

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday January 10, 2023, at 3:30pm –**
County Planning Board Meeting –January 11, 2023 at 7:00pm 20 Ontario St., Canandaigua
 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>

Attendance and Minutes.....	2
Referral Reviews and Board Action.....	4
General Procedures and Legal Obligations for Referring Agencies.....	13

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

Referral #	Municipality_2	Applicant	Application Type	Class	Page
1	Town of Victor	Mitchel Design Build	Site Plan	1	3
2	Town of Seneca	Bell Atlantic/Verizon Wireless	Site Plan	1	4
3	Town of Seneca	Bell Atlantic/Verizon Wireless	Special Use Permit	1	6
4	Town of Seneca	Bell Atlantic/Verizon Wireless	Area Variance	1	6
5	Town of Canandaigua	Grove Engineering	Site Plan	Withdrawn	6
6	Town of Canandaigua	Grove Engineering	Special Use Permit	Withdrawn	6
7	Town of Victor	Mitchell Design Build	Special Use Permit	1	7
8	Town of Hopewell	Eric Harter	Special Use Permit	1	7
9	Town of Hopewell	William Grove PE	Site Plan	1	7
10	Town of Canandaigua	Venezia & Associates	Site Plan	Exempt	9
11	Town of Canandaigua	Venezia & Associates	Area Variance	Exempt	9
12	Town of Canandaigua	Town Board	Moratorium	2 Late Referral	9
14	Town of Richmond	Ben & Kate Synborski	Area Variance	1 Late Referral	10
15	Town of Richmond	Robert Taylor	Area Variance	1 Late Referral	11
16	Town of Richmond	Todd & Kristine Ferrin	Area Variance	AR2 Late Referral/A	

There is no referral 13-2023.

Call To Order/Roll Call: Nominating Committee member Len Wildman called the 1/11/23 CPB meeting to order at 7:00 and requested Ms. Phillips to do roll call. Ms. Phillips presented roll call and reported that there

were twelve (12) members present physically at 20 Ontario Street, meeting the quorum requirement. At 7:12, after approval of nominating committee slate of officers and representatives and approval of minutes, 1 additional member arrived.

Guests: Paul Lambaiise, Naples Joint Planning Board

Minutes:

- *Motion made by Steve Groet to approve the 12/14/22 minutes, seconded by Steve High* **Motion carried**

	Member name in bold if on local legislative, planning, or zoning board	P-Present / V – Virtual A – Absent, E – Excused Absence	
Town of Canandaigua	Shawna Bonshak		E
Town of West Bloomfield	Ruth Cahn ZBA	P	
Town of Victor	Mike Crowley	P	
City of Canandaigua	Doug Dello Stritto	Arrived at 7:12 and voted on all referrals	
Town of Seneca	Roslyn Grammar	P	
Town of Canadice	Stephen Groet PB	P	
Town of Gorham	Gabrielle Harris PB	P	
Town of Geneva	Steven High	P	
Town of Farmington	Ted Liddell	P	
Town of Bristol	AJ Magnan ZBA	P	
City of Geneva	Paul Passavant	P	
Town of Phelps	Nina Tilman PB alt	P	
Town of South Bristol	Bessie Tyrrell PB		A
Town of Richmond	Leonard Wildman PB	P	
Town of Manchester	Tammy Worden	P	
Town of East Bloomfield	Mike Woodruff PB		E through 4/12/23
Alternate Member	Jack Dailey		E
Town of Hopewell	Vacant	-----	-----
Town of Naples	Vacant	-----	----

Presentation of slate of officers and representatives and vote on slates

Nominating Committee nominated Paul Passavant as Chair and Steve High as Vice Chair.

- Motion made by AJ Magnan to approve the recommended slate of officers; seconded by Paul Passavant **Motion Carried.**

Nominating Committee nominated Len Wildman as Water Resources Council representative.

