

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday August 13th, 2024, at 3:30pm 20 Ontario St., Room 122A, Canandaigua, NY

County Planning Board Meeting – Wednesday August 14th, 2024 at 7:00pm 74 Ontario St., Room 218, Canandaigua, NY

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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<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
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156.0-2024	Town of Manchester	Zoning Board of Appeals	Gardner, Steven	Use Variance – 2 / D	6
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<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
163-2024	Town of Canandaigua	Planning Board	Berliner, Brett	Special Use Permit - 1	19
164-2024	Town of Canandaigua	Planning Board	Meagher, Wendy	Minor Subdivision - Exempt	20
165-2024	Town of Seneca	Planning Board	Seedway Corp., Kessel Construction	Site Plan – 2 / A	21

Results Key: Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval NA = No Action Other Results: I =incomplete *=use not allowed.

Call To Order/Roll Call: Chair Paul Passavant called the 8/14/24 CPB meeting to order at 7:01 PM and requested Erin Holley to do roll call. Erin Holley presented roll call and reported of the sixteen (16) voting members there were twelve (12) present [*13 present by 7:28 PM – Tammy Worden*] and of the two (2) alternate member(s) there were two (2) present physically at 74 Ontario Street and, meeting the quorum requirement.

Guests: none

Minutes: Motion made by Paul Passavant to approve the July 10, 2024 minutes as revised, seconded by AJ Magnan (abstention by Burch Craig and Jack Dailey). Motion carried.

CPB Meeting

	Member name in bold if on local legislative, planning, or zoning board	P-Present / V – Virtual A – Absent/ E – Excused Absence
Town of Canadice	Burch Craig PB	P
Town of Phelps	Terri Brown	P
Town of West Bloomfield	Ruth Cahn ZBA	P
Town of Seneca	Roslyn Grammar	P
Town of Gorham	Gabrielle Harris PB	E
Town of Geneva	Steven High	P
Town of Naples	Paul Lambiase PB	P
Town of Farmington	Ted Liddell	P
Town of Bristol	AJ Magnan ZBA	P
Town of Victor	Chris Mergler	P
City of Geneva	Paul Passavant	P
Town of South Bristol	Kevin Stahl PB	A
Town of Richmond	Leonard Wildman PB	P
City of Canandaigua	Ryan Wilmer ZBA	P
Town of Manchester	Tammy Worden	P (Arrived at 7:28 PM)
Town of East Bloomfield	Mike Woodruff PB	E
Town of Hopewell	Vacant	-----
Town of Canandaigua	Vacant	-----
Alternate Members:		
	Jack Dailey	P
	Bessie Tyrrell	P

153-2024	Town of Victor	Zoning Board of Appeals	Boester, Michael	Area Variance - 1
6.00-1-34.100	Area Variance for a 336 SF accessory structure (shed) to have a rear setback of 7 ft. and a side setback of 9 ft. where a minimum of 30 ft. is required. Project is located at 7622 County Road 42 in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44865/153-2024-Aerial-Boester-Shed-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44870/153-2024-Test-Questions-Boester-Shed-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44869/153-2024-Survey-Boester-Shed-Variance>

The residential use of the property is considered a pre-existing non-conforming use – parcel is currently in the Light Industrial (LI) Zoning District. Surrounding land uses are commercial or industrial. The proposed 14 ft. x 24 ft. storage shed (14 ft. x 30 ft. with the attached porch) is proposed to be located in the northeast corner of the parcel. Trees along the perimeter of the property (north – rear of parcel; and east – side yard) lie between the proposed shed. Disturbance is estimated to be less than 0.2-acres.

In the Area Variance Test Questions, the applicant mentions:

- The granting of this area variance will not produce an undesirable change in the character of the neighborhood and it will not be a detriment to neighboring properties. Neighboring properties are industrial uses with dumpsters, construction equipment, etc.
- The benefit sought cannot be achieved by a method other than an area variance. The are requesting the area variance to conserve the open space and a garden in the back yard.
- The applicant and neighbors do not believe this area variance is substantial. Neighbors do not see the storage shed as large enough to be noticeable / important in regards to their operations.
- The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood / district. The site is currently clear, flat and well drained. No major excavation is necessary. There will be no disturbance to trees/shrubs/septic field area.
- The request for the area variance is created through the need for more storage space (items that could be stored in this proposed shed are currently taking up one bay of their two-bay garage). Granting the area variance will also maximize open and garden space in the backyard. The applicant believes these proposed changes are practical and necessary for the reasonable use of the property.

Board Motion: To retain referrals 153-2024, 155-2024, 162.1-2024, and 163-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steven High
Seconded by: Roslyn Grammar
Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

154-2024	Town of Victor	Zoning Board of Appeals	Kaier, Robert & Jeri	Area Variance - Exempt
40.02-1-31.000	Area Variance for a 200 SF accessory structure (shed) to be placed forward of the front line of the principal structure (house). Project is located at 6420 Claremont Ct., just south of CR41 in the Town of Victor.			

155-2024	Town of Canandaigua	Planning Board	Morgan, Cullen	Special Use Permit - 1
125.00-1-31.111	Special Use Permit to install both tower- and ground-mounted equipment on an existing 159 ft. co-located monopole tower communications facility. Project is located at 4430 Deuel Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44877/155-2024-Aerial-T-Mobile-Tower-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/44881/155-2024-Site-Plan-T-Mobile-Tower-SUP>

This project was referred at the August 2023 County Planning Board meeting (as 150-2023 and 162-2023) for area variance (for a tower erected in a drumlin area) and site plan approval to construct and operate the 155 ft. (+ 4 ft. lightning rod) monopole tower communications facility (w/ associated improvements). The tower, access drive, and 7 ft. fence are now constructed. Four (4) separate stormwater management basins (within stormwater easements) run along the access road. This month, the current referral is for special use permit approval for the tower’s use for “essential services, public utility or communications installations” (Town of Canandaigua Town Code Section 220-16E).

