

## ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

**Coordinated Review Committee Meeting – February 7th, 2017 at 3:30pm**

**County Planning Board Meeting – February 8th, 2017 at 7:30pm**

2nd Floor Conference Room, Room 200, 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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## February 8, 2017 Meeting Attendance

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

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

**Staff Present:** Carla Jordan, OCPD; Regina Connelly, OCPD

**Guests Present:** Mark & Carolyn McGroarty, Bruce & Keren Tuxill, Cameran Miller, Eileen & Tim Buckley, Mary Serafine, Cynthia Kiss, Gena Rangel, Joanne Labate, Mary & Lisle Shelley, Susanne McNally, Kathy Bennett Flick, Kristen Welsh, Grant Holy, Kathleen Kennedy (Trinity Church); John Shields (Americas Best Value Inn)

**Call to Order/Roll Call:** Chairman Wink called the 2/8/17 County Planning Board meeting to order at 7:31 p.m., and requested Ms. Sousa do roll call. Upon completion of roll call, Ms. Sousa reported that Eleven (11) members were present meeting quorum requirements.

**Minutes:**

- *January 11, 2017: Motion was made by Steve Groet, seconded by Leonard Wildman to approve the January 11, 2017 minutes as presented.*

Eleven (11) in Favor, 0 Opposed, 0 Abstentions. *Motion carried.*

12 - 2017	Town of Gorham Town Board	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.	

**SUMMARY:**

Proposed revisions include;

- Changes in the definition of Animal Husbandry and Seasonal Dwelling.
- Addition of definitions for Residential Egg Laying, Private Solar Collection System, Solar Collection system, Solar Collectors, Solar Farm.
- Name change of FP District from “Farming Preferred District” to “Farmland Priority District”.
- Residential Egg Laying allowed accessory use by right in FP, R-1, HR and RR Districts.
- Private Solar Collection system allowed accessory use by right in all zoning districts. Amendments to other language to reflect that right.
- Solar farms allowed in Industrial and FP District upon issuance of a SUP.
- Side yard setback in R-1 District changed from 30 ft. to 15 ft.
- Revisions to the Hamlet Commercial District (HC) language relative to purpose and addition of dwelling unit language. Ground floor dwelling now allowed in rear of building, no portion may be located on the street side of the building.
- Replacement of setback tables associated with the Lakefront Overlay District.
- Lake Front Overlay District - Requirement for site plan review for all new construction of a building, structure or site improvement totaling 400 square feet or more in area. Site plan approval is required when seasonal dwelling or residence is being replaced either in total or more than 50% of its original floor area. Language includes special consideration for breakwalls. Additional language for re-construction of lots that currently exceed lot coverage and associated requirements to meet existing lot coverage post construction.

**COMMENTS:**

The Town of Gorham is commended for the efforts to further define the requirements of re-construction within their Lake Front Overlay District, to help ensure the incremental effects of development do not adversely affect water quality.

**Board Motion:** Referral #12-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Jaylene Folkins

Seconded by: Sandy Riker

***Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.***

13 - 2017	Town of Victor Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	Torpey, Andrew	
Property Owner:	Angell, Michael	
Tax Map No(s):	38.00-1-7.220	
Brief Description:	Area Variance approval request to construct a 1143 sq ft pole barn in the Northwest corner of the parcel. According to Town code, 'no accessory structure shall be forward of the front line of the prim ary building.' Project is located at 7951 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.

14 - 2017	Town of Hopewell Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Bennett, Daniel	
Property Owner:	Burgess, Ralph & Sue	
Representative:	Buhl, Timothy	
Tax Map No(s):	72.00-1-21.111	
Brief Description:	Site Plan approval request to install a 1.98 MW ground mounted solar system on a 126 acre parcel. Project located at 2493 SR 21 in the Town of Hopewell.	

**COMMENTS:**

Site Plan to install a 1.98 MW solar system on a 126 acre parcel. The ground mounted panels will cover 3.3 acres of the parcel, located just east of the existing C/L Railroad (owned by Finger Lakes Railway Corp.). Proposed access via a gravel driveway off of State Route 21, crossing over the C/L Railroad using a railroad crossing.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The parcel is located within a FEMA floodplain. Development is not proposed within the floodplain.
- The property is located within Agricultural District #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Lakemont silty clay loam (14%)
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High
- Soil Characteristics
  - Type: Lakemont silty clay loam (52%)
  - Slope: 3 to 8 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High
- Soil Characteristics
  - Type: Odessa silt loam
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately low
  - Erodibility: Very High

The proposed access point/drive crosses the railroad. What correspondence has taken place, or what approvals have been given, to ensure this access point is not in conflict with the use of the rail?