- Motion made by Paul Passavant to approve the recommendation; seconded by AJ Magnan **Motion Carried.**

1 -2023

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 7-2023

Applicant: *Mitchel Design Build*Property Owner: *Maguire Family Properties*Tax Map Parcel #: *14.02-1-3.110*

Brief Description: *Site plan and special use permit for 23,000 SF parking lot addition, landscaping, sidewalks, and new tenant entrance at 8050 SR 251 in the Town of Victor. Project also involves two curb cuts off Old Dutch Road.*

<https://ontariocountyny.gov/DocumentCenter/View/35657/159-2022-aerial>

<https://ontariocountyny.gov/DocumentCenter/View/36967/1-2023>

This address was reviewed as referral 159-2022 in September 2022 for 9,400 SF parking addition with 1 new access point off Old Dutch Road. It seems the previously interested tenant did not lease the space.

The proposed 50 car parking area is intended to accommodate customers of a martial arts studio as a new tenant. Site modifications will also include regrading to connect the new parking area to existing drainage swales at the north and south end of the parking area, full cut-off building mounted parking area lighting, a new tenant entrance, and two new curb-cuts spaced 450' apart and aligned with curb-cuts on the west side of Old Dutch Road. The proposed modifications are subject to stormwater treatment requirements of the Irondequoit Creek Watershed; the application materials indicate a previous site plan submitted for this address included documentation that the existing on-site detention pond has sufficient capacity for the proposed increase in impervious surface. The proposed site plan also indicates removal of 12 trees and 17 shrubs in the landscaped area along Old Dutch Road and the installation of street scape landscaping including 8 trees and 10 shrubs and foundation plantings including 15 shrubs.

This project requires a special use permit for a martial arts facility in a portion of the 32,00 SF single story building in the Light Industrial zoning district. The project also requires a Planning Board waiver to the 80' parking setback; reduced setback based on no identified need for future road widening or service road.

CRC Comments

1. What are parcel full development plans? Can the proposed new access point serve site full buildout?
2. Considering the removal of mature trees, the referring body may consider requiring larger caliper replacement trees and including shrub plantings along the entire Old Dutch streetscape.

Board Motion: To retain referrals 1-2023, 7-2023, 8-2023, 9-2023, 14-2023, and 15-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Roslyn Grammer
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

2 - 2023

Town of Seneca Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 3-2023 and 4-2023

Applicant: *Bell Atlantic/Verizon Wireless*Property Owner: *United Land Stewards, LLC*Tax Map Parcel #: *144.00-3-7.212*Brief Description: *Site plan, special use permit, and height variance for new 195' cell tower near 4751 Olsen Road in the Town of Seneca.*<https://ontariocountyny.gov/DocumentCenter/View/36968/2-2023-aerial><https://ontariocountyny.gov/DocumentCenter/View/36969/2-2023-site-plan-only>

The project site is a 236 acre agricultural property in the county operated state agricultural district. The proposed site modifications disturb 8 acres not including existing on-site wetlands. The tower access drive crosses an area with slopes of 16 to 30 percent.

The applicant is proposing construction of a galvanized steel lattice type tower on a leased 100' by 100' area near 4751 Olsen Road. The site is zoned AG Agriculture and construction of a telecommunications tower requires a special use permit, which in the Town of Seneca is granted by the Zoning Board of Appeals. The tower also needs a variance from the district's 100' height limit. Though site plan approval is not required, the applicant has submitted, and the Town has referred, a site plan.

The proposed tower site will be accessed from an existing gravel driveway to the 45' Town of Seneca water tank and then an 800' long 12' wide gravel road and underground utilities within a 30' wide access and utility easement. The minimum tower setback to adjacent properties is 792'.

The 42'x91' tower and equipment area will be enclosed by a 6' chain link fence with barbed wire top. The applicant's equipment area is 16'x22' and similar areas are reserved for 3 additional carriers.

