

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting – Cancelled**
County Planning Board Meeting –September 8, 2021 at 7:00pm @ 20 Ontario Street
 Telephone: 585-396-4455

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

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Results Key - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action

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Wednesday, September 8, 2021

7:00 PM | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs

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Call To Order/Roll Call: Chair **Wildman** called the 9/8/21 CPB to order at 7:02 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were thirteen (13) members present meeting the quorum requirement

Cities	Member name in bold if on local legislative, planning, or zoning board	P-Present, E – Excused Absence, A – Absent, V- Virtual		
		P	V	E/A
Canandaigua	Christen Smith		V	
Geneva	Paul Passavant		V	
Towns				-
Bristol	AJ Magnan ZBA	P		
Canadice	Stephen Groet PB	P		
Canandaigua	Vacant	---	---	---
East Bloomfield	Mike Woodruff PB		V	
Farmington	Patti Wirth			A
Geneva	Steven High	P		
Gorham	Jack Dailey		V	
Hopewell	Bill Namestnik	P		
Manchester	Sue Kell		V	
Naples	Vacant	---	---	---
Phelps	Glen Wilkes PB	P		
Richmond	Leonard Wildman PB		V	
Seneca	Vacant	---	---	---
South Bristol	Bessie Tyrrell PB		V	
Victor	Vacant	---	---	---
West Bloomfield	Ruth Cahn ZBA	P		
Alternative member	Vacant			

OCPD: Linda Phillips, Senior Planner; Erin Holley, Senior Clerk

Guests: Doug Dello Stritto/incoming alternative CPB member; Michael Crowley/incoming T. Victor representative; Jeff Morrell/Morrell Builders; Rick Tiede/Marathon Engineering; Douglas Eldridge/Douglas Eldridge Site Engineering.

Election of Vice Chair: Motion made by Mike Woodruff to elect Paul Passavant as Vice chair, seconded by Glen Wilkes. **Motion Carried**

Minutes:

- Motion made by Len Wildman to approve the May 12, 2021 minutes , seconded by Mike Woodruff(abstentions Steve, Patti) **Motion carried**
- Motion made by Len Wildman to approve the July 14, 2021, 2021 minutes, seconded by Steve High (abstentions Bill, Sue Kell , Mike) **Motion carried**

170 - 2021	Village of Victor Planning Board	Withdrawn
Referral Type:	Site Plan	
Applicant:	FSI Construction	
Property Owner:	Rawson Road Partners LLC	
Representative:	Passero Associates	

Tax Map No(s):	27.08-1-1.121
Brief Description:	Site plan for 53,000 SF industrial warehouse and associated parking, loading, lighting, landscaping and stormwater management in the Village of Victor. https://ontariocountyny.gov/DocumentCenter/View/30746/170-2021-Aerial

171 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Benderson Development	
Tax Map No(s):	6.02-2-47.100	
Brief Description:	Site plan for parking and entrance modifications at Victor Square 20 Commerce Drive in the Town of Victor. Site plan to install adaptive traffic control systems at 7 signalized intersections on SR 96 between Thruway and SR 251 and convert the existing fire access point to a right-in/right-out driveway. https://ontariocountyny.gov/DocumentCenter/View/30747/171-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/30748/171-2021-site-plan-CA120 https://ontariocountyny.gov/DocumentCenter/View/30749/172-2021-t-geneva-ll-2-sewers	

This project will disturb .25 acres and result in the removal of approximately 7 parking spaces. A NYSDOT has confirmed their involvement and accepting of the conversion of this access point following installation of adaptive traffic controls.

Comments

1. Do adaptive traffic control systems detect bicycles?
2. Does the new access connection meet the spacing requirements of Victor Town Code Chapter 55? If not, a planning board waiver will be required.
3. The modifications appear to remove 7 parking spaces. A new area variance will be required.
4. Will any replacement landscaping be provided?

OCSWCD Comments

1. Concrete truck washout is not specified on plans for when sidewalks are poured.
2. Recommend using a no phosphorus fertilizer.

Board Motion: To retain referrals 171-2021, 174-2021, 181-2021, 187-2021, 187.1-2021, 188-2021, and 188.1-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

172 - 2021	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Geneva	
Brief Description:	Four text amendments in Town of Geneva to amend Chapter 18 Sewers to reference City of Geneva Sanitary Sewer law, to adopt NYStretch more restrictive energy code, to add definitions for Cannabis retail I dispensary, Cannabis on-site consumption establishment, and Major and Minor solar energy systems, and to amend standards for Major solar energy systems. https://ontariocountyny.gov/DocumentCenter/View/30749/172-2021-t-geneva-ll-2-sewers	

Board Motion: To retain referrals 172-2021, 172.1-2021, 172.2-2021, and 172.3-2021 as class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Glen Wilkes
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

172.1 - 2021	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Geneva	
Brief Description:	Four text amendments in Town of Geneva to amend Chapter 18 Sewers to reference City of Geneva Sanitary Sewer law, to adopt NYStretch more restrictive energy code, to add definitions for Cannabis retail dispensary, Cannabis on-site consumption establishment, and Major and Minor solar energy systems, and to amend standards for Major solar energy systems. https://ontariocountyny.gov/DocumentCenter/View/30750/172-2021-t-geneva-ll-3-chapter-63-building-code	

Comment Some of the construction materials required by local law 3 of 2021 enacting the stricter energy code may not be readily available.

