

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – June 9, 2020 at 3:30pm – Cancelled**
County Planning Board Meeting –June 10 at 7:00pm Virtual meeting click [Join Meeting](#) hyperlink below
 Telephone: 585-396-4455

When it's time, join your Webex meeting here.

Meeting number (access code): 129 967 8035
 Meeting password: 5JJpQfuWW53

[Join meeting](#)

Join by phone

Tap to call in from a mobile device (attendees only)
[+1-408-418-9388](#) United States Toll
[Global call-in numbers](#)

Join from a video system or application

Dial [1299678035@ontariocountyny.webex.com](tel:1299678035)
 You can also dial 173.243.2.68 and enter your meeting number.

Join using Microsoft Lync or Microsoft Skype for Business

Dial [1299678035.ontariocountyny@lync.webex.com](tel:1299678035)
 If you are a host, [click here](#) to view host information. Need help? Go to <http://help.webex.com>

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>

Attendance and Minutes.....2
Referral Reviews and Board Action.....3
General Procedures and Legal Obligations for Referring Agencies.....17

Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
73 - 2020	Town of South Bristol	Planning Board	Bell Atlantic DBA Verizon	Special Use Permit	Withdrawn	3
74 - 2020	Town of Victor	Planning Board	Crown Castle	Special Use Permit	1	3
75 - 2020	Town of Geneva	Planning Board	Edinger, Derek	Subdivision	1	4
75.1 - 2020	Town of Geneva	Planning Board	Edinger, Derek	Site Plan	1	4
76 - 2020	Town of Geneva	Town Board	Filer, Ted	Subdivision	2/A	4
76.1 - 2020	Town of Geneva	Town Board	Filer, Ted	Map Amendment	2/A	6
77 - 2020	Town of Geneva	Planning Board	Farrington, Patrick	Site Plan	1	6
78 - 2020	Town of Geneva	Zoning Board of Appeals	Somers, James	Area Variance	1	6
78.1 - 2020	Town of Geneva	Zoning Board of Appeals	Somers, James	Use Variance	2/D	7
79 - 2020	Town of Geneva	Zoning Board of Appeals	Brubaker, Kristen	Area Variance	1	7
80 - 2020	Town of Geneva	Planning Board	Wallace, Tracey	Subdivision	1	7
81 - 2020	Town of Phelps	Zoning Board of Appeals	Young, Jason	Area Variance	1	8
82 - 2020	Town of Canandaigua	Planning Board	Venevia Associates	Site Plan	Withdrawn	9
82.1 - 2020	Town of Canandaigua	Zoning Board of Appeals	Venevia Associates	Area Variance	Withdrawn	9
83 - 2020	Town of Canandaigua	Planning Board	Venezia Associates	Site Plan	Exempt	9
83.1 - 2020	Town of Canandaigua	Zoning Board of Appeals	Venezia Associates	Area Variance	AR 1	9
84 - 2020	Town of Victor	Planning Board	Pearson, Benjamin	Site Plan	1	10

85 - 2020	Village of Victor	Planning Board	Sweet, Robert	Site Plan	1	10
86 - 2020	Town of East Bloomfield	Planning Board	Graham, Aaron	Technical Review	n/a	11
87 - 2020	Town of Farmington	Planning Board	Aldrich, Dianne	Subdivision	AR 1	11
88 - 2020	Village of Manchester	Planning Board	Sramonine, Jeremie	Site Plan	1	12
89 - 2020	Town of Farmington	Town Board	Town of Farmington	Other	1	13
90 - 2020	Town of Gorham	Zoning Board of Appeals	Kzapt, Richard	Area Variance	AR 2	13
91 - 2020	Town of Victor	Zoning Board of Appeals	BME Associates	Area Variance	AR-1	14
92 - 2020	Town of Seneca	Planning Board	Martin, Abram	Site Plan	1	14
93 - 2020	Town of Livonia	Town Board	Town of Livonia	Map Amendment	Late Referral 2/A	15
94 - 2020	Town of Livonia	Town Board	Town of Livonia	Text Amendment	Late Referral 2/A	16
95 - 2020	Town of Livonia	Town Board	Town of Livonia	Moratorium	Late Referral 2/A	16

Guests: Rob Sweet – McBride Dale Clarion, Scott Gross-Speedway, Aaron Graham Cannan Road Stables

Staff: Linda Phillips –OCPD, Erin Holley, OCPD

Call To Order/Roll Call: Chair Len Wildman called the 6/10/20 CPB meeting to order at 7:12, and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were eleven (11) members present, meeting the quorum requirement. Alternative member Matt Sousa also present. CPB member David Wink connected at 7:17 and members Jack Dailey and Sandy Riker connected at 7:24 and 7:26 respectively.

