

Table of Content

Article 1: Establishment & Purpose	3
Article 2: Definitions	3
Article 3: Officers & Duties	6
Section 3.1: Officers	
Section 3.2: Chairperson	
Section 3.3: Vice Chairperson	
Section 3.4: Secretary	
Article 4: Membership	7
Section 4.1: Appointment of Voting Board Members	
Section 4.2: Appointment of Ex-Officio Board Members	
Section 4.3: Alternate Members	
Section 4.4: Terms	
Section 4.5: Training	
Section 4.6: Absenteeism	
Section 4.7: Removal	
Section 4.8: Committee Membership	
Article 5: Roles and Responsibilities.....	8
Section 5.1: County Planning Department Staff	
Section 5.2: Responsibilities of Voting Board Members	
Section 5.3: Responsibilities of Ex-Officio Board Members	
Section 5.4: Joint Responsibilities	
Article 6: Committees and Meeting Procedures	11
Section 6.1: Annual Meeting	
Section 6.2: Committees	
Section 6.3: Regular Meetings	
Section 6.4: Open Meetings	
Section 6.5: Executive Session	
Section 6.6: Emergency Meetings	
Section 6.7: Order of Business	
Section 6.8: Conduct of Meeting	
Section 6.9: Voting	
Section 6.10: Abstentions	
Section 6.11: Minutes	
Article 7: Referral Review Procedures	14
Section 7.1 Receipt of Referrals	
Section 7.2 Board Agenda Deadline for Referrals	
Section 7.3 Referrals Received After the Deadline	
Section 7.4 Initial Referral Listing	
Section 7.5 Classification of Referrals	
Section 7.6 Administrative Reviews	
Section 7.7 Detailed Staff and Ex-Officio Review of Referrals	
Section 7.8 Coordinated Review Committee	

Section 7.9 Withdrawing a Referral
Section 7.10 Board Review of Referrals
Section 7.11 Decisions by Voting Members
Section 7.12 Required Re-referrals
Section 7.13 Non-binding Comments
Section 7.14 Technical Reviews
Article 8: Areas of Review.....20
Section 8.1: Economic Resources and Tourism Natural Features.....21
Section 8.2: Agricultural Resources.....22
Section 8.3: Other Natural Resources26
Section 8.4: Transportation.....29
Section 8.5: Other County and State Services and Facilities.....34
Section 8.6: Historic and Cultural Resources and Community Character .35
Section 8.7: Recommended Standards for Local Planning
and Zoning Regulations

Appendix:

A. Board of Supervisors Resolutions A-1
B. List of Referrals Exempted by Municipal Resolution B-1
C. Intentionally Left Blank
D. Administrative Review Policies D-1

Article 1: Establishment & Purpose

The Ontario County Planning Board (Board) was created March 31, 1966 by Resolution #99 of the Ontario County Board of Supervisors. The Board was established to advise, upon request, and to make recommendations when deemed appropriate to the Board of Supervisors regarding such matters as may contribute to the orderly development of the County and its political subdivisions.

The Board is also expected to take an active role in coordinating intermunicipal planning projects. Such projects may include, but are not limited to, regional trails, transportation corridor studies, and environmental and cultural resource inventories. The Board will also seek standardization of local policies, practices and procedures regarding County Planning Board referrals.

The Board will play a leadership role in coordinating responses to emerging zoning issues and providing technical assistance.

The Board shall also perform the duties as described by Section 239 of Article referring 12-b of NYS General Municipal Law and the By-laws as detailed herein.

These By-laws lay out in concise fashion the procedures for Board operation and for conducting the mandated review of local land use actions and the rendering of advice to municipalities regarding those actions.

Pursuant to Article referring 12-b Section 239-c, 2 (g) of NYS GML any revision to these By-laws must be approved by the Board of Supervisors.

Article 2: Definitions

ABSTENTION: When a voting member of a board gives up his or her right to vote on an issue. See Article 6, Section 10 regarding requirements for “Abstentions” to avoid conflicts of interest.

BOARD: The Ontario County Planning Board.

BOARD of SUPERVISORS: The Ontario County Board of Supervisors.

CHAIRPERSON: A duly elected member of the Board chosen as the chairperson of the Board who conducts meetings of the Board and performs such other responsibilities as described in Section 3.2 herein.

CLASS: This refers to the classification of a referral. Referrals are divided into the following classes (see also Section 7.5 for more information):

CLASS 1: Such Referrals are deemed to have no significant county-wide or intermunicipal impacts. The Board may return comments for the referring body’s consideration to the referring body but makes no recommendation of approval or disapproval.

CLASS 2: Referrals that involve important county-wide and/or intermunicipal impacts of such a magnitude that the Board desires to make a recommendation of approval, approval with modifications, or disapproval and in the case of modifications to ensure negative impacts are minimized.

COMPLETE APPLICATION (“full statement of such proposed action”): “all materials required by and submitted to the Board by the referring body as an application for review and as required under Article referring 12-b Section 239-m of NYS General Municipal Law or any successor thereto. Reference Section 7.4 for a checklist of typical elements of a complete referral.

COUNTY-WIDE OR INTERMUNICIPAL IMPACT: Any current or future impact identified by the Board that may extend beyond the boundaries of a referring municipality. Such impacts will be clearly identified and supported by findings in voting actions by the Board.

DEPARTMENT: The Ontario County Planning Department.

DIRECTOR: Director of the Ontario County Planning Department.

FINDINGS: Supportive statements entered into the public record for any vote by the Board to recommend approval, approval with modification, or disapproval of a referred action.

MAJORITY: One more than half of all the voting members of the Board or of a committee thereof regardless of abstentions or absences or vacancies. Alternate members of the Board shall not be counted when determining the total number of voting members of the Board.

MEMBERS, ALTERNATE: Members appointed to the Board by the Board of Supervisors on the recommendation of the Director of Planning to serve for the purposes of substituting for a voting member in the event such member is unable to participate due to abstention. Alternate members do not count as additional members of the Board when calculating the number of members constituting a majority.

MEMBERS, EX-OFFICIO: Non-voting members of the Board as provided in Section 4.2 herein that provide technical assistance and expertise to the Board and/or any committees of the Board. Ex-officio members may participate in deliberations of the Board or its committees but shall not have voting privileges.

MEMBERS, VOTING: The representatives appointed to the Board by the Board of Supervisors upon recommendation of the Town or City legislative body.

MUNICIPAL STAFF: Code Enforcement Officers, Planning Directors, Directors of Development Planning Coordinators, Zoning Officers, Building Inspectors, Municipal Clerks and clerical or other staff who work for a local municipality and have knowledge concerning a referral.

NON-BINDING COMMENT: Any suggestion or recommendation unrelated to a modification, finding, or recommendation for disapproval made by Staff or voting or ex-officio members that may be sent back to the referring body after review of a referral for consideration only. Non-binding comments do not necessitate any super majority vote by the referring body.

NOTICE OF FINDINGS AND DECISION: Information returned to a referring body after Board review of a referred proposed local action. This will include final classification (1 or 2), findings, the Board’s recommendation, modifications and non-binding comments.

RECUSAL: Abstention from voting on a decision because of a possible conflict of interest.

REFERRAL: An application submitted by a municipality to the Ontario County Planning Board under NYS General Municipal Law Article referring 12-b Section 239 and conforming to the requirements therein.

REFERRING AGENT: The representative of a referring body duly authorized by such body to submit a referral to the Board.

REFERRING BODY: The local municipal zoning, planning, legislative, or other duly appointed board or agency required by law to submit a local zoning application or matter for review by the Board under NYS General Municipal Law Article referring 12-b Section 239.

STAFF: The designated Board support staff from the Ontario County Planning Department.

STAFF, MUNICIPAL: Code Enforcement Officers, Planning Directors, Directors of Development, Planning Coordinators, Zoning Officers, Building Inspectors, Municipal Clerks, and clerical or other staff who work for a local municipality and have knowledge concerning a referral.

SECRETARY: The Director or designee shall act as secretary to the Board and perform such duties as designated in Section 3.4 herein.

SUPER MAJORITY: a majority of all of the voting members of a referring body, plus one. For example, a “supermajority” of a seven member board is five, five being the sum of the simple majority of four plus 1.

VICE CHAIR PERSON: The duly elected vice chairperson of the Board who shall preside over meetings of the Board in the event of abstention or absence of the Chair, and perform such other duties as described in Section 3.3 herein.

Article 3: Officers & Duties

3.1 *Officers* - The officers of the Board shall consist of a Chairperson, Vice Chairperson, and Secretary.

The voting members of the Board shall elect the Chairperson and Vice Chairperson at the Annual Meeting in January of each year. The term of office for the Chairperson and Vice Chairperson shall be one year.

The Director or designated Staff shall serve in the capacity of Secretary concurrent to his or her term of employment or designation.

- 3.2** *Chairperson* - The Chairperson shall preside at all Board meetings and shall perform such duties as follows:
- A. Shall conduct all meetings in accordance with procedures outlined in Section 6.8 of these By-laws.
 - B. Shall be the official spokesperson of the Board.
 - C. May create from time to time Special Committees of the Board, appoint members and designate Chairpersons of these Special Committees. The Chairperson may also appoint ex-officio members to these Committees.
 - D. Shall be an ex-officio member of each committee of the Board, excluding the Nominating Committee.
 - E. Shall call Special Meeting(s) of the Board as may, from time to time, be required.
 - F. Shall act as spokesperson of the Board.
- 3.3** *Vice Chairperson* - The duties of the Vice Chairperson shall be as follows:
- A. In the absence of the Chairperson, perform the duties and responsibilities of the Chairperson. If both the chairperson and vice-chairperson are unable to conduct the business of the Board during a meeting, the Director shall notify the member with the longest term of service to the Board who is available and willing to serve, to serve as the Acting Chairperson for that meeting
 - B. Act as chairperson of the Coordinated Review Committee.
 - C. Perform such other duties as the Chairperson may direct.
- 3.4** *Secretary* - The duties of the Secretary shall be as follows:
- A. See that all reports, documents, minutes and actions of the Board are properly executed and filed with the Board and within the Department.
 - B. To cause each member to be notified of the time, place and date of each meeting not less than seven (7) days prior to the date set for the meeting with the exception of a Special Meeting of the Board or a Committee meeting. In that instance notification will depend on individual circumstances.