Board Motion: To retain referrals 172-2021, 172.1-2021, 172.2-2021, and 172.3-2021 as class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Glen Wilkes
Vote: 10 in favor, 0 opposed, 0 abstentions **Motion carried.**

172.2 - 2021	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Geneva	
Brief Description:	Four text amendments in Town of Geneva to amend Chapter 18 Sewers to reference City of Geneva Sanitary Sewer law, to adopt NYStretch more restrictive energy code, to add definitions for Cannabis retail dispensary, Cannabis on-site consumption establishment, and Major and Minor solar energy systems, and to amend standards for Major solar energy systems. https://ontariocountyny.gov/DocumentCenter/View/30751/172-2021-t-geneva-ll-4-chapter-165-zoning-pdf	

Local Law 4 of 2021 amends zoning definitions as referenced above and also including the definition of Home Occupation and amends standards for home occupations. The proposed amendment also adds Cannabis retail dispensary and Cannabis on-site consumption establishment as permitted uses in the Town Center Mixed Use, Town Center Arterial, General Business, General Industrial and Light Industrial districts and amends the bulk regulations of all base districts to allow 40' maximum building height. The amendment substitutes the defined terms Major and Minor/Accessory solar energy system for the existing terms Community, Commercial, and Non-Commercial solar energy system.

The proposed amendment changes standards for the location of accessory buildings to in some cases allow accessory buildings in the front yard in the Agricultural District and along the lakeshore and allows issuance of building permits for compliant additions of no more than 5,000 SF or 40 % of the existing building without need for site plan approval from the Planning Board. The amendment also allows alterations or additions to pre-existing non-conforming structures that not increase the non-conformity and to add accessory structures such as decks, sheds, pools, or additions that comply with the zoning requirements of the district.

Finally, the amendment reduces the number of alternate Zoning Board of Appeals members serve in cases of conflict of interest, illness, or absence of a regular member from 2 to 1 to and reduces the size of the Planning Board to 5 and reduces the number of alternate Planning Board members to serve in cases of conflict of interest, illness, or absences of a regular member from 2 to 1 to .

Comments

1. The referring body may want to explicitly apply training, attendance, conflict of interest, compensation, eligibility etc. to the alternative Zoning Board of Appeals member as they have for alternative Planning Board member.

Board Motion: To retain referrals 172-2021, 172.1-2021, 172.2-2021, and 172.3-2021 as class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Glen Wilkes
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

172.3 - 2021	Town of Geneva Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Geneva	
Brief Description:	<p>Four text amendments in Town of Geneva to amend Chapter 18 Sewers to reference City of Geneva Sanitary Sewer law, to adopt NYStretch more restrictive energy code, to add definitions for Cannabis retail I dispensary, Cannabis on-site consumption establishment, and Major and Minor solar energy systems, and to amend standards for Major solar energy systems.</p> <p>https://ontariocountyny.gov/DocumentCenter/View/30751/172-2021-t-geneva-ll-4-chapter-165-zoning-pdf</p>	

Local 5 of 2021 amends language of Major Solar Energy System regulations to specify avoiding potentially sensitive areas, requiring a certified cost estimate and performance bond or letter of credit as part of any solar energy system decommissioning plan, and authorizing the Town to undertake decommissioning activities and recover such expenses from the surety provided with any additional cost assessed against the property as a lien.

Board Motion: To retain referrals 172-2021, 172.1-2021, 172.2-2021, and 172.3-2021 as class 2s and return them to the local board with comments and a recommendation of approval.

Motion made by: Steve Groet **Seconded by:** Glen Wilkes

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

173 - 2021	Town of Victor Planning Board	Class: Withdrawn
Referral Type:	Site Plan	
Applicant:	Rawson Road Partners LLC	
Tax Map No(s):	27.09-1-1.121	
Brief Description:	Site plan for Town of Victor portion consisting of loading docks and portion of 85,000 SF warehouse and supporting infrastructure located on Rawson Road, primarily in the Village of Victor. See also 170-2021.	

174 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	6327 SR 96 LLC	
Tax Map No(s):	28.12-1-16.111	
Brief Description:	Site plan for home demolition, 22,000 SF parking lot expansion, and associated grading, storm water management, lighting, and driveway modifications at Van Bortel Subaru, 6327 SR 96 in the Town of Victor. https://ontariocountyny.gov/DocumentCenter/View/30753/174-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/30754/174-2021-van-bortel	

The site plan retains 4 frontage and 4 interior trees and proposes removal of 2 interior trees. The site plan also proposed planting 5 new street trees and frontage landscaping. Pole and spotlight fixtures to match those in existing display area.

