

## ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the;

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

**County Planning Board Meeting – March 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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**March 8, 2017 Meeting Attendance**

<b>Cities</b>	<b>Member</b>	
Canandaigua	<b>James Mueller</b>	P
Geneva	Mary Bogin	P
<b>Towns</b>		
Bristol	Sandy Riker	E
Canadice	<b>Stephen Groet</b>	P
Canandaigua	David Wink, Chair	P
East Bloomfield	<b>Arthur Babcock</b>	P
Farmington	Patti Wirth	P
Geneva	Howard E. Meaker	P
Gorham	<b>Jack Dailey</b>	A
Hopewell	Louis Perryman	E
Manchester	<b>Jaylene Folkins</b>	P
Naples	<b>Carol O'Brien</b>	P
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	P
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:** Paul Colucci, Martin Janda, Gregg Firster, Mike Bogojevske, Bill Durdel (Canandaigua Family Apts.); Daniel Bennett (Blazey Solar)

**Call to Order/Roll Call:** Chairman Wink called the 3/8/17 County Planning Board meeting to order at 7:30 p.m., and requested Ms. Sousa do roll call. Upon completion of roll call, Ms. Sousa reported that Fourteen (14) members were present meeting quorum requirements.

**Minutes:**

- **February 8, 2017: Motion was made by Steve Groet, seconded by Tim Marks to approve the February 8, 2017 minutes as presented.**

**Eleven (11) in Favor, 0 Opposed, 3 Abstentions (A. Babcock, C. O'Brien, T. Maher). Motion carried.**

30 - 2017	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Mitchell Design Building	
Property Owner:	Van Bortel, Mary	
Tax Map No(s):	28.12-1-16.100 28.12-1-15	
Brief Description:	Subdivision and Site Plan approval to combine adjacent lots of the existing Van Bortel car dealership to create an approximately 6 acre parcel. The proposed project includes the demolition of existing 2-story 'house' structure, construction of an addition off of existing building and construction of additional parking. Project located at 6327 SR 96 in the Town of Victor.	

**NOTE:** Previously seen in **September 2014** as Site Plan review for a 6,430 sq ft addition.

**COMMENTS:**

**PROJECT SUMMARY**

- Proposed project to demolish existing 2-story house on property to create additional parking spaces. Operations that currently take place in the 2-story house will be moved to the proposed 30' x 41' addition off of the south side of existing building, which will include 2 'doll up' bays and 1 bay for a drive thru car wash for Van Bortel use only. Proposed subdivision will combine the parcel with the main building and the lot with the existing 2-story house to alleviate the concerns of parking areas crossing property lines.

**STORMWATER**

- Per Email on 2/28/17 from Spencer Read (Mitchell Design Build):**  
*The new parking area to the east of the main building (where the house structure is to be demolished) will sheet drain just as the existing site in the adjacent areas does to the south and will ultimately enter the existing retention pond. Please note that there is an existing pea gravel diaphragm at the top of the hill approaching the retention pond that water will drain through prior to entering the pond. Also, there are two (2) drop inlets on the east side of the main building that may also pick up some of this water. The majority of the area where this proposed parking is to be located currently is impervious area (building roof area) which also currently sheet drains in the manor proposed.*

*The building addition to Building 2 located to the west of the building is currently 100% impervious area (currently all asphalt). The existing asphalt area sheet drains to the south and southwest and enters the existing retention pond. The proposed building addition will have gutters and downspouts to splash blocks which will sheet drain in the same manor.*

**Board Motion:** Referrals #30-2017 & #30.1-2017 be retained as Class 1s and returned to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Glen Wilkes

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

30.1 - 2017	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Mitchell Design Building	
Property Owner:	Van Bortel, Mary	
Tax Map No(s):	28.12-1-16.100 28.12-1-15	
Brief Description:	Subdivision and Site Plan approval to combine adjacent lots of the existing Van Bortel car dealership to create an approximately 6 acre parcel. The proposed project includes the demolition of existing 2-story 'house' structure, construction of an addition off of existing building and construction of additional parking. Project located at 6327 SR 96 in the Town of Victor.	

Comments: See referral #30-2017 for project summary, comments and motions.