The proposed colocation will include both tower-mounted equipment, to be installed at a centerline-height of 141 ft., and ground-mounted equipment to be installed on a proposed 164.4 SF (10’2” x 16’2”) concrete pad adjacent to the base of the tower within the existing fenced compound. Tower-mounted equipment to be installed includes nine (9) antennas, six (6) RRUs, and three (3) hybrid cables. Ground-mounted equipment will include the installation of the concrete pad, three (3) equipment cabinets, one (1) H-frame, one (1) ice canopy, one (1) 48 kW diesel emergency backup power generator, and one (1) Generator ATS. Utilities will be routed via a proposed cable bridge to the tower, from the equipment

area. Total disturbance is to be less than one acre. The tower appears to have ground space for 2 additional carriers (3 total).

The 34-acre property and most adjacent properties are in OC Agricultural Districts #1. The assessor has listed the use of the property as field crops and OnCor shows the non-wooded areas of the site as cultivated in conjunction with fields on adjacent lot under common ownership. Surrounding parcels are either residential or agricultural uses. The fall zone extends outside the leased area, but is contained on the property. Also, according to OnCor, there are significant areas of 15 to 30 and 31 to 60 percent slope. Based on the town’s 2020 Natural Resource Inventory, the project site is not visible from Canandaigua Lake.

Town Code Section 220-60(1)(a) states, “where co-location antennas exist, the period of approval for the co-located antenna shall be five years or the authorized franchise period remaining on the permit from the Federal Communications Commission”.

Board Motion: To retain referrals 153-2024, 155-2024, 162.1-2024, and 163-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steven High
Seconded by: Roslyn Grammar
Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

156.0-2024	Town of Manchester	Zoning Board of Appeals	Gardner, Steven	Use Variance – 2 / D
20.00-1-47.111	Use Variance and Site Plan for an existing 2,400 SF building to be used as a used automotive (cars, trucks, ATVs) sales shop. Subject parcel is located on the northwest corner of the Hackett Rd. and SR21 intersection in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/44883/1560-2024-and-1561-2024-Aerial-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44884/1560-2024-and-1561-2024-CCE-Letter-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44888/1560-2024-and-1561-2024-Sketch-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44889/1560-2024-and-1561-2024-ZBA-App-Gardner-Auto-Shop>

Referral was previously submitted to the County in November 2021 as 224-2021, 224.1-2021, and 224.2-2021. 224-2021 and 224.1-2021 were for a sign permit and Site Plan for the 2,400 SF building to be used as an automotive shop – both recommended as incomplete by the

County Planning Board. 224.2 was for a use variance for the same project – recommended for denial. This month, the applicants are currently re-referring for the use variance and site plan. There is no proposed disturbance on the 22.2-acre parcel.

The parcel is located in the Agricultural (AG) Zoning District. Allowable principle uses in the AG Zoning District are:

- Agricultural (Agricultural, agri-business, or agri-tourism operation)
- Residential (single / two family /multiple family dwelling, bed-and-breakfast)
- Commercial (Airport/Heliport, campground, day-care facility, golf course, gun range, kennel / animal hospital)
- Other (Cemetery, essential services, public park / playground, outdoor recreation facility, religious institution, tier 3 solar energy collection system, telecommunications facility)

The subject parcel and surrounding parcels are all within the Ontario County Agricultural District #1. Subject parcel has a vacant (with improvements) land use, and surrounding land uses are a mix of agricultural, residential, and commercial. According to OnCor – a National Wetland lies on the southern portion of the parcel, and on surrounding parcels to the east and west. The parcel has predominately gentle to no slope (0-9% gradient, downhill from north to south) and is mostly Palmyra Cobbly Loam (not hydric, high permeability, medium erodibility, is considered an area of prime farmland, and is in hydrologic soil group B). A letter from the Sr. Resource Educator for the Ontario County Cornell Cooperative Extension (Russell Welsler) mentions that the parcel is covered primarily with trees, shrubs, and several areas of Federal/State designated wetlands. There is “essentially no open land suitable for crop farming”. From some older map references, it was found that mining activity occurred on part or all of this parcel going back to the early 1900s. Mr. Welsler mentions that because of the past mining activity, Federal/State designated wetlands, the present shrub/tree establishment - the economics in trying to return this land to traditional agriculture would not be practical. This parcel would be better used for outdoor recreation, wildlife habitat and forestry. This parcel “cannot be farmed”.

Applicant mentions that they expect 0-1 customers a week. They are proposing a (4 ft high) 24 SF free-standing commercial speech sign that “meets all code requirements” and 10 or less parking spaces. Access comes off of existing drive on State Route 21.

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, State law requires the applicant to show all of the following:

1. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
2. that the property is being affected by unique, or at least highly uncommon circumstances;

3. that the variance, if granted, will not alter the essential character of the neighborhood; and
4. that the hardship is not self-created.

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

In the Use Variance test questions, the applicant mentions:

1. Show in “Dollars and Cents” that the land in question, if used for any permitted use, will not yield a reasonable return.
 - Applicant refers to Cornell Cooperative Extension Letter.
2. Show that the hardship is unique and is not shared by all properties in the neighborhood.
 - “AG properties in the neighborhood can be farmed, light industrial zoned properties are being used for that use”.
3. The granting of the variance will not alter the essential character of the area as it “cannot be seen from the road”.
4. Show that the hardship is not self-created.
 - “I have not sold off portions of this property”.

Comments

1. Was the property zoned Ag with the current use restriction when purchased? This information is relevant to whether the hardship was self-created.
2. Does the applicant plan on hiring employees in the future?
3. What are the hours of operation? Will the noise level be appropriate for the area?
4. Where will the vehicles be displayed? On the ground? Will vehicle repair be taking place? There is potential for environmental contamination if equipment is not properly stored. Proper containment and disposal of fluids needs to be taken.