Comment Asphalt along frontage to cover half of drip line/root zone of existing trees. This may negatively impact their vigor.

OCSWCD Comments

Current proposal does not indicate any pre-treatment of storm water before entering Mud Creek.

Board Motion: To retain referrals 171-2021, 174-2021, 181-2021, 187-2021, 187.1-2021, 188-2021, and 188.1-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff

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

175 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Morrell Builders	
Tax Map No(s):	6.00-1-58.320 6.00-1-58.310	
Brief Description:	Site plan for 120 apartment style and 26 townhome style for-rent residential units, 240 parking spaces, 5,100 SF community building, and pool on 18.6 acres on CR 42 west of Phillips Road in the Town of Victor. https://ontariocountyny.gov/DocumentCenter/View/30755/175-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/30756/175-2021C10	

According to OnCor there are areas of 16 to 30 and 31 to 60 percent slope at the northeast property boundary and northwest edge of the disturbed area, and 16-30 percent slope along the CR 42 frontage and adjacent to Quest manufacturing to east along CR 42. OnCor does not identify the presence of on-site or adjacent wetlands. The EAF indicates the presence of wetlands on or adjacent to the site and a natural depression is indicated along the northwest boundary on the overall plan. The application materials indicate a NYSDEC significant natural community area buffer slightly encroaches the northwest corner of the site where no development is proposed.

Development activities disturb 12.5 acres including disturbance of a steep slope area for the large storm management pond and tree clearing in southeast corner of the site to accommodate the entrance drive to apartment buildings. Many areas at the edge of the area of disturbance will have 1:3 slopes including west of the townhomes, by the apartment area entrance drive, and along the northern edge of the development site. The disturbed area will replace 12.4 acres of woods with 5.1 acres of meadow/lawn area, 6.8 acres of buildings and pavement, and .6 acres of storm water pond.

All proposed units are accessed off a single divided driveway leading to a T intersection with the townhouse style units on a cu-de-sac to the west and the community building and 3 apartment buildings framing a central parking area to the east. On-site parking includes 1 garage space and 1 driveway space for each townhome unit and 2 spaces for each apartment unit when 1.5 spaces are required. The apartment spaces include 33 garage spaces and 207 surface spaces with 20 of the surface spaces at the community building. One of the garage spaces in each apartment building is designated as a trash room.

The site plan shows 2 infiltration basins east and west of townhomes plus infiltration area under parking in the apartment area. The development maintains a 100' building setback to single family homes west of the site on Sauer Farm Road with some on-site areas of retained natural landscape buffers.

No landscaping in the steep slope area along the northern edge of the development site. All apartment buildings have frontage and the east and west buildings have rear landscaping.

Comments

1. The application indicates the project site is currently zoned Highline Park PDD. The CPB cover sheet indicates site is zoned Light Industrial. The referring body should clarify current zoning and whether any re-zoning is necessary to accommodate the proposed development.
2. The site plan should document location of significant natural community area buffer area in undeveloped NW corner of the site.
3. The EAF indicate possibility of personal service or retail use. If such uses are allowed, any SF limit or other standards should be included in authorizing resolution.
4. An additional stop sign may be needed to assign right of way for entering or exiting vehicles at the intersection with the exit for the community building parking area.
5. The EAF indicates 160 units-52 in phase 1 and 134 in phase 2. What is the currently proposed distribution of units and unit types by phase?
6. What is height of pole mounted parking area lighting?
7. What is the bedroom mix of the proposed units?
8. Will any parking spaces be designated for visitors?
9. How is maintenance access provided to infiltration basin west of the townhomes?
10. What impact will proposed tree clearing in steep slope areas have on the remaining buffer vegetation?

OCSWCD Comments

1. Consider no phosphorus fertilizer
2. Adjacent undeveloped parcel to the north with drainage easement has known storm water concerns. Current proposed storm water management facility overflows to this area. Development has potential to impact future uses of that site.
3. SWPPP has not been provided for this project. Unable to make comment regarding appropriate sequencing and phasing or infiltration system indicated in plans.

CPB Comments

1. What impact will this development have on the Victor Central School District?
2. Streetscape landscaping should be provided along CR 42.
3. In response to questions from the Board, the applicant offered the following information:
 - The applicant will collaborate with the Town to expand Auburn Trail user parking and extend sidewalks to connect this development to the Auburn Trail.

- The townhouse style units will be single story and the apartment buildings will be 3-story.
- A SWPPP and market analysis were completed and provided to the Town.
- The site was previously considered for commercial/office use and a traffic study was prepared.
- The cost of new single family homes in the Victor area is typically \$400,000. Proposed rental housing will provide a more affordable option, however, proposed units are market rate units not affordable to low/moderate income households.

Board Motion: To retain referral 176-2021 as a class 1 and return it to the local board with comments.
Motion made by: Paul Passavant **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

176 - 2021	Village of Rushville Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Village of Rushville	
Brief Description:	Text amendment to allow keeping of chickens in the Village of Rushville.	