- C. To take minutes of each meeting and to distribute same to the members as appropriate.
- D. To prepare and maintain records of Board membership, participation in training, and resolutions related to member appointments.
- E. Make a copy of the By-laws and standard motions available at each Board meeting.
- F. Sign all official Board documents.

Article 4: Membership

- 4.1 *Appointment of Voting Board Members*** – The legislative body from each town and city will make a recommendation for appointment to the Board of one person who will represent that municipality (in the case of towns, to represent the town and any village(s) within the town’s boundaries) to the County Board of Supervisors. The Board of Supervisors will then make the official appointment by resolution pursuant to Local Law #4 of 1982 (see Appendix A Figure 6).

Members recommended for appointment by a municipality shall reside in Ontario County and should reside within the municipality they represent or contribute relevant expertise regarding areas of review outlined in Article 8.

- 4.2 *Appointment of Ex-Officio Board Members*** - In addition to the Director, the following shall be ex-officio members of the Board:

- ✓ *Chairperson of the Ontario County Agriculture Enhancement Board*
- ✓ *Commissioner of Ontario County Public Works*
- ✓ *Economic Developer of the Ontario County Economic Development Office*
- ✓ *Executive Director of the Ontario County Tourism Bureau*
- ✓ *Manager of the Ontario County Soil & Water Conservation District*
- ✓ *Watershed Manager of the Canandaigua Lake Watershed Council*
- ✓ *Director of the Ontario County Department of Public Health*
- ✓ *The Board of Supervisors may appoint representatives from other agencies or organizations as it finds may be of benefit to the function and purpose of the Board as may be nominated by the Board.*

Each ex-officio member may delegate their ex-officio membership to another member of their agency staff or board and will designate an alternate to attend meetings and provide comments in case of scheduling or other conflicts. Such designations shall be in writing to the Director.

- 4.3 *Alternate Members*** - Alternate members may be appointed by the Board of Supervisors to serve in the event that a member must abstain from participating in deliberation and voting on a particular referral due to a conflict of interest. A list of individuals interested in participating as an alternate will be maintained by the Secretary.

Alternate members do not count as additional members of the Board when calculating the number of members constituting a quorum.

4.4 *Terms* - Voting members and alternates will serve for a five year term pursuant to Ontario County Board of Supervisors Resolution No. 99 of 1966 and Local Law 1-2019 respectively (Appendix A, Figure 1).

4.5 *Training* - Board voting members are required to complete 8 hours of planning related training each year of their initial 5 year term and to complete 6 hours of planning related training each year of any subsequent terms.

Eligible training includes any training approved for credit by the local municipality that appointed them or by the Director or designee.

Training hours in excess of the required number may be rolled over.

In the event that this training requirement is not met, a simple notice of that fact will be sent to the appropriate Supervisor. No other action will be taken.

4.6 *Absenteeism* - Whenever an appointed voting member is absent from three (3) consecutive meetings of the Board for any reason other than illness or were not excused by the Chairperson, the Secretary, after consultation with the Chairperson, shall notify the Chairperson of the Board of Supervisors and the chief elected official of the municipality that the member represents. The purpose is to provide information relative to the absences and at the discretion of the Secretary to request that appropriate action be taken.

4.7 *Removal* – Board members may be removed by resolution of the Board of Supervisors for cause based on a recommendation of the Secretary.

4.8 *Committee Membership* - Whenever a member is appointed to a Standing and/or Special Committee, the term of appointment shall be for the whole or part of the calendar year of the term of office of the Chairperson. In the event that the Vice Chairperson assumes the responsibilities of the Chairperson, the membership of the Committees shall be continued until the end of the calendar year with the exception that the Vice Chairperson may fill any vacancies on a Committee.

Article 5: Roles & Responsibilities

5.1 *County Planning Department Staff*

5.1.1 *Designation:* The Director of the Ontario County Planning Department may designate one or more staff to be responsible for supporting the function of the County Planning Board and to serve as Secretary to the Board and fulfill the requirements of Section 3.4. Department support staff will also be responsible for the additional duties as outlined in the following sections.

5.1.2 *Logging, Completeness, and Classification of Referrals:* County Planning Department Staff shall receive and log all referrals submitted by local municipal bodies. Completeness, a classification (i.e. Class 1, Class 2), and eligibility for Administrative Review will be determined for each referral following Staff's initial review of the referral documentation.

5.1.3 *Referral Review:* Prepare initial referral list and complete detailed review of referral documentation including consultation and coordination with federal, state, county, and local agencies and experts as appropriate.

5.1.4 *Annual Report:* Prepare an annual summary of the Board's work for review by all Board members and approval of those voting members present at the January or February meeting. Such report shall be sent to the Board of Supervisors by the last day of February each year and shall contain the follow information:

- A statistical abstract of the year's activities (# of referrals and their classification, type, referring municipality, trends regarding referrals or decisions, participation in locally offered training, etc.)
- Narrative describing other county wide and intermunicipal activities and initiatives (corridor plans, etc.)
- Perceived development trends
- Problems encountered during the past year
- Recommendations for By-law updates and revisions
- General recommendations
-

5.1.5 *Posting and Distribution of Training Opportunities:* Distribute regularly to Board voting members and other municipal officials information on training opportunities relevant to planning and zoning functions of local governments.

5.1.6 *Posting and Distribution of By-Laws:* Bylaws or amendments thereto shall be provided to each voting and ex-officio member of the Board, to the Board of Supervisors, and to all municipal officials likely to refer actions for review.

5.1.7 *Communication with Referring Body:* When practical, Staff will reach out to municipal staff and/or local board chairs concerning referrals initially assigned Class 2 designation prior to disseminating draft referral comments to Board members and prior to the Board's Coordinated Review Committee meeting. Communication will focus on identifying important issues and the level of negotiation that may have occurred between the applicant and the local municipality and referring body prior to the referral to the Board.

5.1.8 *Relationship Building:* Support Staff as designated in 5.1.1 will be expected to develop familiarity with municipal staff and/or local municipal board chairs. Communication, including in-person communication, is important to foster a culture where local municipalities are likely to request technical assistance and/or procedural advice.

5.1.9 General: Staff will facilitate conversations between voting members and ex-officio members to develop best practices for supporting county policies. Such policies may relate to protecting and enhancing county natural resources and the quality of life, economic health, and sustainability of our communities. Such policies may also relate to minimizing negative impacts to county facilities and resources such as agriculture and business viability, function of transportation and natural systems, and community character. This effort may also include training sessions on proper crafting of zoning laws, design standards, and review practices; how to facilitate shovel ready economic development sites; how to support tourism; and how to maintain viable agriculture.

5.2 Responsibilities of Voting Board Members

5.2.1 Review of Local Referrals: Voting members will familiarize themselves with the location and Staff comments regarding referrals prior to Board meetings. Members are especially encouraged to become familiar with referrals from the municipality, including any villages, which recommended the member for appointment.

5.2.2 Communication Regarding Referrals Requiring Recusal: If a voting member is precluded from participating in the deliberation and voting on a referral, s/he shall notify Staff and Chairperson. Member shall also encourage local municipal staff or other local representatives to communicate project related information to Staff of the County Planning Department during Staff review of the referral.

5.2.3 Reporting to Local Boards: Voting members are required to make regular reports to the local municipal boards even if they are members of a local board. Local boards in coordination with the chief elected official should determine the frequency of the reporting. Regular reporting to the municipal boards (as determined by the chief elected official) will help convey the reasoning behind the Board's recommendations on referrals from that municipality; best practices shared by Staff and members such as code revisions or shovel ready planning; and land use trends the Board sees developing.

5.3 Responsibilities of Ex-Officio Board Members

5.3.1 Department and Agency Input: Board participation by ex-officio members provides County Departments and outside agencies an opportunity for input on proposed projects and decisions to avoid potential intermunicipal and county-wide impacts with a minimum of cost and delay to project applicants.

5.3.2 Review of Initial Referral List: Ex-officio members should review initial referral list to identify referrals with potential impact to their sphere of operation.

5.3.3 Standardized Comments: Work with Staff to develop standard comments to minimize potential negative impacts.

5.3.4 Communication Regarding Necessary Modifications: Communicate in a timely manner with Staff if project modifications are necessary to adequately mitigate impacts.

5.3.5 Familiarity with Areas of Review and Board Operations: Ex-officio members are expected to be familiar with County Planning Board areas of review relevant to their technical expertise as well as Board deadlines and procedures.

5.3.6 Coordinated Review: Ex-officio members are encouraged to consult with applicants and/or attend Coordinated Review Committee meetings to have dialog with applicants and their representatives before Board voting and final technical documentation is submitted for approval at the local level.

5.4 Joint Responsibilities

The Board may initiate and/or participate in intermunicipal planning projects as assigned by the Board of Supervisors or initiated on their own volition. Examples of such projects could include:

- Regional Trail Plans
- Transportation Corridor Studies
- Resolution of conflicts between adjacent municipal zoning and comprehensive plans
- Identifying and providing guidance on emerging zoning issues.
- Standardization of local policies, practices, and procedures for development review, submission requirements, etc. so that the development community is treated consistently and the quality of all application submissions improves.

Article 6: Committees and Meeting Procedures

6.1 Annual Meeting - The Annual Meeting shall be held in January of each year. At least seven (7) days prior to this meeting, the Secretary shall notify each member, in writing, of the time, date and location of the Annual Meeting and shall inform the members that prior to the monthly review of referrals, the election of officers will occur. Any other business properly presented to the Board at this meeting may be considered after the election of officers.