CRC Comments

1. In the event that the Town grants the use variance, conditions/restrictions should be imposed to restrict operations to automotive sales.

Findings

1. The hardship is not unique to this parcel. Surrounding AG zoned parcels have a lack of viable farmland due to the existing land cover, the presence of open water and wetlands, and previous mining activities as well.
2. There is a lack of dollar and cents proof for other possible uses that could be viable. Information needs to be provided to show that the property is incapable of earning a reasonable return on any of the uses allowed in the AG Zoning District.

CPB Comments

1. The applicant’s dollar and cents analysis only take into account automotive sales. Can another (Agricultural Use) be achieved – for example solar or residential? The

- applicant must provide dollar and cents analysis for each use permitted in the AG Zoning District.
2. The Town Board should consider rezoning this area as the lack of viable farmland, the presence of open water and wetlands, and previous mining activities are shared by the adjacent properties and are not unique to this parcel.
 3. The Town ZBA should consider whether the automotive use is the “least” variance from the code that would grant relief to the applicant.
 4. Will there be outdoor storage? Aerials indicate that vehicles are currently being stored outside. Will/are the vehicles be placed on top of concrete? Will there be automotive repairs occurring?

Board Motion: Based on consideration of the referral review comments and findings included herein, the Board finds that referral #156.0-2024 has the potential for significant adverse county-wide and/or inter-municipal impacts as a Class 2 and return to the local board with the recommendation of disapproval.

Motion made by: Ryan Wilmer **Seconded by:** Paul Lambiase
Vote: 13 in favor, 0 opposed, 1 abstention (Tammy Worden). **Motion carried.**

156.1-2024	Town of Manchester	Planning Board	Gardner, Steven	Site Plan – 1 / I
20.00-1-47.111	Use Variance and Site Plan for an existing 2,400 SF building to be used as a used automotive (cars, trucks, ATVs) sales shop. Subject parcel is located on the northwest corner of the Hackett Rd. and SR21 intersection in the Town of Manchester.			

See 156.0-2024

Board Motion: To return referral 156.1-2024 to the local board as incomplete due to the findings and CPB comments outlined in 156.0-2024 (need for additional information on economic viability of all other permitted AG uses) and the need for clarification on vehicle storage and/or repair. **Motion made by:** AJ Magnan **Seconded by:** Leonard Wildman
Vote: 13 in favor, 0 opposed, 1 abstention (Tammy Worden). **Motion Carried.**

157.0-2024	Town of Manchester	Planning Board	Bell Atlantic Mobile Systems	Special Use Permit - 1
12.00-1-11.100	Special Use Permit and Site Plan to construct and operate a 195 ft. (+4 ft. lightning rod) monopole tower communications facility and associated improvements at 3139 Bird Rd. in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/44890/1570-2024-and-1571-2024-Aerial-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44893/1570-2024-and-1571-2024-Elevations-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44896/1570-2024-and-1571-2024-Grading-Plan-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44900/1570-2024-and-1571-2024-Site-Plan-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44894/1570-2024-and-1571-2024-FEAF-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44980/1570-2024-and-1571-2024-Visual-EAF-Verizon-Tower>

The proposed tower will include nine (9) attached wireless telecommunications antennas. The tower appears to have ground space for 2 additional carriers (3 total). Ground improvements include: equipment cabinets on a 137.5 SF concrete slab (with an ice canopy above), a cable bridge (connects to underground local utilities via easement), a propane generator on a 32 SF concrete slab, a 500-gallon propane tank on a 40 SF concrete slab, an H-frame, all enclosed by a 7 ft. tall chain-link fence w/ barbed wire. The tower is setback 290 ft. or more from property lines. The fall zone lies completely within the leased area.

The parcel is 24.4-acres – total disturbance from the project is to be 0.77-acres. Some trees/shrubs are to be cleared for the tower site (fenced area). The applicant is leasing 0.23-acres of land from the landowners for this tower. There is a proposed 10 ft. wide (roughly 675 ft. long) access road (gravel) with an access gate is to provide access to the tower via an easement. The road runs along (just outside) the edge of the woods to the west. Access is to come from Bird Rd. to the north. A proposed 12” diameter (20’ long) HDPE pipe with rip-rap protection is to pass under the road. A check-damn will run along the east-side of the access road.

Land cover is currently open fields / woods. According to the submitted site plan, a federal wetland (pond) lies just north of the proposed tower site (on the parcel) – there is no proposed disturbance in this area. There is also a delineated federal wetland (on the same parcel) just east of the proposed tower site. Trees (5-8 ft. tall) exist along the road frontage of the parcel. Forested land lies on the western and southern portion of the parcel.

Agricultural land lies on the adjacent parcel to the east. A drumlin exists directly west of the proposed tower location (tower site ground level 70-80 ft. lower in elevation from the top of the drumlin). Subject parcel land use is listed as rural residential and agricultural (according to OnCor). Surrounding land uses are either agricultural or residential. In the submitted visual EAF, it mentions the tower is visible from both County and local roads, at a range of 0.5 to 3 miles. It is estimated that on average, 181 people would view this tower per day. Subject parcel and surrounding parcels are in Ontario County Agricultural District #1. Disturbance is in area with gentle to no slope (0-9% gradient). Soil disturbed is Phelps Gravely Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B/D).

The tower removal letter states that “Verizon Wireless agrees to remove its facilities and improvements if the proposed wireless telecommunications facility becomes obsolete or ceases to be used for its intended purpose. Removal will occur after ninety (90) days of cessation of use and will submit a removal bond prior to commencing construction”.

