

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –January 7, 2020 at 3:30pm**  
**County Planning Board Meeting –January 8, 2020 at 7:00pm**

2nd Floor, Conference Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

This document will serve as both the minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website <http://www.co.ontario.ny.us/index.aspx?nid=516>

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

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

Referral No	Municipality	Referring Board	Applicant	Application Type	Class	Page
1 - 2020	Town of East Bloomfield	Town Board	Town of East Bloomfield	Text Amendment	2/A	2
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10 - 2020	Town of Canandaigua	Zoning Board of Appeals	German, Rich & Peter	Area Variance	AR 2	10
11 - 2020	Town of Canandaigua	Planning Board	Bayer Landscape Architecture	Site Plan	1	12
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12 - 2020	Town of Bristol	Zoning Board of Appeals	Barrett, Jason	Special Use Permit	1	13
13 - 2020	Town of Victor	Planning Board	DeHollander, Scott	Subdivision	1	14
14 - 2020	Town of Farmington	Planning Board	RAMSS LLC	Special Use Permit	1 Late Referral	15

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

**Guests:** Steve Sciarratta, James Kramer, Sara Bernam, Jean Vaughan, Tim Vaughan, Jeff Wood, Mark Malvaso and Narina Schulz  
**Staff:** Linda Phillips – OCPD, Chelsea Booth- OCPD

**Call To Order/Roll Call:** Nominating Chair Patti Wirth called the 1/8/20 CPB meeting to order at 7:02, and requested Ms. Booth to do roll call. Ms. Booth presented roll call and reported that there were twelve (12) members present, meeting the quorum requirement.

**Election of Officers**

Ms. Wirth reported that the Nominating Committee had spoken with all members of the Board regarding their willingness to serve as an officer and their recommendation of who should serve. The committee recommended that Leonard Wildman and David Wink be elected as Chair and Vice Chair respectively. **Motion made by Patti Wirth, seconded by Marty Avila that Leonard Wildman be elected as the 2020 Chair of the CPB and representative to the Water Resources Council and David Wink be elected as the 2020 Vice Chair of CPB. Motion unanimously carried**

**Minutes:**

**Motion made by Sue Boardman to approve the December 11, 2019 minutes as revised seconded by David Wink Motion not carried. (required abstentions M. Woodruff, Ruby Morrison, Carol O'Brien, Glen Wilkes, Albert Crofton, Marty Avila )**

1 - 2020	Town of East Bloomfield Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of East Bloomfield	
Brief Description:	Text amendments to allow a directory sign for industrial uses off an internal access road and to allow accessory residential dwellings by special use permit in the Agricultural Rural Residential and Rural Residential districts in the Town of East Bloomfield. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20529/1-2020-e-bloom-code-amendments">https://www.co.ontario.ny.us/DocumentCenter/View/20529/1-2020-e-bloom-code-amendments</a>	

The directory sign amendment outlines the following criteria for signage associated with industrial development accessed from an internal access road:

1. Sign may contain the name of the development site and/or the names and addresses of the businesses.
2. Size limit of 10 SF.
3. Height limit of 20 feet, with minimum of 3' above grade.
4. Lighting to be external, dark sky compliant fixture.
5. Not obstruct driver view at intersection and be 50' from any residential parcel.
6. In harmony with Town community character and other directory signs.

The accessory residential dwelling amendment outlines the following special use permit standards:

1. A property owner must reside in either the primary or accessory dwelling and a family member must occupy the other unit.
2. Such use must be located in a detached accessory building and removed when no longer used by a family member.
3. Accessory dwellings must contain at least 2 rooms, be 500 to 850 SF in gross floor area and contain sanitary facilities, hot and cold running water, and cooking and food storage facilities.
4. Electrical service and waste water treatment for the accessory dwelling shall be integrated with that for the existing single family use unless waived by the Planning Board as a practical hardship due location of existing systems.
5. Only one accessory residential dwelling is allowed per lot and structure must meet all accessory use setback requirements.
6. The lot shall provide a minimum of 4 off-street parking spaces: 2 for the principal residence and 2 for the accessory residential unit.
7. Accessory residential dwelling shall meet NYS Building Code and Department of Health regulations as well as all other applicable site and building design, height, access and other standards for the principal dwelling unit.
8. The town may charge a fee for placement of a temporary accessory residential dwelling. The property owner must annually certify compliance with residency and other conditions met at the time of the original application each year.

**Comments**

1. The proposed maximum sign size of 10 SF is likely sufficient to identify the name of the development and/or the address, but may not be suitable for listing multiple business names.
2. What is required for removal/discontinuation of an accessory dwelling if the garage or carriage house is not removed? Removal of kitchen appliances? Bathroom fixtures? Are mobile homes or modular homes allowed as temporary accessory residential dwellings?
3. Are accessory residential dwellings allowed on lots with a principal use other than a residence such as a farm?
4. The proposed amendments do not indicate where in the zoning code they are to be inserted.