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 (late)		
Canadice	Stephen Groet PB	P		
Canandaigua	David Wink	P(late)		
East Bloomfield	Mike Woodruff PB		A	
Farmington	Patti Wirth	P		
Geneva	Steven High	P		
Gorham	Jack Dailey	P(late)		
Hopewell	Bill Namestnik	P		
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	P		
West Bloomfield	Sue Boardman ZBA		A	
Matt Sousa	Alternate Member	P		

Approval of May 13, 2020 CPB minutes and April decision record was postponed to allow time for members to review.

73 - 2020	Town of South Bristol Planning Board	Class: Withdrawn
Referral Type:	Special Use Permit	
Applicant:	Bell Atlantic DBA Verizon	
Property Owner:	Berisha, Richard	
Tax Map No(s):	15.00-1-44.200	
Brief Description:	Special use permit for antenna and related equipment installed on a 38.5' replacement utility pole on property located in or near the ROW of 946 High Street in the Town of Victor.	

74 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Crown Castle	
Tax Map No(s):	16.00-1-42.211	
Brief Description:	Special use permit to add 3 antennas, replace 12 remote radio heads with 9 remote radio heads, and replace ancillary equipment on an existing cell tower at 914 Brownville Road in the Town of Victor.	

There is no ground level changes proposed and no site plan is required.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

75 - 2020	Town of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Edinger, Derek	
Tax Map No(s):	119.00-1-41.211	
Brief Description:	Subdivision and site plan to create a 3.9 acre lot for the existing residence and 3.6 acre lot with existing barn for development as a craft brewery with a 12,374 SF second story event space, new driveway and parking area, and new 6,000 SF pole barn for equipment and inventory storage at 566 Snell Road in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/24228/75-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/24229/75-2020-site-plan https://www.co.ontario.ny.us/DocumentCenter/View/24230/75-2020	

The site plan indicates demolition of an existing shed and silo on the property and expansion of the existing driveway as a service access for the brewery/event center. The site plan also indicates a new 24' access connection from Snell Road to the brewery/event center site approximately 125' south of the existing driveway near the property boundary. The access connects to a 58 space gravel parking area and additional lawn overflow parking. The referred materials do not include any drainage report or stormwater management infrastructure for additional stormwater from the 6,000 SF proposed storage building, expanded service drive or parking area. The narrative indicates existing drainage flows east to Snell Road will be maintained. The brewery/event center is proposed with connections to the Town water and sewer facilities. The site plan also indicates a monument sign at the new entrance.

Based on review of the Town of Geneva Zoning Code definitions and Agricultural district allowable uses, the Code does not currently allow the proposed brewery/event space in the Agricultural district. The town Code includes three relevant definitions:

Agricultural Commerce use an a retail or wholesale enterprise operated as an accessory use to an active farm on the same premises, providing products or services principally utilized in agricultural production ... and including breweries, cideries, distilleries, wineries, and juice production not otherwise specifically defined as a farm operation.

Agricultural Tourism agricultural related enterprise accessory to an active farm operation which brings together tourism and agricultural for the education and enjoyment of the public and which may include hay rides, corn mazes, petting zoos (farm animals only), farm tours, and agricultural themed festivals or other public or private events.

Food service – an enterprise providing prepared meals, drinks, and other food stuff for on or off premises consumption and including restaurants, bars, taverns, nightclubs, banquet halls, and catering services, and also including bakeries, craft wineries, craft breweries, craft distilleries, and other specialty food or drink producers that provide for on-premises retail sales.

The project site is zoned Agricultural. Agricultural Commerce is an allowed use in the Agricultural district, Food Service is not an allowed use in the Agricultural district; Food Service is allowed in the Town Center Mixed Use and the Town Center Arterial districts. The Lake View Overlay district allows event facilities for private gatherings. The property is not in the Lake View Overlay district.

The application indicates and staff have confirmed the location was designated rural residential on the future land use map in the Comprehensive Plan. The comprehensive update of the Town zoning code and map retained agricultural zoning for this segment of Snell Road. Rezoning the property to R-2 Rural Residential would not allow development as proposed.

Preliminary review by the local CEO indicates a 2nd story event center will not meet code and this project element is no longer included.

Comments

1. The Town of Geneva should exercise caution regarding approval of commercial uses in the Agricultural zoning district, especially those not associated with any nearby agricultural operation. If the Town of Geneva would like to allow such a use it is recommended that it be added as requiring a special use permit and that relevant conditions include reuse of existing agricultural buildings. Town Code provides that any special use permit not exercised within one year of approval is automatically revoked.
2. The existing driveway will be located on the brewery/event center parcel. Formal easements should be filed regarding continued access to the proposed house lot and in accordance with the driveway agreement providing access to a residence to the northwest of the property from this driveway.
3. What is the maximum guest occupancy for the 12,400 SF event space? Are 58 gravel parking spaces and approximately 16 lawn overflow parking spaces sufficient for the number of guests anticipated?

CBP Comment Project demolition debris should be recycled if opportunities exist or disposed of in a permitted facility.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.
Motion made by: Carol Obrien **Seconded by:** Steve High
Vote: 14 in favor, 0 opposed, 0 abstentions Motion carried.