Comment

1. Does the telecommunications pole require lighting? Will it be rotating? What color?

CPB Comment

1. Referring Board should ensure that the end of use / decommissioning estimate is reviewed annually for inflation (cost increases).

Board Motion: To retain referrals 157.0-2024 and 157.1-2024 as class 1s and return them to the local boards with comments. **Motion made by: AJ Magnan**

Seconded by: Ruth Cahn

Vote: 13 in favor, 0 opposed, 1 abstentions (Tammy Worden). Motion Carried.

157.1-2024	Town of Manchester	Planning Board	Bell Atlantic Mobile Systems	Site Plan - 1
12.00-1-11.100	Special Use Permit and Site Plan to construct and operate a 195 ft. (+4 ft. lightning rod) monopole tower communications facility and associated improvements at 3139 Bird Rd. in the Town of Manchester.			

See 157.0-2024

158-2024	Town of Victor	Planning Board	Flower City Dispensary	Site Plan - AR 1
6.00-1-7.120	Site Plan to operate a legal cannabis retail store (within the Cannabis Retail Dispensary Overlay District) in an existing building at 8053 SR96, just south of the Monroe County line, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44904/158-2024-Aerial-Flower-City-Cannabis-Retail>

<https://ontariocountyny.gov/DocumentCenter/View/44907/158-2024-LOI-Flower-City-Cannabis-Retail>

<https://ontariocountyny.gov/DocumentCenter/View/44905/158-2024-Floor-Layout-Flower-City-Cannabis-Retail>

Policy AR-4: Use of existing facilities for a permitted use with no expansion of the building or paved area.

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

Final classification shall be Class 1

Findings:

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

Final Recommendation – The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area (Class 1).

Comments from individual members and staff shall be so designated and sent to the referring agency.

159-2024	Town of Gorham	Planning Board	Horst, Jacob	Minor Subdivision - Exempt
129.00-1-37.110	Subdivision of a 39.2-acre parcel into two (2) parcels: Lot 1 – 4.2-acres and Lot 2 – 35-acres. Subject parcel is located along the south side of CR18 in the Town of Gorham.			

160-2024	Town of Gorham	Planning Board	Prestgiacomo, Andy	Site Plan - Exempt
127.11-1-52.000	Site Plan to construct a 24.25 ft. x 60 ft. multi-use recreational area on a residential vacant parcel on Deep Run Cv. in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44913/160-2024-Plans-Recreation-Area>

OCSWCD Comments				
<ol style="list-style-type: none"> 1. Location of perimeter drain outlet not specified on plans. Outlet protection should be used when installing. 2. Will perimeter drain have above ground inlet or be buried? 3. Consider green infrastructure practice to manage surface water runoff from site. 				
CPB Comment				
<ol style="list-style-type: none"> 1. Several Land owners have shared lake access rights across this property. As a result, the Town should carefully consider how this project impacts those access rights and the applicant should address how the proposed facility will be managed as the deeds appear to convey recreation rights to the area owners with lake access rights. 				

161-2024	Town of Gorham	Planning Board	Stern, Allan	Site Plan - Exempt
113.15-1-38.000	Site Plan for the demolition of three (3) existing structures on the parcel and to replace them with a single, 3,956 SF two-story residence at 3948 SR364 in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44921/161-2024-Site-Plan-Stern-Home>

OCDPW Comments				
<ol style="list-style-type: none"> 1. A highway work permit is required for the application. 2. Comments will be provided directly to the engineer as soon as administratively possible. 				

162.0-2024	Town of Gorham	Planning Board	LeTourneau Christian Center Inc.	Site Plan – 2 / A
141.00-1-43.100; 154.00-3-3.100	Site Plan and Subdivision (Lot Combination – combining 4961 CR11 with 4950 CR11, creating a 26.5-acre parcel) for the construction of a multi-purpose facility and additional parking to accommodate indoor sports, social events, and communal activities. Project is located at 4950 CR11 (Letourneau Christian Center) in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/45018/1620-2024-and-1621-2024-Aerials-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44924/1620-2024-and-1621-2024-Concept-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44925/1620-2024-and-1621-2024-Driveway-Profile-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44927/1620-2024-and-1621-2024-Grading-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44929/1620-2024-and-1621-2024-Landscape-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44932/1620-2024-and-1621-2024-Site-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/45017/1620-2024-and-1621-2024-Utility-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44931/1620-2024-and-1621-2024-SEAF-Community-Center>

Subdivision (lot combination) will join the 4961 CR11 (southern parcel) with 4950 CR11 (northern parcel). Overall demolition plans for the site includes: removal of up to twelve (12) trees, removal of existing pipes and inlets along roadsides, adjustment/removal of culverts as necessary, adjustments/removal of certain portions of the driveway as necessary, and removal of one of the three (center) access drives. The proposed building and attached parking lot will require the removal of light poles, chain link fence, and two (2) existing cabins along the southern (rear) portion of the combined parcels.

Throughout the 26.5-acre combined parcel, the area of proposed work is predominately in mowed lawn. Subject parcel land use is recreation/entertainment, and surrounding parcels are predominately residential. Proposed disturbance occurs in areas ranging from gentle slope (4-9% gradient) up to areas of steep slope (16-30%) towards the Canandaigua Lake. Soil disturbed is Cayuga Silt Loam (not hydric, moderately high permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group C/D).

A new 20' wide asphalt drive will replace the existing stone drive throughout the parcel. There are 102 total parking spaces proposed (4 ADA spaces) throughout the parcel, in addition to 51 land-banked parking spaces. A new concrete walk is proposed to connect the north and south internal roadway. Three new trees are proposed to be planted (2 Autumn Blaze Freeman Maple and 1 Red Oak) surrounding the proposed building. 17 proposed pole-mounted area/site luminaires are to surround the internal roadway, as well as the new parking lot. Public water service and sewer services are to connect to the proposed building, and overhead electric will connect via a new transformer. 2' x 2' inlet structures and rip-rap areas collect stormwater and direct it to one of two proposed bio-retention areas – both lie on the southern portion of the parcel. Lot coverage is to remain under 30% and greenspace is to remain over 25% - meeting the Town's zoning requirements. Of the 26.5-acre (combined) parcel, the total disturbance is to be approximately 3.6-acres. Limits of disturbance are to be surrounded by a silt fence.

