan. Regina Connelly will also be providing assistance in the preparation of the monthly referral documents and project review.

ADJOURNMENT: Being no further business Chair Folkins requested a motion to adjourn. Motion to adjourn the 2/10/16 CPB meeting made by Tim Marks, seconded by Dave Wink. Motion carried. The 2/10/16 CPB meeting adjourned at 9:24 p.m.

Respectfully submitted,

Carla M. Jordan

Senior Planner

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

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W: Withdrawn

General Information

The Ontario County Planning Board was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: I, (d), and (e) refer to the county comprehensive plan.

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a Disapproval).

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

General Procedures

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 Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.”

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn

Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR-1 is an administrative review that is a Class 1 and AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

Administrative Review (AR) Policies:– Ontario County Planning Board By-Laws Appendix D	
AR-1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR-2	Applications that are withdrawn by the referring agency
AR-3	Permit renewals with no proposed changes
AR-4	Use of existing facilities for a permitted use with no expansion of the building or paved area (Applications that include specially permitted uses or the addition of drive through service will require full Board review)
AR-5 A. Class 2 Disapproval	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR-5 B.	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR-5 C.	All other applications involving a site plan for one single-family residence.
AR-6	Single-family residential subdivisions under five lots.
AR-7 A. Class 2 Disapproval	Variances for signs along major designated travel corridors.
AR-7 B.	Applications involving conforming signs along major travel corridors.
AR-8	Co-location of telecommunications equipment and accessory structures on existing tower and sites (Applications for new towers or increasing the height of an existing tower will require full Board review)

Class Abbreviations

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W: Withdrawn