The radio frequency engineering analysis of the site revealed that the proposed height is the minimum to serve the current coverage gap within the Gorham East cell and provide space for 3 additional carriers as required by Town code while accounting for area topography and obstructions. The lowest carrier equipment would be installed at a height of 161' while the applicant's equipment would be installed at a height of 191'.

The existing southeast area of the Town of Seneca and eastern portion of the Town of Gorham are currently served by 3 tower sites:

- Gorham site located off Phelps Road northeast of SR 247 and SR 245

- Geneva south site located off Pre-emption Road

- Flint site

Due to terrain and/or foliage and distance existing sites do not provide adequate coverage or capacity. Proposed tower is intended to offload traffic at existing overloaded sites/cells as well as provide coverage where significant gaps exist.

Application materials include a long form EAF and a Visual EAF. The visual EAF indicates the proposed tower will be visible from portions of state SR 245 and CR 5,8, 29 at a distance of .5 to 3 miles. Views to the tower from local roads are as follows:

- Olsen Road and Gorham Road -.3 to .7 miles
- Lake to lake and Little Church Road -.7 to 1.1
- Austin Road, Goose Street, Phillips Road -1.2 to 2.5
- W. Swamp Road and Kearney Road -2.3 to 2.8 miles

Visual character within 1 miles of the site is mainly agricultural or forested with a few commercial uses. There are other visually similar projects within 1 to 3 miles of the site. The Visual EAF indicates the tower is not visible from historic places, state park or forest preserve lands, municipal park or open space, or other scenic resources. The highest visibility impact of the tower is from Gorham Road, which also has views to the water tower. The Visual EAF estimates the tower will be visible to 24,090 viewers annually including those involved in recreational activities, though EAF indicates the tower is not visible from parks and open space. The visibility estimate is based on 5% of the 1,311 ADT on SR 245.

The estimated cost to remove tower and equipment is \$50,000 and does not appear to include removal of gravel access road. The water tank and power lines are outside the tower fall zone.

Comments

1. The tower site is leased while the access and utility easement is permanent. This could cause complications for resumption of farming activities should the tower be dismantled. If the easement is modified to relate to the term of the lease and any extensions, the referring body may want to consider requiring applicant to restore agricultural use to the easement area if the use is discontinued. This would require stockpiling of topsoil as is typical for solar installations.

CRC Comments

1. The T. Seneca plans to construct a new water tank, are such plans compatible with proposed tower and access plans?
2. The Town Board may want to consider whether to require preparation of a site plan or development plan in conjunctions with special use permits. If Planning Board site plan review of special use permits is not desired, the process could involve Zoning Board of Appeals or Planning Board review of a development plan.

CPB Comments

While not relevant to this tower site in a agricultural area 800' from any adjacent property, the following may be relevant to new tower construction in other areas.

1. The referring body should consider the extent of and potential impacts to adjacent uses within the tower fall zone.
2. The referring body should require full cut off/dark sky compliant fixtures for lighting provided in the fenced equipment area and intended to allow emergency equipment maintenance.
3. The referring body should consider whether backup power generator and scheduled generator testing will disturb adjacent uses.

Board Motion: To retain referrals 2-2023, 3-2023, and 4-2023 as class 1s and return them to the local board with comments. **Motion made by:** AJ Magnan **Seconded by:** Roslyn Grammer

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

3 -2023 Town of Seneca Zoning Board of Appeals Class: 1
 Type: *Special Use Permit*

Related Referrals: 2-2023 and 4-2023

Applicant: *Bell Atlantic/Verizon Wireless*

Property Owner: *United Land Stewards, LLC*

Tax Map Parcel #: *144.00-3-7.212*

Brief Description: *Site plan, special use permit, and height variance for new 195' cell tower near 4751 Olsen Road in the Town of Seneca.*

See information at 2-2023

4 -2023 Town of Seneca Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 2-2023 and 3-2023

Applicant: *Bell Atlantic/Verizon Wireless*

Property Owner: *United Land Stewards, LLC*

Tax Map Parcel #: *144.00-3-7.212*

Brief Description: *Site plan, special use permit, and height variance for new 195' cell tower Near 4751 Olsen Road in the Town of Seneca.*

See information at 2-2023.