6.2 Committees - There will be three standing committees, comprised of voting members; The Executive Committee (Section 6.2.1), the Nominating Committee (Section 6.2.2) and the Coordinated Review Committee (6.2.3). Special Committees (Section 6.2.4) shall be created at the discretion of the Chairperson.

6.2.1 Executive Committee: The Executive Committee shall be responsible for reviewing and making recommendations to the Board relative to policies, functions and duties of the Board. The Executive Committee may also make recommendation to the Board on such critical issues of County concern as the Committee deems appropriate. Further, the Committee may meet with the Planning & Environmental Quality Committee of the Ontario County Board of Supervisors as deemed necessary.

The Executive Committee shall consist of the Chairperson, Vice Chairperson, immediate past Chairperson, if still a member of the Board, and two other members appointed by the Chairperson.

The Chairperson may schedule meetings of this Committee as needed.

6.2.2 *Nominating Committee:* Appointment to the Nominating Committee shall occur each November. The members shall be responsible for considering, recommending and submitting a slate of officers to the Board at the annual meeting in January.

The Nominating Committee of the Board shall be appointed by the Chairperson.

The Committee shall consist of three (3) members, none of whom may be an officer of the Board.

At the Annual Meeting, the Chairperson of the Committee shall call the meeting to order and shall proceed with the Roll Call. If a quorum exists, the Chairperson of the Committee shall serve as temporary Chairperson and shall preside over the meeting until the members have selected a permanent slate of officers. In the absence of a quorum, the meeting shall be adjourned and the elections shall take place at the next meeting or a special meeting to be held in January.

6.2.3 *Coordinated Review Committee:* Shall meet the day before Board meetings at a time and place announced to the Board, public, and municipal officials. All ex-officio and voting members are encouraged to attend in order to have an opportunity to discuss in more detail Class 2 referrals and to request additional information or analysis to be provided by Staff; referring body; federal, state, county, or local agencies or experts; or applicants prior to voting. Participants at Coordinated Review Committee will also preliminarily identify those Class 1 projects to be removed from block voting and individually discussed and voted upon.

6.2.4 *Special Committees:* Creation of and appointments to the following and any other special committees may occur at the discretion of the Chairperson, at any time.

6.3 *Regular and Special Meetings* - Regular meetings shall be the second Wednesday of each month. Special meetings shall be called by the Chairperson in accordance with these By-laws.

6.4 *Open Meetings* - All Regular, Special, and Committee meetings shall be open to the public.

6.5 *Executive Sessions* - Shall be requested by the Chairperson or as requested by a majority of the Board pursuant to NYS Open Meetings Law. All official actions of the Board shall be taken at a meeting open to the public.

6.6 *Emergency Meetings* - If the Chairperson determines that any issue demands emergency action, a meeting of the Executive Committee may be called, with the Executive Committee making recommendation for action on an issue. In no instance can the Executive Committee act with the authority of the full Board.

6.7 *Order of Business* - At each Regular and special meeting of the Board, the order of business shall be:

- 1) Roll Call
- 2) Approval of Minutes from the Previous Meeting
- 3) Privilege of the Floor
- 4) New Business (referral review and A-95's)
- 5) Unfinished Business
- 6) Other Business (Report on Referring Body Final Actions, Committee Reports, Training Opportunities)
- 7) Adjournment

The Chairperson may rearrange the order of business so that the meeting may be properly administered.

Typically during the review of referrals under New Business, referrals will be considered in the following order: referrals with applicants, representatives, or community members in attendance; remaining Class 2 referrals; Class 1 referrals removed from block voting; remaining Class 1 referrals.

6.8 *Conduct of Meetings* - All meetings shall be conducted under these By-laws and NYS Law. The Chairperson may use discretion in limiting the length of presentations by applicants or their representatives who have business to be considered by the Board. The Chairperson may also use discretion in limiting the length of comments by members of the public concerning referrals. Non-members should request the right to speak or present by formally addressing the Chairperson, followed by a statement of their name, residential address, and interest.

6.9 *Quorum and Voting* - To transact business, a quorum must be present. A quorum is a majority of all of the voting members of the fully constituted Board. All business of the Board shall be by majority of all of the voting members regardless of vacancies, abstentions and absences. All voting on referrals shall be by voice or by roll call if requested by any voting member. Each member shall cast one (1) vote and all votes shall be public and recorded in the minutes of the meeting.

If no quorum is present, the Chairperson, in consultation with Staff and Board members present will decide whether to adjourn the meeting or to discuss the referrals. If referrals are discussed and Board comments are made, a meeting report will be posted in lieu of minutes. All such comments will be non-binding comments offered for the referring body's consideration. Such comments should be read into the minutes of the local board meetings on the project. At the next scheduled Board meeting, members will vote on any

referrals not yet subject to final local board action. Any recommendation for approval with modification or disapproval voted at such a meeting shall be binding on the local board.

- 6.10** *Abstentions* - Members shall abstain from discussion and voting if they have an overriding personal or business interest in the issue being voted upon by the Board. “...no member of the board shall vote on any matter that has been the subject of a proposal, application or vote before the municipal board where he or she also serves in such elected or appointed capacity” (NYS GML Article referring 12-b Section 239-c, Part 2c).

Information regarding abstentions shall be provided immediately prior to the vote. The abstention will be recorded in the minutes of the meeting. Abstentions do not alter the definition of a majority (see Article 2 Definitions and Section 6.9, above).

The Chair shall designate an alternate member to substitute for a member who has recused him or herself in regard to a particular referral or other matter before the Board.

- 6.11** *Minutes* - The minutes of each Board meeting will contain a record of those Board members in attendance as well as the name and affiliation of non-members given the chance to speak, or in some way present information to the Board. Minutes will also include a record of motions made by the Board, the associated vote and final classification, and recommendation if applicable.

Article 7: Referral Review Procedures

- 7.1** *Receipt of Referrals* - All referrals for review made to the Board pursuant to NYS GML Article 12-b Sections 239-m and 239-n shall be delivered to the Department. Staff will date stamp all referrals when received. Each referral must include a signed referral cover sheet attesting to the completeness of the referral and must come directly from a duly designated agent of the municipal body authorized to approve the action that is the subject of the referral. The Department may develop and implement an electronic submission process that provides a secure and verifiable substitute for a physical signature.
- 7.2** *Board Agenda Deadline for Referrals* - Referrals appearing on the next regularly scheduled monthly meeting of the Board must be received by noon on the Thursday 2 weeks before such Board meeting (see Section 6.3 herein for the Board meeting schedule or the County website for meeting and referral deadline dates).
- 7.3** *Referrals Received after the Deadline* - Any referral received after the deadline for the next regularly scheduled Board meeting shall be put on the Board’s agenda for the following meeting.

A referring body or agent may request in writing consideration of a late referral. Such request shall include a statement of the compelling urgency necessitating consideration of such later referral. Consideration of late referrals is subject to:

- A. Staff shall report to the Chairperson at the time of the request and to the Board at the next regularly scheduled meeting regarding completeness of the referral and ability to give the referral a thorough and complete review.
- B. Upon finding that the referral and the Staff review are complete, the Board may by majority vote to accept a late referral for Board consideration. The Board findings shall also conclude either the issues involved with said referral that are subject to Board review are minor and of little consequence or there is a compelling urgency stated by the referring body necessitating prompt, extraordinary consideration of such a referral.

7.4 *Initial Referral Listing* - Within 4 business days of the referral submission deadline for the next regularly scheduled meeting of the Board, Staff shall prepare a listing of referrals received including initial determination of whether the materials submitted constitute a Complete Application and assignment of each to a class as defined in Section 7.5 herein.

A complete County Planning Board referral typically includes the following information:

1. A signed County Planning Board referral cover sheet
2. An application with all information required by the referring body, drawings included. This typically includes a narrative description of the proposed activities and information sufficient to determine the action's impact on natural features/conservation areas, agricultural assets, grading, drainage, sequencing of construction activities, access and traffic, and buildings, signage, and lighting.
3. If referral is a plan, local law, or ordinance, a full copy of the proposed plan or law.
4. Any relevant federal, state, county, local agency or expert correspondence which the referring body would like considered.
5. SEQR Part 1 documentation if applicable.
6. Agricultural data statement if applicable.

Staff may change either the determination that the materials submitted with a referral constitute a Complete Application and/or the assignment to a class prior to the meeting. or the Board, by majority vote at the meeting were the referral is on the agenda, may change such determinations.

Staff will distribute the referral listing to municipalities and post on the County website. Said listing shall include the tracking number assigned to the referral by Staff, the preliminary classification of each referral, the referring body, the type of application(s) made to the referring body (in example but not limited to: site plan, subdivision, area variance, use variance, zoning map amendment, zoning law amendment, comprehensive plan, etc.), the municipality involved, the address involved with the application, if any, and the name of the applicant that submitted the initial application to the referring body.

For referrals received prior to the submission deadline, Staff will notify the referring body and request additional information regarding referrals deemed incomplete.

7.5 *Classification of Referral* - The purpose of classifying referrals is to allow the Board to focus on those referrals most likely to have an intermunicipal and/or county-wide impact.

- A. *Class 2 Referrals***: Referrals in this class are considered to have one or more of the following characteristics that make a recommendation and findings by the Board to the referring body important to the referring body's local decision making process:
- likely to have an impact beyond the municipality where the project is located (potentially have county-wide and/or intermunicipal impacts); be of large scale, especially as related to the local municipality, or complexity; concern an environmentally, contextually, or infrastructure related sensitive and/or important cultural or visible location; or potentially negatively impact a county resource.
 - involve an issue or a trend of concern to the Board that may be part of a small but cumulative county-wide and/or intermunicipal impact.
- B. *Class 1 Referrals***: Referrals assigned to Class 1 are determined to have little or no impact outside the referring municipality and do not fall into the definition of Class 2. The Board may make comments concerning the referral and the Secretary shall forward such comments to the referring body. The Board shall make no recommendation of approval, approval with modification(s), or disapproval on referrals assigned to this class.