**OCSWCD Comments:**

Silt fence symbol shown on page ST-3 doesn't match the key provided. Also the check dam symbol in the key on page ST-3 doesn't

match the check dam symbol on the details page ST-4. In addition, the check dams are not shown on the plans but called for in the details section on page ST-4. This is confusing.

The general notes on page ST-4 are not specific to this project. It is suggested that all notes and specifications etc... be specific to the project being proposed to avoid confusion.

No SWPPP or associated documents were provided.

The grass swale shown on the details page ST-4 doesn't appear on the plans. Where will the grass swale be located?

**CRC COMMENTS:**

- The referring board is encouraged to require full parcel planning. The applicant should provide plans that detail the potential for expanded use on the property so that the full extent of any impacts can be determined/ mitigated.
- The referring board is also encouraged to consider updating their municipal code to include language related to solar development, to ensure protection and guidelines when considering solar projects.
- The referring Board may want to ensure the applicant is aware of any potential changes to their taxable status that may occur based on the change in use.

**Board Motion:** Referral #14-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Leonard Wildman

Seconded by: Sandy Riker

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

15 - 2017	Town of Richmond Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Richmond	
Brief Description:	Text Amendment request to Chapter 200: Zoning - in regards to Agri-tourism.	

**SUMMARY:**

Proposed revision seeks to add the following uses under those that require a special use permit;

- Agricultural tourism activities which include those activities that involve the practice of opening agricultural operations to the public for recreational and/or educational purposes.
- Venues offering primarily the products of onsite farms, orchards, wineries, greenhouses, cider mills and maple syrup producers.
- Farm markets.
- Livestock shows.
- Seasonal events, such as pumpkin walks, hayrides, corn mazes, festivals and holiday light shows.
- Venues for small –scale entertainment events such as art fairs, barn dances, car shows and ceremonies.

**COMMENTS:**

In the context of the proposed revision, the referring board is encouraged to put some sort of qualifying language within the text to define what constitutes "small scale." Additionally the referring board is encouraged to review the proposed language with outside council to ensure it does not conflict with any process / uses allowed under Ag & Market requirements. The Town may want to consider inclusion of performance standards that would limit the scale of use.

**Board Motion:** Referral #15-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with comments.

Motion made by: Albert Crofton

Seconded by: Jaylene Folkins

**Vote: 10 in favor, 0 opposed, 1 abstention (L. Wildman). Motion carried.**

16 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Venezia & Associates	
Property Owner:	Eddy, Mary Ann	
Tax Map No(s):	125.12-1-6.100 125.12-1-54.100	
Brief Description:	Area Variance request to annex a portion of a parcel in order to include an existing gravel driveway. Variances needed for setbacks. Project is located at 4215 & 4211 SR 21 in the Town of Canandaigua.	

**COMMENTS:**

Area variance request for a lot line adjustment between two parcels to include an existing gravel driveway to associated residence. The lot line adjustment results in the alteration of preexisting nonconformities by increasing the nonconformance, thus needing variances for both lots.

Lot #1 (0.347 acres) – variances needed for:

- Detached accessory structure
- Driveway setback
- Primary structure (residence) setback
- Lot size and width

Lot #2 (0.884 acres) – variances needed for:

- Driveway setback
- Primary structure (residence) setback

**Board Motion:** Referrals #16-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Glen Wilkes

Seconded by: Albert Crofton

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

17 - 2017	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	HEP Sales, Inc	
Property Owner:	Sutter Creek, LLC	
Tax Map No(s):	71.00-1-25.100	
Brief Description:	Special Use Permit and Site Plan request to construct two 11,840 sq ft boat storage facilities on a vacant parcel, with additional storage outside. Project is located at 2790 CR 10 in the Town of Canandaigua.	

**COMMENTS:**

Site plan request to construct two 11,840 sq. ft. boat storage buildings in the southeast corner of a 14.32 acre parcel.

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

Special use permit request to store boats outside of storage buildings.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The parcel is located within a FEMA floodplain on the Northwest corner where the Canandaigua Outlet is located.
- The property is located within 500 ft of Agricultural District #1 and #6. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Schoharie silty clay loam (29%)
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High

- Soil Characteristics
  - Type: Schoharie silty clay loam (59%)
  - Slope: 3 to 8 percent
  - Soil permeability: Moderately High
  - Erodibility: Very High
- Soil Characteristics
  - Type: Wayland silt loam (11%)
  - Slope: 0 to 3 percent
  - Soil permeability: High
  - Erodibility: Very High

**OCSWCD Comments:**

It appears that the full build out (larger common plan of development) for this project will be over 1 acre of disturbance. Phase 1 and Phase 2 proposed disturbance is approx. 1.38 acres from the information that was provided. If the project will be an acre or greater, it will require coverage under the SPDES general permit and will require a SWPPP.