5 -2023 Town of Canandaigua Planning Board Class: 1 *Withdrawn*
 Type: *Site Plan*

Related Referrals: 6-2023

Applicant: *Grove Engineering*

Property Owner: *Sutter Creek LLC*

Tax Map Parcel #: *71.00-1-25.100*

Brief Description: *Site plan and special use permit for 11,800 SF boat storage building adjacent to two existing boat storage buildings at Sutter Marine, 2700 CR 10 in the Town of Canandaigua.*

6 -2023 Town of Canandaigua Planning Board Class: 1 *Withdrawn*
 Type: *Special Use Permit*

Related Referrals: 5-2023

Applicant: *Grove Engineering*

Property Owner: *Sutter Creek LLC*

Tax Map Parcel #: *71.00-1-25.100*

Brief Description: *Site plan and special use permit for 11,800 SF boat storage building adjacent to two existing boat storage buildings at Sutter Marine, 2700 CR 10 in the Town of Canandaigua.*

7 -2023 Town of Victor Planning Board Class: 1
 Type: *Special Use Permit*

Related Referrals: 1-2023

Applicant: *Mitchell Design Build*

Property Owner: *Maguire Family Properties*

Tax Map Parcel #: 1402-1-3.110

Brief Description: *Site plan and special use permit for 23,000 SF parking lot addition, landscaping, sidewalks, and new tenant entrance at 8050 SR 251 in the Town of Victor. Project also involves two curb cuts off Old Dutch Road.*

See information at 1-2023.

8 -2023 Town of Hopewell Planning Board Class: 1
 Type: *Special Use Permit*

Applicant & Owner : *Eric Harter*

Tax Map Parcel #: 58.00-1-65.100

Brief Description: *Special use permit for family/caregiver/in-law apartment at 4173 Johnson Road in the Town of Hopewell.*

The Town of Hopewell family/caregiver apartment special use permit standards include:

1. Family/caregiver apartment area may not exceed 40 percent of the area of the principle dwelling
2. Shall comply with the Uniform Code, retain the appearance of a single family dwelling, and provide a single driveway and adequate parking for both units.
3. No rent charged
4. Expire upon property transfer.

Board Motion: To retain referrals 1-2023, 7-2023, 8-2023, 9-2023, 14-2023, and 15-2023 as class 1s and return them to the local boards. **Motion made by: Steve High Seconded by: Roslyn Grammer**
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

9 -2023 Town of Hopewell Planning Board Class: 1
 Type: *Site Plan*

Related Referrals: 180-2022

Applicant: *William Grove PE*

Property Owner: *Rochester Properties Real Estate Dev.*

Tax Map Parcel #: 99.00-2-36.210

Brief Description: *Site plan for 4,400 SF storage building at 3849 SR 5/US 20 in the Town of Canandaigua,*

<https://ontariocountyny.gov/DocumentCenter/View/35625/180-2022-aerial>
<https://ontariocountyny.gov/DocumentCenter/View/36970/9-2023-site-plan>

This site was previously reviewed as referral 180-2022 in September 2022 for an area variance to allow 100 percent rather than 30 percent expansion of a pre-existing nonconforming use as allowed by code.

Site Context and Comments from September 2022

The 3.2 acre project site is located on the southside of the road east of the Finger Lakes Livestock Exchange. The existing 4,500 SF building was constructed in 2001 and is a pre-existing nonconforming use. The Hopewell Town Code allows expansion by 30 percent which would be 1,350 SF. The proposed expansion is for another 4,500 SF building. The application indicates the project would disturb .03 acres; however, the building footprint alone is more than 0.1 acre.

