

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – March 10, 2020 at 3:30pm – Cancelled**
County Planning Board Meeting – March 11 at 7:00pm Virtual
 Telephone: 585-396-4455

This document will serve as both the 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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Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V – Vacant		
Canandaigua	Thomas Lyon PB	P		
Geneva	Paul Passavant	P		
Towns				
Bristol	Sandy Riker	P		
Canadice	Stephen Groet PB	P		
Canandaigua	David Wink	P		
East Bloomfield	Mike Woodruff PB	P		
Farmington	Patti Wirth	P		
Geneva	Steven High	P		
Gorham	Jack Dailey	P		
Hopewell	Bill Namestnik		a	
Manchester	VACANT			v
Naples	Carol O'Brien PB	P		
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB	P		
Seneca	Timothy Marks PB	P		
South Bristol	Albert Crofton ZBA		a	
Victor	Marty Avila		a	
West Bloomfield	Sue Boardman ZBA	P		

Staff: Linda Phillips - OCPD, Erin Holley – OCPD

Call To Order/Roll Call: Chair Len Wildman called the 3/11/20 CPB meeting to order at 7:06, and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were twelve (12) members present including 9 virtual and 3 on-site, meeting the quorum requirement. Jack Dailey arrived virtually at 7:15 and participated in approval of January, December and March minutes. Glen Wilkes arrived on-site at 7:30 and participated in voting on referrals 70-2020, 70.1-2020, 70.2-2020 and those April referrals not yet subject to final decision by the local boards. Sandy Riker left the virtual meeting after voting on the May referrals.

Guests: No Guests. Virtual meeting notice was posted to on-line agenda center and distributed to Daily Messenger and Finger Lakes Times.

Minutes:

- Motion made by Len Wildman to approve the February 12, 2020 minutes and seconded by Steve High. **Motion passed @ 7:14. (required abstentions sue, jack mike)**
- Motion made by Len Wildman to approve the January 8, 2020 minutes **as revised**, draft minutes marked those excused as also present, seconded by Jack Dailey (**abstentions Glen Wilkes, Carol O’Brien, Bill Namestnik, Paul Passavant**) **Motion Passed @7:16.**
- Motion made by Len Wildman to approve the December 11, 2019 minutes **as revised**, to correct lineal feet/ # of allowable docks in 245-2020 description and edit 250-2020 re info on Ag and Markets and Alcohol Beverage Control law re farm brewery, cideries and distilleries. Seconded by Patti Wirth(**required abstentions M. Woodruff, Ruby Morrison, Carol O’Brien, Glen Wilkes, Albert Crofton, Marty Avila**) .**Motion Passed @7:18**
- Motion made by Steve Groet to approve March 11, 2020 minutes **as revised by Steve Groet (Required abstentions sandy, mike, Patti, bill, bert, marty)**, seconded by Carol O’Brien. **Motion passed @ 7:20.**

Motion made by Mike Woodruff to change the November meeting from Veteran’s Day to Thursday Nov. 12, 2020, seconded by Len Wildman. Motion carried.

66 - 2020	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Marks Engineering c/o Brennan Marks	
Property Owner:	Werges, Larry	
Tax Map No(s):	98.09-1-20.100	
Brief Description:	Site plan and 3 area variances for a single-family home demolition and new construction at 4963 Waters Edge Drive in the Town of Canandaigua. The variances would allow 44.5 percent lot coverage when 30 percent is allowed, 25 percent building coverage when 20 percent is allowed, and a 35' front setback (west of ROW) when 55' is required. https://www.co.ontario.ny.us/DocumentCenter/View/23853/66-2020-4963-water-edge-1-page-site-plan	

66.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Marks Engineering c/o Brennan Marks	
Property Owner:	Werges, Larry	
Tax Map No(s):	98.09-1-20.100	
Brief Description:	Site plan and 3 area variances for a single-family home demolition and new construction at 4963 Waters Edge Drive in the Town of Canandaigua. The variances would allow 44.5 percent lot coverage when 30 percent is allowed, 25 percent building coverage when 20 percent is allowed, and a 35' front setback (west of ROW) when 55' is required.	

The site plan shows a 2,974 SF house footprint on a 14,700 SF lot. There is a new retaining wall at the northeast corner of the house.

According to OnCor, approximately the front 60’ of the property is in the floodplain with a band of 16-30 percent slope, perhaps a retaining wall, just beyond the floodplain area.

**Policy AR 5 Applications involving one single family residential site, including home occupations.
Part B Development of Lakefront Parcels.**

- 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

Comment The proposed drainage swale to the north of the house is very close to the neighboring property. The applicant and referring agency are strongly encouraged to involve the 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.