**CRC COMMENTS:**

The referring board is encouraged to inquire/look into the whether fluids will be drained from the boats prior to storage. Since the parcel is adjacent to the Canandaigua Lake Outlet the impacts of gas/oil leaks and contamination from outdoor boat storage, should be discussed and mitigated.

**NOVEMBER 2016 COMMENTS (included below for reference):**

**OCSWCD Comments:**

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

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

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

**CRC COMMENTS:**

The referring board is encouraged to require full parcel planning. The applicant should provide plans that detail the potential for expanded use on the property so that the full extent of any impacts can be determined/ mitigated.

**CPB COMMENTS:**

The referring board is strongly encouraged to require the applicant to provide street scape details and screening/ buffering along County Road 10.

**Board Motion:** Referrals #17-2017 & #17.1-2017 be retained as Class 1s and returned to the local board with comments.

Motion made by: Mary Bogin

Seconded by: Tim Marks

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

17.1 - 2017	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	HEP Sales, Inc	
Property Owner:	Sutter Creek, LLC	

Representative:	
Tax Map No(s):	71.00-1-25.100
Brief Description:	Special Use Permit and Site Plan request to construct two 11,840 sq ft boat storage facilities on a vacant parcel with additional storage outside. Project is located at 2790 CR 10 in the Town of Canandaigua.

Comments: See referral #17-2017 for project summary, comments and motions.

18 - 2017	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Kneut, Timothy & Logan	
Tax Map No(s):	69.00-1-36.000	
Brief Description:	Subdivision and Area Variance request to subdivide an existing 6.9 acre parcel into two lots, Lot 1 and Lot 2, both 3.47 acres, along with demolishing two existing buildings on Lot 1. Variances needed for front and side setbacks. Project located at 2555 Cooley Rd. in the Town of Canandaigua.	

**COMMENTS:**

Subdivision and area variance request to divide a 6.9 acre parcel into two 3.47 acre parcels. Lot #1 will contain all existing structures. Variances needed for setbacks for the existing 1-story residence and accessory structure (shed). No development is proposed for the Lot #2.

The referring board is encouraged to grant the minimum variance necessary.

**Board Motion:** Referrals #18-2017 & #18.1-2017 be retained as Class 1s and returned to the local board with comments.

Motion made by: Jaylene Folkins

Seconded by: Sandy Riker

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

18.1 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Kneut, Timothy & Logan	
Tax Map No(s):	69.00-1-36.000	
Brief Description:	Subdivision and Area Variance request to subdivide an existing 6.9 acre parcel into two lots, Lot 1 and Lot 2, both 3.47 acres, along with demolishing two existing buildings on Lot 1. Variances needed for front and side setbacks. Project located at 2555 Cooley Rd. in the Town of Canandaigua.	

Comments: See referral #18-2017 for project summary, comments and motions.

19 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Bayer Landscaping	
Property Owner:	Wegman, Daniel & Konstanze	
Tax Map No(s):	140.18-1-11.000 140.18-1-12.000 140.18-1-15.100	
Brief Description:	Site Plan and Area Variance request to consolidate three existing lots and to demolish the two existing residences and construct one single-family residence. Variances needed for various setbacks. Project is located at 4905, 4907, 4911 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**

20 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	Lafave, Matthew	
Property Owner:	Cheshire Volunteer Fire Department	
Tax Map No(s):	83.00-1-19.000	
Brief Description:	Area Variance request for a 4ft x 8ft (32 sq ft) double sided aluminum composite sign for the Cheshire Volunteer Fire Department. Project located at 5439 SR 5 & 20 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 Route 5 & 20 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

- A. **All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.**

**Final classification:** Class 2

**Findings:**

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a *negative impact on community character*.

**Final Recommendation – Denial**

21 - 2017	Town of Victor Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Victor	
Brief Description:	Text Amendment request to amend Chapter 211: Zoning to allow hosted short-term rentals as a specially permitted use in R-1 districts and add a section to regulate the use of short-term rentals and prohibit unhosted short-term rentals in the Town.	