CPB Comment – The referring body should consider prohibiting roosters.

Board Motion: To retain referral 176-2021, 178-2021, 179-2021, and 180-2021 as a class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Bill Namestnik
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

177 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	McConnell, Brent	
Representative:	Identity Design	
Tax Map No(s):	154.15-1-5.000	
Brief Description:	Area variance for 480 SF two-story addition connecting house and garage at 5242 CR 11 in the Town of Gorham. The proposed addition has 37' front setback to CR 11 when 50' is required and 17.5' rear setback to Shale Beach Drive when 30' is required. https://ontariocountyny.gov/DocumentCenter/View/30757/177-2021	

According to OnCor most of the existing site has slopes of 16 to 30 percent. Applicant indicates grading for addition will improve drainage,

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

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

Comments

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Canandaigua Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CLCSD Comments Utility site plans need to be supplied to the District for review. Renovation permit will be required.

178 - 2021	Town of Canandaigua Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Town of Canandaigua	
Brief Description:	Zoning map amendment to add Form Based Code district and SR 332 and Mixed Use subareas to the zoning map of the Town of Canandaigua. https://ontariocountyny.gov/DocumentCenter/View/30758/178-2021-form-based-code-map-amendment-II	

Board Motion: To retain referral 176-2021, 178-2021, 179-2021, and 180-2021 as a class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Bill Namestnik
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

179 - 2021	Town of East Bloomfield Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of East Bloomfield	

Brief Description:	Text amendment to Town of East Bloomfield sign regulations regarding election signs.
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Board Motion: To retain referral 176-2021, 178-2021, 179-2021, and 180-2021 as a class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Bill Namestnik
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

180 - 2021	Town of Canadice Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Canadice	
Brief Description:	Short term rental regulations for the Town of Canadice. https://www.ontariocountyny.gov/DocumentCenter/View/30759/180-2021-canadice-short-term-rental	

Comments

In order to preserve the legality of terminating the Short-Term Rental Permit upon change of ownership, the law should be authorized in accordance with General Municipal Law and located in the Town Code outside of zoning. This may change desired text of Purpose statement and Grounds for suspension or revocation of Permit section 1 E.

Board Motion: To retain referral 176-2021, 178-2021, 179-2021, and 180-2021 as a class 2s and return them to the local board with comments and a recommendation of approval.
Motion made by: Steve Groet **Seconded by:** Bill Namestnik
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

181 - 2021	Town of Farmington Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant & Owner:	T Bene Properties LLC	
Tax Map No(s):	29.11-2-23.142	
Brief Description:	Area variance for pre-existing non-conforming road setback of 31' when 80' is required now that Quentenshire Drive is a public road providing access to a multi-family housing project not a private road. Property in the Town of Farmington. https://ontariocountyny.gov/DocumentCenter/View/30760/181-2021-Subdivision	

Board Motion: To retain referrals 171-2021, 174-2021, 181-2021, 187-2021, 187.1-2021, 188-2021, and 188.1-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

182 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant & Owner:	Gula, Gregory & Nancy	
Representative:	Venezia	
Tax Map No(s):	154.08-1-27.000	
Brief Description:	Area variance for demolition and new construction of 2,200 SF single family home at 5096 CR 11 in the Town of Gorham. Proposed lot coverage 50 % when 25 % is allowed, lake setback 27.5' when 30' required, north side setback 8.5' when 15' required, and height 27' when 26' is allowed. https://ontariocountyny.gov/DocumentCenter/View/30761/182-2021	

The existing house has front, side and lot coverage variances. Requested variances are similar to existing variances however new variances are required because the building footprint is similar but not quite the same as existing. The Height variance is to allow walk-in storage. The existing home has a driveway along the northern property line and a 2 car pull off parking area along the frontage. The new home will have one parking access point and a turnaround area.

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

Part B Development of Lakefront Parcels.

- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
 - variances pertaining to side yard setbacks or,
 - variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County.

The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CLCSD Comments Utility site plans need to be supplied to the District for review. Renovation permit will be required.

183 - 2021	Town of Gorham Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant & Owner:	Neary, Terrance	
Representative:	Venezia	
Tax Map No(s):	113.19-1-35.000	
Brief Description:	Area variance to replace existing home with 2 story home at 3974 SR 364 in the Town of Gorham. Proposed footprint similar to existing home. Proposed 37.5 % lot coverage when 25 % is allowed, 4.5' north side setback when 15' is required, 20' front setback to SR 364 when 30' is required. https://ontariocountyny.gov/DocumentCenter/View/30762/183-2021	

According to OnCor the western half of the moderately sloped site in in the floodplain. The shed in the front yard will be removed.

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

Part B Development of Lakefront Parcels.

- B. The following applies to all development on parcels with Lake Frontage that require;
- variances pertaining to lot coverage or,
 - variances pertaining to side yard setbacks or,
 - variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CLCSD Comments Utility site plans need to be supplied to the District for review. Renovation permit will be required.