**Board Motion:** A motion to retain referral 1-2020 as a Class 2 and return it to the local board with recommendation of approval with comments.  
**Motion made by:** D. Wink  
**Seconded by:** T. Marks  
**Vote:** 12 in favor, 0 opposed, 0 abstention **Motion carried.**

2 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Jeffries, Emily	
Representative:	Grove Engineering	
Tax Map No(s):	99.00-1-56.000	
Brief Description:	Site plan, area variance and subdivision to create 4 flag lots with 3 driveways on Lincoln Hill Road in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20530/2-2020-subdivision">https://www.co.ontario.ny.us/DocumentCenter/View/20530/2-2020-subdivision</a>	

A similar subdivision was reviewed in June of 2016, as referral 76-2016. The ZBA approved the lot width variance which was overturned on procedural grounds in an Article 78 filed by adjacent property owners. The applicant has resubmitted the subdivision plan, with the addition of rain gardens but no changes to lot widths. The applicant’s cover letter references a provision of the Hopewell Rules and Regulations for Subdivisions concerning flag lots.

The lots are all approximately 2.6 acres in size. The northernmost lot has 150' of frontage. The 2 center lots with a shared driveway have 45' and 50' of frontage, and the southern lot has 30' of frontage. The home sites are each setback 150' to 400' from Lincoln Hill Road. Each property has a 300 SF rain garden.

According to OnCor, the property is not in an agricultural district and not constrained by wetlands or floodplains. There is one small area of 16 to 30 percent slope near the northwest property boundary shared with the residence at 3477 Lincoln Hill Road. The property is in the Canandaigua Lake watershed. The primary site soils are Darien silt loam with 3 to 8 or 8 to 15 % slope. Such soils are:

**Prime Farmland if drained or Farmland of statewide importance depending on slope**

**Permeability:** moderately high      **Erodibility:** high

**Hydrological Group** C/D              **Partially Hydric**

**Capability** 3w and 3e depending on slope.

**Comments**

1. No drainage calculations are provided to ensure proposed rain gardens are sufficient to address water quality and quantity impacts from construction of homes, driveways, and septic systems on adjacent properties including FLCC sports fields.
2. The provision of the Hopewell subdivision regulations related to flag lots in Article 1 Section 2 {2<sup>nd</sup>} paragraph C) subparagraph 2) appear to only apply to agricultural properties in the Farmland Protection Overlay District. In such case, Section 2 C) 2) authorizes the Planning Board to require submission of a cluster subdivision to preserve agriculture. Further, any such cluster development approved by the Planning Board "shall employ combined driveways or other methods that minimize the number of road cuts to the least practical number. " 2 c) 2) c.

Hopewell Town Zoning Code section 504 A. 2. Defines the Prime Farmland Soil Overlay District to include soils in capability group 1 through 6 and receiving or eligible to receive an agricultural exemption. The applicant has not submitted documentation that the Planning Board has required submission of a clustered subdivision in order to preserve agriculture nor evidence of eligibility for an agricultural exemption.

3. Raised fill septic systems will require review by the NYS Department of Health and must receive a waiver.

**Comments Canandaigua Lake Watershed Manager**

1. Development of proposed driveways, septic systems, and home sites is likely to disturb more than 5 acres of land and to require preparation of a SWPPP and post-construction stormwater management.
2. Limiting post-development stormwater discharge from this site to pre-development volumes is critical given existing stormwater management issues at the intersection of Marvin Sands Drive and the abandoned western end of Lincoln Hill Road.

**OCSWCD Comments**

1. SWPPP was not provided so comments could not be made regarding sequencing and phasing of proposed subdivision.
2. If stockpiles are to be left they must be stabilized.
3. No calculations were provided for rain gardens to demonstrate sufficient capacity.
4. Silt fence is not designed to be placed across concentrated flows as shown in swales on lots 1 and 2.

**CRC Comment** The referring body should consider the impact of the proposed driveway spacing and the precedent of allowing flag lots and if granting an area variance, grant only the minimum variance to allow reasonable use of the lot.

**Neighbor Comments**

1. The proposed flag lots/driveway spacing is undesirable.
2. One of the proposed home sites appears to obstruct the lake view from an existing residence.

**CPB Comments**

1. The site plans should show limit of disturbance.
2. The referring body should require the applicant to prepare a SWPPP whether or not all the lots are expected to be developed simultaneously.

**CPB Comments from Neighbors**

1. Though Lincoln Hill Road is a short dead end road, it is heavily used as a drop off point for events at CMAC and safety of proposed driveway spacing should consider these conditions.
2. These flag lots are not in keeping with the existing character of development along Lincoln Hill Road.
3. Is there sufficient site distance exiting the southernmost driveway given presence of grade change, tree and split rail fence?

4. Given previous experience with extreme rain events, neighbors are extremely concerned about how much of each lot will be disturbed and what stormwater management practices will be in place during and after construction.
5. The referring board should consult with the fire department regarding capability of serving homes with deep setbacks.

**Board Motion:** A motion to retain referrals 2-2020, 2.1-2020, and 2.2-2020 as Class 1s and return them to the local board with comments.

**Motion made by:** L. Wildman

**Seconded by:** M. Avila

**Vote:** 11 in favor, 1 opposed, 0 abstentions **Motion carried**

2.1 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Jeffries, Emily	
Representative:	Grove Engineering	
Tax Map No(s):	99.00-1-56.000	
Brief Description:	Site plan, area variance and subdivision to create 4 flag lots with 3 driveways on Lincoln Hill Road in the Town of Hopewell.	

See information at 2-2020.