**SUMMARY:**

- Purpose of proposed revision is to establish provisions to provide for and regulate the use of short term rentals in the R-1 District and to prohibit unhosted short term rentals in the Town.
- Short term is defined as a period on not less than one night and not more than 30 consecutive days.
- Month-to month tenancies are excluded from the proposed provisions of the chapter.
- Unhosted is defined as the absence of the Owner onsite during the duration of the rental period. Definition of Owner allows for an agent who is authorized to take action and respond to violation of this chapter, in addition to the individual that holds legal title to the rental property.
- Unhosted short-term rentals are prohibited in all zoning districts.
- Hosted short-term rentals are allowed upon issuance of a special use permit.
- Existing short-term rentals must come into compliance with the proposed revisions within 60 days of its effective date.
- Notification of public hearing/ SUP consideration to residents within 1000 feet of subject parcel is proposed.
- All SUPs will be granted with a set of standard conditions as it pertains to limiting noise, number of allowable overnight occupants, posting of permit and contact information.
- Planning Board has the ability to impose additional site specific conditions.
- SUP may be revoked upon notification of non-compliance of conditions by CEO and public hearing.

**Board Motion:** Referral #21-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Leonard Wildman

Seconded by: Albert Crofton

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

22 - 2017	Town of Farmington Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Gandhi, Jaswin	
Representative:	Mussachio Architects, P.C.	
Tax Map No(s):	29.11-3-7.100	
Brief Description:	Site Plan approval request to reconstruct a two-floor America's Best Value Inn Motel. Project is located at 6037 SR 96 in the Town of Farmington.	

**COMMENTS:**

- Site plan approval request to construct a 2-story 'motel' on a 2 acre parcel. Proposed reconstruction of facility impacted by fire. Proposed construction of 21 guest rooms with associated dining, living and office space. 48 parking spaces are proposed. Facility access will be via the existing curb cut. According to the referral documentation the proposed construction will disturb all 2 acres of the parcel.
- Plans provided do not detail stormwater impacts to disturbance on the site. Stormwater, sedimentation and erosion control details should be provided prior to approval by the referring board.
- No details were provided relative to internal circulation or occupancy volume duration. Information should be provided by applicant so that the traffic impact associated with the proposed project can be assessed.
- A utility plan should be provided detailing need for sewer and water connection.
- A lighting plan should be provided. All lighting should be down lit and dark sky compliant.

**CPB COMMENTS:**

- In addition to the comments listed above, the referring board is encouraged to require that the applicant is consider proper and updated landscaping when finalizing their site plan.
- The county Planning Board agrees with the Town’s approach on taking a look at the overall site plan in connection with the proposed re-construction. The opportunity to address overall concerns with the layout of the site exists as part of this review.
- The Town is encouraged to consider how the re-construction and proposed site plan fits in with the plans for the corridor development.

**Board Motion:** Referral #22-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with the comments.

Motion made by: Tim Marks

Seconded by: Leonard Wildman

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

23 - 2017	Town of Richmond Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Bruce, David & Clarinda	
Tax Map No(s):	135.20-2-37.000	
Brief Description:	Subdivision and Area Variance request to divide a 4.98 acre parcel into two parcels. One parcel approximately .34 acres with existing two-story single family residence and a second parcel approximately 4.6 acres with a 25ft wide driveway. Variances needed for minimum lot dimensions. Project is located at 4869 CR 36 in the Town of Richmond.	

**COMMENTS:**

Proposed subdivision to divide an approximately 5 acre parcel into two parcels, Lot #1 – 0.34 acres and Lot #2 – 4.6 acres. The subdivision will allow Lot #2 to keep street frontage off of CR 36 and allow the owners to access the back part of the parcel. Lot #1 will contain existing single-family residence, but will not meet the required lot dimensions after the subdivision occurs.

**CRC COMMENTS:**

The referring board is encouraged to grant the minimum variance necessary. Since the applicant would be in control of both parcels the Town should recommend the applicant redraw the lot lines to conform with code in order to avoid creation of a nonconforming lot.

**CPB COMMENTS:** In addition to the comments listed above;

- The referring Board is encouraged to grant the minimum variance necessary.
- The applicant should ensure the proposed access road to the back parcel is adequate for emergency vehicle access.

**Board Motion:** Referrals #23-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Jaylene Folkins

Seconded by: Tim Marks

**Vote: 10 in favor, 0 opposed, 1 abstention (L. Wildman). Motion carried.**

23.1 - 2017	Town of Richmond Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Bruce, David & Clarinda	
Tax Map No(s):	135.20-2-37.000	
Brief Description:	Subdivision and Area Variance request to divide a 4.98 acre parcel into two parcels. One parcel approximately 15,174.72 sq ft with existing two-story single family residence and a second parcel approximately 4.91 acres with a 25ft wide driveway. Variances needed for minimum lot dimensions. Project is located at 4869 CR 36 in the Town of Richmond.	

Comments: See referral #23-2017 for project summary, comments and motions.