7.6 *Administrative Reviews*

7.6.1 *Authority*: Pursuant to Board of Supervisors Resolution 540-2006, the Board has been given the authority to establish and update rules designating certain referrals as being subject to Administrative Review, meaning that Staff shall forward recommendations and comments of the Board to the referring agency without need for Board discussion and vote.

7.6.2 *Intent*: The intent of having Administrative Review Policies is to provide a more efficient process for communicating to referring bodies' findings, recommendations, modifications and comments related to referrals for which the Board had a history of consistent recommendations and comments. The Administrative Review Policies also allow for more timely review of referrals if necessary.

7.6.3 *Developing Administrative Review Policies*: The Board of Supervisors has given authority to the Board to independently establish Administrative Review Policies separate from these By-laws.

Adoption of Administrative Review Policies shall be by majority vote of the Board. Changes to the policies shall be reviewed by the Director of Planning and circulated to Board members at least 30 days in advance of a meeting where the Board may approve such changes.

Current Administrative Review Policies are maintained by the Director of Planning and included as Appendix D-1 of these By-laws.

Administrative Review Policies prescribed by the Board for Staff to administer shall include assignment of class, findings, recommendation, and standard modifications and/or comments as appropriate.

7.6.4 Applying Administrative Review Policies: In accordance with established Administrative Review Policies, Staff shall communicate to the referring body final class, findings, final recommendation, and any standard modifications and/or comments. Such recommendation shall be considered an action of the Board and the recommendation and related information shall be included in the Board minutes. If the recommendation is for disapproval or modification, any contrary vote by the referring body must be a super majority of the full local board in accordance with Board of Supervisors Resolution 540-2006 and NYS GML, Article 12-b Sections 239 m, Parts 5& 6 and 239-n, Parts 5 & 6.

Referrals eligible for Administrative Review shall meet the definition of “**full statement of such proposed action**” contained in NYS GML 239-c. See Section 7.4 for a listing of the items typically included in a complete referral.

Any referral covered by an Administrative Review Policy that is directly related to another referral requiring Board vote, shall be subject to Board vote.

In applying Administrative Review Policies, Staff may consult with the referring body, other local municipal representatives, voting and ex-officio Board members and other federal, state, county and local agencies or experts as appropriate. Such consultation may result in additional findings or comments. Findings and comments in addition to those specified in the Administrative Review Policy may be added by the Director or designee to further support the findings and recommendation of the Board.

At the discretion of the Director of Planning or designee, Staff may bring referrals eligible for Administrative Review to the Board for discussion and voting when they involve potential county-wide or intermunicipal impacts beyond those contemplated in the Administrative Review Policy findings or standard comments.

Upon written request by the referring body or agent at the time of referral, Administrative Review may be completed and returned to the referring body in no less than 5 business days so that the referring body can act without waiting for the next regularly scheduled Board meeting.

7.7 Detailed Staff Review of Referrals

A. Following initial Staff review and circulation of the referral listing, Staff may consult with the referring body, other local municipal representatives, voting and ex-official Board members and other federal, state, county and local agencies or experts as appropriate to prepare a detailed assessment and analysis of each referral and its

potential impacts in accordance with NYS GML Article referring 12-b Section 239 l, m, and n.

- B. The detailed assessment shall include a review of factual environmental factors such as but not limited to soil types and characteristics including slope and farmland value, drainage, watersheds, wetlands, floodplains, zoning, neighborhood character, transportation system, and proximity to recreational areas, trails, historic sites, and protected agricultural and natural areas.
- C. Assessment of referrals for zoning ordinances, subdivision regulations, zoning map and text amendments, and local laws related to planning, shall include a summary of changes and potential impacts and benefits.
- D. The assessment of each referral, including any comments from those consulted, will be distributed to voting Board members and ex-officio Board members who have requested them and posted to the County website for municipal, applicant, and public review prior to each Board meeting.

Staff may update such information any time prior to the Board meeting where such referral is to be reviewed by the Board. Updated information, comments, or assessment and analysis will be posted on the County web site and distributed as time allows.

7.8 *Coordinated Review Committee* - As outlined in Section 6.2.3, the Coordinated Review Committee meets the Tuesday before each Board meeting to discuss Class 2 referrals in detail. Coordinated Review Committee participants may request additional information or analysis to be provided by Staff; referring body; ex-officio members or other federal, state, county or local agencies or experts; or applicants prior to voting. Participants at Coordinated Review Committee will also preliminarily identify those Class 1 referrals to be removed from block voting and individually discussed and voted upon.

Coordinated Review Committee meetings are open to applicants, their representatives, and the public and are advertised in the same manner as Board meetings. Review of referrals also proceeds in a similar order and format as at Board meetings as outlined in Sections 6.7 and 7.10.

7.9 *Withdrawing a Referral* - Referrals may be withdrawn at any time during review, by written request from the referring agent.

Applicants may not withdraw a referral.

7.10 *Board Review of Referrals* - The order of business at Board meeting is as outlined in Section 6.7. The procedure is for Staff to present a brief overview of each referral, comments regarding potential countywide or intermunicipal impacts, and additional comments for referring body(ies) to consider.

There will be a brief opportunity for the applicants or their representative to respond to questions from Board members.

There will be a brief opportunity for members of the public to speak to intermunicipal or countywide impacts of referral.

- 7.11 *Decisions by the Voting Members*** - With the exception of referrals reviewed under Section 7.6 of this Article, final action shall be taken on referrals by a majority of all the voting members of the Board. This includes any vote to send back as incomplete, reclassify, recommend action by the local board, or to accept a late referral.

All decisions to recommend approval, approval with modification(s), or disapproval of a referral will be accompanied by findings (see Article 2 Definition).

Referrals recommended for approval with modification may include text regarding required consultations and documentation from federal, state, local or county agencies or experts that potential negative impacts have been addressed.

A referring body may only act contrary to the recommendation for denial, or contrary to any modification made as part of a recommendation for approval with modification, upon a supermajority vote (majority plus 1 member of the entire referring body). Such local action must include findings regarding specific reasons for such action.

Recommendations for approval without modifications by the Board can be overridden by a majority vote of the referring body

In the absence of an extension of the review period, draft minutes will be posted to the County website within 30 days of referral receipt. These draft minutes shall also serve as “Notice of Findings.”

See Section 6.9 regarding voting procedures and procedures in the absence of a quorum.

See Article 8 for more specific information regarding areas of review.

- 7.12 *Required Re-referral*** - Referring bodies are required to re-refer actions that change substantially between referral and consideration of final action.

- 7.13 *Non-Binding Comments*** - Very often, discussion of a referred action will go beyond county-wide or intermunicipal issues. Article referring 12-b Section 239 l, part 3 of NYS GML specifically allows for “informal comments.” These comments are intended to draw on the collective experience of Board members (who are often members of local boards), and county staff and provide additional guidance to the referring body.

These comments require no action by the referring body. Staff and Board members should encourage referring bodies to consider the informal comments when making decisions, and, at a minimum, have comments read into their board minutes.

- 7.14 *Technical Reviews*** - During the early stage of projects likely to have county-wide or intermunicipal impacts, a referring body may request a Technical Review.

A Technical Review of a sketch plan or concept plan provides an opportunity for Staff, voting and ex-officio Board members; and other federal, state, county or local agencies or

experts to identify and comment on areas of potential County-wide or intermunicipal impact.

Applications subject to Technical Review are also required to be referred for Board review when a complete application is submitted.

Article 8: County Planning Board Areas of Review

Section 239 (Article referring 12-b) of NYS GML allows for the creation and empowerment of a County Planning Board. The following pages layout policies and procedures for reviewing and acting on local applications referred to the Board.

Stewardship of natural, economic, cultural, and historic resources is a Core Value of the Ontario County Mission Statement. This value underlies the Board's deep concern for minimizing impacts to these resources. The Board is concerned with potential large impacts to such resources as well as the cumulative impact of numerous small impacts.

When reviewing and voting on actions referred by local decision makers, Board members are obligated to observe the spirit and intent of the state enabling legislation that gives them their authority. To that end, these policies and procedures will serve to better define the phrase "intercommunity and county-wide considerations" (Section 239-l) and provide a clearer set of standards for reviewing referrals.

In specifying exactly which applications are to be referred for Board review, the enabling legislation makes the presumption that most local applications falling into that category carry with them an inherent county-wide or inter-community impact (Section 239-m, 3b).

The purpose of the following section is **not** to narrowly define "intercommunity and county-wide considerations" or further limit the scope of Board review. Neither is it an attempt to create regulations where no authority exists. Instead, its main purpose will be to clarify and organize Board thinking, catalog existing County development polices and encourage an efficient, consistent and coordinated review of referred applications. The topics covered include:

- 8.1 Economic Resources and Tourism
- 8.2 Agricultural Resources
- 8.3 Other Natural Resources
- 8.4 Transportation
- 8.5 Other County and State Services and Facilities
- 8.6 Cultural and Historic Resources and Community Character
- 8.7 Recommended Standards for Local Planning and Zoning Regulations

In this instance, "coordinated," means gaining insight by involving representatives of local municipalities and ex-officio members and other affected agencies in the review process.

This summary of areas of review, relevant partners and resources, and findings is intended to clarify for applicants, local board members and other involved parties, the

policies, partners, and other resources available to the Board in making decisions and the overarching impact categories identified to date. If the basis for a decision or modification falls outside of the areas described in these By-laws the Board has the additional burden of clearly defining the intermunicipal or county wide impact in findings.

8.1 Economic Resources and Tourism

The Ontario County Economic Development Strategic Plan of 2016 outlines economic development resources. The Plan recommends a focus on internal harvesting – capturing investment and job creation from existing county businesses. Local municipal officials and planning and zoning boards are key partners in internal harvesting efforts. To effectively and expeditiously review applications for business occupancy of new and existing buildings, local communities must be able to clearly articulate their vision for their community; have in place appropriate regulations; and know how to communicate community desires to applicants.