2.2 - 2020	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Jeffries, Emily	
Representative:	Grove Engineering	
Tax Map No(s):	99.00-1-56.000	
Brief Description:	Site plan, area variance and subdivision to create 4 flag lots with 3 driveways on Lincoln Hill Road in the Town of Hopewell.	

See information at 2-2020.

3 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Amadon, Daniel	
Property Owner:	Daniel Amadon, Roger Cunningham	
Tax Map No(s):	74.00-1-3.110	
Brief Description:	Site plan for addition of 3 bunk silos covering a total of 1.2 acres and 2 concrete manure storage areas with a total of 16,000 SF at Landmark Farms, 2607 SR 488 in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20531/3-2020-site-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20531/3-2020-site-plan</a>	

The site plan includes both manure storage facility and bunk silos, though the bunk silos are likely to be developed first. The bunk silos are used to process haylage and silage used for animal feed. They will be connected to an adjacent leachate collection system and a vegetative filter area east of the main barn. This is necessary to manage potential for discharge of leachate with very low pH, high biochemical oxygen demand, and high level of ammonia at harvest time.

<https://www.nrcs.usda.gov/wps/portal/nrcs/detail/ny/home/?cid=STELPRDB1253601> The manure storage is sized to accommodate waste from 450 mature animals for 6 months and will be located between the dairy barn and the shop.

Landmark Farms is a 150 acre dairy farm. The farm is classified by NYS as a Concentrated Animal Feeding Operation and required to maintain a State Pollutant Discharge Elimination System (SPDES) permits through NYSDEC.

According to OnCor, portions of the farmstead are in the Rocky Run and Canandaigua Outlet watersheds. A portion of the farm is also in the Flint Creek watershed. The property and all adjacent properties are in an agricultural district and not constrained by floodplains or wetlands. There are small areas with slopes of 16 to 30 percent within the farmstead and the drainage ditch near the southern property boundary. Site soils are well drained Honeoye and Lima loams with slopes of 4 percent or less and the following characteristics:

**Farmland of statewide importance**  
**Permeability:** moderately high      **Erodibility:** medium  
**Hydrological Group** C/D                      **Not Hydric**

**Comment** The PB should formally document any waiving of requirement for stamped site plan in conjunction with construction of agricultural buildings on farms in agricultural districts.

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.  
**Motion made by: D. Wink Seconded by: M. Avila**  
**Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.**

4 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Noce, Louis	
Tax Map No(s):	85.03-1-8.00	
Brief Description:	Site plan and special use permit for 153 temporary CMAC event parking spaces at FLCC Honors House, 4340 CR 50 at NYS 5/US 20 in the Town of Hopewell. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20532/4-2020-site-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20532/4-2020-site-plan</a>	

The site plan and application materials indicate the 2 acre site can accommodate 153 parking spaces while retaining parking aisles 20' wide. A rope barrier will prohibit entering and exiting the site except at the site driveway. The temporary parking use will operate starting 2 to 5 hours before the start of a CMAC event and close when the lot is empty or not more than 2 hours after the event ends. There will be trash and recycling containers on site for customer use. Within 24 hours of the end of an event, all litter will be removed from the site and perimeter barrier and signs will be removed unless parking will be offering within 96 hours (4 days). There will be a minimum of 3 parking attendants on duty during all hours of parking operations. The site will be barricaded if there is no parking allowed at Honor House during some CMAC events.

**Comments**

1. No perimeter barrier is shown west of the pedestrian exit to ensure this route is not used by exiting vehicles.
2. Will the special use permit include a limit on the number of events allowed per year?
3. Application materials reference a potential location for placement of temporary bathrooms on site, but the location is not shown on the site plan.

**CRC Comments**

1. The referring board may want to add conditions to ensure any road clean up or re-establishment of lawn associated with use of temporary parking area in very wet or very dry conditions.

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.  
**Motion made by: D. Wink Seconded by: M. Avila**  
**Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.**

4.1 - 2020	Town of Hopewell Planning Board	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Noce, Louis	
Tax Map No(s):	85.03-1-8.00	
Brief Description:	Site plan and special use permit for 153 temporary CMAC event parking spaces at FLCC Honors House, 4340 CR 50 at NYS 5/US 20 in the Town of Hopewell.	

See information at 4-2020.

5 - 2020	Town of Hopewell Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Davis, Jennifer	
Property Owner:	Widewaters Hopwell C. LLC	
Tax Map No(s):	85.03-1-19.000	
Brief Description:	Site plan for exterior paint and signage replacement at the Walmart store, 4238 Recreation Drive, in the Town of Hopewell. The 12 existing signs will be replaced and a sign for recycling added with a slight reduction in total signage from 650 SF to 647 SF when 1,100 SF is allowed by variance.	

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

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

**Final Classification:** Class 1

**Findings**

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

6 - 2020	Town of Farmington Planning Board	Exempt
Referral Type:	Subdivision	
Applicant:	Wright, Gary	
Property Owner:	Wright, Whitney	
Representative:	Greene Land Surveying PLLC	
Tax Map No(s):	19.00-1-10.12	
Brief Description:	Subdivision of 3.5 acre lot from 65 acre parcel at 573 Yellow Mills Road north of Rushmore Road in the Town of Farmington.	