184 - 2021	City of Geneva Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Lakefront Development Group LLC	
Property Owner:	Winnek Post 396	
Representative:	Torielli, Joel	
Tax Map No(s):	119.16-1-11	
Brief Description:	Site plan for redevelopment of Winnek American Legion Post 396 at 1115 Lochland Road in the City of Geneva with 51 for sale condominiums, a 4 story 100 room hotel, and a 2 story 10,000 SF restaurant. https://ontariocountyny.gov/DocumentCenter/View/30776/184-2021-00-1250-layout-20210826 https://ontariocountyny.gov/DocumentCenter/View/30793/184-2021-00-1250-layout-31	

A zoning map amendment for the 13 acres site on the east side of SF 14 was previously reviewed as referral 101-2021 in May 2021. A related zoning text amendment was withdrawn. On July 7, 2021 the property was rezoned to the Lakefront Zoning District and allowed to be developed as a PUD. The rezoning creates Planning Residential Development with allowable development of not more than 60 townhouses grouped in no more than 6 residential buildings on the eastern portion of the property and Planned Commercial Development with allowable development of a 125-room full service hotel of not more than 5 stories, and a two-story restaurant/microbrewery of 10,000 SF and associated parking on the western portion of the property.

The site is located along Seneca Lake as the south end of the City of Geneva between Lochland, a residential and day program for adults with intellectual and developmental disabilities, and Belhurst Castle and Winery located in the Town of Geneva. Both sites retain substantial undeveloped green space.

The proposed project includes a 100-room 4-story hotel and 10,000 SF 2-story restaurant, each with patio area, and 5 two-story condominium buildings each with 9 to 12 units and a total of 51 residential units, and a 1,000 SF -community building with pool.

There are 145 parking spaces for the hotel, 85 spaces for 6,500 net square feet of restaurant use, 1 garage and 1 driveway space for each dwelling, 8 spaces at the community building, and a total of 15 visitor spaces in the residential area. There is an access driveway and associated 10' landscaped buffer located along the northern property boundary.

The project includes a lake front overlook at the top of the bank to the lake and a path with maximum 5 % slope and stairs to an 800 SF boat house and two docks 12' wide by 100' long. The applicant previously indicated the boat house is for resident hand powered boats and the dock is for transient restaurant patrons.

The site plan shows a 65' infiltration trench along the SR 14 frontage by the hotel and 2 bio-retention areas between the commercial and residential areas. The site plan also shows a storm water pond in the residential area. The storm water system connects to a stone lined swale down the bank and into an existing storm pipe that discharges to Seneca Lake.

Comments

1. What impact will the tree removal have on the integrity of the steep bank above the rail line?
2. The location of the access point to the restaurant and hotel parking may provide inadequate throat distance to prevent queuing of vehicles SR 14.
3. Will hotel patrons be directed to use the 2nd parking entrance to approach the entrance canopy traveling in the correct direction? Alternatively, change the direction of travel under the canopy to encourage hotel patrons to park in spaces furthest from restaurant.
4. Is NYS Office of General Services approval needed for proposed boat house and dock?
5. How will a 10' landscaped buffer be maintained in the area of 1:2.5 slope adjacent to the community building?
6. The landscaping plan only shows 4 trees in the buffer area nearest SR 14.
7. The submitted materials do not provide information on changes in the view shed.
8. Will the American Legion Memorial be retained?
9. Will street parking be allowed in the residential area?
10. Traffic impact study should address roadway capacity to accommodate additional vehicle volumes and safely transition vehicles from 55 to 30 mph speed limit.
11. Is a secondary access point needed to minimize impacts to roadway capacity/turning movement delays or for emergency access?
12. How will project contribute to improved pedestrian and bicycle character and safety along SR 14?
13. Documentation of Norfolk Southern cross access easement should be provided.

OCSWCD Comments

1. Ends of silt fence should extend upslope.
2. Outlet protection needed for storm drain outlet at lake.

CPB Comments

1. Any traffic counts done during the pandemic may not accurately reflect background conditions or turning movement splits.
2. City and Town of Geneva should collaborate to provide a bicycle and pedestrian friendly environment along this segment of SR 14.
3. The referring body should carefully consider the narrow front setback of the proposed development and its impact on the character of this road segment where existing front setbacks are substantial.
4. The referring body should ensure frontage landscaping adequately screens parking from the roadway.
5. The referring body should take great care to ensure development will not create light spill onto adjacent properties, especially Lockland whose residents may be especially impacted by light pollution.
6. The site plan indicates the ADA connection from the edge of the bluff to the rail ROW will be designed by others. What type of connection is anticipated? A tram?