Ontario County Economic Development is also interested in maintaining an inventory of shovel ready business sites. Local communities are encouraged to plan for and fund infrastructure projects that assure availability of sites for larger businesses. It is important to encourage home based businesses and to have effective regulations to review and minimize potential negative impacts of such proposed businesses. Communities should have standards for when such businesses outgrow home based business status and a process in place to help business owners find suitable growth locations with the understanding that doing so requires financial investment.

The Finger Lakes Visitors Connection, established in 1983, is the tourism promotion agency for Ontario County. The Visitors Connection is involved in marketing Ontario County. Tourism promotion involves expanding awareness of Ontario County as a leisure and meeting destination; increasing January to May, September, and November visitation; and working with local operators to improve the visitor experience. These activities support expanded employment in hospitality services.

Successful economic development and tourism promotion are impacted by protection of agricultural resources as outlined in 8.2 Agricultural and Cultural and Historic Resources and Community Character as outlined in 8.6.

To assure appropriate review of tourism and other business referrals it is desirable to have member(s) of the Board with experience in tourism and businesses ownership.

8.1.1 Relevant Resources and Partners

Ontario County Economic Development Department and Strategic Plan 2016

<http://www.co.ontario.ny.us/940/Economic-Development>

Finger Lakes Visitor Connection and Strategic Plan 2016-2020

<http://www.visitfingerlakes.com/about-us/strategic-plan/>

8.1.2 Findings

Many actions referred to County Planning Board have the potential to impact economic development and tourism:

- Effective economic development and tourism promotion benefit from appropriate regulation and effective review procedures on the part of local municipalities.
- In particular there is a need for shovel ready sites and clear standards for re-occupying existing buildings for business expansions whether expanding from 50,000 to 100,000 SF or home businesses that have outgrown residential sites.
- Review of tower and telecommunications regulations and infrastructure plans can encourage availability of infrastructure necessary for business operations.

When making findings on the intermunicipal and county wide impacts a referral may have on Tourism and Economic Development the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, the nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource.

8.2 Agricultural Resources

In 1993 the Board of Supervisors created an Agricultural Enhancement Board. On March 29, 2018 the Board of Supervisors adopted an updated Agricultural Enhancement Plan (AEP). The overall goal of the updated AEP remains to maintain and enhance the viability of farms and farm-related businesses in Ontario County. These goals stem from the County's desire to provide long term stewardship of valuable natural farmland resources, to enhance quality of life, and to promote economic development.

- Farms and farm-related businesses contribute significantly to the economic base of Ontario County. The 2012 Census of Agriculture reports gross cash farm income of nearly \$200 million from the 853 farm operations in Ontario County. Information from the 2017 Census of Agriculture is expected to be available in the spring of 2019.
- Ontario County has an unusual concentration of high quality agricultural soils: 51 percent of Ontario County's land is designated as prime or unique farmland, while only 8 percent of soils globally are so designated.

Through the adoption and implementation of the AEP, Ontario County seeks to further the following Plan goals:

1. Facilitate and support the viability of farms and farm-related businesses, and expand opportunities for the growth of new agricultural enterprises.
2. Retain a critical mass of high quality, actively farmed agricultural lands.
3. Foster a high degree of public awareness and appreciation for agriculture.
4. Develop and maintain high quality physical infrastructure and institutional capacity to support the viability of farm businesses.
5. Increase collaboration between farm businesses and regional institutions and agencies.

6. Increase the adoption of sound energy, resource conservation, and waste management practices.
7. Improve the occupational and transportation safety of farm operators and employees.

Of the seven priority AEP implementation activities, three relate directly to the work of the County Planning Board:

1. Advance rail-accessible sites for agricultural economic development, as recommended in the Ontario County Freight Rail Corridor Development Plan.
2. Attract and support the growth and development of new and existing agricultural enterprises utilizing regional agricultural economic development agencies, institutions and other resources.
3. Support extending affordable high speed broadband access to underserved areas.

Other recommended actions relevant to the work of County Planning Board include priority action regarding representation of farm business owners on local municipal boards; coordinate with NYSDOT and OCDPW to provide roadside alert signs in areas with substantial farm and passenger vehicle traffic; and track in-active agricultural land to facilitate matching supply with demand.

The AEP subdivides Ontario County into three regions based on geography, soils, development patterns, and topography that have created differences in the type, scale, and viability of agricultural operations. The following summarized the nature of the agricultural resources and threats in each subarea.

Northwestern Ontario County (T/C. Canandaigua, T. East & West Bloomfield, T. Farmington, T. Victor and villages of Bloomfield and Victor) Much of northwestern Ontario County is characterized by gently rolling hills conducive to large scale agriculture or diversified agricultural operations. Within this region, the Town of East Bloomfield has the highest percent of land with important agricultural soils (84%) and the highest percentage of land in agricultural use (64%), though neither East nor West Bloomfield has a local agricultural protection plan in place. No information is available on the extent of leased land in the Towns of East or West Bloomfield. The Town of Victor has the lowest percent of land with important agricultural soils (64%) and a much lower percentage of land in agricultural use (23%). Victor also has the highest percent of leased agricultural land (69% compared to 54% in Farmington and 38 % in Canandaigua). Heavy reliance on leased land is a potential threat to long term viability of farming operations. Agriculture in all areas of northwestern Ontario County is threatened by impacts of scattered residential development which increases costs of operations and potential for land use conflicts.

In the Town of Canandaigua, topography, soils, and plans (Sewer Master Plan, Agricultural Enhancement Plan, Paddleford Brook Plan, and Comprehensive Plan) direct large scale residential and non-residential development away from important agriculture soils and seeks to permanently preserve large blocks of contiguous agricultural use that can be cost effectively farmed. The Town has partnered with FLLT to purchase development rights to 815 acres in 3 blocks of land along SR 332, Coyne Road, and

Wyffels Roads. Funding has been awarded for another 726 acres towards East Bloomfield and funding is pending for 600 acres near CR 9.

The Town of Farmington has not extended water or sewer lines east of CR 8. Farmington has not implemented permanent preservation activities. The Town of Victor's permanent land preservation activities have not focused on preserving agricultural resources. Farmington has not implemented permanent preservation activities.

Southwestern Ontario County (T. Bristol, T. Canadice, T. Naples, T. Richmond, T. South Bristol, and Village of Naples) Southwestern Ontario County towns generally have lower percentages of land with important agricultural soils and substantially lower percentage of land in agricultural use. These conditions likely reflect the more rugged landscape of this region and the presence of state owned forest that protect Canadice and Hemlock Lakes as the sources of drinking water for the city of Rochester. The lack of large areas with contiguous blocks of agricultural land increases production costs and increases the likelihood of negative impacts on farm viability due to scattered residential development. The unique soils and microclimates adjacent to Canandaigua Lake, particularly in the Towns of Naples and South Bristol, are excellent grape growing conditions and support some of NYS's oldest agritourist destinations, while also being susceptible to residential development pressure due to scenic settings and lake views.

The Town of Richmond has the largest average parcel size (82 acres) in the County suggesting presence of large scale agricultural operations. Richmond also has high potential for scattered residential development and its negative impact on farm viability due to the combination of lake access and views and easy access to employment opportunities in Henrietta and Monroe County.

Eastern Ontario County (T. Hopewell, T. Manchester, T. Phelps, T. Seneca, T/C. Geneva and villages of Manchester, Shortsville, Clifton Springs, Rushville, and Phelps) This region is characterized by flat to gently rolling terrain except in the portions of Manchester and Phelps north of the Thruway which are characterized by drumlins interspersed with wetlands. The region has the highest percentage of land with important agricultural soils (85%) and land in agricultural use (66%). The Towns of Seneca and Gorham are regional leaders in implementing farm friendly zoning and subdivision regulations. Such regulations establish agricultural as the preferred use in some districts. These regulations also reduce the number of residential lots allowed per acre of land; focus on maximum, not minimum residential lot size; and require or encourage cluster subdivisions to further minimize impacts of residential development on agricultural viability. The Towns of Hopewell, Manchester, and Phelps continue to rely on large lot rural residential/agricultural zoning that actually encourages fragmentation of farmland and potential for land use conflicts which reduce the viability of farmland.

The AEP's Priority Lands for Protection Map indicates lands identified for protection in towns with adopted local AEPs and lands in a state certified agricultural district and receiving an agricultural exemption in towns with no local AEP. The map is intended to facilitate applications for NYS Farmland Protection Implementation Grants to purchase

development rights. The following summarizes the status of local farmland protection plans:

- Town of Canandaigua adopted 2016
- Town of Farmington adopted August 2016
- Town of Geneva adopted March 2018
- Town of Gorham adopted 2009
- Town of Seneca updated Comprehensive Plan w/ focus on Agricultural Protection adopted June 2013
- Town of Victor, adopted as part of Comprehensive Plan August 2015
- Towns of Richmond, South Bristol, East & West Bloomfield seeking funding 2018/9

The subarea descriptions include more detail on efforts to preserve farmland. Local municipalities are encouraged to identify priority agricultural lands for permanent preservation and to apply zoning, infrastructure, budgeting, and conservation easements to facilitate permanent preservation of priority agricultural land resources.

Overtime, more farm operations in Ontario County are larger scale animal, dairy, and field crop producers or smaller niche producers of grapes, vegetables, and other specialty crops. There are fewer medium size operations. Farms of all types are increasingly diversifying their operations by incorporating value-added operations, direct to market sales, and agritourist attractions. These new land use types require new regulatory approaches. There are also increasing numbers of Mennonite farmers, especially in the towns of Gorham and Seneca.

AEP Appendix B outlines which towns have adopted Right-to-Farm laws, incorporated agricultural friendly zoning definitions, have agricultural preferred zoning district(s) and farmer friendly subdivision regulations, and whether agricultural related districts allow or prohibit a wide range of agricultural and competing uses.