31 - 2017	Town of Naples Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Rc Naples, Inc.	
Property Owner:	Deusenberry, Holly & Anthony	

Tax Map No(s):	203.00-1-39.110
Brief Description:	Site Plan and Special Use Permit request to construction of a 34ft x 64ft pavilion. The pavillion will be located adjacent to the existing clubhouse on at the Reservoir Creek Golf course. Project is located at 8613 SR 21 in the Town of Naples.

**COMMENTS:**

Proposed project was previously seen in January 2017 for an area variance request for the proposed pavilion. Variances were granted by local board. Applicant is now seeking site plan and special use permit approvals for the construction of a permanent 34ft x 64ft pavilion. Pavilion to be used for golf tournaments and other events held at the golf course.

**Board Motion:** Referrals #31-2017 & #31.1-2017 be retained as Class 1s and returned to the local board with comments.

Motion made by: Glen Wilkes

Seconded by: Bert Crofton

**Vote: 13 in favor, 0 opposed, 1 abstention (C. O'Brien). Motion carried.**

31.1 - 2017	Town of Naples Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Rc Naples, Inc.	
Property Owner:	Deusenberry, Holly & Anthony	
Tax Map No(s):	203.00-1-39.110	
Brief Description:	Site Plan and Special Use Permit request to construction of a 34ft x 64ft pavillion. The pavillion will be located adjacent to the existing clubhouse on at the Reservoir Creek Golf course. Project is located at 8613 SR 21 in the Town of Naples.	

Comments: See referral #31-2017 for project summary, comments and motions.

32 - 2017	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Subdivision	
Applicant:	Venezia Associates	
Property Owner:	Westbrook, Greg & Beth	
Tax Map No(s):	113.17-1-32.100	
Brief Description:	Subdivision request to divide a 1.37 acre parcel from a 17 acre parcel. Both lots after subdivision meet code requirements. Project is located at 4096 Onnalinda Dr. in the Town of Canandaigua.	

33 - 2017	Town of Canandaigua Planning Board	Class: AR-1
Referral Type:	Special Use Permit	
Applicant:	Henderson, Deb	
Property Owner:	Griffith, Polly	
Tax Map No(s):	56.00-2-22.210	
Brief Description:	Special Use Permit request to install a 16 sq ft commercial speech sign for the waxing business. Proposed signs meet all code requirements for design. Special use permit needed for commercial signs in the Community Commercial District. Project located at 2375 SR 332 in the Town of Canandaigua.	

**Policy AR-7: Signs**

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

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

- 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.

34 - 2017	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Venezia Associates	
Property Owner:	Vaccaro, Domenico	
Tax Map No(s):	69.00-1-52.100	
Brief Description:	Subdivision and Area Variance request to divide a 2 acre parcel from a 147 acre parcel. Variance needed for existing single-family residence which does not meet front yard setback requirements after subdivision. Project located at 6201 CR 30 in the Town of Canandaigua.	

**COMMENTS:**

Subdivision to divide a 2 acre parcel with existing house from an original 147 acre parcel. The existing house is only setback 46.4ft from the road when 60ft is required by code. There is no mention of what will happen with the rest of the original parcel.

**Board Motion:** Referrals #34-2017 & #34.1-2017 be retained as Class 1s and returned to the local board with comments.

Motion made by: Tim Marks

Seconded by: Tim Maher

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

34.1 - 2017	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Vaccaro, Domenico	
Tax Map No(s):	69.00-1-52.100	
Brief Description:	Subdivision and Area Variance request to divide a 2 acre parcel from a 147 acre parcel. Variance needed for existing single-family residence which does not meet front yard setback requirements after subdivision. Project located at 6201 CR 30 in the Town of Canandaigua.	

Comments: See referral #34-2017 for project summary, comments and motions.

35 - 2017	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	DiMarco Group	
Property Owner:	Westbrook, Greg	
Tax Map No(s):	84.00-1-19.000 84.00-1-20.110 84.00-1-20.120 84.00-1-43.100	
Brief Description:	Site Plan approval to construct a 48 building - 384 apartment unit development, including associate clubhouse and road on a 140 acre parcel. Development will occur in 4 phases, each phase constructing 12 buildings with 96 units, and taking up approximately 47 acres. Project located at 3000 CR 10 in the Town of Canandaigua.	