7 - 2020	Town of South Bristol Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Smith, Richard	
Property Owner:	Hawks, Richard	
Representative:	Grove, William	
Tax Map No(s):	185.00-1-64.000	
Brief Description:	Site plan and special use permit for conversion of 3 bedroom home at 6471 SR 21 at SR 64 in the Town of South Bristol to 3 apartments with a total of 4 bedrooms. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20533/7-2020-site-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20533/7-2020-site-plan</a>	

The .6 acre site soils are primarily Palmyra gravelly loam 0-3 percent. Such soil is well drained, with high permeability and medium potential for erosion. Palmyra soils are in hydrological unit B and not hydric.

**Comments**

1. Is proposed septic system adequate to treat waste water from additional occupants and kitchens?
2. It may be desirable to show required off street parking on the site plan to ensure appropriate site circulation and no need for backing onto the public ROW.
3. The zoning code Special Use Permit unit size requirements are the same for 1 and 2 bedroom units. The first floor unit appears to be closer to 600 SF, in line with minimum unit size for affordable multi-family housing funded by the NYS Home and Community Renewal and Housing Trust Fund Corporation but not S. Bristol's SUP standards. The Town of South Bristol should consider revising its unit size requirements to encourage development of affordable housing.



Unit Size	HCR/HTFC Minimum SF	HCR/HTFC Maximum SF	SUP Minimum SF
Studio	450	550	550
One-bedroom	600	725	720
Two-bedroom	750	950	720
Three-bedroom (requires 1.5 bath)	900	1,150	1,000
Four-bedroom (requires 2 full baths)	1,050	1,300	NA

**NSYDOT Comments**

- The narrowing of the driveway as shown on the site plan is desirable. Even better would be to narrow the driveway to the western edge of the house. [Google maps street view](#)

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.

**Motion made by:** D. Wink **Seconded by:** M. Avila

**Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

7.1 - 2020	Town of South Bristol Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Smith, Richard	
Property Owner:	Hawks, Richard	
Representative:	Grove, William	
Tax Map No(s):	185.00-1-64.000	
Brief Description:	Site plan and special use permit for conversion of 3 bedroom home at 6471 SR 21 in the Town of South Bristol to 3 apartments with a total of 4 bedrooms.	

See project information at 7-2020.

**Board Motion:** A motion to retain referral 7.1-2020 as Class 1 and return it to the local board with comments.

**Motion made by:** L. Wildman

**Seconded by:** S. Boardman

**Vote:** 11 in favor, 0 opposed, 1 abstention (B. Crofton) **Motion carried**

8 - 2020	Town of South Bristol Planning Board	Class: AR 1
Referral Type:	Site Plan	
Applicant:	Venezia & Associates	
Property Owner:	Swartout, Steve	
Tax Map No(s):	187.07-1-17.200	
Brief Description:	Site plan for demolition of a seasonal residence and construction of a new home on a .5 acres lot at 5737B Seneca Point Road in the Town of South Bristol. Existing 3 season stone room to remain.	

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

**Policy AR-5: Applications involving one single family residential site, including home occupations.**

The intent of this policy is to:

- Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- Address impacts to ground and surface waters



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

**Final Classification:** Class 1

**Findings:**

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

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

**Comments**

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

**OCSWCD Comments**

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

9 - 2020	City of Geneva Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Costich Engineers	
Property Owner:	Marchenese Auto Wash	
Tax Map No(s):	104.14-6-41 104.14-6-42 104.14-6-40 104.14-6-36.100	
Brief Description:	Site plan, subdivision, and use variance for demolition of existing auto wash at 86 Norwood Avenue in the City of Geneva, annexation of 3 adjacent parcels at 396 and 400 Hamilton Street (SR 5/US 20) and 77 Spring Street, and construction of a new auto wash. The use variance is needed because the northern half of the Spring Street parcel is in the R-1 district. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20534/9-2020-site-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20534/9-2020-site-plan</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20541/9-2020-planting-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20541/9-2020-planting-plan</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20535/9-2020-subdivision">https://www.co.ontario.ny.us/DocumentCenter/View/20535/9-2020-subdivision</a>	

The proposed auto wash will include a 3,450 SF building on a 1.21 acre site, 8 parking spaces, 3 waste water reclamation tanks, an oil separator, and 13 vacuum stations. Proposed redevelopment will involve demolition of the existing auto wash and the single family homes on the 3 parcels to be added to the development site. The existing auto wash was developed in 2010 with a use variance to allow construction on a .53 acre property partially in the Highway and R-1 zoning districts.

The existing site access is off Norwood Avenue. Proposed site access would include driveways off Norwood Avenue and Spring Street. The new site plan includes a wash building by-pass lane. The proposed redevelopment also will include two bio retention areas and trees, shrubs and perennials planted in a mulched bed around existing trees along the property line with the residential district/use on Spring Street.

Other adjacent land uses includes a gas station and motor vehicle service station at Hamilton Street and Norwood Avenue, a bank and neighborhood and regional shopping centers to the south across NYS5/US 20, and a pharmacy at the corner of Hamilton Street and Spring Street.

**Comments**

1. There are no trees or shrubs planned along Hamilton Street or most of the Spring Street frontage.
2. The use variance financial hardship analysis should be based on the Spring Street property only.
3. Demolition debris should be recycled, if opportunities exist, or disposed of at a permitted facility.
4. Proposed lighting will be 1 foot-candle opposite the residence at 76 Spring Street. The light level may negatively impact the residence on the west side of Spring Street.