24 - 2017	Town of Richmond Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Gillen, Scott	
Property Owner:	Gillen, Kippley	
Tax Map No(s):	135.00-2-20.200	
Brief Description:	Special Use Permit request to use a 44.25 acre parcel as a place for spiritual events, such as retreats, workshops, yoga, and religious ceremonies. Permit needed for "Religious Uses" in the A-Res./Agr. district. Project located at 8833 Briggs St. in the Town of Richmond.	

**COMMENTS:**

Applicant proposing to use a 44.25 acre parcel as a peaceful environment for spiritual events, such as retreats, meditation, worship, yoga and religious ceremonies. No structure is proposed to be built on the parcel. Access to the parcel will be off of Briggs St. via a deeded access through the parcel directly north, owned by the same owner.

- What is the maximum number of people anticipated for an event to be held on the parcel?
- If a religious ceremony, such as a wedding, is to be held, will the space be used for the post celebration as well?

No site plan was provided with the referral documentation. It is unclear what (if any) buildings will be constructed on the lot. How will vehicle traffic access the facility? What will internal circulation within the parcel look like? Does amount of site disturbance warrant a SPDES permit and Stormwater Pollution Prevention Plan? Are there any plans for lighting? All of the answers to these questions have the potential to impact community character, water quality and emergency access.

Depending on the scale of the use, there are sanitary codes for use of water and sewer that may apply.

The referral documentation mentions the potential to hold religious ceremonies. More details are necessary to determine if this facility will function in an "event" capacity. Emergency access should be discussed and detailed based on the maximum number of people that may be utilizing the property at any given time.

The proposed parcel is in close proximity to Honeoye Lake. A stream that is present on the parcel appears to connect with Honeoye Creek near the lakes outlet. In times of high flooding of Mill Creek, Honeoye Creek has been known to flow backwards back into the lake. Additionally, a wildlife management area is located downstream of its intersection with Honeoye Creek. Understanding the scale of development on the parcel is essential to ensuring water quality is not negatively affected.

The Religious Land Use and Institutionalized Persons Act of 2000 protects individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. The referring Board is strongly encouraged to contact the New York State Department of State to determine if the proposed use constitutes a "religious use" and whether any other documentation is needed from the applicant to that end.

**FINDINGS:**

In accordance with the Bylaws of the County Planning Board, the Board has historically been concerned with how the proposed actions affect the following areas of review;

**EMERGENCY ACCESS**

*The Ontario County Emergency Management Office provides training to local EMS agencies. They also respond to "large or special needs emergencies to coordinate the response of multiple agencies". Additionally, Ontario County has, as part of their 911 initiative, assumed authority over road naming and numbering in order to improve emergency response. Perhaps most importantly, the Ontario County Sheriff's Department provides policing for all but six municipalities in this county.*

*When this is considered, it seems reasonable that the effect of local actions on emergency access qualifies as an intermunicipal and countywide concern. In cases where this is an issue, it would be wise to seek input from a representative of the Ontario County Emergency Management Office or encourage local planning boards to include emergency access in the site plan review criteria and involve emergency service providers (Fire & Medical) in the local approval process.*

**With the proposed use of the subject parcel as event/gathering space (i.e. retreats, workshops, religious ceremonies), the**

unknown layout of such space as it pertains to buildings parking spaces walkways, etc. it is unclear whether the applicant seeks to create a venue where a large number of people may be congregating at any given time. It is unclear how the site will accommodate emergency response vehicles. Based on the referral documentation, no local emergency response agencies were contacted to review and comment on the layout of the proposed venue.

**NATURAL FEATURES**

- *Almost any water body by its very nature is “intermunicipal”, whether it is a stream that flows from town to town or a wetland that filters water for an aquifer supplying a municipal well. Several municipalities can and do draw water directly from the various lakes.*
- *In 1992, the Ontario County Board of Supervisors created the Water Resources Council to help coordinate water resource planning.*
- *The connection between a healthy tourism industry and a healthy environment is obvious.*

The proposed parcel is located within close proximity to Honeoye Lake and Honeoye Creek. It is unclear how the site will be developed and therefore the impacts to stormwater flow, direction and water quality cannot be fully understood. No SWPPP or Erosion and Sedimentation Control details were provided as a part of the application referral package.

**Board Motion:** *Referral #24-2017 be changed to a Class 2.*

Motion made by: Jaylene Folkins

Seconded by: Glen Wilkes

**Vote:** *10 in favor, 0 opposed, 1 abstention (L. Wildman). Motion carried.*

**Board Motion:** *Referral #24-2017 be retained as a Class 2 and returned to the local board with the recommendation of **disapproval**.*

Motion made by: Glen Wilkes

Seconded by: Jaylene Folkins

**Vote:** *10 in favor, 0 opposed, 1 abstention (L. Wildman). Motion carried.*

25 - 2017	City of Geneva Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Trinity Episcopal Church	
Representative:	McGroarty, Mark	
Tax Map No(s):	104.58-1-33	
Brief Description:	Use Variance approval request to renovate the existing Trinity Episcopal Church and associated buildings into adaptive reuse, including an inn, restaurant, and event space, while maintaining the church sanctuary. Project located at 520 S. Main St. in the City of Geneva.	