**COMMENTS:**

**According to ONCOR:**

- There are State and Federal wetlands present on the property.
- The parcel is located within a FEMA floodplain.
- The property is not located within 500ft of Agricultural District.
- Soil Characteristics
  - Type: Lakemont silty clay loam
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately Low

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

The proposed buildings are in close proximity to the Canandaigua outlet, associated flood plain and wetland areas. The wetlands were re-delineated as part of the project and jurisdictional determinations have been provided by the appropriate agencies.

The density of the project seems to take up all available developable space on the lot. Has the applicant considered building fewer structures with more capacity?

The soils present are noted as being consistently wet based on their classification. The development of the proposed impermeable space will provide further barriers to infiltration throughout much of the site. How will stormwater infrastructure handle amount of water being shed off of roof tops and pavement without adversely impacting water quality of the adjacent environmental features? How will the proposed buildings be protected from flooding?

How will the sensitive wetland areas be protected? Will the natural areas be maintained by the developer or will the open space be deeded to the Town?

**OCDPW:**

Per email from Tim McElligot

*General highway related comments about the application are as follows:*

1. Applicant will be required to obtain a County highway work permit for all proposed work in CR 10 right-of-way; and
2. Traffic Impact Study (TIS) is required for this project; we've preliminary discussions with applicant's engineer (McFarland Johnson) on scope of TIS; and
3. Drainage study is required for the project

*Town of Canandaigua has set me a set of plans, prepared by BME associates, for the project. Based on backlog of work assignments, I'm a couple of weeks away from reviewing the plans submitted by the Town. In addition, no engineering report, TIS, or drainage study was provided by the Town. This lack of complete information will only extend the review period.*

*I've had some preliminary discussions with John Berry about the project's impact to Canandaigua Lake Sewer District and expect John to provide comments shortly.*

**OCSWCD Comments:**

- There are state and federal wetlands and a blue lined tributary on much of the site. It will crucial to make sure that these areas are protected throughout the duration of the project (see attached soils map).
- No SWPPP was provided.
- The soils on site are hydrologic group D. These soils will be consistently wet and will provide little infiltration.
- How will the roof water be handled?
- Concrete washout is listed in the specifications, but not shown on the plans.

**CRC Comments:**

Per applicant's engineers:

- 3 of the 4 phases will be developed as affordable housing with rates based on the surrounding area average income, and project funding via NYS grants.
- Discussions/negotiation is still occurring in regards to the open space being deeded to the Town or to remain under the applicant.
- Proposed stormwater infrastructure will capture the majority of the runoff created by the building roofs and parking lots before being drained to the Canandaigua Outlet. However, the buildings to the back of the parcel will drain directly into the wetlands located behind the development, and then on into the Canandaigua Outlet.
- The density of buildings is due to the applicant seeking specific building design to allow for private entrances to each unit.

Also, the buildings are being held to 'Passive House' standards for energy efficiency, which is more easily controlled in buildings without common spaces.

- The northern most proposed access off of County Rd. 10 is approximately 610 ft from the round-about connecting County Rd. 10 and County Rd. 46.

#### **CPB Comments:**

In addition to the comments listed above, the referring board is encouraged to ensure that;

- The proposed landscaping throughout the property provides a 4 season buffer from existing businesses, and creates a suitable and welcoming streetscape along the corridor consistent with other large residential developments.
- Sidewalks should be provided throughout the development to buildings, community areas and County Road 10.

#### **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;

#### **NATURAL FEATURES**

- *Natural Features: The Board has always had an interest in the protection of 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.*
  - *The County Planning Dept, Soil & Water Conservation District, Cornell Cooperative Extension, and several involved municipalities have joined forces to protect the Canandaigua, Honeoye and Seneca Lakes, Flint and Irondequoit Creeks watershed.*
  - *The connection between a healthy tourism industry and a healthy environment is obvious.*
- *When making findings on the County wide and intermunicipal impacts a proposal may have on drainage, water quality, and other issues related to natural features, the Board will seek input from representatives from the Ontario County Soil & Water Conservation District, and the Ontario County Department of Public Works. Intermunicipal agreements and watershed studies that include development guidelines will also be considered.*