County Planning Board Bylaws relating to development on lakefront parcels state:

- Increased runoff from lakefront development is more likely to impact water quality.
- Protection of water features is a stated goal of the CPB. The Finger Lakes are an indispensable part of the quality of life of Ontario County.
- Proper stormwater and erosion control is needed to protect ground and surface waters.

Comments

1. Will the parking spaces be paved? Is the number of ADA spaces (4) proposed sufficient?
2. How much additional impervious surface is being created?
3. Project appears to have disturbance in the steep slope area (16-30% gradient). Plans should indicate how much disturbance is occurring in this area.
4. What will hours of operation be for the event center?
5. Referring Board may want to consider requiring additional tree plantings / stormwater management to help reduce impacts off runoff / erosion.

OCDPW Comments

1. Sheet C101 shows that the southernmost driveway is being widened over the two existing catch basin's that are currently on both sides of the driveway.
 - a) Are these catch basin's being brought up to driveway grade? If so, will the current drainage grates meet live load capacity?
 - b) If the drainage grates are being raised, what is the plan to capture any water in the swales on either side of the driveway?
 - c) How do you plan to catch any water coming down the driveway at a 13% slope?
 - d) We have record drawings showing a pipe connected below the driveway, running out to the lake. We will have to do some more investigating to verify the accuracy. Please reach out to DPW for those record drawings and more information.

2. Where the middle driveway is being removed, what kind of grading work is being proposed for the ditch/swale that will be made with the removal of the culvert pipe and driveway?
3. Provide a driveway profile for both entrances showing a descending tangent from the pavement edge of County Road 11 back towards the right-of-way line. The grade of the tangent shall be no flatter than - 1.5% and no steeper than -3%. The tangent shall connect to the ascending tangent with a sag vertical curve. The low point in the sag curve should be located to allow drainage from the driveway to runoff into the roadside ditch and not flow into the traveled way of the County Road. The length of the sag vertical curve shall be determined by applicable design standards.
4. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>.
 - In addition, Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.
 - A copy of the SWPPP will also be required prior to permit approval.
5. DPW will not approve the driveway permit until we receive verbal or written acceptance from the Town of Gorham stating all site plan documents meet their access management guidelines.
6. A highway work permit is required for the application.
7. Comments will be provided directly to the engineer as soon as administratively possible.

OCSWCD Comment

1. Current emergency overflow of upper retention area is directed at existing building. Consider relocating to the southwest of berm towards existing drainage.

CRC Comments

1. According to the 2021-2022 T. Gorham Comprehensive Plan Update, County Road 11 is designated as a major and minor collector from SR364 (south of Crystal Beach) along the lakefront and is subject to the Town’s Access Management Local Law. The proposed plan does eliminate one (1) of the curb cuts / access driveways onto County Road 11, bringing it more into compliance with the Town’s access management local law. The referring agency should require the applicant to estimate the additional traffic the project may generate.
2. The referring board should consider the re-orientation of the main access road (southern-most internal roadway on the site) in order to reduce the slope of the road – if Jones Rd. isn’t feasible. This will help improve safety to vehicles/pedestrians/first responders, as well as help improve stormwater management.
3. According to the Ontario County Planning Board Bylaws: Protection of water features is a stated goal of the CPB. The Finger Lakes are an indispensable part of the quality

of life in Ontario County. Increases to impervious surfaces lead to runoff and pollution. Runoff from lakefront development is more likely to impact water quality.

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 to impervious surface lead to increased runoff and pollution.
4. Protection of community character, as it relates to tourism, is a goal of the CPB.

CPB Comments

1. The plans do not meet the Town's requirements on stormwater management - for returning additional stormwater from development into groundwater. Referring board should consider additional stormwater management, so water does not flow across CR11 if the stormwater management facilities overflow. The plan presented simply regulates the rate of discharge by providing detention. Given the issues with stormwater in the lakefront area, the Town should consider changes to the plan that would result in a reduction in flow after development rather than just no change in rate or total quantity of stormwater runoff after development of the proposed project. Also – infiltration calculations for the stormwater management facilities should be provided in the application materials.
2. The referring board should consider requiring a financial evaluation on the feasibility of having emergency vehicle access to the site/facility come off of Jones Rd. to the south, rather than County Road 11. This would help to reduce runoff going straight down the roadways, across County Road 11. It could also help reduce traffic of people pulling in/out of County Road 11.
3. The County Planning Board reiterates CRC Comment #2, that the referring board should consider the re-orientation of the main access road (southern-most internal roadway on the site) in order to reduce the slope of the road – if Jones Rd. isn't feasible. This will help improve safety to vehicles/pedestrians/first responders, as well as help improve stormwater management.
4. The County Planning Board recognizes and appreciates the effort the applicant has put forth in improving this property.

Board Motion: To elevate referral 162.0-2024 from Class 1 to Class 2. **Motion made by: Ryan Wilmer Seconded by Tammy Worden**

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

Board Motion: Based on consideration of the referral review comments and findings included herein, the Board finds that there is potential for significant county-wide and/or inter-municipal impacts. Motion to retain referral #162.0-2024 as a Class 2 and return to the local board with the recommendation of approval with the following modifications:

1. Protection of the Canandaigua Lake Watershed is a top priority. Additional stormwater management needs to be implemented. The applicant and referring

board should confer with the Town of Gorham Stormwater Management Program. The site plan should be modified in order to reduce flow after development - rather than just no change in rate or total quantity of stormwater runoff after development of the proposed project.