**COMMENTS:**

Existing Trinity Episcopal Church is proposing to renovate their existing buildings to accommodate new uses, such as an inn, restaurant, event space, and sanctuary. These proposed uses are not permitted in the MFHD (Multiple-Family Residential Use/Historic-Residential) district and require use variances. A new one-way curb cut is proposed off of S. Main St.

Existing parking will remain, with the addition of approximately 29 more spaces. The parking on site has been brought up as an issue for the project as it does not seem adequate for the new uses proposed, in particular an event space. There is mention the local ‘Colleges’ have committed to allow the church to use existing Colleges parking for special events.

It is strongly recommended that the referring board consider the following questions as they have the potential to affect neighborhood character among other things;

- What is the proposed capacity of the event space/ inn? In addition to the Use Variance would the facility need any area variances for parking spaces required by code? If parking would be accommodated through the use of offsite parking lots how will pedestrian traffic access the site?

- How does the proposed change in use affect traffic flow and emergency access?
- What are the proposed hours of operations for the facilities?

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

1. That, without the variance, there would be no reasonable rate of return on the property (***the applicant must supply this information for all uses allowed within the existing zoning district for the local boards consideration***).
2. That the hardship is unique to the property in question and does not exist for all properties in the neighborhood.
3. That the granting of the variance will not alter the essential character of the neighborhood.
4. That the hardship imposed has not been self-created.

**CRC COMMENTS:**

NYS DOT must be contacted to ensure there is no issue with the additional curb cut that is proposed in close proximity to the State Route 5&20 cloverleaf. Additionally, they should have a chance to review the proposed project to determine if the change in use warrants a traffic study prior to a decision being made by the referring Board.

**CPB COMMENTS:**

- In addition to the comments listed above, the referring board is encouraged to consider the character of the neighborhood and ensure that the proposed reuse of the building is in keeping with historic preservation requirements.
- The referring board is encouraged to mindfully consider the proposed scale of the use and whether or not the proposed use at a smaller scale wouldn't be more in keeping with the character of the neighborhood.
- When reviewing the rate of return prong of the variance test, the referring Board is reminded that the language is reasonable rate of return....not the highest rate of return. The applicant should provide financial information for all other uses that are allowed in the district currently.

The following individuals were present and spoke on the proposed project;

Kathy Bennett Flick, Gena Rangel, Eileen Buckley, Joanne Labate, Grant Holy, Cynthia Kiss, Kristen Welch, Susanne McNally

**FINDINGS**

In accordance with the Bylaws of the County Planning Board, the Board has historically been concerned with how the proposed actions affect the following areas of review;

**EMERGENCY ACCESS**

*The Ontario County Emergency Management Office provides training to local EMS agencies. They also respond to "large or special needs emergencies to coordinate the response of multiple agencies". Additionally, Ontario County has, as part of their 911 initiative, assumed authority over road naming and numbering in order to improve emergency response. Perhaps most importantly, the Ontario County Sheriff's Department provides policing for all but six municipalities in this county.*

*When this is considered, it seems reasonable that the effect of local actions on emergency access qualifies as an intermunicipal and countywide concern. In cases where this is an issue, it would be wise to seek input from a representative of the Ontario County Emergency Management Office or encourage local planning boards to include emergency access in the site plan review criteria and involve emergency service providers (Fire & Medical) in the local approval process.*

**Given the proposed use involved the congregation of people in public space, including use of the premises for restaurant, inn and event space, the local board should consult with the appropriate Fire Departments to ensure their equipment will be able to properly access the site in the event on an emergency.**

**TRAFFIC FLOW AND SAFETY**

*The State mandated referral of local actions centers mostly around intermunicipal travel corridors (County Roads and State & US Routes). It is only logical to conclude that traffic flow and safety along these roads is of intermunicipal concern.*

*In the absence of a corridor management plan, large-scale project proposals usually contain detailed information regarding traffic impacts and mitigation in a Draft Environmental Impact Statement. For small projects the County Highway Department should be consulted.*

*When making findings on the County wide and intermunicipal impacts a proposal may have on traffic flow and safety, the Board will seek input from representatives of the Ontario County Department of Public Works. Intermunicipal agreements and corridor studies that include development guidelines will also be considered.*