According to OnCor, there are areas of steep slope along the stream corridor in the northeast corner of the site. The site's Darian silt loam soils are somewhat poorly drained and partially hydric soils with moderately high permeability and high erodibility. Site soils are characterized as prime farmland if drained.

Comments 2022

1. The referring body should direct applicants to sketch proposed site modifications on an aerial. It is a violation of NYS Education Law for anyone other than the individual who signed and stamped a survey, subdivision plat, or site plan to modify the map.
2. The applicant should be made aware that the draft FEMA floodplain map shows the areas within 50' to 100' of the stream corridor in the northeast corner of the site in the 100 year floodplain. To minimize business loss and future insurance costs, the applicant should avoid building in the floodplain area.
3. Submitted materials do not indicate any site landscaping or stormwater management facilities.
4. There appears to be a vehicle connection to the bar to the west. If this cross access arrangement is desirable, it should be formalized in an easement that includes allocation of maintenance costs. Consideration should also be given to requiring use of this shared access point for the storage use and elimination of the other site access point as it is only 80' from the access connection on the lot to the east. This segment of NYS 5/US 20 is classified as a principal arterial. Desirable access connection spacing on arterial roadways is 660'.

Site Information and Comments from January 2023

The site plan now shows a proposed 4,400 SF building and 15 Norway spruce along the SR 5/US 20 frontage to screen the buildings and outdoor vehicle and trailer storage from the road. The site plan does not show the draft floodplain; however, it appears site modifications in the floodplain are limited to a culvert under the eastern existing gravel driveway to convey the stream. The EAF now indicates the area of disturbance as .3 acres.

Comments 2023

1. What stormwater management facilities will be provided for stormwater from the proposed building and outdoor storage areas?
2. Is size of culvert adequate based on hydraulic analysis completed as part of FEMA floodplain update?
3. The proposed building is very close to the existing driveway providing access to adjacent use to the west. As indicated in Sept. 2022 comment #4, the referring body should consider whether any access modifications are warranted in conjunction with this project to protect safety and capacity of the adjacent roadway.
4. Will the buildings and outdoor storage areas be fenced?
5. Will vehicle and trailer parking be on existing lawn areas? The site plan should indicate the area of such storage areas, any modification to ground surface, and if not lawn area, accommodations for stormwater management.

14- 2023 Town of Richmond Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Applicant & Owner: *Ben & Kate Synborski*

Tax Map Parcel #: *120.00-1-43.110*

Brief Description: *Area variance for a 288 SF shed when 200 SF is allowed at 4199 Reed Road in the Town of Richmond.*

<https://www.ontariocountyny.gov/DocumentCenter/View/37039/14-2023-Synborski-survey-mark-up>

According to OnCor, the southeastern areas of the site have moderate slopes. There are very steep and extremely slopes of 31 to 60 percent and more than 60 percent on the north west portion of the site and areas of steep and very steep 15 to 30 percent and 31 to 60 percent slope on the northeast portion of the site. The Hemlock Outlet runs along the southeastern boundary of the property and is flanked by areas of 100 year floodplain (blue hatch). According to the analysis completed during the FEMA floodplain update study and as shown on the draft floodplain maps, the 100 year floodplain (shown in light green below) has been extended toward the garage.



The property is 7 acres. The proposed shed location is in the front yard approximately 220' from Reed Road, exceeding the 50' front setback required for accessory uses located in the front yard due to topographic considerations. The application materials indicate the shed location is on an existing abandoned road on the property and will not be visible from the road or from neighboring properties.

Comments

1. The referring body and applicant should be reminded that it is illegal to draw on or otherwise alter a plan stamped by a licensed design professional. If the referring body is waiving requirement for a stamped site plan, waiver should be reflected in the minutes. Proposed modifications should be shown on an aerial or other base.