**The proposed project is located within close proximity to the Canandaigua Outlet. Sensitive natural features including Federal and State wetlands are present on the subject parcel. All comments provided within these minutes were based on sheets pulled from the plan set that was submitted. No Stormwater Pollution Prevention Plan was provided to this Board as part of the referral package. It is unclear whether the SWPPP is in conformance with NYSDEC requirement and accepted Best Management Practices, therefore the potential impacts to stormwater infrastructure and water quality cannot be fully understood.**

#### **TRAFFIC FLOW AND SAFETY**

- *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.*

**The proposed project is located on the corner of County Roads 48 and 10. As referenced in the comments above, a Traffic Impact Study and drainage study must be completed to ensure any impact on traffic is mitigated and that public safety along these routes is maintained. These studies were not complete at the time of the referral review, therefore the impacts of the proposed**

**48 building residential development on traffic flow and safety cannot be fully understood.**

**Board Motion:** *Referrals #35-2017& 35.1-2017 be retained as Class 2s and returned to the local board with the recommendation of approval with the following modifications.*

**Modification #1:** A Stormwater Pollution Prevention Plan must be submitted to the Ontario County Soil and Water Conservation District for comment. No action can be taken by the local board until the comments from the District are received and reviewed.

**Modification #2:** A Traffic Impact Study and associated drainage study must be completed and submitted to the Ontario County Department of Public Works. No action can be taken by the local board until the comments from the DPW are received and reviewed.

Motion made by: Jaylene Folkins

Seconded by: Len Wildman

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

35.1 – 2017	Town of Canandaigua Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	DiMarco Group	
Property Owner:	Westbrook, Greg	
Tax Map No(s):	84.00-1-19.000 84.00-1-20.110 84.00-1-20.120 84.00-1-43.100	
Brief Description:	Map amendment to rezone parcel MUO from CC. Site Plan approval to construct a 48 building - 384 apartment unit development, including associate clubhouse and road. Development will occur in 4 phases, each phase constructing 12 buildings with 96 units. Project located at 3000 CR 10 in the Town of Canandaigua.	

Comments: See referral #35-2017 for project summary, comments and motions.

36 - 2017	Town of Manchester Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Bennet, Daniel	
Property Owner:	Blazey, Kevin	
Representative:	Buhl, Timothy	
Tax Map No(s):	11.00-1-33.110	
Brief Description:	Special Use Permit request to install a 1.62 MW community shared solar system on a 50 arce parcel. The panels will be ground mounted and cover approximately 8 acres. Project located on Smith Rd. in th e Town of Manchester.	

**COMMENTS:**

Proposed ground mounted 1.62 MW shared solar system to be installed on a 50 acre parcel. The system will only cover approximately 8 acres of the full parcel with grass between the arrays to reduce runoff. An access point will be created off of Hosey Rd. which will lead back to the system. The applicant is proposing a 175ft setback from the road and includes low shrub buffering along the road frontage.

**According to ONCOR:**

- Federal wetland located in the Northeast corner of the property. Development will not occur near the wetland.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #8. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Phelps gravelly silt loam (51%)
  - Slope: 0 to 3 percent
  - Soil permeability: High
  - Erodibility: Medium

- Soil Characteristics
  - Type: Homer fine sandy loam (21%)
  - Slope: 0 to 3 percent
  - Soil permeability: Very High
  - Erodibility: Medium

**OCSWCD Comments:**

- It's unclear where the new shrub buffer will be located. It's not shown clearly on the plans.
- Check dams are listed on page ST-3 but not shown on the plans.
- Make sure that all erosion and sediment control symbols match throughout the plan.
- A swale and check dams are called for in the specifications, but not shown on the plans.

**CPB COMMENTS:**

The applicant is encouraged to consider full parcel planning to ensure the full impact of development are considered.

**Board Motion:** Referral #36-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Mary Bogin

Seconded by: Tim marks

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

37 - 2017	Village of Bloomfield Planning Board	LATE REFERRAL Class: 2
Referral Type:	Site Plan	
Applicant:	Prestigiacomio, Joseph	
Representative:	Barry, John	
Tax Map No(s):	68.13-1-8.100; 68.13-1-16.000	
Brief Description:	Site Plan and Special Use Permit request to construct 61 residential senior townhouse units. Project located on Elm St. in the Village of Bloomfield.	