67 - 2020	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Gray, Richard	
Tax Map No(s):	98.09-1-15.000	

Brief Description:	Revised site plan and renewal of 1 area variance for demolition and new construction of single family home at 4959 Island Beach Drive in the Town of Canandaigua. The redesigned home is 3' to the north of the previously approved location. Variance is for an 11' front setback when 50' is required. https://www.co.ontario.ny.us/DocumentCenter/View/23854/67-2020-4959-1-page-site-plan-Island-Beach-Dr_-4-22-20-Redesign
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67.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Gray, Richard	
Tax Map No(s):	98.09-1-15.000	
Brief Description:	Revised site plan and renewal of 1 area variance for demolition and new construction of single family home at 4959 Island Beach Drive in the Town of Canandaigua. The redesigned home is 3' to the north of the previously approved location. Variance is for an 11' front setback when 50' is required.	

The site plan shows a nearly 900 SF garage to the west of Island Beach Drive and a 1,425 SF house footprint on a 9,377 SF lot. The lot coverage is reduced from 48 percent to 44 percent, still above the desired 40 percent limit.

According to OnCor, the lake floodplain extends approximately 60' from the shoreline and there is a band of 16-30 percent slope near the shoreline.

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. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.

Final Recommendation – With the exception of applications involving lakefront properties involving side, lake, or lot coverage variances or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comment The applicant and referring agency are strongly encouraged to involve the 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.

68 - 2020	Town of Canandaigua Planning Board	Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Quell, Richard	
Tax Map No(s):	98.11-1-6.00	
Brief Description:	Site plan and area variance for demolition and new construction of single family home at 3312 Fallbrook Park in the Town of Canandaigua. Variance is for 35 percent building coverage when 25 percent is allowed. Overall lot coverage is reduced from 59 percent to 53 percent when 40 percent is allowed. Location reduces non-conformities in front, right side, and accessory use right side setbacks. https://www.co.ontario.ny.us/DocumentCenter/View/23855/68-2020-1-page-site-plan-FALLBROOK-PARK-3312-2020-04-22-20	

68.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Quell, Richard	
Tax Map No(s):	98.11-1-6.00	
Brief Description:	Site plan and area variance for demolition and new construction of single family home at 3312 Fallbrook Park in the Town of Canandaigua. Variance is for 35 percent building coverage when 25 percent is allowed. Overall lot coverage is reduced from 59 percent to 53 percent when 40 percent is allowed. Location reduces non-conformities in front, right side, and accessory use right side setbacks.	

The proposed site plan shows a 2,870 SF house footprint on an 8,145 SF lot. The plan indicates a reduction in area of asphalt drive, pool/patio, and deck to accommodate the larger house. The plan reduces the lot coverage from 59 to 53 percent, still above the 40 percent desired limit. The site plan also indicates a 316 CF floodplain capacity compensation area to minimize the impact of 90 SF of fill to a depth of .6’.

According to OnCOR, the lake floodplain extends approximately 32’ into the lot.

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. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.

2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSED.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.

Final Recommendation – With the exception of applications involving lakefront properties involving side, lake, or lot coverage variances or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comment The applicant and referring agency are strongly encouraged to involve the 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.

69 - 2020	Town of South Bristol Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Property Owner:	Swartout, Steven	
Representative:	Grove, P.E., Bill	
Tax Map No(s):	178.07-1-17.200	
Brief Description:	Revised site plan and septic system design for 5737B Seneca Point Road in the Town of South Bristol. Site was previously subject to CPB review as referral 8-2020. https://www.co.ontario.ny.us/DocumentCenter/View/23856/69-2020-18102-Site-Plan-Town-Submittal-04072020	

This project was previously reviewed as referral 8-2020 in January. The revised plan responds to the previous comment from OCSWCD regarding need to meet current septic system standards. The previous project description and comments are provided below. The revised plan extends the limit of disturbance to include the soil and material stockpile areas. The need for written easements for lake/beach access is not addressed in revised materials referred.

The existing .34 acre lot has a slightly undersize lot width (47.5’ when 50’ is required) and 28 percent lot coverage. Annexation of an adjacent .09 acre parcel to the south and a .09 acre portion of the property to the north east will result in reduced lot coverage from 28 percent on the .34 acre lot to 20 percent on the .5 acre lot, though lot coverage will increase by approximately 100 SF. There are no changes proposed to the site access point or septic system.

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
- D. Applications subject to policy AR-5 and not involving lakefront lots with coverage, or side or lakefront setback variances or with encroachments on County right-of-ways.

Final Classification: Class 1

Findings:

8. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
9. Collectively individual residential developments have significant impacts on surface and ground water.
10. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
11. Proper storm water and erosion control is also needed to achieve that same end.
12. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
13. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
14. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.

Final Recommendation – With the exception of applications involving lakefront properties involving side, lake, or lot coverage variances or encroachments to County owned right-of-ways described in AR Policy 5 Parts A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

January 2020 Comments

1. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
2. If other parcels have and will continue to have access to the dock and lake on the annexed parcel to the south or the shale beach on the annexed area to the north east, formal easements should be put in place.
3. Soil and material stockpiles are shown outside the limit of work.