75.1 - 2020	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Edinger, Derek	
Tax Map No(s):	119.00-1-41.211	
Brief Description:	Subdivision and site plan to create a 3.9 acre lot for the existing residence and 3.6 acre lot with existing barn for development as a craft brewery with a 12,374 SF second story event space, new driv eway and parking area, and new pole barn for equipment and inventory storage at 566 Snell Road in the Town of Geneva.	

See information at 75-2020.

76 - 2020	Town of Geneva Town Board	Class: 2
Referral Type:	Subdivision	
Applicant:	Filer, Ted	
Property Owner:	Gershman Propertieis LLC	
Tax Map No(s):	103.00-3-45.200	
Brief Description:	Subdivision and PUD to create a 4.41 acre lot for 69,000 SF self -storage facility with 10% green space in former BJ building and a 3.53 acre lot for a new 14,000 SF mixed use building with two 4,000 SF restaurant s with drive thru and a 6,000 SF retail space with 44% greenspace. https://www.co.ontario.ny.us/DocumentCenter/View/24231/76-2020-Site-Plan	

This redevelopment of the former BJs building and parking area would result in increasing open space by .59 acres to 24.5 percent overall on the 7.9 acre site. Parking will be added where the fueling facility was demolished and greenspace will replace parking along the south and west perimeter of the site and around the drive thru loop at the north end of the new building. The application indicates any new lighting would be no higher than existing lighting.

The Development Plan for the rezoning indicates 147 parking spaces are required and 199 are proposed. The Plan shows approximately 80 parking spaces on Lot 1 and 117 spaces on Lot 2. Based on review of the Town Code, required parking spaces by use are as follows:

8,000 SF restaurant use at 15 space/1,000 SF	120 spaces	Lot 2
6,000 SF retail use at 1 space/400 SF	15 spaces	Lot 2
69,000 SF self storage use at 1 space/6,000 SF	12 spaces	Lot 1

The proposed subdivision allocates the majority of the open space to Lot 2, the new development site, and less parking than proposed uses would require. The proposed site plan indicates after subdivision open space on each lot will be as follows: 9.6 % of Lot 1 and 44 % of Lot 2.

The property is also proposed for rezoning from Town Center Arterial to PUD. PUD regulations require areas proposed for rezoning be at least 5 acres and that proposed development retain 35 % open space. As outlined in the definition of open space in 165-3, such open space may protect and preserve floodplains, wetlands, slopes of 25% +, natural drainage ways; architectural and cultural resources; matures woodlands, geologic features, meadows; upland buffer and/or provide for landscaped common areas and traffic islands. There is a drainage ditch in the open space on the north side of Lot 2.

The PUD regulations require applicant to provide area, setback, building density, and height limits; statement of purpose; building and architectural characteristics; evaluate external traffic impacts on adjacent properties and impact of project on local taxation; and provide plans for conceptual stormwater management. The regulations also indicate proposed development shall not impose an unreasonable burden upon essential public facilities including drainage structures. Where such facility is not adequate to service the PUD, the applicant is responsible to establish its ability, willingness, and binding commitment to satisfy the Town Board and Planning Board of its plan to remedy and to file needed easements.

The process for designation as a PUD includes Town Board review in consultation with the Planning Board. The Town Board is required to act within 120 days, to notify OCPD of decision, and to send the final Development Plan to the Planning Board. As part of its site plan approval, the Planning Board may allow minor adjustments to the Development Plan such as boundary of open space or yard area. Final Development Plan approval lapses in 1 year if not extended, although the rezoning stands.

Comments

1. In reviewing this requested rezoning, Development Plan, and subdivision the Town Board should consider an appropriate location for a through road connection from Berryfields Road through this parcel and/or 103.00-3-49.100 to the south and east and continuing through the Town Center Mixed Use district to SR 14A.
2. The Town Board should balance the likely need for proposed parking and the impact of the extra impervious areas and consider whether any areas should be converted to green space and shown on the Development Plan as land banked parking. In any case, the parking should meet the standards of 1 canopy tree for every 5 parking spaces and related spacing requirements.
3. Is the eastern most access point intended for trash pickup and delivery vehicles only? If not, service areas should be appropriately screened from customers using the driveway. In any case the service areas should be appropriately screened from the adjacent property.
4. The Town Board should consider the appropriate orientation of the proposed building: facing the storage building as proposed, facing NYS 5/US 20, or facing Berryfields Road and appropriate screen of dumpster and loading areas.
5. The Town Board should consider whether any building mass and articulation standards should be included to ensure appropriate facade elements are included on each building side given building orientation to roads, driveways and other uses.
6. What is the height of the existing lighting? Is this height suitable for the desired character of the proposed redevelopment?
7. What are the setbacks associated with the proposed Development Plan? Are they appropriate?