**CRC Comments**

1. What signage is proposed?
2. The site plan should identify area intended for snow storage.
3. Is proposed number of vacuum stations warranted?
4. What measures will be taken to prevent accidental vehicle encroachment onto road ROW due to the tight curve entering the wash tunnel?

**CPB Comments**

1. CPB commends the applicant and City of Geneva for proposing to continue to access to the expanded use from side streets and reducing the number of curb cuts on Hamilton Street/ SR 5/US 20.
2. What are car wash hours of operation?
3. Will doors close during wash cycle to minimize noise impacts?

**Board Motion:** A motion to retain referrals 9-2020 and 9.1-2020 as Class 1s and return them to the local board with comments.

**Motion made by:** D. Wink **Seconded by:** T. Lyon

**Vote:** 12 in favor, 0 opposed, 0 abstentions **Motion carried.**

9.1 - 2020	City of Geneva Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	Costich Engineers	
Property Owner:	Marchenese Auto Wash	
Tax Map No(s):	104.14-6-41 104.14-6-42 104.14-6-40 104.14-6-36.100	
Brief Description:	Site plan, subdivision, and use variance for demolition of existing auto wash at 86 Norwood Avenue in the City of Geneva, annexation of 3 adjacent parcels at 396 and 400 Hamilton Street and 77 Spring Street, and construction of a new auto wash. The use variance is needed because the northern half of the Spring Street parcel is in the R-1 district.	

See information at 9-2020.

9.2 - 2020	City of Geneva Zoning Board of Appeals	Class: 2
Referral Type:	Use Variance	
Applicant:	Costich Engineers	
Property Owner:	Marchenese Auto Wash	

Tax Map No(s):	104.14-6-42
Brief Description:	Site plan, subdivision, and use variance for demolition of existing auto wash at 86 Norwood Avenue in the City of Geneva, annexation of 3 adjacent parcels at 396 and 400 Hamilton Street and 77 Spring Street, and construction of a new auto wash. The use variance is needed because the northern half of the Spring Street parcel is in the R-1 district.

See project information at 9-2020.

### Findings

The character of development along primary tourism corridors is important to local and county-wide quality of life and tourism potential. Adequate depth of highway corridor commercial districts is important to providing space to accommodate appropriate streetscape, parking lot, and building landscaping and buffering to adjacent residential uses. Predictability is also important to encourage reinvestment in developed corridors. Using parcel boundaries to define zoning districts promotes predictability.

CPB commends the City of Geneva for undertaking a comprehensive zoning update and recommend the City of Geneva consider the appropriate zoning classification for 77 Spring Street rather than consider a use variance.

**Board Motion:** A motion to retain referral 9.2-2020 as Class 2 and return it to the local board with recommendation of disapproval with comments.

**Motion made by:** M. Avila

**Seconded by:** M. Woodruff

**Vote:** 12 in favor, 0 opposed, 0 abstentions Motion carried

10 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	German, Rich & Peter	
Tax Map No(s):	113.13-1-10.000	
Brief Description:	Area Variance for replacement sign at German Brothers Marina 3907 CR 16 in the Town of Canandaigua.	

The previous sign was granted an area variance to allow a height of 13.5' when a height of 7' is allowed and a front setback of 4.3' when 15' is required. The replacement sign that has already been installed has a height of 18' above ground level and has a front setback of 10.2'. The impact of the higher sign height may be somewhat mitigated by its location further from the ROW on ground at a lower elevation.

### Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 5/US 20 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

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

**Final classification: Class 2**

### Findings:

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

**Final Recommendation – Denial**

11 - 2020	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Bayer Landscape Architecture	
Property Owner:	Wegman, Dan	
Tax Map No(s):	140.18-1-16.000	
Brief Description:	Site plan and 3 area variances for adding a tennis court with perimeter retaining wall, 325 SF pavillion, and associated fencing, drainage, and planting at 4885 CR 16 in the Town of Canandaigua. Changes will result in a 7,900 SF increase in lot coverage from 21 to 27 percent when 25 % is allowed. Additional variances for size and height of pavillion. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20536/11-2020-extracted--Site-Plan-and-steep-slope-map">https://www.co.ontario.ny.us/DocumentCenter/View/20536/11-2020-extracted--Site-Plan-and-steep-slope-map</a>	

The proposed shade pavillion is 325 SF when accessory buildings in the Lakefront Residential District are limited to 100 SF. The proposed height of the pavillion is 18' when 10' is allowed. The site plan also indicates relocation of a portion of the driveway, reworking of the existing stormwater management system to include 3 rain gardens with 600 SF of area and trench drains around the tennis court to address stormwater quality and quantity impacts. The activities will disturb more than an acre of land.

The applicant states the tennis court will not be visible from the Lake, CR 16 or from neighboring properties and that the size of the pavillion is necessary to accommodate the applicants need. The justification for the height of the pavillion is to accommodate a building appropriately scaled to the size of the house. The application does not mention visibility of the pavillion.

The site modifications will involve disturbance of 20,437 SF of steep slopes including 4,190 SF with slopes of 25 to 40 % and 1,586 SF with slopes of more than 40%. The Town's Zoning Law Determination preliminarily indicates the proposed changes comply with the Town of Canandaigua Steep Slope Law and that changes work with the natural elements of the site rather than making the site fit the development goals of the landowner and minimize land disturbance, cut and fill operations, tree removal and alternation of natural drainage. Additional review will occur as part of site plan review. The Steep Slope Law also requires evaluation of any retaining walls greater than 4' high by a professional engineer.