While agricultural land is recommended for preservation primarily due to the value of the soil resources for local, regional, and global food production and the economic contribution of farms, agricultural landscapes also contribute significantly to the desirability of Ontario County as a tourism destination and to the perceived quality of life of residents. Maintaining the viability of farm businesses is key to preserving rural landscapes. Other findings and policies related to preserving rural landscapes are discussed in more detail in section 8.5 Tourism and Business Development and 8.6 Community Character

8.2.1 Relevant Resources and Partners

Ontario County Agricultural Enhancement Board and Plan
<http://www.co.ontario.ny.us/1651/Agricultural-Enhancement-Plan>
Ontario County Soil and Water Conservation District
Cornell Cooperative Extension of Ontario County

8.2.2 Findings

Ontario County has more valuable farmland that merits protection than there is likely to ever be funds to protect directly through purchase of development rights; therefore, protecting the viability of farm businesses is critical. Protecting farm viability includes allowing development of appropriate farm related businesses in rural areas.

The Board has an interest in protecting Ontario County's farmland and farms. Loss of farmland, farm operations or farm support services can have inter-municipal or countywide impacts, for example:

- Scattered development can increase complaints about common agricultural activities and negatively impact farm viability.
- Permanent conversion of high quality farmland to developed uses not only reduces availability for production of food and fiber, but also impacts the critical mass of farms needed to support farm service businesses and community character.
- Overly restrictive accessory use regulations can unnecessarily stifle development of farm related businesses important to farm viability.

When making findings on the intermunicipal and county wide impacts a referral may have on agriculture, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, the nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource.

8.3 Other Natural Resources

Ontario County's 5 Finger Lakes (Seneca, Canandaigua, Honeoye, Canadice and Hemlock) support a host of beneficial uses including public drinking water, fisheries, and recreation. Other important natural resources include streams (e.g., Naples, Grimes, Flint and Mud Creeks), wetland complexes (e.g., High Tor and Honeoye Inlet State Wildlife Management Areas) and other State Forests (Canadice and Hemlock), Wildlife Management Areas (Honeoye Creek), Multiple Use Areas (Stid Hill) and Recreation Areas (Harriet Hollister Spencer). Additional information on natural resources is also included in Section 8.2 Agricultural Resources, 8.5 Other State and County Services and Facilities, and Section 8.6 Historic and Cultural Resources and Community Character.

The lakes, streams, forests and other natural resources play an important role in the agriculture and tourism sectors of the Finger Lakes regional economy. It is County policy to ensure use of best practices for minimizing water quality and quantity impacts during and post- construction or timber harvesting and in the development and operation of recreational uses. The follow summarizes beneficial uses and water quality challenges for each lake.

Canandaigua Lake - provides drinking water for approximately 70,000 people. It also supports recreation use via public parks, private businesses, and private and rented homes. Lake monitoring by the Canandaigua Lake Watershed Council has shown an

increase in phosphorus in recent years. The lake has also experienced toxic blue green alae blooms.

Honeoye Lake - supports premier walleye and smallmouth bass fisheries and water-based recreation. Due to its shallow depth, the lake also provides valuable ice fishing opportunities. Honeoye Lake remains a drinking water source for some Town of Canadice residents. Sandy Bottom Beach, a popular public swimming area, experiences beach closings each summer due to toxic blue green algae blooms.

Seneca Lake - is a public drinking water supply for more than 80,000 people. The lake is a renowned lake trout fishery and supports many other agricultural, recreational, and tourism activities.

Hemlock and Canadice Lakes - these lakes provide public drinking water for more than 200,000 people in the City of Rochester and other areas of Monroe and Ontario Counties. Ownership of the area around the lakes has been transferred from the City of Rochester to New York State and is now managed as a State Forest supporting timber harvesting and recreation use, as well as its primary purpose of water quality protection.

Changes in water quantity discharges and our changing weather can result in flooding and associated damage to roads, property, and potentially human life. The Ontario County Multi-Jurisdictional All Hazard Mitigation Plan Update of 2015 indicates from 2004 to 2015 Ontario County experienced nearly 50 flood events causing approximately \$10 million in damage.

The Federal government seeks to prevent flood damage by mapping floodways and special flood hazard areas giving local communities tools to regulate development in flood prone areas. It is anticipated that updated Flood Insurance Rate Mapping for Ontario County will take effect in 2020.

It is County policy to minimize fill in floodplains to avoid cumulative impact from numerous small encroachments. Off-site impacts are minimized, if cuts are made to balance any proposed fill in the floodplain.

Local municipalities protect natural resources included in local parks and via conservation easements. Other organizations such as The Bergen Swamp Society, Finger Lakes Land Trust (FLLT) and The Nature Conservancy also protect natural areas. FLLT has two preserve in Ontario County: Wesley Hill Preserve (390 acres of Briggs Gully at southern end of Honeoye Lake) and Carolabarb Preserve (38 acres by CR 12 overlook to Bare Hill and Nundawao/South Hill and the Great Hill Nature Preserve in Yates County). The Nature Conservancy has a floodplain restoration area (711 acres) adjacent to the NYS Honeoye Wildlife Management Area. The Bergen Swamp Society protects 351 acres at CR 37 and Allens Hill Road. The Board has a role in protecting these facilities from intermunicipal impacts as well.

Individual communities have also identified woodlots, ridgelines, vistas, and view sheds as natural resources to be protected. These resources often cross municipal boundaries.

8.3.1 Relevant Resources and Partners

Ontario County Planning Department

Ontario County Department of Public Works

Ontario County Emergency Management Office

Ontario County Soil and Water Conservation District

Ontario County Cornell Cooperative Extension

Ontario County Flood Insurance Rate Maps

Ontario County Online Resources <http://www.co.ontario.ny.us/714/OnCor>

Canandaigua Lake Watershed Council/Canandaigua Lake Watershed Management Plan

Canandaigua Lake Watershed Association

Honeoye Lake Watershed Task Force/Honeoye Lake Watershed Management and Macrophyte Plan, Honeoye Lake Harmful Algal Bloom Action Plan

Seneca Lake Intermunicipal Organization/Seneca Lake Watershed Management Plan

Ontario County Water Resources Council

Finger Lakes Land Trust, The Bergen Swamp Society, and The Nature Conservancy

NYS Department of Environmental Conservation Environmental Region 8 and Resource mapper <http://www.dec.ny.gov/gis/erm/>

New York State Department of Environmental Conservation - Hemlock-Canadice State Forest Unit Management Plan; Hi-Tor Habitat Management Plan; Northern Finger Lakes Unit Management Plan (Honeoye Creek, Honeoye Inlet, Stid Hill Wildlife Management Areas)

Municipal Drainage Studies, Open Space and Natural Resource Inventories, and Comprehensive Plans

8.3.2 Findings

The Board has an interest in reducing stormwater quality and quantity impacts on downstream properties. The Board also has an interest in protecting the integrity of Ontario County's natural resources such as its lakes, streams, forests and other natural areas as many of these resources cross municipal boundaries, impact tourism and resident perception of quality of life, and contribute to the local economy. Degradation of these resources can have inter-municipal or countywide impacts, for example:

- wetlands filter waters that drain into lakes or infiltrate into aquifers used for municipal wells
- filling floodplain areas, and often other site disturbances, increase downstream flood risk
- insufficient storm water management practices can negatively impact water quality, tourism, and agriculture

In 1992 the Board of Supervisors created the Water Resources Council to help coordinate water resource planning. The Board should continue to promote intermunicipal cooperation regarding preservation of natural resources and minimizing impacts of development.

Development review regulations (zoning laws, subdivision regulations, special use permit standards, etc.) need to emphasize a net zero impact on storm water discharges after development as compared to the pre-development conditions through the use of

techniques to manage storm water on site instead of relying on municipal infrastructure (road side ditches, storm sewers, etc.). Board review is intended to promote a paradigm shift in storm water management philosophy.

To minimize stormwater impacts, local referring bodies need information on the limits of site disturbance proposed and changes in drainage patterns from such disturbances. Applicants should also provide documentation that proposed activities will not increase the quantity of stormwater flows to adjacent properties or public infrastructure, that best practices for erosion and sediment control will be in place during site disturbances, and that degradation of stormwater quality is avoided.

When making findings on the intermunicipal and county wide impacts a referral may have on natural resources, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, nature of the potential impact, and reference best practices that should be applied to appropriately protect the resource.

8.4 Transportation

Ontario County has a substantial interest in protecting and improving the function of its intermunicipal transportation infrastructure. This includes:

1. State, Federal, and County roads
2. Hiking, biking, and snowmobile facilities that span more than a single municipality
3. Rail corridors
4. Public transportation
5. Airport

State, Federal, and County Roads

The Board is charged with ensuring referring bodies properly consider road capacity and traffic safety of referred projects and follow federal, state, and county policies for work in road right-of-ways. This may include requiring traffic studies; recommending access consolidations and/or cross access easements; and ensuring site plans separate driveways from intersection queuing areas and appropriately space driveways in relation to road speeds and existing driveways.

The Board should encourage local plans and land use regulations to include access management standards and consider adopting official maps showing future local transportation system elements necessary to preserve capacity of federal, state, and county roads. The Board should encourage Ontario County to adopt an official map to enable the adoption of access management, including retrofit of existing access, as authorized in General Municipal Law §239 e and f.

In addition, the Board has identified the following state and county roads as primary tourist travel corridors:

- County Road 12
- Lakeshore Drive (City and Town of Canandaigua)

- Route 5 and 20
- State Rt 14
- State Rt 14A
- State Rt 21
- State Rt 64
- State Rt 96
- State Rt 245
- State Rt 332
- US Route 20A

Referrals along these roads and any others identified by the Board are subject to additional scrutiny due to their potential impact on desirability of Ontario County as a tourism destination. Such referrals may be reviewed for consistency with design, access, and view shed recommendations of the following corridor plans, relevant recommendations of local Comprehensive Plans, and other relevant considerations.