Findings

1. Ontario County has a substantial interest in protecting and improving the function of its intermunicipal transportation infrastructure.
2. The Ontario County Planning Board encourages referring bodies to properly consider road capacity and traffic safety of referred projects.
3. SR 14 is a NYS designated bike route from the Sodus Point in Wayne County to Elmira in Chemung County. This route connects with a State of Pennsylvania bike route.
4. SR 14 is also an Ontario County Planning Board designed primary tourism corridor.
5. The Town of Geneva has requested NYSDOT to lower the speed limit from 55 mph to 45 mph along SR 14 in the Town of

Geneva from the southern city limit 1.7 miles south to Turk Road.

Board Motion: To retain referral 184-2021 as a class 2 and return it to the local board with comments and a recommendation of approval with modification. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff

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

Modification #1 – The applicant should be required to submit an update letter from a traffic engineer to document actual impacts of site development on SR 14 roadway capacity and safety including bicycle and pedestrian use and safety and recommend any roadway modifications that would minimize identified impacts.

185 - 2021	Town of Manchester Town Board	Technical Review
Referral Type:	Text Amendment	
Applicant:	Town of Manchester	
Brief Description:	Comprehensive zoning text and map update for the Town of Manchester. https://ontariocountyny.gov/DocumentCenter/View/30764/185-2021-TManchester_ZoningCode_DRAFT_060121 https://ontariocountyny.gov/DocumentCenter/View/30765/185-2021-TManchester_ZoningMap_DRAFT_060121	

Comment

1. NYS does not allow municipalities to differentiate between site and factory manufactured homes in it's zoning code. Local municipalities can require exterior block or other skirting for manufactured homes on individual lots.
2. 325-31.3 should require submission of access connection location and spacing within 500' of subject property and on both sides of the road.
3. 325-31.4 A should reference date of initial adoption of Corridor Overlay District.
4. 325-31.4 B2) and F. should be changed to read 5 or more.
5. Does NYS Liquor Authority have food service requirements for wineries? If so, wineries should be added to 325- 40.9C.

6. 325-40.20 provides contradictory provisions regarding permissibility of home occupation in accessory structures.
7. 325-40.10 C. Campgrounds and 325-40.20 a 9) Home Occupations reference residential streets or residential areas. Such terms are not defined. Campground access or 3 or 4 axle vehicles may be appropriate on many state, county and local roads that have residential areas. Consider referencing zoning district or residential development density.
8. 325-40.22 requires that Kennel access point be from a major or secondary road, however these terms are not defined.
9. Consider redrafting the multi-family recreational area standard; the existing standards include a minimum area and a SF per unit standards. The SF per unit standard would allow 240 units before requiring 5,000 SF minimum area.
10. Additional comments of general interest will be added to the final minutes.
11. Comments on definitions, primarily but not exclusively repetitious and inconsistent definitions, and other editorial comments will be communicated directly to the referring body.

186 - 2021	Town of Farmington Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Skylight Signs	
Property Owner:	Robert Marchase	
Tax Map No(s):	29.00-1-57.000	
Brief Description:	Area variance for electronic message sign at auto wash at northwest corner of SR 96 and Mertensia Road in the Town of Farmington. Variance needed for type of sign; sign complies with size and location standards.	

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.

187 - 2021	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Site Plan	
Applicant:	Canandaigua Family YMCA	
Property Owner:	Constellation Brands	
Tax Map No(s):	70.19-1-2.1	
Brief Description:	Site plan, subdivision, and special use permit to develop an 82,000 SF two-story building on 13 acre site for a YMCA facility with daycare, fitness, and medical offices at 235 North Bloomfield Road with primary access off North Street in the City of Canandaigua. https://ontariocountyny.gov/DocumentCenter/View/30766/187-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/30769/187-2021-subdivision https://ontariocountyny.gov/DocumentCenter/View/30768/187-2021-site-plan	

The referral includes subdivision of a 13 acres parcel at the corner of North Street and North Bloomfield Road from the 48.5-acre Constellation Brands site.

According to OnCor, the developed properties to the north across North Street are in Ontario County Agricultural Districts #1. The created parcel is not constrained by floodplains, wetlands, or steep slopes.

The main YMCA entrance will be off North Street; there is a secondary access from North Bloomfield Road for the day care/early learning center and garbage/deliveries. There are 5 bio retention area along North Street and then 4 parking aisles in front of the building. There are an additional 3 parking aisles, including designated employee parking to the east of the building and area designated for 34 land banked parking spaces on the south side of the vehicle loop near the secondary access point. In total 380 parking spaces, including 10 ADA spaces are proposed. There is a drop off area at the front of the building and handicapped parking immediately adjacent to north and east sides of the building. The building footprint is 54,000 SF. There is a storm water

management facility at the corner with a junior athletic field east of the pond and a one-way drop off area adjacent to the field.

Despite being in the City of Canandaigua, neither North Street nor North Bloomfield Road has sidewalks in the area of the project site. There is a proposed sidewalk connection to the Constellation Brands building.

The project will disturb 13.8 acres including some off-site areas and replace existing trees and shrubs and meadow with 6 acres of building, road, and parking, 6.4 acres of lawn/landscaping and .4 acres of surface water. Proposed landscaping includes a street tree every 100' along North Street, but no streetscape plantings along long North Bloomfield Road across from single family residential neighborhood.