The property is within the Canandaigua Lake watershed and referral was sent to the Canandaigua Lake Watershed Council and the OCSWCD for comments. No comments have been received at this time, however, the Watershed Manager works closely with the Town of Canandaigua planning board to minimize stormwater impacts of new development.

#### Comments

1. It appears the topsoil stock pile and the material staging area are in an area of 25-40 % slope rather than an adjacent available land with 15 to 25% slope.
2. What outdoor lighting will be installed? Any court lighting should be dark sky compliant.

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.

**Motion made by: D. Wink Seconded by: M. Avila**

**Vote: 12 in favor, 0 opposed 0 abstentions Motion carried.**

11.1 - 2020	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Bayer Landscape Architecture	
Property Owner:	Wegman, Dan	
Tax Map No(s):	140.18-1-16.000	
Brief Description:	Site plan and 3 area variances for adding a tennis court with perimeter retaining wall, 325 SF pavillion, and associates fencing, drainage, and planting at 4885 CR 16 in the Town of Canandaigua. Changes will result in a 7,900 SF increase in lot coverage from 21 to 27 percent when 25 % is allowed. Additional variances for size and height of pavillion.	

See information at 11-2020.

12 - 2020	Town of Bristol Zoning Board of Appeals	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Barrett, Jason	
Property Owner:	85wmeLLC	
Representative:	Riker, Sandy	
Tax Map No(s):	137.00-2-14.130	
Brief Description:	Special use permit for a 1,080 SF seasonal camp at 7209 CR 32 west of South Hill Road in the Town of Bristol. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20537/12-2020-Barrett-septic-design-12-15-19">https://www.co.ontario.ny.us/DocumentCenter/View/20537/12-2020-Barrett-septic-design-12-15-19</a>	

The proposed use is located on a 19 acre lot. The site plan also indicates a future location for a 4 bedroom home that would share a driveway and septic system with the seasonal camp. The applicant has submitted a request to add the property the agricultural district. The current agricultural use of the property is growing white oak trees for distilling barrels and juniper bushes to make gin. The property owned anticipates adding beehives in several years.

According to OnCor, the site is not in an agricultural district or constrained by wetlands or floodplains. The cleared portion of the site along the eastern property line and the west half of the CR 32 frontage have slopes less than 10 percent. The wooded area mostly has slopes of greater than 16 percent with the stream channel through the wooded portion of the site having slopes of more than 60 percent. OnCor shows a different or additional stream corridor through the eastern portion of the site. Soil characteristics are as follows:

Western CR 32 frontage: Orpark Silt loam, 8 to 15 %

**Farmland of statewide importance**

**Permeability:** moderately high

**Erodibility:** high

**Hydrological Group** D

**Partially Hydric**

Cleared Area: Guyanoga channery silt loam fan 3-8 percent

**Prime Farmland**

**Permeability:** high

**Erodibility:** medium

**Hydrological Group** B

**Not Hydric**

Woods/western portion of stream: Rock outcrop- Arnot complex 35 to 80 % slope

**Not Prime Farmland**

**Permeability:** not rated

**Erodibility:** unknown

**Hydrological Group** N/A

**Hydric classification** unknown

**Comment**

1. The referring board should confirm existing stream locations and ensure proposed construction activities will not disturb existing drainage patterns.
2. It appears the proposed driveway, soil stock pile, and future home site are all within 100' of the stream channel shown on the site plan.
3. What provisions are being made now or in the future to minimize impact of increased impervious surfaces?
4. The referring board should require confirmation of adequacy of well water with regard to quantity and quality? Will future 2<sup>nd</sup> kitchen require adjustment to septic requirements?
5. The future house location is within 100' of the proposed well. What wellhead protection will be provided during future site development activities?
6. Can the modular building established as a seasonal camp be converted to year round occupancy? Does it meet energy code requirements?
7. Are 2 residences allowed on single parcel once the 4 BR home is built? Will future home construction make the accessory dwelling non-forming with regard to location in front of the primary structure?

**OCSWCD Comments**

- 1- Label well location.
- 2- A 100% absorption trench expansion areas should be provided whenever possible.
- 3-Site Plan should show a 100’ setback from the existing stream.
- 4- Existing soils are an alluvial fan with good water-holding capacity and are subject to overflow.
- 5- Dosing is required for conventional absorption areas that exceed a total trench length of 500’.

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.  
**Motion made by: D. Wink Seconded by: M. Avila**  
**Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.**

13 - 2020	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	DeHollander, Scott	
Tax Map No(s):	16.00-1-7.220	
Brief Description:	Five lot clustered subdivision on a 23.09 acre parcel on Aldridge Road west of CR 9 in the Town of Victor. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20538/13-2020">https://www.co.ontario.ny.us/DocumentCenter/View/20538/13-2020</a>	

The initial phase of the Scout Reserve subdivision was reviewed in June 2018 as referral 85-2018. The subdivision created 7 lots fronting on Aldridge Road from a 28.72 acre parcel in a R-2 district subject to overlay C. The subdivision included placement of conservation and open space easements on just over 16 acres. Preserved lands included some but not all of the 11 acres of regulated wetlands, an intermittent stream channel, and some of the lot’s steeply sloped area.