- SR 96/318 Corridor Study, 2009
<http://www.co.ontario.ny.us/DocumentCenter/View/15236/Final-Corridor-Management-Plan>
- Route 14 Corridor Management Study – Geneva/Phelps 2007
<http://www.co.ontario.ny.us/DocumentCenter/View/14632/Route-14-Corridor-Plan>
- Route 5 & 20 Corridor (west) Design Guidelines 2007
http://www.co.ontario.ny.us/DocumentCenter/View/14636/5_20-Design-Full-Report
- Route 5 & 20 Corridor Study West (Canandaigua to Lima) 2004
http://www.co.ontario.ny.us/DocumentCenter/View/14633/Rts5-20_CorridorStudy_Lima-Canandaigua
- Route 332 Corridor Development Analysis 2004
http://www.co.ontario.ny.us/DocumentCenter/View/14634/Rt332_CorridorDevelopmentAnalysis_Phase1
- http://www.co.ontario.ny.us/DocumentCenter/View/14635/Rt332_CorridorDevelopmentAnalysis_Phase2
- Route 5 & 20 Corridor Study East (Canandaigua to Geneva) 2002
<http://www.co.ontario.ny.us/DocumentCenter/View/14631/Final-Document-5-22-02>

Ontario County has a policy of maintaining paved shoulders along County Roads to safely accommodate bicycle and pedestrian travel. The Ontario County Planning Board should ensure local developments also safely accommodate bicycle and pedestrian use.

Public Transportation

Ontario County is a member of the Rochester Genesee Regional Transportation Authority (RGRTA), which operates a public mass transit bus system under the name of Regional Transit Service – Ontario (“RTS-Ontario”). The system has a number of fixed routes

within Ontario County connecting apartment complexes to grocery, shopping, social service, education, employment, and medical destinations.

Routes include north and south loops in the City of Canandaigua; a loop in Geneva and an additional weekly shopping shuttle; and routes between Canandaigua and Eastview Mall via Farmington and Victor, between Canandaigua and Geneva include Hopewell Complex and FLCC, and between Geneva and Canandaigua via NYS 21 & NYS 96 in Manchester and Phelps.

There is also service between Lyons and both Canandaigua and Geneva and routes connecting Eastview Mall to other destinations in Monroe County.

RTS-Ontario also operates route deviation and Dial-a-ride service for residences or destinations outside the fixed route service area. In addition there are other private and non-profit transportation systems operated by ARC, Office for Aging and others.

The Board has a role in ensuring housing concentrations, especially affordable housing and senior housing, are serviceable by public transit. Development location, layout, and density impact the feasibility and efficiency of providing public transportation services.

Intermunicipal Hiking, Biking, and Snowmobile Facilities

In 2015 the Genesee Transportation Council mapped the following existing (E), planned (P), and priority (Pr) multi-county trails in Ontario County:

1. South Bristol to Naples with spurs to Middlesex and Italy/Jerusalem including sections of the Finger Lakes Trail through Hi-Tor (E).
2. Victor with planned extensions through Farmington, Manchester, Phelps to Geneva and priority spurs to Pittsford and to Mendon (E/P).
3. City of Canandaigua to Hopewell, Seneca, and north toward Phelps with planned extensions to extend to Naples and Milo in Yates County and priority extension through Phelps to connection with trails in Newark, Wayne County (E/P).
4. Canadice Lake - west side (E).
5. Hemlock Lake – 2 trail existing segments partially within Ontario County (T. Canadice-T. Springwater and T. Canadice-T. Livonia) as well as a T. Livonia-T. Conesus segment in Livingston County (E).

NYS also maintains two signed on-road long distance bicycle routes that pass through or near Ontario County

1. State Bike Route 14 follows NYS 14 from Sodus Point in Wayne County to Elmira in Chemung County through the Town of Geneva. This route connects with a State of Pennsylvania bike route.
2. State Bike Route 5 parallels the Erie Canal and the Canalway Trail from Niagara Falls to the Massachusetts line and passes near Ontario County in the Town of Manchester hamlet of Port Gibson.

Three snowmobile clubs maintain 90 miles of NYS funded snowmobile trails in Ontario County including trails in Farmington, Canandaigua, Manchester, East and West Bloomfield, Richmond, Canadice, Bristol, and Naples with connection to trails in Wayne, Livingston, and Steuben Counties.

The Board has a role ensuring proposed developments do not degrade existing and planned hiking, biking, and snowmobiling trails and alerting municipalities to opportunities for new connections.

Ontario County Rail Infrastructure

Rail transportation provides a cost effective transportation option with potentially lower environmental impacts for some transportation needs.

Ontario County holds title to the former Lehigh Valley Railroad (LVRR) property from State Route 251 in the Town of Victor to the rail interconnection east of the Village of Shortsville with the former New York Central Railroad (NYCHRR). The Finger Lakes Railway (FGLK) is a class 3 short line railroad that owns track from within the City of Canandaigua to Shortsville, from Shortsville to Phelps, on to Geneva, and then to the eastern boundary of the County. FGLK and their subsidiary, Ontario Central Railroad, operate on FGLK tracks and the County-owned ROW and its own tracks which extend on to Waterloo, Seneca Falls, Auburn, and Solvay (near Syracuse). FGLK also operates several north-south segments outside of Ontario County, and connects with CSX, Norfolk Southern, and New York Susquehanna Railroads.

In 2017 Ontario County began working on the Freight Rail Corridor Plan- Area One, consisting of the rail corridors in the Town of Manchester including the Villages of Clifton Springs, Manchester, and Shortsville. The project identified opportunities for rail enabled development, developed concept plans for those sites, and made recommendations that were incorporated into recent comprehensive plan updates for the Villages of Shortsville and Clifton Springs. The project also included a Generic Environmental Impact Statement, with the intent that the municipalities will amend their zoning so that future development that adheres to the concept plan will be exempt from further environmental review.

The County and all study area municipalities will continue to work toward making the sites as shovel ready for development as possible. Two potential development sites, the former Lehigh Valley Railroad (LVRR) switching yard north of Red Jacket Middle/High School, and the property around Great Lakes Kraut are the major sites identified for rail enabled development. The municipalities are working with NYSDEC and the EPA to quantify known contaminated areas and develop remediation plans so these sites can be redeveloped. These rail enables development planning efforts have resulted in the Manchester Roundhouse being on the NYS Landmark Society's Five to Revive list in 2018 and the NYS Preservation League's list of Seven to Save in 2018.

The Board has a role ensuring community comprehensive plans assess potential of land adjacent to rail lines for rail enabled development and protecting rail infrastructure from degradation by adjacent development.

Airport

Ontario County has its own general aviation airport, owned by the Ontario County Industrial Development Agency (IDA). The Canandaigua Airport (KIUA) is a general aviation airport with a 500-foot runway, maintenance, fueling, conferencing and other services available on site. In 2013 the runway was extended and aprons and taxiways were strengthened to accommodate heavier aircraft.

In conjunction with development of an airport Master Plan in 2017, the Town of Canandaigua has considered adoption of an airport overlay zone to alert property owners to the need to consider height limitations and other restrictions within the airport approach zones. The County is working with the IDA and the Town to streamline future hangar and support building construction on the IDA property.

8.4.1 Relevant Resources and Partners

Ontario County Department of Public Works- Highway Division

New York State Department of Transportation Region 4

Genesee Transportation Council – Regional Rights of Way Study 2015

<https://www.gtcmpto.org/sites/default/files/pdf/2015/RegionalRightsofWay.pdf>

SR 364/CR 1/CR 11 Active Transportation Plan –ongoing 2019

NYS Snowmobile Trails Map <https://webapps2.cgis-solutions.com/nysnowmobile/>

Ontario County Freight Corridor Draft Development Plan and Generic Environmental Impact Statement, July 2017 [http://www.co.ontario.ny.us/1205/Freight-Corridor-](http://www.co.ontario.ny.us/1205/Freight-Corridor-Development-Plan)

[Development-Plan](http://www.co.ontario.ny.us/1205/Freight-Corridor-Development-Plan)

Finger Lakes Railroad

<http://www.fingerlakesrail.com/System%20Maps/FGLK%20System%20Map%20with%20Abandoned%20Railroad%20Lines-Routes.pdf>

RGRTA & RTS-Ontario <https://www.myrts.com/Ontario/Maps-and-Schedules>

Ontario County Economic Development – Canandaigua Airport Master Plan

Route 96 Transformative Corridor Strategic Infrastructure Plan March 2018

<http://www.victorny.org/DocumentCenter/View/2518/A-Route-96-Transformative-Corridor-Strategic-Infrastructure-Plan-03212018-PDF?bidId=>

8.4.2 Findings

The Board has an interest in protecting and enhancing the safety and operation of Ontario County’s many transportation resources. Many referrals have the potential for intermunicipal and countywide impacts on transportation resources, for example:

- Planning and zoning policies and regulations based on providing complete streets serving the needs of vehicle, bicycle, and pedestrian users enhances the safety and operation of the transportation system.
- Rail and airport operations may impact and be impacted by adjacent development.

- Development projects may impact the presence, safety and operation of roads and other bicycle and pedestrian infrastructure and the ease with which homes, shops, and services can be linked by public transportation.

When making findings on the intermunicipal and county wide impacts a referral may have on transportation, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, the nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource.

8.5 Other County and State Services and Facilities

The Ontario County parks system includes:

- Atwater Park (corner of North Main Street and West Avenue)
- Canandaigua Inn Park (corner of North Main Street and Ontario Street)
- Deep Run Beach (East Lake Road near CR 1 T. Gorham)
- Ontario County Park & Campground at Gannett Hill (off SR 64 T. S. Bristol)
- Grimes Glen Park (Vine Street in Naples) in partnership with the Finger Lakes Land Trust
- Ontario Beach Park (East Lake Road T. Gorham)
- Pickle Park (Gorham St. C. Canandaigua)
- Three Mile Park (Stryker Road in T. Phelps)

Ontario County also maintains a Court House; office buildings for some administrative, government, legal, and community service functions; and sheriff's patrol and an emergency communications center at SR 332 and Ontario Street in the City of Canandaigua. The Hopewell Complex on CR 46 houses health and human services functions, some administrative functions, and the county jail. Nearby facilities on CR 48 house public works and emergency management functions. Ontario County also has a facility on Seneca Street in the City of Geneva which provides some social and mental health services and satellite human resources and department of motor vehicles offices.