Comments

1. What is size of building expansion in proposed patio area and size of gym expansion?
2. Is there a proposed pathway to athletic fields and/or an outdoor fitness trail?
3. What is intended vegetative cover along the road frontage along North Bloomfield Road and North Street near intersection?
4. Is additional lighting needed for the main entrance patio and the patio at the west end of the building?
5. Storm water easement and maintenance agreement needed to discharge storm water to existing Constellation Brands facility.
6. Show limit of disturbance on site plan.
7. The site plan should show bicycle parking and pedestrian access from the nearby ice rink, Happiness House, area businesses and neighborhood to the south.

OCSWCD Comments

1. Concrete truck washout should be greater than 100' from drop inlets. Detail sheet does not meet current New York State specifications.
2. Consider using no phosphorus fertilizer
3. Is current pipe under North Street adequately sized to handle additional flow from proposed site development?
4. Proposed disturbance is greater than 5 ac and should follow appropriate protocols.

Board Motion: To retain referrals 171-2021, 174-2021, 181-2021, 187-2021, 187.1-2021, 188-2021, and 188.1-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

187.1 - 2021	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Subdivision	
Applicant:	Canandaigua Family YMCA	
Property Owner:	Constellation Brands	
Tax Map No(s):	70.190-1-2.1	
Brief Description:	Site plan, subdivision, and special use permit to develop an 82,000 SF building on 13 acre site for a YMCA facility with daycare, fitness, and medical offices at 235 North Bloomfield Road with primary access off North Street in the City of Canandaigua.	

See information at 187-2021.

187.2 - 2021	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Canandaigua Family YMCA	
Property Owner:	Constellation Brands	
Tax Map No(s):	70.190-1-2.1	
Brief Description:	Site plan, subdivision, and special use permit to develop an 82,000 SF building on 13 acre site for a YMCA facility with daycare, fitness, and medical offices at 235 North Bloomfield Road with primary access off North Street in the City of Canandaigua.	

See information at 187-2021.

188 - 2021	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Site Plan	
Applicant:	Canandaigua Country Club	
Tax Map No(s):	98.07-2-8	
Brief Description:	Site plan for 3,200 SF maintenance and storage building near the 1st fairway at Canandaigua Country Club, 295 Lake Shore Drive in the City of Canandaigua. https://ontariocountyny.gov/DocumentCenter/View/30772/188-2021-FEMA-Aerial https://ontariocountyny.gov/DocumentCenter/View/30771/188-2021-CCC-Site-Plan	

The project includes a new curb cut from Lake Shore Drive and a 7-space gravel parking area in front of the building. The building has 2 overhead doors facing Lake Shore Drive.

According to OnCor, the entire portion of the golf course lot fronting on Lake Shore Drive is in the floodplain.

Comments

1. How will the proposed building be flood proofed?

Board Motion: To retain referrals 171-2021, 174-2021, 181-2021, 187-2021, 187.1-2021, 188-2021, and 188.1-2021 as class 1s and return them to the local board with comments. **Motion made by:** Paul Passavant **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

188.1 - 2021	City of Canandaigua Planning Commission	Class: 1
Referral Type:	Special Use Permit	
Applicant:	Canandaigua Country Club	
Tax Map No(s):	98.07-2-8	
Brief Description:	Site plan for 3,200 SF maintenance and storage building near the 1st fairway at Canandaigua Country Club, 295 Lake Shore Drive in the City of Canandaigua.	

See information at 188-2021.

189 - 2021	Town of Victor Planning Board	Class: 1
Referral Type:	Subdivision	
Applicant:	A6 Property Holdings LLC	
Property Owner:	Ott Irrevocable Survivors Trust	
Tax Map No(s):	26.00-1-13.100	
Brief Description:	Subdivision to create 11 lots on a 34 acres parcel at the southwest corner of Strong Road and Taylor Road in the Town of Victor. https://www.co.ontario.ny.us/DocumentCenter/View/26962/6-2021-Aerial https://ontariocountyny.gov/DocumentCenter/View/30774/189-2021-subdivison https://ontariocountyny.gov/DocumentCenter/View/30773/189-2021-overall-layout	

According to OnCor there are areas of 16 to 30 and 31 to 60 percent slope along the stream corridor. The site is not constrained by floodplains or wetlands. The entire property is in Ontario County Agricultural District #1. OnCor still shows 49-acre property including lands to east of Strong Road.

The subdivision includes seven 3 acre lots with 150’ of frontage on Taylor Road and open space easement on the rear portion; lot 8, a 2.5 acre lot on Taylor Road; lot 9, the existing home site which will become a 1.8 acre lot with approximately 250’ of frontage on each road; and lots 10 and 11, 4+ acre lots on Strong Road with over 300’ of frontage.