8. The application letter indicates the overall percent open space in the area rezoned to PUD would be 24.5 % open space, however, the PUD Development Plan indicates both Lot 1 and the overall site would have 9.6 percent open space. In any case, the PUD as proposed would require an Area Variance from the 35% open space requirement.
9. The Town Board may want to consider amending its PUD regulations to make PUD rezoning revert to previous zoning if Development Plan lapses or rezoning reverts at a longer interval.

CPB Comments

1. The referring body should consider recommending orientation of the proposed building with the front of the building facing SR 5/US 20 to protect the visual character of SR 5/US 20 and eliminate the need for signage on front and back of the building.
2. What will happen to the existing off-site BJs sign? It would be desirable to replace the existing oversize sign with a monument or directory sign.

Board Motion: A motion to retain referral 76-2020 and 76.1-2020 as class 2s and return them to the local board with comments and a recommendation of approval.

Motion made by: Steve Groet **Seconded by:** Paul Passavant

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

76.1 - 2020	Town of Geneva Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Filer, Ted	
Property Owner:	Gershman Propertieis LLC	
Tax Map No(s):	103.00-3-45.200	
Brief Description:	Subdivision and PUD to create a 4.41 acre lot for 69,000 SF self -storage facility with 10% green space in former BJ building and a 3.53 acre lot for a new 14,000 SF mixed use building with two 4,000 SF restaurant s with drive thru and a 6,000 SF retail space with 44% greenspace.	

See information and decision at 76-2020.

77 - 2020	Town of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Farrington, Patrick	
Property Owner:	Vance Metals	
Tax Map No(s):	90.12-1-1.110	
Brief Description:	Site plan for 4 -6,000 SF expansion at Vance Metals 251 Gambee Road in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/24248/77-2020	

The addition would be located on the south end of the western portion of the large building facing SR 14.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

78 - 2020	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Somers, James	
Tax Map No(s):	133.12-1-10.000	
Brief Description:	Area and use variance for 24'x'30' storage building at 4217 Glass Factory Bay Road in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/24232/78-2020-4217-Glass-Factory-Bay-Aerial	

See information at 78.1-2020.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

78.1 - 2020	Town of Geneva Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Somers, James	
Tax Map No(s):	133.12-1-10.000	
Brief Description:	Area and use variance for 24'x'30' storage building at 4217 Glass Factory Bay Road in the Town of Geneva.	

The materials submitted do not include dollars and cents documentation for why the use variance is warranted to allow a garage on a property without a principal building. Contrary to the applicant's statement, there appears to be sufficient accessible space on the lot for an attached garage, though it would still require an area variance for location in the front yard.

Board Motion: A motion to retain referral 78.1 as Class 2 and return it to the local board with recommendation of denial.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

79 - 2020	Town of Geneva Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Brubaker, Kristen	
Tax Map No(s):	147.00-1-7.121	
Brief Description:	Area variance for accessory building in front of proposed house site on 10 acre lot on Armstrong Road in the Town of Geneva.	

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

80 - 2020	Town of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Wallace, Tracey	
Tax Map No(s):	90.00-1-73.000 90.00-1-74.000	
Brief Description:	Subdivision to create 29 single family home lots and 1 lot for five 10-unit multi-family buildings at 212 Carter Street north of Rosewood Drive in the Town of Geneva. https://www.co.ontario.ny.us/DocumentCenter/View/24233/80-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/24234/80-2020	

The development site includes two parcels: a 32.7 acre rural residential parcel with access off Rosewood Drive and an 18.7 acre parcel with access off Rosewood Drive and Carter Street. The larger parcel also borders the Boys & Girls Club property and a 1.5 mile ROW owned by and connected to the Cornell Agricultural Station lands east and west of CR 6. The large parcel is developed with a single family home built in 2015 that appears to have access off Carter Street that is shared by the solar panel project on the smaller parcel.

The smaller parcel, excluding access points, and the northern portion of the larger parcel are zoned R-5 High Density Residential which allows single family, two-family, and townhouse uses at a maximum density of 12 units/acre and maximum building, parking, and road coverage of 70 percent. The remaining lands are zoned R-1 Suburban Residential which allows single family, two-family, and townhouse uses at a maximum density of 4 units/acres and public utility uses. There are also a variety of community uses allowed by special use permit in both districts. Phase I consists of 50 rental townhouses and 23 of the single family home proposed in the area zoned R-5. These SF lots are mostly 3,600 SF. Phase II includes 6 single family homes on larger lots than in Phase I and in the area zoned R-1.

The existing home is proposed for use as a community building and the existing .23 acre pond will remain. The existing driveway is proposed for redevelopment as a town road with 3' paved shoulders along both sides and a concrete sidewalk along the south side,

and providing access to parking for a community building and one of the MF buildings. The remaining uses are sited along a proposed private loop off this road. The loop road has paved shoulders and sidewalk along some segments and concrete gutters in other areas.