*The Board will involve itself in the planning and creation of projects that address traffic flow and safety along intermunicipal corridors in Ontario County.*

**Given the location of the proposed parcel near State Route 14 in close proximity to the State Route 5 & 20 West cloverleaf the referring board should consult with NYSDOT to ensure that no concerns exist relative to the proposed access point or volume of vehicular traffic associated with the change in use.**

### **TOURISM**

*The Ontario County Board of Supervisors identified tourism as a countywide concern when it created the Tourism Board in March of 1983. The agency is now known as "A Finger Lakes Visitor Connection" (AFLVC). It is understood that the Ontario County tourism industry has its basis in a healthy, "green" environment.*

*This does not imply that tourism cannot co-exist in areas that also accommodate other types of development, including high density commercial and industrial facilities. Proper setbacks and landscaping can go a long way towards creating a more agreeable visual impact for more intensive types of development. This should not preclude the Board from considering other negative secondary affects and their relation to tourism.*

*The Board should take this same tact when deciding on tourism related business development directly. Setting the stage for proper development of hotels, recreational facilities, etc would be better done by acting on local code changes rather than individual applications. Beyond review of local codes the Board should maintain an interest in the development of travel corridor management and municipal comprehensive plans. Besides addressing traffic they also may touch upon development density, setbacks, and other issues that may affect appearance. These plans are the basis for local code changes.*

*This is not to say that individual development applications cannot be acted on without first having voted on local standards. In any case, Board recommendations and votes should be done with an understanding of local constraints. When making findings on the impacts a proposal may have on tourism, the Board will seek input from representatives of the "Finger Lakes Visitor Connection". Intermunicipal agreements and corridor studies that include development guidelines will also be considered.*

*The Board will involve itself in the planning and creation of projects that address tourism related issues along intermunicipal corridors in Ontario County.*

**Given the proposed use of the parcel for event space and overnight guest accommodations, the Visitor's Connection should be contacted to weigh in on whether a need exists for such space in this portion of the County.**

**Board Motion:** Referral #25-2017 be retained as a Class 2 and returned to the local board with the recommendation of **disapproval**.

Motion made by: Mary Bogin

Seconded by: Jaylene Folkins

**Vote: 1 in favor, 10 opposed, 0 abstentions. Motion not carried.**

**Board Motion:** Referral #24-2017 be retained as a Class 2 and returned to the local board with the recommendation of approval with modifications.

### **MODIFICATIONS:**

1. *Prior to acting on the referral, the referring Board must consult with local emergency responders regarding the proposed use. Local Fire Departments must provide correspondence relative to whether sufficient access and turning radius' exist to accommodate their equipment, in the event that emergency response is required at the proposed facilities.*
2. *Prior to acting on the referral, the referring Board must consult with NYSDOT to ensure that no mitigation is needed relative to the proposed access points or traffic volume associated with the proposed use.*
3. *Prior to acting on the referral, the referring Board must consult with Valerie Knoblauch of the Finger Lakes Visitor's*



*Connection as to the potential need for this use within the Eastern portion of the County.*

Motion made by: Jaylene Folkins

Seconded by: Leonard Wildman

***Vote: 10 in favor, 1 opposed (M. Bogin), 0 abstention. Motion carried.***

26 - 2017	Town of Bristol Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Abundant Solar Power	
Property Owner:	Collins, Debra	
Representative:	Pantella, Jared	
Tax Map No(s):	123.00-1-59.300	
Brief Description:	Site Plan and Special Use Permit request to install a 1.49 MW solar system on a 9.4 acre parcel. The system will be run as 'Community Solar Program' with Power Purchase Agreements. Project is located on Buckelew Rd. just north of SR 20A.	

**COMMENTS:**

Proposed 1.49 MW ground mounted solar system with 243 solar tables to be installed on a 9.4 acre parcel. The system will be installed as 'Shared Solar' where residents will have the option to buy into the system, through power purchase agreements, to received electricity credits to be applied to their electricity bill. The area under and between panels will remain grassy. The parcel will be purchased by Abundant Solar, not leased.

Per a discussion with Jessica Bacher from Pace Law, it is her opinion that the absence of more a more detailed definition of utility within the Town Code means that Abundant Solar is held to the Town's definition of 'Public Utility', not the State's.