2. Plans / submitted materials should include a percolation test / infiltration calculations.
3. Internal roadway should be redesigned to reduce their slope. Having a more zig-zagged pattern will help slow stormwater runoff down the hill, in addition to increasing pedestrian and vehicle safety.

Motion made by: Ryan Wilmer Seconded by: Tammy Worden
Vote: 13 in favor, 0 opposed, 0 abstentions. Motion Carried.

162.1-2024	Town of Gorham	Planning Board	LeTourneau Christian Center Inc.	Minor Subdivision - 1
141.00-1-43.100; 154.00-3-3.100	Site Plan and Subdivision (Lot Combination – combining 4961 CR11 with 4950 CR11, creating a 26.5-acre parcel) for the construction of a multi-purpose facility and additional parking to accommodate indoor sports, social events, and communal activities. Project is located at 4950 CR11 (Letourneau Christian Center) in the Town of Gorham.			

See 162.0-2024

Board Motion: To retain referrals 153-2024, 155-2024, 162.1-2024, and 163-2024 as class 1s and return them to the local boards with comments. **Motion made by: Steven High**
Seconded by: Roslyn Grammar
Vote: 13 in favor, 0 opposed, 0 abstentions. Motion Carried.

163-2024	Town of Canandaigua	Planning Board	Berliner, Brett	Special Use Permit - 1
126.00-1-56.110	Special Use Permit to operate a short-term rental with a maximum overnight occupancy of 18 at 4410 Middle Cheshire Rd., in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44952/161-2024-Layout-and-Elevations-Stern-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44933/163-2024-Aerial-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44936/163-2024-Sketch-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44937/163-2024-Survey-Plat-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44935/163-2024-LOI-Berliner-STR>

There will be a total of six (6) bedrooms at the existing home. According to Town Code Section 201-7E Maximum Occupancy, “the zoning inspector shall establish the maximum overnight occupancy in accordance with Uniform Code”. This is a Uniform Code requirement for all homes (not just STRs). Per this determination by the Zoning inspector, the existing home has a “potential” maximum occupancy of 32 people. However, Town Code Section 201-4B states, “In no event shall a STR permit be issued for a STR with a maximum occupancy greater than 18 overnight guests he Town of Canandaigua”. Therefore, there is a hard cap of 18 people allowed as overnight guests in any given STR. The zoning Inspector commented that the applicant is in the process of having a 500-gallon septic expansion installed just east of the existing home.

In correspondence with the T. Canandaigua Development Office, the following clarification was provided:

- “No variance is needed. Maximum occupancy is capped at 18 no matter what. The Zoning Inspector is required to calculate occupancy based on NY state building code minimum rooms size requirements so some homes could accommodate more than 18 people; but because of 201-4B it wouldn’t be allowed and the max would be stated to be 18. However, anything over 12 must get approval from the Planning Board prior to a STR permit being issued.”

According to OnCor, the subject parcel:

- Is within and has neighboring parcels in the Ontario County Agricultural District #1.
- Subject parcel has residential land use. Surrounding land uses are residential or agricultural.
- Existing home is over 500 ft. from the right-of-way and over 500 ft. from another residence.

Comments

1. Is parking sufficient to accommodate 32 overnight guests?

CRC Comments

1. Application materials indicate there is a proposed 500-gallon septic tank expansion. What is the existing septic leach field capacity?
2. How will the number of overnight occupants be enforced / limited to 18 when the building code would allow up to 32?
3. Town Code Section 201-4B seems to come in direct conflict with 201-7E. The Town Board should consider amending the code section in order to better clarify this occupancy requirement.
4. The Town Board should consider amending the code in order to transfer occupancy determinations to the Planning Board as a part of the conditions of approval rather than the zoning officer.
5. The Town Board should consider amending the code to define occupancy by adults.

CPB Comments

1. In reference to CRC Comment 3 – the Town Board should consider amending the code in order to better clarify the occupancy requirement. Specifically, the language should clarify that in no case shall the special use permit be granted for an occupancy greater than permitted under the NYS Uniform Fire Prevention & Building Code as determined by the Town Code Enforcement Officer.
2. According to Town Code 201-7J, each STR shall provide a minimum of 1 off-road parking space for each bedroom. Is this enough for 18 (or 32) guests?

Board Motion: To retain referrals 153-2024, 155-2024, 162.1-2024, and 163-2024 as class 1s and return them to the local boards with comments. **Motion made by:** Steven High
Seconded by: Roslyn Grammar
Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried.**

164-2024	Town of Canandaigua	Planning Board	Meagher, Wendy	Minor Subdivision - Exempt
83.00-1-25.120	Subdivision of a 59.9-acre parent parcel into Lot 1 (52.9-acres) and Lot 2 (7-acres) at 5575 SR5&20 in the Town of Canandaigua.			

165-2024	Town of Seneca	Planning Board	Seedway Corp., Kessel Construction	Site Plan – 2 / A
159.00-1-51.100	Site plan to build a 110,000 SF processing and storage facility on Seedway agricultural lands on Austin Road in the Town of Seneca. Building for relocation/expansion of business including grain bins, mill, warehouse, lab, and offices.			

<https://ontariocountyny.gov/DocumentCenter/View/44946/165-2024-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/44949/165-2024-Plans>

<https://ontariocountyny.gov/DocumentCenter/View/44951/165-2024-Summary-Letter>

<https://ontariocountyny.gov/DocumentCenter/View/44948/165-2024-FEAF>

<https://ontariocountyny.gov/DocumentCenter/View/44950/165-2024-Renderings>

The project parcel is 268 acres and includes lands northwest of Wilson and Austin Roads, where the building would be built, as well as lands south of Austin Road and lands east of Wilson Road. The entire parcel and all adjoining properties are zoned Agricultural and in Ontario County Consolidated Agricultural District #1. The proposed building is a permitted farm related building used for the storage of products or equipment located on the same parcel as a principal farm use. Permitted farm buildings may also be used for the incidental processing of farm products.