The site plan also shows development of a pool, 2nd community building, 2 greenhouses, 8 stormwater management areas, 2 storage unit buildings presumably for townhouse residents, and areas for the central solar battery bank and vegetable gardens. Application materials also indicate 100 parking spaces and lighting along the central pedestrian path. No mention is made of parking lot lighting. The buildings and parking cover approximately 5.5 acres of the combined 51.4 acres replacing most of 8.1 acres of forest with development and 2.9 acres of lawn.

The landscaping plan indicates 1 tree/8 spaces in the townhouse parking areas and one tree on each SF lots. There are no trees indicated along the public road or along portions of the loop road fronting townhouses or the existing pond. No foundation landscaping is shown around MF or community buildings. The properties are not served by public water or sewer although adjacent properties are and district extensions are proposed.

According to OnCor the properties are not in the agricultural districts, though 92 % are prime soils, and not subject to wetland, floodplain, or steep slope development constraints. The EAF, though not OnCor, indicate the properties are located over a principal aquifer.

Comments

1. The applicant should be required to show the full allowable development potential of the property and potential road and trail linkages to adjacent sites.
2. Consider requiring at stub at the end of the proposed public road to serve potential future development.
3. Given the number of units proposed, a second access point will be necessary.

OCSWCD Comments Need a SWPPP and drainage calculations to comment on site plan.

CPB Comments

1. The referring body should apply the Town’s construction and design standards to infrastructure in this subdivision.
2. If significant changes are made in this subdivision plan, such as inclusion of conceptual full development potential, the referring body may re-refer to CPB for comments.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.
Motion made by: Carol O'Brien **Seconded by:** Steve High
Vote: 14 in favor, 0 opposed, 0 abstentions Motion carried.

81 - 2020	Town of Phelps Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Young, Jason	
Tax Map No(s):	24.00-1-1.12	
Brief Description:	Area variance for 13.1' side setback when 20' is required for addition to north side of home at 503 Marbletown Road in the Town of Phelps. Adjacent property to the north is in the Town of Arcadia and under same ownership. https://www.co.ontario.ny.us/DocumentCenter/View/24235/81-2020-AV20-03-county	

The proposed 600 SF addition is to the northwest corner of the house built in 1900. The area variance is for a 13’ side setback when 20’ required. The lot is 1.3 acres. The applicant also owns the adjacent 5.4 acre vacant lot which is in Wayne County.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.
Motion made by: Carol O'Brien **Seconded by:** Steve High
Vote: 14 in favor, 0 opposed, 0 abstentions Motion carried.

82 - 2020	Town of Canandaigua Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	Venevia Associates	
Property Owner:	Keiran, Susan	
Tax Map No(s):	140.11-1-14.000	
Brief Description:	Site plan and area variances for proposed house and garage with 3,590 footprint at 4691 Menteth Drive in the Town of Canandaigua. The project requires 3 variances for a 15.75' front setback when 60' is required, a 33.43' rear/lake setback when 60' is required, and 17.8 percent building coverage when 15 percent is allowed.	

82.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: Withdrawn
Referral Type:	Area Variance	
Applicant:	Venevia Associates	
Property Owner:	Keiran, Susan	
Tax Map No(s):	140.11-1-14.000	
Brief Description:	Site plan and area variances for proposed house and garage with 3,590 footprint at 4691 Menteth Drive in the Town of Canandaigua. The project requires 3 variances for a 15.75' front setback when 60' is required, a 33.43' rear/lake setback when 60' is required, and 17.8 percent building coverage when 15 percent is allowed.	

83 - 2020	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Venezia Associates	
Property Owner:	Taylor, Robert & Susan	
Tax Map No(s):	98.19-1-3.000	
Brief Description:	Site plan and area variance for attached garage addition at 3564 Otetiana Point in the Town of Canandaigua. Project requires an area variance for 27.4' front setback when 60' setback from private ROW is required.	

83.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Venezia Associates	
Property Owner:	Taylor, Robert & Susan	
Tax Map No(s):	98.19-1-3.000	
Brief Description:	Site plan and area variance for attached garage addition at 3564 Otetiana Point in the Town of Canandaigua. Project requires an area variance for 27.4' front setback when 60' setback from private ROW is required.	

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.

Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. 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.

OCDPW Comment The proposed garage placement may conflict with the location of the sewer lateral serving the property.

84 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Pearson, Benjamin	
Property Owner:	Fulcrom Holdings, LLC	
Tax Map No(s):	14.02-1-1.211	
Brief Description:	Site plan for 960 SF accessory storage building at 788 Dutch Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/24236/84-2020-site-plan	

The proposed building, like a similar building built in 2018, will include a raised bed and oversize gutters to reduce stormwater impact of increased sheet flow to adjacent drainage ditch.

Comment Are building stormwater management features sufficient to minimize quantity and quality impact of increased run off from proposed building and asphalt areas on the adjacent drainage ditch?