There are Finger Lakes Community College (FLCC) facilities on Pultney Street in the City of Geneva and southeast of SR 5 & US 20 and SR 364 with the Constellation Brands-Marvin Sands Performing Arts Center (CMAC) in the Town of Canandaigua.

Ontario County owns a 380 acre landfill on Routes 5 & 20 in the Town of Seneca. The site also houses a zero sort materials recovery facility. The landfill is currently permitted to accommodate 2,999 tons of municipal solid waste per day through 2028. The landfill does not accept radioactive, hazardous, or medical wastes.

In addition to New York State owned lands referenced in 8.3 Other Natural Resources and 8.6 Natural and Cultural Resources and Community Character, NYS owns and operates the Canandaigua Lake State Marine Park at the north end of Canandaigua Lake,

Honeoye Lake Boat Launch State Park at the south end of Honeoye Lake, Harriet Hollister Spencer Recreation Area in Canadice, a Department of Transportation facility on Parrish Street between SR 332 and CR 16, and a police barracks on SR 332 in the Town of Farmington.

Ontario County operates two sewer districts. The Canandaigua Lake County Sewer Districts (CLCSD) encompasses sewer lines, lift stations, and pump stations to collect wastewater from most properties bordering Canandaigua Lake and portions of the Towns of Canandaigua, Gorham, and Hopewell and transport it to the City of Canandaigua sewer treatment plant. The Honeoye Lake County Sewer District (HLCSD) encompasses sewer lines, pump stations, and a sewer treatment plant that collects wastewater from properties along Honeoye Lake and in the hamlet of Honeoye. There is a County Sewer Use Law that outlines requirements for connecting to these systems.

The Board has a role in protecting such State and County facilities from degradation by development.

8.5.1 Relevant Resources and Partners

Ontario County Sheriff

Ontario County Department of Public Works – Parks, Buildings and Grounds, and Sewer Divisions

Ontario Beach and Deep Run Beach Park Master Plan on-going 2019

Ontario County Office of Emergency Management

Ontario County Solid Waste Management Plan 2014

<http://www.co.ontario.ny.us/926/Draft-Solid-Waste-Management-Plan-March->

NYS Parks, Recreation, and Historic Preservation Region 4

NYS Police Barracks Farmington

Local fire and ambulance districts and services

8.5.2 Findings

Many actions referred to County Planning Board have the potential to impact operations of County and State facilities and services:

- Land use plans and regulations and planned development near County and State facilities should preserve and protect these essential functions.
- Plans, regulations, and development also have the potential to impact public safety, health and emergency management functions.

When making findings on the intermunicipal and county wide impacts a referral may have on County and State services and facilities, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource.

8.6 Historic and Cultural Resources and Community Character

Community character is a key feature of creating a desirable tourism destination and maintaining quality of life for residents. Community character includes:

1. historic buildings and pedestrian oriented layout of developed hamlets, villages, and cities
2. rural/agricultural character of sparsely developed areas
3. wild forests, meadows, wetlands, waterways and historic and cultural landscapes

Section 8.4 Transportation identifies a number of corridor studies completed for key primary tourist travel routes that are state highways. Recommendations common to these studies include:

1. Provide on-street parking and minimum necessary street widths in hamlet, village, and city neighborhoods and historic areas. Provide appropriate lighting and landscaping.
2. Apply access management to encourage an interconnected road network, shared driveways, interconnected parking areas, and access spacing and design to provide safety and desired character.
3. Ensure appropriate site characteristics to protect corridor character whether in village/hamlet locations where it is important to maximize building frontage and locate parking on-street or to the rear or rural locations where wider lots and perpendicular building orientation encourages side or rear parking and undisturbed green space or clustered plantings to maintain rural character.
4. In both village and rural settings, limiting access to 1 per parent lot maintains character and roadway operations.
5. Ensure appropriate building standards to protect corridor character by encouraging 2 story buildings/facades with quality building materials and pitched roofs; requiring landscaped open space (60% per lot outside villages) with preserved or planted vegetation around foundations, in parking areas with 20 or more spaces, along frontage (1 tree per 30') and as a buffer between residential and non-residential districts; and building with traditional proportions between building height and width (typical proposed 1:3 discouraged, typical existing 1:1.5 -desired) and windows proportions.
6. Preserve a nodal development pattern with developed uses clustered and separated by protected open vistas of preserved farmland or conservation areas.

In addition to their contribution to community character, preserved farmland and natural areas contribute directly to the local economy and provide infrastructure services related to flood prevention and water quality protection.

Another element of protecting community character is avoiding the blighting influence of vacant buildings. Municipal staff, policies, and land use regulations and mapping play a significant role in guiding new uses to re-develop existing sites and re-occupy existing buildings.

In addition to individual buildings listed on the State or National Register of Historic Buildings, the following communities have locally designated Historic Districts:

1. Village of Bloomfield Historic District
2. City of Canandaigua Historic District
3. Village of Clifton Springs Historic District
4. City of Geneva Genesee Park, Commercial, and South Main Street Historic Districts

NYS also operates the Ganondagan State Historic Site, educating about 17th century Seneca and Haudenosaunee history, art, and culture and the Sonnenberg Gardens and Mansion State Historic Park, educating about a prominent local family of the late 19th century and the Victorian architecture of the buildings.

8.6.1 Relevant Resources and Partners

NYS Office of Parks, Recreation, and Historic Preservation and their Cultural Resource Information System <https://cris.parks.ny.gov/Login.aspx?ReturnUrl=%2f>

Corridor studies listed in Section 8.4

Natural Resource reports listed in Section 8.3

Ontario County Agricultural Enhancement Plan listed in Section 8.2

8.6.2 Findings

The Board has an interest in protecting and enhancing the character of Ontario County's diverse communities and landscapes. Many referrals have the potential for intermunicipal and countywide impacts on community character, for example:

- Strip development along state, county, and local roads whether for commercial, residential or other uses degrades not only community character, but also road capacity and the viability of farms.
- Large lot sizes and widths may not result in visually desirable or economically sustainable development patterns.
- Development patterns such as preserving existing vegetation and adding landscaping with diverse species and spacing as found in nature, rounded landforms (5:1 slopes), and curving driveways that follow the landform, and buildings with varied spacing and natural materials contribute to rural character.
- Development patterns with minimum building frontage (50 to 80%), shared access, and rear or screened parking; sidewalks, tree lawn, and consistent front setbacks; and minimum building height/stories (2), window transparency (30%), and maximum unbroken wall length (50') contribute to a pedestrian orientated character appropriate for hamlet, village, and city neighborhoods and core areas.

Development that does not contribute to community character while also meeting residential, business or institutional needs does not benefit the long term vitality of the community.

When making findings on the intermunicipal and county wide impacts a referral may have on community character, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, the nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource. When making recommendations on referrals, the Board should encourage municipalities to set a high bar and also recognize constraints of local regulations.

8.7 Recommended Standards for Local Planning and Zoning Regulations

The Board also provides technical assistance to local municipalities and reviews local laws and text and map amendments related to planning and zoning. In reviewing such laws and prioritizing requests for technical assistance, the Board and OCDP are especially concerned those local regulations:

1. Reduce the risk of flooding and maintain water quality of area lakes and streams by including submission, review, and design standards that document management of storm water quality and quantity impacts on newly developed and redeveloped sites. Local regulations should also seek to minimize risk of flooding by balancing cuts and fills associated with development activities in designated floodplains
2. Protect the viability of agricultural operations by including farm friendly definitions, district intent statements and regulations, and subdivision standards. Such regulations should be in accordance with NYS and Ontario County statues and guidelines regarding protected agricultural activities and encourage non-protected agricultural economic development while minimizing negative impacts to traffic, health, safety, and neighborhood character. Local municipalities should also consider designation of districts principally for agricultural use and assure protection of agricultural infrastructure.
3. Protect the safety and function of State, County, and Local roads through submission, review, and design standards that require access management; provide bicycle and pedestrian circulation on site, on adjacent roads and via off-road systems; consider impacts of development on rail and airport use; and include review of the viability of public transportation.
4. Promote economic development by providing shovel ready sites for commercial and industrial development and allowing home based businesses that are in keeping with the character of the district where they are located.
5. Protect historic buildings and landscapes, maintain village and rural character, and avoid the blighting influence of vacant buildings through appropriate development policies and regulations.

8.7.1 Relevant Resources and Partners

NYS Department of State publications and trainings <https://www.dos.ny.gov/lg/lut/>

Sample Stormwater Management Regulations <https://www.ecode360.com/33458028>

Sample Onsite Wastewater Treatment Law – https://www.gorham-ny.com/pdf/form_application_resource/pdf28_pdf.pdf

Appendix B of Agricultural Enhancement Plan -inventory of farm friendly zoning provisions <http://www.co.ontario.ny.us/1651/Agricultural-Enhancement-Plan>

NYS Agriculture and Markets

NYS Solar Guidebook for Local Governments

<https://www.nyserda.ny.gov/All%20Programs/Programs/Clean%20Energy%20Siting/Solar%20Guidebook>

Sample Access Management Regulations https://www.gorham-ny.com/pdf/form_application_resource/pdf8_pdf.pdf

Sample Zoning Code to protect village character

<http://www.co.ontario.ny.us/DocumentCenter/View/15690/50-2018-CS-Zoning-Code-DRAFT-MAR-2018>

Sample Conservation Subdivision Regulations

<https://ecode360.com/9208367>

8.7.2 Findings

The Board has an interest in ensuring local regulations and development review procedures appropriately protect and enhance natural resources, farm viability, transportation, public facilities, and community character so that new investments contribute to the desirability of local communities to tourists, businesses, and residents.

When making findings on the intermunicipal and county wide impacts a Comprehensive Plan or Zoning map or text amendment, the Board will seek input from relevant partners and resource documents. Such findings should identify the resource potentially impacted, the nature of the potential impact, and reference best practices that could be applied to appropriately protect the resource.