Non-agricultural uses near the proposed building include a two-family home at the northwest corner of Austin and Wilson Roads, a single-family home to the south of the project site across Austin Road, and a single-family home at the southwest corner of Austin and Wilson Roads.

According to OnCor, there are no steep slopes, wetlands or existing or preliminary floodplains on the parcel or project site. OnCor indicates a 17 acres NYS DEC wetland east of the portion of the parcel southeast of Wilson Road. The EAF identified NYS DEC regulated wetland ST-39 with 24 acres on or adjacent to the site.

Existing site structures include a number of interconnected barns dating mostly from 1910 used for maintenance of agricultural equipment used in the farming operation and 5 circular bins used for grain storage. There also appears to be existing parking west of the buildings. The proposed building has access off Wilson Road and includes 6,000 SF of office space and 92,750 SF of warehouse space. A mill building of 8,750 SF located by the existing structures off Austin Road was included in the SWPPP and is not proposed for construction at this time. The mill and grain silos will remain operating at the Hall property.

The proposed building is 250' to 825' from property lines. The proposed project will disturb 39 acres of the 44 acres on the designated project site. The area of impervious surface is 7.2

acres up from 1.6 acres impervious area existing. The maximum height of the single-story building will be 40', within the 100' height limit for farm structures.

There are 15 passenger vehicle parking spaces, including 2 ADA accessible spaces, along the entrance/office portion of the building facing Wilson Road and 30 spaces in front of the south end of the building. The building elevations show 7 overhead doors on the front elevation facing Wilson Street, and 1 overhead door on both the north and south elevations. The concept plan also shows a planted berm along the rear of the adjacent two-family residential property, lighting along the entry drive, two stormwater management facilities to serve driveway and building area, a mound system for wastewater treatment, a stone drive around the entire building, and a 14,000 SF future expansion area at the north end of the building.

Since the mill building is not proposed for construction at this time, this area is shown as the construction staging area for the proposed building. The applicant representative responded to this:

- Seedway representative Adam Robertson at the Ontario County CRC meeting 08/13/24 stated that the addition was originally planned to be contiguous (attached) to the South end of the warehouse building - not separate or located at the "lay down area". However, Mr. Robertson also stated that if they were to add a Mill operation, it would be attached to the North end so as to minimize views of the equipment from the South neighbor and avoid any potential noise disturbance on the South end.
- No Mill Operation is planned for this project at this point in time - while it is still shown on the Site Plans from Fagan Engineers - review of Kessel Proposal drawings Issue Date 08/13/24; 01 SP100 and 01 SP101 best represent the overall site plan.

Applicant representatives were present for the CRC meeting and provided the following details on the project:

- This proposed building is due to a need for more space and to make the operation more efficient. Their existing facility is so cramped they have to move a lot of their inventory around every time they fill and order.
- The 12 proposed light poles are standard height (15 ft.), on a timer (7 PM – 4 AM), and downlit.
- Water needs are minimal. There is no processing on site. This facility will be for storage/shipping. Only need for bathrooms is for employee restrooms.
- Vehicles entering / leaving the site will include three (3) 10-wheelers and one (1) 18-wheeler per day. There will be no increase in traffic/activity with the proposed use.
- Processing of the grain happens offsite on a parcel roughly 1.25 miles to the north at 1734 Railroad Place, Hall, NY. The process includes:
 - Seed from the field is dirty, so it is put through two different cleaners. This cleaner removes things like dirt/stones, chaff, unviable seed, and miscellaneous debris.

- Clean seed is packaged and will be sent to the proposed storage facility (subject parcel/referral). Waste/byproducts from seed cleaning is collected and has various uses. The unviable seed is sold to farms for animal feed. They are looking into converting some of the waste to composting or fuel (wood pellets) to be used/sold. About a “wheelbarrow” full of stone waste is generated per day – it is disposed of properly.
- Originally, the plan was to have the processing occur on the subject parcel in addition to the proposed storage building. But after conversations with neighbors and cost estimates, they decided to just have the subject parcel used for storage and shipping.
- The processing plant has a very good/expensive dust collection system which collects all the dust and is always running during processing. Dust is collected and disposed of in barrels currently. The noise is minimal and cannot (or can barely) be heard outside the building while the machine is running.
- The biggest source of waste from the process is from packaging – the seed shipped into the site comes pre-packaged. The packaging is bailed and sent to the landfill.
- Two fire hydrants are proposed by the parking lot/driveway area.
- Seedway sells/sends their product from Maine to Florida. Products from this packaging facility will be sent to mostly northeastern states (Maine, Pennsylvania, New Jersey, others). They are planning on adding people (roughly 10) to their staff in this region. They will have about 60 people working between the two Town of Seneca facilities.
- Proposed storage facility will only be open during business hours (7 AM – 4 PM). Although sometimes employees may come in at 6 AM or leave at 6 PM.
- Future expansion area indicated on plans would be for the same use (storage and offices) as what is being proposed.
- Parking area and entrance drive is to be asphalt, the drive around the building will be gravel.

The applicant provided the following information in response to Staff/OCSWCD Comments:

- In response to Staff Comment 1 - Yes, Seedway’s goal is to retain as much of the tillable acreage of the field as we can, including the ground that was disturbed during construction, and we want to continue to farm those acres.
- In response to Staff Comment 2 - this will be easily added to the drawings and Fagan Engineers has been given direction to do so .
- In response to Staff Comment 3 - Those acres will continue to be row crops as they are today. We also realize that there will be a few acres of grass around the buildings, that we will work hard to have some of it as a pollinator space and a wildlife habitat.
- In response Staff Comment 4 - three pavement types are currently intended are for the project per Kessel drawing 01 SP101 - Light duty paving = employee parking areas,

Heavy Duty paving = areas of heavy truck traffic (entrance drive way, loading docks etc.) Stone driveway = the North, South and West sides of the building.