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

85 - 2020	Village of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sweet, Robert	
Property Owner:	Gross, Scott	
Tax Map No(s):	16.17-2-49.100	
Brief Description:	Replacement of underground fuel storage tanks at Speedway, 239 West Main Street in the Village of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/24237/85-2020-Page2 https://www.co.ontario.ny.us/DocumentCenter/View/24238/85-2020-VAMP-excerpt	

No modification of existing access, building, or parking are anticipated. The fuel canopy must be demolished to remove underground storage tanks and will be replaced with same materials and footprint. The underground storage tanks and concrete pad above the tanks will be relocated to the grass area to the west of the canopy.

According to OnCor there are areas of 16-30 percent slope along the western portion of the developed lot adjacent to the RR ROW.

Comments

1. What is the height of the replacement canopy? Is it higher than existing canopy height?

2. Canopy lighting should be recessed.
3. What existing grass areas will remain? How large is the new concrete area above new tanks in the existing grass areas? What changes in stormwater will result from changes in area of impervious surface?
4. The Victor Access Management Plan identifies desirability of onsite pedestrian connection from SR 96 to the RR ROW/conceptual future road. The site plan should include such a connection, perhaps along the western most property line.
5. What is the size of the existing tanks?
6. Will there be sufficient separation between entering vehicles and vehicles using the air machine? Will a portion of the existing line of wheel stops be retained?
7. The Victor Access Management Plan identifies a future vehicle access connection from the RR ROW/Conceptual future road to be shared with the property to the east. The applicant may want to ensure the site can accommodate this future access point.

CPB Comment The applicant should meet all local and state requirements related to tank and soil removal and disposal.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

86 - 2020	Town of East Bloomfield Planning Board	Class: n/a
Referral Type:	Technical Review	
Applicant:	Graham, Aaron	
Property Owner:	Iam Ackroyd-Kelly, Ashley Bradford &	
Tax Map No(s):	79.00-3-14.120	
Brief Description:	Technical review of exempt special use permit renewal based on change in ownership of a horse boarding and training facility at 2856 Canan Road in the Town of East Bloomfield. https://www.co.ontario.ny.us/DocumentCenter/View/24239/86-2020-aerial	

The existing access drive and building are in the northeast corner of the lot. According to OnCor there is a stream that crosses Canan Road at the southern third of the property frontage and a small area of a larger floodplain along the southern boundary. There is a second stream corridor with associated 16 to 30 percent slopes at the western end of the property. Both streams are class C. The property and all adjacent properties are in the agricultural district.

Comment Any trail riding should minimize stream crossings to protect water quality. Any manure spreading should be done in accordance with agricultural best management practices regarding appropriate vegetative buffers and distance from stream banks.

87 - 2020	Town of Farmington Planning Board	Class: AR 1
Referral Type:	Subdivision	
Applicant:	Aldrich, Dianne	
Tax Map No(s):	31.00-1-6.210	
Brief Description:	Subdivision into 2 lots of a 10 acre lot at 4811 Herendeen Road east for CR 28 in the Town of Farmington.	

The parent parcel has 411' of road frontage and a driveway providing access to a home. Lot 1 will be 1.87 acres with 193' of frontage and the existing house. Lot 2 will be 8.1 acres, mostly wetlands some wooded, and have 219' of road frontage.

The A-80 district allows lots with conventional septic systems to be developed with 150' of road frontage. It is unclear whether either the existing home or proposed lot meets this standard. Lots not suitable for a conventional septic system require 300' of frontage.

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters

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 of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. 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.
8. It is the position of this Board that properly designed residential subdivision under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Comments

1. The referring agency and applicant are encouraged to find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. The applicant and referring agency should ensure that the sight distances for any future driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The referring agency is encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. 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.
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 implementation of storm water and erosion control measures.
6. The referring board should clarify the proposed lots meet lot frontage requirements.

88 - 2020	Village of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Sramonine, Jeremie	
Property Owner:	Aldrick, George	
Tax Map No(s):	32.13-2-39	
Brief Description:	Site plan for 448 SF metal additon to Reinvention Brewing building at 9 N. Main Street (SR 21) in the Village of Manchester. Project also requires lot line adjustment. https://www.co.ontario.ny.us/DocumentCenter/View/24240/88-2020-site-plan	

The proposed addition will house office, storage, and cooler. A portion of the addition extends onto adjacent lot 32.11-2-40.1.

Comment The referring body should ensure the applicant completes a lot line adjustment before approving the addition.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

89 - 2020	Town of Farmington Town Board	Class: 1
Referral Type:	Townwide Stormwater Management Plan	
Applicant:	Town of Farmington	
Brief Description:	Stormwater Management Plan for the Town of Farmington. https://www.co.ontario.ny.us/DocumentCenter/View/24241/89-2020-Farmington---DRAFT-SWMP-Plan-2019---Full-Report	

The proposed Town of Farmington Stormwater Management Plan is intended to reduce discharge of pollution and identified minimum control measures related to public education, illicit discharge detection and elimination, construction site run-off control, post construction stormwater management, and pollution prevention. The Plan catalogs the 31 private stormwater management facilities developed since 2013 and the 12 town owned facilities.