**COMMENTS:**

Proposed construction of 61 single-story senior townhouse units within 12 buildings, each building containing 2-6 units. Special use permit is needed for the construction to occur in the R-1-20 zoning district. Units initially will be rented to tenants; however provisions have been incorporated to allow for the sale of individual units in the future. Sidewalks will connect each unit to each other and also to the existing sidewalk on Elm St. Stormwater facilities to be located on the north end of the parcel, with a bioretention basin in the center of the proposed development for additional capture. Phase 1 of the project will include the construction of as many as 24 units, with full construction to be completed within 4 years.

All units will have:

- Water, sewer, gas, and electric hookups.
- 1-car garage

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #1. 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 (76%)
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately Low
  - Erodibility: Very High
- Soil Characteristics
  - Type: Honeoye Loam (19%)
  - Slope: 3 to 8 percent
  - Soil permeability: Moderately High

- Erodibility: Medium

**Board Motion:** Due to the project's scale and late submittal there was insufficient time to review, the Board motions to **not** accept late referrals #37-2017 & 37.1-2017 for consideration on the March Meeting Agenda.

Motion made by: Steve Groet

Seconded by: Bert Crofton

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

37.1 - 2017	Village of Bloomfield Planning Board	LATE REFERRAL Class: 2
Referral Type:	Special Use Permit	
Applicant:	Prestigiacomio, Joseph	
Representative:	Barry, John	
Tax Map No(s):	68.13-1-8.100 68.13-1-16.000	
Brief Description:	Site Plan and Special Use Permit request to construct 61 residential senior townhouse units. Project located on Elm St. in the Village of Bloomfield.	

Comments: See referral #37-2017 for project summary, comments and motions.

38 - 2017	Town of Canandaigua Planning Board	LATE REFERRAL Class: 1
Referral Type:	Special Use Permit	
Applicant:	Davis, Lori & Matthew	
Tax Map No(s):	56.02-1-8.112	
Brief Description:	Special Use Permit request to operate a Kennel on a 12.9 acre parcel. Project located at 2019 Risser Rd. in the Town of Canandaigua.	

**COMMENTS:**

Permit request to operate a "kennel" on residential property. Owner has stated they are involved with showing and compete with the dogs held and to be held on the property.

**Per email from Lori Davis (applicant) on 3/3/2017:**

- 1- No more than 8 dogs will be maintained on site
- 2- Waste Disposal; I have 2 compost piles where I put our farm animal's waste. This is where I plan on disposing of their waste.
- 3- I do not plan on constructing any other buildings, these dogs will be part of my family and as such they will live in our home. This is also why I won't have any more than 8 as this is all there is room for.
- 4- Fencing; yes I have applied for a permit to install ourselves a fenced in area for our dogs in our front yard.

**According to ONCOR:**

- No State or Federal wetlands are present on the property.
- The parcel is not located within a FEMA floodplain.
- The property is located within 500ft of Agricultural District #1. An Agricultural Data Statement should be submitted by the applicant and reviewed prior to action by the referring board.
- Soil Characteristics
  - Type: Odessa silt loam
  - Slope: 0 to 3 percent
  - Soil permeability: Moderately Low
  - Erodibility: Very High

**CPB COMMENTS:**

In addition to the comments listed above, the referring board is strongly encouraged to place conditions on the Special Use Permit that would limit the scale of the project, specifically as it pertains to the number of dogs and the area to be fenced. The conditions would create a means of enforcement. The maximum number of dogs should be limited to 8, as represented in the applicant's referral documentation.

**Board Motion:** To accept late referral #38-2017 for consideration on the March Meeting Agenda.

Motion made by: Jaylene Folkins

Seconded by: Len Wildman

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

**Board Motion:** Referral #38-2017 be retained as a Class 1 and returned to the local board with comments.

Motion made by: Carol O'Brien

Seconded by: Mary Bogin

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

**NEW BUSINESS:** Mr. Mueller made the Board aware of proposed changes to the SEQR process, specifically as it pertains to solar development projects of a certain size.

**ADJOURNMENT:** Being no further business Chair Wink requested a motion to adjourn. Motion to adjourn the 3/8/17 CPB meeting made by Tim Maher, seconded by Glen Wilkes. Motion carried. The 3/8/17 CPB meeting adjourned at 8:36 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 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

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

### Incomplete Applications

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

### Reporting back to the CPB

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

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

### Administrative Reviews

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

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