Board Motion: To retain referrals 11-2023, 7-2023, 8-2023, 9-2023, 14-2023, and 15-2023 as class 1s and return them to the local boards with comments. **Motion made by:** Steve High **Seconded by:** Roslyn Grammer
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

15 -2023 Town of Richmond Zoning Board of Appeals Class:1
 Type: *Area Variance*

Applicant & Owner: *Robert Taylor*

Tax Map Parcel #: *149.00-1-5.200*

Brief Description: *Area variance for 360 SF shed when 200 SF is allowed at 5000 CR 37 in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/37040/15-2023taylor--aerian-mark-up>

According to OnCor the site is not constrained by wetlands, floodplains, or steep slopes. The project site is a 1 acre lot on the west side of CR 37. The proposed storage building location is in the rear yard on a gravel base and meets all setback requirements.

Board Motion: To retain referrals 1 2023, 7-2023, 8-2023, 9-2023, 14-2023, and 15-2023 as class 1s and return them to the local board with comments. **Motion made by:** Steve High **Seconded by:** Roslyn Grammer
Vote: 13 in favor, 0 opposed, 0 abstentions **Motion carried.**

16 -2023 Town of Richmond Zoning Board of Appeals Class:AR2
 Type: *Area Variance*

Applicant & Owner: *Todd & Kristine Ferrin*

Tax Map Parcel #: *149.15-1-20.000*

Brief Description: *Area variance for relocation of existing house. The proposed location has a 37' lake side setback when 50' is required and a 5' north side setback when 10' at 5219 CR 36 in the Town of Richmond.*

<https://ontariocountyny.gov/DocumentCenter/View/37043/16-2023-ferrin-plot-plan>

The proposed lake setback will move the house back beyond the draft 100 year floodplain extent. No reason is given for re-location of the house closer to the north property boundary. Existing house location is 8' from the lake with 12' and 13' site setbacks.

According to OnCor, the driveway on the subject property and that of the property to the south appear to function as a circular driveway. It appears that the proposed house location is east of the existing driveway.

**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. Before granting an area variance for re-location of the existing home, the referring body should require the applicant to determine whether there are existing access agreements between the two lot or if such formal access is desirable. Any access agreement should be a formal easement filed in the Ontario County Clerks and should include an agreement on financial responsibilities for long term maintenance of the shared driveway.
3. It appears center the house on the lot would require less tree removal than the proposed location 5-6' closer to the north property line.

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 for lot coverage or for a lake or side setback.
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)

- **Final Climate Action Council Scoping Plan** 1 hour of training credit was authorized for this presentation/Q&A <https://ontariocountyny.gov/DocumentCenter/View/37065/CAP-Scope-Presentationtph>

The presentation reviewed

- Greenhouse gas (GHG) emission targets and renewable electricity targets of the Climate Leadership and Community Protection Act of 2019 (CLCPA).
- CLCPA goal to direct 40 percent of clean energy investments to disadvantaged communities to redress the geographic inequities of existing pollution, climate change and public health impacts.
- Timeline of developing draft Scoping Plan, reviewing public comment, and finalizing Scoping Plan.
- Key actions recommended by Scoping Plan and related challenges in Ontario County.

The Scoping Plan identified how to reach GHG reduction and renewable targets in 6 sectors (transportation, buildings, electricity, industry, agriculture & forestry, waste and 5 cross cutting policy areas (economic wide strategies, gas system transition, land use, local government, and adaptation & resilience) The Scoping Plan also summarizes the science of climate change, the costs and benefits of climate action, statewide emissions, and discusses climate justice and just transition.

The Board had a wide ranging discussion regarding how best to reduce GHG emissions from Ontario County households, businesses and municipalities. The discussion considered the need to balance

- efficiency investments and investments to convert to electric vehicles, heating, and manufacturing
- production and recycling of batteries
- investments in the electric grid/renewable energy and the pace of electrification
- land for solar, wind, & battery storage investments, agricultural production/viability, & carbon sequestration
- impact of electrification on lower income households outside disadvantages communities

The following resource links are to provide CPB members and their community leaders with easy access to the NYS Climate Action Plan and the Genesee-Finger Lakes Climate Action Strategy. NYS Plan is 450 pages and provides details on statewide changes and investments. The FLX Strategy is 60 pages and includes a regional emissions analysis, regional vision, scenarios analysis of low and high ambition actions to close the gap between existing emissions and CLCPA targets, and mitigation actions individuals, municipalities, and organizations can take to avoid long term impacts of climate collapse and address inequities.