Of note to other communities is the town's ultimate responsibility for proper operation and maintenance off all town owned and private stormwater management facilities, its commitment to inspect all facilities annually, and efforts to secure formal stormwater management agreements and access easements to ensure proper operation and maintenance.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol O'Brien **Seconded by:** Steve High

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

90 - 2020	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Kzapt, Richard	
Property Owner:	Gilenz, Susan	
Tax Map No(s):	113.07-1-43.000	
Brief Description:	Area variance for proposed 264 SF garage expansion on rear/east side of existing garage at 3696 Nibawaauka Beach in the Town of Gorham. The garage is across the road from the house on this lakefront lot. The shed would increase lot coverage from 32 percent to 34 percent when 30 percent is allowed	

The minimum side setback of the existing garage is 8.7'. The side setback of the addition would range from 11.5 to 12.75' when 15' is required.

**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

Comments

1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. 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.

91 - 2020	Town of Victor Zoning Board of Appeals	Class: AR-1
Referral Type:	Area Variance	
Applicant:	BME Associates	
Property Owner:	MCA Group	
Tax Map No(s):	15.0-1-71.000	
Brief Description:	Area variance for 13.2 SF medical office sign at SR 96 and Omnitech Place. Variances are required to allow off-premises sign on land owned by Thurway Authority, to allow sign within the SR 96 ROW, and to allow sign within 35 ' of the pavement of Omnitech Place.	

The proposed 6' high, 5' wide monument sign is for a 22,000 SF orthopedic office building at 7670 Omnitech Place. The proposed sign and location received NYSTA and NYSDOT permits. The area variance for the setback from Omnitech Place is due to lot configuration and topography. If the sign were setback 35' from the ROW, the sign would be below the grade of the roadway. Such a location does not provide desired separation from sign on adjacent Wilkens RV property nor good visibility. Any sign maintenance would require a NYSDOT work permit

Policy AR-7B: Signage complying with local limits on size and number

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

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

92 - 2020	Town of Seneca Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Martin, Abram	
Tax Map No(s):	103.00-1-62.100	
Brief Description:	Site plan and special use permit for Sweetwater Propane installation of bulk propane plant at 1116 SR 5/US 20 in the Town of Seneca. Project includes a 60,000 gallon, 250 psi ASME LP Bulk Storage Tank and related equipment including fencing, lighting, and security features such as crash protection around the tank. https://www.co.ontario.ny.us/DocumentCenter/View/24242/92-2020-Aerial https://www.co.ontario.ny.us/DocumentCenter/View/24243/92-2020-more-Site-Plan---Sweetwater-Propane	

The proposed propane facility will be in a 100'x122' fenced area behind the applicant's existing overhead door business and will include the 60,000 storage tank as well as a 12'x24' office and a 32'x60' truck garage. There is a proposed infiltration basis to the

north east of the proposed development. There is a combination swing and slide gate for gas delivery vehicle and 2 additional 4' egress gates.

Referred materials include a fire safety assessment with record of compliance with separation, water availability and firefighting capabilities of Seneca Castle Fire District provided by Fire Chief. Public water is available along this stretch of SR 5/US 20 with hydrants at the overhead door company, 84 Lumber to the east of the site, and the car dealership across the street.

Comments

1. The site plan does not indicate the route LP Gas transport vehicles will take to the facility or the surface of this driveway.
2. The site plan does not include details on lighting described in Fire Safety Assessment. Any lighting should include full cut off fixtures to minimize light pollution.
3. The Site Plan indicates a 15' required setback on the adjoining property to the north. Does existing zoning require a 15' side and rear setback for principle and accessory uses?
4. Is vehicle impact protection needed around the tank?

NYSDOT Comment Existing gravel driveway needs to conform to current standards on width, and driveway surface. Any utilities needed that are in the ROW will need to have permits from applicable utility provider.

Board Motion: A motion to retain referrals 74-2020, 75-2020, 75.1-2020, 77-2020, 78-2020, 79-2020, 80-2020, 81-2020, 84-2020, 85-2020, 88-2020, 89-2020, 91-2020, and 92-2020 as Class 1s and return them to the local board with comments.

Motion made by: Carol Obrien **Seconded by:** Steve High

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

93 - 2020	Town of Livonia Town Board	Late Referral Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Livonia	
Tax Map No(s):	65-1-101	
Brief Description:	Map amendment to rezone an 18.5 acre portion of the property with tax ID # of 65-1-101 on the east side of West Lake Road (SR 256) in the Town of Livonia from Agricultural Residential Conservation ARC-3 to Gateway Commercial. https://www.co.ontario.ny.us/DocumentCenter/View/24265/93-2020	

The remaining 12 acres of land in tax parcel 65-1-101 shall remain zoned Agricultural Residential Conservation-3 to serve as a buffer between the rezoned lands and the residential areas to the east and along Pebble Beach Road.