The site is zoned R-2 in Residential Overlay A. Allowable lot density is .33 units/acre with 17.2 acres of open space required. This open space requirement is met with 3 types of open space proposed. An open space easement encompasses 6 acres between the home sites and a stream. The open space easement will allow tilling, gardening, and landscaping and prohibit structures. There is a proposed 1.5 acre open space area/drainage easement encompassing portions of lots 7, 8 and 10 with a swale across lots 5 and 6 between the house site and septic system and continuing to Taylor Road between lot 4 and 5. This easement will allow maintenance of the infiltration area and protect the area from post development soil disturbance. There is also a proposed 9.6-acre conservation easement on property south of the stream. The subdivision shows an existing trail in the wooded area along the stream across lots 1,2,3; the trail crosses the stream on lot 3.

The cover sheet shows proposed individual driveway locations and existing driveways on the opposite side of the road. The driveway spacing does not comply with the 440’ connection spacing standards of Town Code Chapter 55 Access Management for local and collector roads with posted speed limits of 45 mph or higher.

Comments

1. Will continued grazing be allowed in the 6.1-acre open space easement on the existing pastureland? What will become of the existing trail? Will it be maintained or improved? Will cross access or public access be allowed?
2. In accordance with the connection space standards of Chapter 55 Access Management, the referring body should require shared driveways. Even with such access consolidations, this subdivision will likely require a Planning Board major waiver.
3. Who will maintain the infiltration/siltation basin if needed after completion of development activities?

OCSWCD Comments

1. Erosion control notes make mention of straw bales, but their location is not indicated on plans.
2. Concrete truck washout should be greater than 100 feet from all drop inlets and drainage ways.
3. Soil stockpile is currently located outside the limits of disturbance, but due to construction activities should be included in limits of disturbance.

CPB Comments

1. The referring body should require shared or side-by-side driveways to minimize the number of access connections as required by Chapter 55 Access Management regulations.
2. Lots 1-4 drain to Taylor Road under existing and proposed conditions, not the natural infiltration area. Is the existing roadway drainage system adequate to handle larger stormwater volume related to increased slope of areas behind the home sites on these lots and the increased stormwater due to additional impervious surface of homes and driveways?
3. Location of existing grazing area on multiple lots likely makes such land no longer viable as leased agricultural land.
4. In response to questions from CPB members the applicant's representative offered the following information:
 - It is not intended that the open space easement lands included in individual lots continue to be available for grazing.
 - The individual driveway locations have been placed to provide adequate sight distance.
 - The Town of Victor will hold the easements to all 3 types of preserved land; there are not currently opportunities to link the existing stream trail to adjacent properties. The applicant may consider allowing public access on conservation lands south of the stream if the Town was developing a connecting trail.
 - Percolation and deep hole tests were completed to provide the basis for the septic system design.
5. The referring body should pursue public access along the stream for possible future trail development.

Board Motion: To retain referral 189-2021 as a class 1 and return it to the local board with comments. **Motion made by:** AJ Magnan **Seconded by:** Mike Woodruff
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

General Information

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

1. Legislative findings and intent. The legislature hereby finds and determines that:
 - (a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.
 - (b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.
 - (f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.
 - (g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

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

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

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors.

(Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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

Clearing House Reviews – none
Upcoming Training:

G/FLRPC workshop will be a series of 12 on-line 1-2 hours trainings from Oct. 18 to Nov. 5, 2021. Topic include affordable clean energy (Community Choice Aggregation), flood resiliency, the ongoing legacy of redlining and equity issues in zoning laws, pro tips for making the Site Plan Review process work better for your community, Zoning Board of Appeals overview and many more. Details to follow as available.

NYSDOS webinars

September 9, 2021 1:00 PM – 3:00 PM Zoning: An Introduction

Southern Tier West To register: <https://www.southerntierwest.org/on-line-training.html>

September 14, 2021 3:00 PM – 4:30 PM County Referral

Essex County To register: <https://meetny.webex.com/meetny/k2/j.php?MTID=t2a993454c94fb457aaa99ce2ed6d00b5>

September 21, 2021 6:00 PM – 8:00 PM Planning Board Overview

Livingston County to register <https://meetny.webex.com/meetny/k2/j.php?MTID=t1222f08722aae417692ce75d518de0d1>

September 28, 2021 6:00 PM – 8:00 PM Rural Planning

Lewis County to register <https://meetny.webex.com/meetny/k2/j.php?MTID=ta31d6e8e66038a6994776b9cd6bf3a37>

October 4, 2021 Time: TBD Special Use Permits
Columbia County Registration TBD

October 7, 2021 Time: TBD Hot Button Land Uses
Seneca & Wayne County Registration and location: TBD

October 18, 2021 Time: Evening, Topic TBD

Ontario County, Registration and location : TBD

- **Other info to share** - none
- **Privilege of the Floor** - none

Adjournment: Being no further business for discussion, Chair Passavant requested a motion to adjourn 9/8//21 County Planning Board meeting. **Motion to adjourn made by Steve High, seconded by Glen Wilkes. Motion carried.** Sept. 8, 2021 CPB meeting adjourned at 9:25 PM.