Final NYS Climate Action Council Scoping Plan <https://climate.ny.gov/resources/scoping-plan/>

Criteria used to define Disadvantaged Communities

<https://climate.ny.gov/resources/disadvantaged-communities-criteria/>

Genesee-FLX Climate Action Strategy <https://www.climategfl.org/climate-action-strategy>

Local Law establishing sustainable energy loan program (Open C-PACE) for commercial properties and residential properties of 3 or more units <https://www.ontariocountyny.gov/DocumentCenter/Index/1971>

- **Review roster and provide changes in contact info.**
- **Sign Conflict of Interest forms and leave for me**
- **Annual Review of By-laws – Board member responsibilities**, training, report to local board & areas of review
- **Board Vacancies** –T. Hopewell, & T. Naples
- **Upcoming Training**
See <https://www.ontariocountyny.gov/192/Training> for updated list of training opportunities.

Wed. Jan 18, 2023 from 6:00 to 8:00 pm Zoning Board of Appeals Overview, NYSDOS

https://dos.ny.gov/events?f%5B0%5D=filter_term%3A2716

Hancock Estabrook.Municipal Bootcamp registration link, dates and topics listed below

<https://register.gotowebinar.com/register/5013248983683015766>

Thurs. January 26, 2023 from 6 to 7 pm The Basics of Running a Meeting,
 Thursday, February 23, 2023 from 6 to 7 pm The Roles of Planning and Zoning Board in Development Process
 Thursday, March 23, 2023 from 6 to 7 pm Managing Development of Solar Projects
 Thursday, April 27, 2023 from 6 to 7 pm State Environmental Quality Review- SEQR
 Thursday, May 25, 2023 from 6 to 7 pm Financing Your Future
 Thursday, June 22, 2023 from 6 to 7 pm Specialized Zoning Tools
 Thursday, July 27, 2023 from 6 to 7 pm Local Regulation of Cannabis
 Thursday, September 28, 2023 from 6 to 7 pm Transforming Former Industrial Properties
 Thursday, October 26, 2023 from 6 to 7 pm Preventing Sexual Harassment
 Thursday, December 14, 2023 from 6 to 7 pm Case Studies – good and bad of 2022

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** – A member brought to the attention of CPB statement from Governor Hochul’s State of the State address declaring a housing crisis and proposing supports to promote development of 800,000 new housing units over the next decade. The following excerpt from the Housing Compact clarifies application of the fast-track housing approval authorization proposed. The full Housing Compact is available here <https://www.governor.ny.gov/news/governor-hochul-announces-statewide-strategy-address-new-yorks-housing-crisis-and-build-800000>
 “After 3 years, in localities that do not meet growth targets or do not take steps to implement Preferred Actions, proposed housing developments that meet particular affordability criteria, but may not conform to existing zoning, may take advantage of a fast-track housing approval process if the locality denies the permit. The appeal can be made to a new State Housing Approval Board or through the courts. Appealed projects will be approved unless a locality can demonstrate a valid health or safety reason for denying the application. Municipalities that fall short of their targets can still take good faith Preferred Actions to spur development for another 3-year cycle in which the fast-track approval process will not apply. In municipalities where there is no market demand for new housing there will be no practical effect if localities fall short of their targets.”
- **Adjournment:** Being no further business for discussion, Chair Paul Passavant requested a motion to adjourn. **Motion to adjourn made by:** Steve Groet **seconded by:** Mike Crowley **Motion carried** 1/11/23 CPB meeting adjourned at 8:33 PM.