Comment – The referring body may want to require the applicant to subdivide the property to avoid creating a lot with lands in more than one zoning district.

Board Motion: A Motion to accept referral 93-2020, 94-2020 and 95-2020 as late referrals.

Motion made by Marty Avila **Seconded by** Patti Wirth

Vote: 14 in favor, 0 opposed, 0 abstentions **Motion Carried**

Board Motion: A motion to retain referrals 93-2020, 94-2020 and 95-2020 as Class 2s and return them to the local board with comments and a recommendation of approval.

Motion made by: Steve Groet **Seconded by:** Tom Lyon

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

94 - 2020	Town of Livonia Town Board	Late Referral Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Livonia	
Brief Description:	Text amendment to the regulations of the Gateway Commercial District in the Town of Livonia to allow agricultural and farming related to the production of wine, craft beer, cider, and liquor as accessory uses, to add event center with accessory housing to the list of conditional uses, and to add a definition of event center. https://www.co.ontario.ny.us/DocumentCenter/View/24266/94-2020-LL4-2020-Allow-Event-Center-in-GC	

In addition to allowing agricultural and farming as accessory uses, the definition of event center includes the following accessory uses: food preparation facilities, concessions, offices, museums, wineries, craft-style breweries for beer, cider or liquor, stores, restaurants and on-site short-term temporary accommodations

Comment: The referring body may want to amend the list of accessory uses allowed in the Gateway Commercial district rather than list allowable accessory uses in the definition of event center.

Board Motion: A Motion to accept referral 93-2020, 94-2020 and 95-2020 as late referrals.

Motion made by Marty Avila **Seconded by** Patti Wirth

Vote: 14 in favor, 0 opposed, 0 abstentions Motion Carried

Board Motion: A motion to retain referrals 93-2020, 94-2020 and 95-2020 as Class 2s and return them to the local board with comments and a recommendation of approval.

Motion made by: Steve Groet **Seconded by:** Tom Lyon

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

95 - 2020	Town of Livonia Town Board	Late Referral Class: 2
Referral Type:	Moratorium	
Applicant:	Town of Livonia	
Brief Description:	Local law to extend for 6 months the moratorium on large scale solar energy facilities approved in May 2019 to allow the Livonia Town Board time to complete regulations that will protect their agricultural heritage. https://www.co.ontario.ny.us/DocumentCenter/View/24267/95-2020-Moratorium-Extension-for-Solar-52020	

In May of 2019 the Town of Livonia adopted a 6 month moratorium on applications for large scale solar energy systems. While Livonia has reviewed model regulations from NYSERDA and NYSDAM and adopted regulations from other communities and begun drafting revised regulations, the onset of gathering restrictions due to Covid-19 delayed progress on completing the regulations. The Town Board needs more time to develop regulations that protect the agricultural heritage and planning goals of the community. This local law extends the moratorium for another 6 months.

Board Motion: A Motion to accept referral 93-2020, 94-2020 and 95-2020 as late referrals.

Motion made by Marty Avila **Seconded by** Patti Wirth

Vote: 13 in favor, 0 opposed, 0 abstentions Motion Carried

Board Motion: A motion to retain referrals 93-2020, 94-2020 and 95-2020 as Class 2s and return them to the local board with comments and a recommendation of approval.

Motion made by: Steve Groet **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 1

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)

Two upcoming webinars in the Water Pollution Prevention series

- **Thursday, June 18:** noon – 1 pm, Lake Friendly Living Program and Road Ditch Stabilization BMPs
<http://events.r20.constantcontact.com/register/event?oeidk=a07eh2c6sec6015a674&llr=6tkitjfab>
- **Thursday, June 25:** noon – 1 pm, Green Infrastructure Projects and Storm Drain Marking Program
<http://events.r20.constantcontact.com/register/event?oeidk=a07eh2c898n3bbb121c&llr=6tkitjfab>

June 23rd from 4-5:30 pm webinar How to Enhance Transparency in Planning Proceedings sponsored by Tug Hill Commission and presented by Matt Horn, ICMA-CM, Director of Municipal Services at the MRB Group Registration link:

https://us02web.zoom.us/webinar/register/WN_998O8LDGQ3WQgBkvq6odxg

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

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

[Click here to register](#)

Clearing House Reviews – none

Report on Protection of Woodlots training – Bill Namestnik – tabled

Report from Water Resources Council – Len Wildman- no meeting

Adjournment: Being no further business for discussion, Chair Wildman requested a motion to adjourn the 6/10/20 County Planning Board meeting. ***A motion to adjourn was made by Glen Wilkes, seconded by Patti Wirth Motion Carried.*** The 6/10/20 20 CPB meeting adjourned at 8:55 pm.