The currently proposed subdivision creates 5 building lots on a shared private driveway with HOA and maintenance agreement from Lot 2, a 23 acre lot created in the initial subdivision. There is also a 10.29 acre remainder lot proposed. The proposed building lots will range in size from .57 to 8 acres and will be served by public water and sewer service. The lots are proposed as a clustered subdivision because they include 20’ rather than 100’ of road frontage. The application indicates home construction would disturb approximately 1.8 acres. The subdivision will require a Planning Board waiver to allow 5 not 3 lots on a 16’ private driveway. The driveway does have a wider pull off area to facilitate 2 way travel and emergency vehicle access.

As part of the previous subdivision, the Army Corps of Engineers permitted a .10 acre disturbance of the wetland area associated with an intermittent stream for development of a home on lot 2. This subdivision proposes an additional .016 acres (695 SF) of ACOE regulated disturbance to extend the driveway for lots 2.3 and 2.4. This will include placement of 1,500 SF of fill.

The engineer’s report indicates a total of 15,500 SF of added impervious surface and disturbance of 1.88 acres. The report also indicates home sites were sited to allow basements with gravity drains and separation from Thruway noise and natural features.

The proposed subdivision and approximately 75 acres of adjacent land drain to the onsite wetland pond which discharges to a culvert under the Thruway and on to Ganargua Creek. The applicant indicates it is a 60” culvert, but Thruway records indicate it is 54”. Based on estimated 35 minute rainfall intensity of 3.14 inches/hour in a 10 year storm and 5.29, inches/hour in a 100 year storm, projected peak run-off would increase 4 percent to 30.50 cfs in a 10 year storm and 1.7 percent to 85.30 cfs in a 100 year storm. Given the magnitude of the increased projected runoff, no modification of the Thruway culvert is proposed.

The proposed on-site storm water conveyance system includes three culverts:

- one 30” smooth interior corrugated polyethylene pipe (SICPP) which conveys the intermittent stream under the shared driveway
- one 24” SICPP which conveys transient drainage from lot 1 and lot 2.1 west of the driveway under the shared driveway
- one 24” driveway culvert which conveys drainage under the shared driveway crossing of wetland B.

**Comments**

1. What is the length of the shared private driveway? The estimate of added impervious surface does not appear to include the shared driveway.
2. What amount of steep slope disturbance will be associated with development of lots 2.2 and 2.3?
3. The referring board should clarify how inclusion of conservation lands in previous subdivision impacts the maximum allowable development density of the proposed subdivision and whether any future subdivision/development potential exists for any of the proposed lots or the Victor Egypt Road frontage of the remainder lot that is outside the regulated wetland.

**OCSWCD Comments**

1. Intermittent stream on plans is mapped as a Class C blue line stream. Recommend contacting DEC regarding site plans.
2. Plans do not indicate placement of erosion control measures so comments cannot be made regarding effectiveness of these measures.

**CRC Comments**

1. Should the balance of the regulated wetland be added to the conservation easement?
2. Should undevelopable CR 9 frontage be added to the conservation easement?

**NYS Thruway Authority Comments**

1. After reviewing the information provided, the Authority does have concerns with this proposal regarding the potential for additional stormwater runoff from the site which may impact the Authority’s culvert at Milepost 348.8. The Preliminary Engineering Report incorrectly states the Thruway culvert is a 60” but in actuality it is a 54” culvert, which is currently being rehabilitated with a cured-in-place pipe lining. This culvert could potentially be more impacted by additional runoff due to its new diameter. In addition we have not seen the Engineering Analysis detailing the potential impacts to this culvert.
2. Please submit drainage, grading, and lighting plans to NYSTA for review.
3. Please note that NYSTA has advertising guidelines that need to be followed. Guidelines can be found in the link below. The erection or maintenance of any Advertising Device located within 660 feet of the nearest edge of the right-of-way of the Thruway System is prohibited unless a written permit has been granted by the New York State Thruway Authority.  
<http://www.thruway.ny.gov/commercial/forms/tap620.pdf>  
<http://www.thruway.ny.gov/commercial/forms/ta-w4307.pdf>

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.  
**Motion made by: D. Wink Seconded by: M. Avila**  
**Vote: 12 in favor, 0 opposed, 0 abstentions Motion carried.**

14 - 2020	Town of Farmington Planning Board	Class: 1 Late Referral
Referral Type:	Special Use Permit	
Applicant:	RAM@@@ LLC	
Representative:	McMahon LaRue Associates, PC	
Tax Map No(s):	17.00-1-28.000	
Brief Description:	Special use permit for a mini-storage use at 6006 Loomis Road in the Town of Farmington. <a href="https://www.co.ontario.ny.us/DocumentCenter/View/20401/252-19-variance-plan">https://www.co.ontario.ny.us/DocumentCenter/View/20401/252-19-variance-plan</a>	

The proposed development would include 3 buildings with 13,200 SF on a 1.54 acre site. This project was previously reviewed in December 2019 as referral 252-2019 for an area variance to reduce the setback from the NYS Thruway from 30’ to 10’. This variance was approved on December 23, 2019 with 10 conditions including screening from the Thruway and adjacent pre-existing non-confirming residential uses along Loomis Road, no outdoor storage, no words on the side or rear walls and limiting hours of operation/site access to 7 am to 10 pm.