January 2020 OCSWCD Comments

Adequate space for the construction of a new On-site Wastewater system needs to be taken into consideration. The records from this office indicate that the current residence at 5737 B Seneca point Road consist of two separate systems. One system predating 1967 that serves 3 bedrooms and another system serving 2 bedrooms designed and installed in 1967; no inspections or improvements of these systems have been completed since 1967. The new system must conform to new construction standards from appendix 75-A and section 120-7 of South Bristol’s On-site Individual Wastewater Treatment System Law.

70 - 2020	Town of Manchester Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Abbott, Luke	
Property Owner:	Abbott, Marylou	
Representative:	Marks Engineering	
Tax Map No(s):	32.00-1-2.111	
Brief Description:	Site plan, subdivision and use variance for 1,800 SF power wash with access off Kyte Road at the corner of SR 96 in the Town of Manchester. https://www.co.ontario.ny.us/DocumentCenter/View/23858/70-2020-Site-Plan https://www.co.ontario.ny.us/DocumentCenter/View/23857/70-2020-Plat-Map	

The parent lot is 4.9 acres with 1,000 LF of frontage on SR 96 and 350 LF of frontage on Kyte Road. The property is zoned A-1. The subdivision would create a 1 acre parcel with proposed access to the power wash use off Kyte Road. The overhead doors face Kyte Road and there is proposed landscaping to partially screen the building from SR 96.

The site plan does not show any provisions for managing stormwater flows from addition of impervious surfaces to the site. It appears, based on the site contours, the site will continue to drain toward the SR 96 frontage.

According to OnCor, the entire lot has gentle slopes and is not subject to floodplain, wetland or agricultural district development constraints.

NYS DOT Comment There should be no net in water flow to the NYS ROW. Please provide a drainage report and design plans to manage increased stormwater from site development activities.

CPB Comments

1. The local board should require a minimum 2 year guarantee on all necessary landscaping.
2. What business signage is proposed and where will it be located?

Board Motion: A motion to change 70-2020 to a class 2.
Motion made by: Mike Woodruff **Seconded by:** Sue Boardman
Vote: 14 in favor, 0 opposed, 0 abstentions **Motion carried.**

Board Motion: A motion to return 70-2020 to the local board with a recommendation of approval with the following modification:
Modification: The referring board should require the applicant to provide a drainage report/drainage plan sufficient to satisfy NYS DOT of no net increase in stormwater flow to the SR 96 drainage system.
Motion made by: Mike Woodruff **Seconded by:** Paul Passavant.
Vote: 14 in favor, 0 opposed, 0 abstentions **Motion carried.**

70.1 - 2020	Town of Manchester Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Abbott, Luke	
Property Owner:	Abbott, Marylou	
Representative:	Marks Engineering	
Tax Map No(s):	32.00-1-2.111	
Brief Description:	Site plan, subdivision and use variance for 1,800 SF power wash with access off Kyte Road at the corner of SR 96 in the Town of Manchester.	

See information at 70-2020.

Board Motion: A motion to retain 70.1-2020 as a class 1 and return it to the local board.
Motion made by: Steve Groet **Seconded by:** Mike Woodruff
Vote: 14 in favor, 0 opposed, 0 abstentions **Motion carried.**

70.2 - 2020	Town of Manchester Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Abbott, Luke	
Property Owner:	Abbott, Marylou	
Representative:	Marks Engineering	
Tax Map No(s):	32.00-1-2.111	
Brief Description:	Site plan, subdivision and use variance for 1,800 SF power wash with access off Kyte Road at the corner of SR 96 in the Town of Manchester.	

See information at 70-2020.

CPB Comments

1. The applicant has not documented meeting the use variance standards outlined in NYS statute.
2. The Manchester Town Board should revise its zoning code and use variance application materials to reflect the use variance standards in NYS law.

Board Motion: A motion to retain 70.2-2020 as a class 2 and return it to the local board with a recommendation of denial.

Motion made by: Mike Woodruff **Seconded by:** Sue Boardman

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

71 - 2020	Village of Clifton Springs Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Clifton Springs	
Brief Description:	Text amendment to the Village of Clifton Springs zoning code to amend Table 20-2 Sect 120-20.3 to delete two-family dwellings as allowed by special use permit in the R-2 district. The local law also provides for the expiration of the moratorium on change in use from single-family to two-family or multi-family. https://www.co.ontario.ny.us/DocumentCenter/View/23859/71-2020-72-2020-Clifton-Springs-Text-amendments	

No additional description or staff comment needed.

Board Motion: A motion to retain 71-2020 as a class 2 and return it to the local board with a recommendation of approval.