- In response to Staff Comment 5 - We don't anticipate any additional truck traffic beyond "daily normal" due to the fact that Wilson Road is a google map recommended route from Hall to Interstate 86 and already gets a fair amount of truck traffic.
- In Response to Staff Comment 6 - Seedway's plans with the older facility is to house overflow product as well as storage of ancillary items like packaging. We do not anticipate using the offices for future use. It will also continue to be used for milling (seed cleaning) operations.
- In response to OCSWCD Comment 1 – Concrete truck washout must be located a minimum of 100 feet from all drainage swales, storm drain inlets and surface waters. - On the original plans submitted, we show the concrete washout at the end of the proposed driveway connecting to Wilson Rd. This has been discussed internally and will be relocated to the construction laydown area off of Austin Rd. At this new location, the washout will be more than 100 feet from any drainage swale, storm drain inlet, and surface waters.
- In response to OCSWCD Comment 2 – Similar to the comment above, the original plans show the rock construction entrance at the end of the proposed driveway connecting to Wilson Rd. After internal discussions, the rock construction entrance will be relocated to the construction laydown area located on Austin Rd.
- In response to OCSWCD Comment 3 – No stormwater drainage will not be tied directly into underground drainage. All proposed runoff will be collected by either catch basins or drainage swales and sent to one of two stormwater ponds. Here the runoff will go through the process within the pond until it is released through an outlet structure. The runoff will then sheet flow across the existing ground.
- In response to OCSWCD Comment 4 - Any affected underground tile will be repaired upon project completion.
- In response to OCSWCD Comment 5 - Noted. Will discuss with Owner on how to approach this situation. Either a fence or some other type of barrier can be installed to ensure no heavy equipment is driving over the proposed mound system.
- In response to OCSWCD Comment 6 – See SWPP
<https://ontariocountyny.gov/DocumentCenter/View/45025/165-2024-SWPP>

Comments

1. Are the 39 acres of highly productive soils identified on the EAF retained?
2. A limit of disturbance line should be shown on the site plan.
3. Could any of the 35 acres converted to meadow be used for agricultural production? Will land cultivation resume on lands surrounding the building northwest of Austin and Wilson Roads? Construction documents should be clear about limit of disturbance and placement of any topsoil removed from the building area. Will converted land be managed as meadow for wildlife habitat? Mowed?

4. The key and the pavement details show 3 pavement types; the concept plan shows an additional pavement type for the driveway and access to the areas with heavy duty pavement, likely loading docks.
5. Does the proposed site activity generate changes in site traffic on local roads? Changes in weight of typical vehicle?
6. What plans does the applicant have to reoccupy office and warehouse areas of existing buildings on Hall property?

OCSWCD Comments

1. Concrete truck washout must be located a minimum of 100 feet from all drainage swales, storm drain inlets and surface waters.
2. Will there be direct access from staging area to construction zone or will trucks be required to enter the road and enter through the stabilized construction entrance?
3. Will stormwater drainage be tied directly into existing underground drainage?
4. Extensive underground field tile will be disturbed during construction and should be repaired and redirected upon project completion.
5. Proposed mound system is not indicated to be connected to lawn associated with processing facility. Care should be taken not to drive heavy equipment over this area.
6. SWPPP not provided for additional E&SC details

CRC Comment

1. Plans should include details that indicate the proposed lighting is dark sky compliant.

Board Motion: To retain referral 165-2024 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by: Paul Lambiase Seconded by: Leonard Wildman**

Vote: 12 in favor, 0 opposed, 0 abstentions (Tammy Worden had not arrived yet).

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: I, (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	Variances 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)

Upcoming Training: See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities.

- Registration link for Cayuga County trainings below
 - <https://www.cayugacounty.us/Activities/Activity/Detail/Cayuga-County-Planning-Board-Training-Se-680>
 - Wed. August 21, 2024 at 7:00 pm Conducting Site Plan Review 1879 Genesee St. Rd., Aurelius
 - Wed. Nov. 13, 2024 at 7:00 pm Short-Term Rentals and Grant Opportunities 1879 Genesee St Rd, Aurelius
- Hancock Estabrook Municipal Bootcamp registration link, <https://www.hancocklaw.com/events/2024-municipal-bootcamp-trainings/> dates and topics listed below
 - **Thursday, September 26, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 8: UNDER THE TENT – OPEN MEETINGS, RECORD KEEPING, AND ENGAGING THE PUBLIC IN COMMUNITY DEVELOPMENT
 - **Thursday, October 24, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 9: SHORT, BUT NOT TOO SHORT – HOW SHORT-TERM RENTALS ARE CHANGING THE DEVELOPMENT AND REGULATORY LANDSCAPE
 - **Thursday, December 19, 2024 – 6:00 p.m. – 7:00 p.m.**
SESSION 10: SANTA’S AND NICE AND NAUGHTY LIST— THE BEST AND WORST OF 2024
- *NYSDOS training schedule* <https://dos.ny.gov/training-assistance> Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SERQ basics trainings **CERTIFICATE OF COMPLETION NOT PROVIDED**
- *The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities* <https://www.nycom.org/training/webinars>

Privilege of the Floor

None

Adjournment: Being no further business for discussion, Chair Paul Passavant requested a motion to adjourn.

Motion to adjourn made by Ryan Wilmer seconded by Roslyn Grammar.

Vote: 13 in favor, 0 opposed, 0 abstentions. **Motion Carried** 8/14/24 CPB meeting adjourned at 8:31 PM.