Mini- warehouses are allowed by special use permit in the GI district. One of the special use permit conditions is a minimum lot size of 2 acres. There was an area variance granted on 11/6/91 allowing development of a mini-warehouse use on this 1.54 acre site.



**Comments**

1. The application materials do not document compliance with 165-84.1 N regarding limits on the number and location of large 100 SF storage units, 165-84.1 Y and Z regarding required landscaping, 165-84.1 FF regarding adequacy of the internal circulation system for emergency vehicles or other relevant SUP standards.
2. The referring board should consider Special Use Permit conditions limiting words on the east, west, and south walls of the building closest to existing residential uses.
3. Please note that NYS Thruway Authority has advertising guidelines that need to be followed. Guidelines can be found in the link below. The erection or maintenance of any Advertising Device located within 660 feet of the nearest edge of the right-of-way of the Thruway System is prohibited unless a written permit has been granted by the New York State Thruway Authority.  
<http://www.thruway.ny.gov/commercial/forms/tap620.pdf>  
<http://www.thruway.ny.gov/commercial/forms/ta-w4307.pdf>

**Board Motion:** A Motion to accept referral 14-2020 as a late referral.

**Motion made by** M. Woodruff **Seconded by** D. Wink

**Vote:** 12 in favor, 0 opposed, 0 abstentions Motion Carried

**Board Motion:** A motion to retain referrals 3-2020, 4-2020, 4.1-2020, 7-2020, 11-2020, 11.1-2020, 12-2020, 13-2020, and 14-2020 as Class 1s and return them to the local boards with comments.

**Motion made by:** D. Wink **Seconded by:** M. Avila

**Vote:** 12 in favor, 0 opposed, 0 abstentions Motion carried.

## General Information

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

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

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

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

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

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

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

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

## General Summary of CPB Review Responsibilities

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

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a recommendation for denial or approval without recommended modification.

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

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

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

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

## General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

### Legal Obligations for Referring Agencies

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

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

### Incomplete Applications

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m 1

### Reporting back to the CPB

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

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

### Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR 1 is an administrative review that is a Class 1 and AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

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

**CPB Annual Report** – staff discussed contents of draft CPB annual report and requested members review report and provide input on additional trends. The following summary is from the draft report distributed with these minutes.

**Membership**

1. The Board welcomed 3 new members in 2019.
2. Board positions were vacant 2-4 % of the time.

**Referrals**

1. The number of referrals increased 19 percent from 274 in 2018 to 327 in 2019, though number of referrals in only up 9 percent compared to the 300 referrals in 2017.
2. The municipalities with the largest change in number of referrals is the T. Victor which increased from 42 to 75 just slight more than the number of referrals from the T. Canandaigua (74) also of note is the increase from 1 to 12 in the number of referrals from the T. West Bloomfield.
3. Site plans (116) and area variances (65) continue to be the most frequent referral types and have increased 25 percent and 33 percent respectively.
4. In 2019, 19 of the 35 AR-2s recommended for disapproval were related to a lot coverage, side, or lake setback area variances (58 percent) and 11 (42 percent) were for signage variances. The overall number of administrative recommendations for disapproval at 35 was up substantially from 19 in 2018 but only slightly over 2016 and 2017 numbers.
5. The number of class 1 administrative reviews in 2019 (23) was down substantially compared to 2018 (40), and more moderately compared to 2017 (34). The number of Technical Review, though small, increased substantially from 6 to 14.

**Trends**

1. The CPB is increasingly rigorous in its review of use variances, directing local communities to grant them only in cases of true unique hardship. In some cases, amending the-zoning map is preferable to granting a use variance.
2. The CPB is sometimes entreated by concerned residents to weigh in on matters of local concern. CPB, as a public body, hears and reports all public input. Comments and recommendation on character are, however, limited to referrals that impact county-wide quality of life or tourism and avoid comments and recommendations based on question of appropriate neighborhood character.

**Upcoming Training Opportunities**

1/15	Zoning Board of Appeals Overview 6 – 8 pm <a href="https://meetny.webex.com/meetny/k2/j.php?MTID=t64cb99eb212d3926d7c90afd317180b6">https://meetny.webex.com/meetny/k2/j.php?MTID=t64cb99eb212d3926d7c90afd317180b6</a>
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**Thursday January 30, 2020 Introduction to Water Quality Pollution Prevention**

9 am to 1 pm (lunch included) at Vandervort Conference Room, Scanling Center, Hobart & William Smith Colleges.

<https://senecawatershedio.wordpress.com/events/> or register directly [register here](#)

Workshop sessions include presentations from NYS DOH, NYSDEC Finger Lakes HUB Research Team, manager of the Waterloo water and wastewater treatment plant, and a visit to the Geneva wastewater treatment plant.

Future topics in this series of workshops will include Water Quality Protection in Agricultural Landscapes (March), Water Quality Protection in Urban and Residential Areas (May), and Emerging Issues in Water Quality (July).

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

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn the 1/8/20 County Planning Board meeting. **A motion to adjourn was made by Timothy Marks, seconded by Mike Woodruff. Motion Carried.** The 1/8/20 CPB meeting adjourned at 9:05 pm.