**According to ONCOR:**

- Federal Freshwater Pond wetland is present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Darien silt loam
  - Slope: 8 to 15 percent
  - Soil permeability: Moderately High
  - Erodibility: High
- Soil Characteristics
  - Type: Wayland silt loam
  - Slope: 0 to 3 percent
  - Soil permeability: High
  - Erodibility: Very High
- Soil Characteristics
  - Type: Darien silt loam
  - Slope: 3 to 8 percent
  - Soil permeability: Moderately High
  - Erodibility: High
- Soil Characteristics
  - Type: Lansing silt loam
  - Slope: 8 to 15 percent
  - Soil permeability: Moderately High
  - Erodibility: High



Due to the presence of wetlands on the site and receipt of a delineation report submitted within the referral documentation, the referring board should ensure that the applicant has submitted a request for a jurisdictional determination to the Army Corps of Engineers. A Jurisdictional Determination will ensure that the Army Corps agrees with the wetland boundary as outlined by the applicant’s representative. Due to the fact that construction activities can occur right up to the wetland boundary without any buffer, it is imperative that the boundary is agreed upon.

**OCSWCD Comments:**

On page 001 erosion and sediment control note # 12 calls for filter fabric to be placed over the drop inlet grate. This is not an approved practice by the NYS DEC and should not be done.

No SWPPP was provided.

Proper permits will be required for the wetland crossing work and any other activities that will impact any wetlands on site. In addition, wetland protection will be crucial during all phases of construction.

No stabilized construction entrance is shown on the plans, but one is called for in the details section.

Make sure that all symbols on the details page match the symbols shown on the rest of the design to avoid confusion.

Make sure that the soil stockpile is kept as far back from the wetland and wetland buffer area as possible and that silt fence is installed prior to soil stockpiling.

Silt socks are shown on the plans, but there is no detail provided on how they will be installed.

**Board Motion:** Referral #26-2017 & #26.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with the comments.

Motion made by: Leonard Wildman

Seconded by: Steve Groet

**Vote: 11 in favor, 0 opposed, 0 abstentions. Motion carried.**

26.1 - 2017	Town of Bristol Zoning Board of Appeals	Class: 2
Referral Type:	Special Use Permit	
Applicant:	Abundant Solar Power	
Property Owner:	Collins, Debra	
Representative:	Pantella, Jared	
Tax Map No(s):	123.00-1-59.300	
Brief Description:	Site Plan and Special Use Permit request to install a 1.49 MW solar system on a 9.4 acre parcel. The system will be run as 'Community Solar Program with Power Purchase Agreements. Project is located on Buckelew Rd. just north of SR 20A.	

Comments: See referral #26-2017 for project summary, comments and motions.

27 - 2017	Town of Geneva Zoning Board of Appeals	LATE REFERRAL Class: AR-2
Referral Type:	Area Variance	
Applicant:	Rayburn, Donald & Karen	
Tax Map No(s):	133.16-1-3.200	
Brief Description:	Area Variance request to construct a 16 sq ft sign to identify existing Waters Edge B & B. Project is located at 4377 SR 14 in the Town of Geneva.	

**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 State Route 14 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by

encouraging local boards to adhere to their adopted laws as much as possible.

**B. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.**

**Final classification:** Class 2

**Findings:**

6. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
7. Protection of the community character along these corridors is an issue of countywide importance.
8. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
9. It is the position of this Board that the proposed signage is excessive.
10. Excessive signage has a *negative impact on community character*.

**Final Recommendation** – Denial

28 - 2017	Town of Victor Zoning Board of Appeals	LATE REFERRAL Class: AR-1
Referral Type:	Area Variance	
Applicant:	Polidori, Mauro	
Property Owner:	7235 Route 96 Inc.	
Tax Map No(s):	15.00-1-14.211	
Brief Description:	Area Variance request to install an approved sign with a 22 ft setback from the road when 35 ft is required, to advertise for the existing Six50 restaurant. Project is located at 7235 SR 96 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.

29 - 2017	Town of Gorham Zoning Board of Appeals	LATE REFERRAL Class: AR-2
Referral Type:	Area Variance	
Applicant:	Torchia Structural Engineering & Design	
Property Owner:	Isliker, Ashley	
Tax Map No(s):	113.07-1-52.100	
Brief Description:	Area Variance request to construct a garage on a parcel with an existing two-story single family residence. Variances needed for rear and side yard setbacks. Project located at 3674 Nibawauka Beach 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**

**ADJOURNMENT: Being no further business Chair Wink requested a motion to adjourn. Motion to adjourn the 2/8/17 CPB meeting made by Sandy Riker, seconded by Tim Marks. Motion carried. The 2/8/17 CPB meeting adjourned at 9:48 p.m.**

Respectfully submitted,

*Regina Sousa*

Planner

## General Information

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

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

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

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

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

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

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

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

## General Summary of CPB Review Responsibilities

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

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

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

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

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

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

## General Procedures

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

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

**Legal Obligations for Referring Agencies**

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

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

**Incomplete Applications**

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

**Reporting back to the CPB**

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

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

**Administrative Reviews**

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

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