Motion made by: Mike Woodruff **Seconded by:** Patti Wirth

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

72 - 2020	Village of Clifton Springs Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Clifton Springs	
Brief Description:	Text amendment of the Village of Clifton Springs zoning code to replace the first paragraph of Sec. 120-51.6 Access Management with the following text "The purpose of this section is to assure proper and well-planned access roads and driveways that provide safe travelling conditions for both vehicles and pedestrians to surrounding neighborhoods. It is the intent of the Village of Clifton Springs to make sure that safe access can be provided while minimizing potential traffic and pedestrian conflicts." https://www.co.ontario.ny.us/DocumentCenter/View/23859/71-2020-72-2020-Clifton-Springs-Text-amendments	

No additional description or staff comment needed.

Board Motion: A motion to retain 72-2020 as a class 2 and return it to the local board with a recommendation to approve.

Motion made by: Mike Woodruff **Seconded by:** Tom Lyon

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

General Information

The Ontario County Planning Board (CPB) 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 recommendation for denial or approval without recommended modification).

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 denial 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 AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

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

Voting on Outstand April 2020 Referrals: see April voting record.

Discussion on Lessons of Covid-19 Pandemic and Preparing for Future Disruptions of Daily Routine

Building on previous discussions of the Ontario County/CPB role in preparing for the climate crisis and creating physical and social infrastructure to make Ontario County an age friendly community, CPB members shared their observations of the current situation.

- Key identified needs observed are need for information and need for food/meals.
- Questions about who is in charge of re-opening and mask distribution.
- Lack of communications infrastructure for residents to know what is happening. Many but not all cities and towns have moved to fill the information gap, mostly on-line with some FLTV presence, and mail outreach regarding on-line and phone resources.
- Social media and on-line are great for disseminating information but not available to all.
- No awareness of County on-line resources, “town hall” presentations, FLTV briefings or role in addressing need for food, masks, etc.
- Need for collaboration to match early/stored farm crops destined for closed restaurants with those in need of food.
- Would closing some streets to vehicles contribute to ease of pedestrian social distancing in some locations?

Clearing House Reviews –

1. NYSDEC \$5.8 million EPA grant for enforcement of SPEDES permits, watershed planning and implementation of tracking and reporting of best management practice data in accordance with the EPA Chesapeake Bay program requirements and NYS Watershed Implementation Plan.
2. NYSDEC \$1.7 million EPA grant for operation of NYS pesticide enforcement and pesticide applicator certification programs.

Report on Protection of Woodlots training – Bill Namestnik – tabled

Report from Water Resources Council – Len Wildman- no meeting in April.

Upcoming Training

Seneca Watershed Inter-municipal Organization/Finger Lakes Institute - Water Pollution Prevention in the Agricultural Landscape:

* **Thursday, May 21st, noon – 1 pm, New York State Agricultural Environmental Management Program and Right To Farm Law**

<http://events.constantcontact.com/register/event?llr=6tkitjfab&oeidk=a07eh28edkr6f8e87b9>

* **Thursday, May 28th, noon – 1 pm, Tile Drainage and BMP Integrations, and NYS Wine Sustainability Initiative** <http://events.constantcontact.com/register/event?llr=6tkitjfab&oeidk=a07eh2c5da6bf1e912d>

May 27, 2020 3-5 pm NYSDOS Comprehensive Planning

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

June 1, 2020 from 5:30 to 7:30 NYSDOS Illegal Use Variance or Spot Zoning <https://bit.ly/2ZdySnI>

June 10, 2020 3-5 pm NYSDOS Blight: Strategies and Tools for Local Governments

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

June 1, 1:00-2:00 p.m. – Utilizing the NYS Homeowner and Commercial Tax Credits in conjunction for mixed use projects (owner occupied multi-family or mixed-use buildings)

The League will be joined by guest speaker Mike Puma of Preservation Studios.

[Click here to register](#)

June 29, 1:00-2:00 p.m. – NYS Tax Credit Program for Income Producing Properties & Federal Investments Tax Credit Program for Income Producing Properties

ONTARIO COUNTY PLANNING DEPARTMENT • 20 ONTARIO ST. • CANANDAIGUA, NY 14424 • 585-396-4455 • WWW.CO.ONTARIO.NY.US

The League will be joined by guest speaker Jason Yots of Preservation Studios.

[Click here to register](#)

Tuesday evenings April 14 to May 19, 2020 Ontario County Citizens Academy – Cancelled

May 15, 2020 8:30-5 Genesee/Finger Lakes Regional Planning Conference Training, cancelled

- Other info to share
- Privilege of the Floor

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 5/13/20 County Planning Board meeting. ***A motion to adjourn was made by Glen Wilkes seconded by Len Wildman. Motion Carried.*** The 5/13/20 CPB meeting adjourned at 9:17 pm.