

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the: **Coordinated Review Committee Meeting –Tuesday February 7, 2023, at 3:30pm**  
**County Planning Board Meeting –February 8, 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 Board section of the Ontario County website agenda center

<https://ontariocountyny.gov/agendacenter>

Attendance and Minutes.....2  
 Referral Revised and Board Action -**No Quorum no Board Actions this month**.....2  
 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
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**There are no referrals 20-2023 or 22-2023.**

**Call To Order/Roll Call:** Chair Passavant called the 2/8/23 CPB meeting to order at 7:02 pm and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were nine (9) members present physically at 20 Ontario Street, **NOT** meeting the quorum requirement.

**Guests:** Randy Beeout/Bohler Engineering, Victor Landing; Jenn Greindl/Gypsum Mills; Christian Brunelle SonBryne Sales; Mary Bogin/City of Geneva; Edward Samoel, WNY Commercial Flex Space.

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

**17- 2023-Town of Victor Zoning Board of Appeals**  
 Type: *Area Variance*

Class: *1*

Related Referrals: *18-2023*

Applicant: *Jennifer Greindl*

Property Owner: *Gypsum Mills MHC, LLC*

Tax Map Parcel #: *16.00-1-37.211-641*

Brief Description: *Area variance for lot in Gypsum Mills mobile home park that is 53' wide when 60' is required at 6261 Murphy Drive in the Town of Victor.*

The proposed mobile home lot size is 0.17 acres. Proposed lot meets the 7,200 SF minimum area requirement, and the proposed placement of the mobile home meets the required setbacks, with one requested area variance. The requested variance is for a reduced lot width of 53’ when 60’ is required. The applicant indicates that this difficulty was not self-created as the lots were already set and in place prior to them working there or having any knowledge of the 60’ minimum width rule. Applicant also indicates that there is no other feasible method to achieve the placement of a home without an area variance. The project is expected to have public water and sewer.

According to OnCor, the slope of the lot and the surrounding off-site lots have predominantly little to no slope (0-3% gradient). The only exception being that lot in question, along with the lots to the north and south that lie between Murphy Drive and Kelly Drive, have an approximately 15’ wide incline with a mix of gentle (4-9%) to moderate (10-15%) slopes on the eastern (rear) portion of the lots. The incline on the lot directly to the south has some areas of steep slope (16-30%).

**CPB Comments**

1. The town and applicant seem to disagree on the width of the road frontage of the interior mobile home court lot in questions, To avoid continued delay in tenants occupying their purchased home, it is recommended the CEO measure the lot in question to determine if in fact a variance is required as the approved site plan indicates all lots have 60' road frontage.

18- 2023

Town of Victor Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: 17-2023

Applicant: *Jennifer Greindl*Property Owner: *Gypsum Mills MHC, LLC*

Tax Map Parcel #: 16.00-1-37.211-647

Brief Description: *Area variance for lot in Gypsism Mills mobile home park that is 54' wide when 60' is required at 6249 Murphy Drive in the Town of Victor.*

The proposed mobile home lot size is 0.17 acres. Proposed lot meets the 7,200 SF minimum area requirement, and the proposed placement of the mobile home meets the required setbacks, with one requested area variance. The requested variance is for a reduced lot width of 54' when 60' is required. The applicant indicates that this difficulty was not self-created as the lots were already set and in place prior to them working there or having any knowledge of the 60' minimum width rule. Applicant also indicates that there is no other feasible method to achieve the placement of a home without an area variance. The project is expected to have public water and sewer.

**CPB Comments**

1. The town and applicant seem to disagree on the width of the road frontage of the interior mobile home court lot in questions, To avoid continued delay in tenants occupying their purchased home, it is recommended the CEO measure the lot in question to determine if in fact a variance is required as the approved site plan indicates all lots have 60' road frontage.

19 -2023

Village of Victor Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 212-2021

Applicant & Owner: *47 East Street, LLC Victor Landing Apartments*Representative: *Randy Bebout, Bohler Engineering*

Tax Map Parcel #: 28.06-1-51.12

Brief Description: *Plans for a 11 building 55-unit rental townhouse complex at 47 East Street, Village of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/37302/19-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37300/19-2023-47-Site-Plan>

This site was previously reviewed as referral 212-2021 in October 2021 for site plan approval to allow the development of 70 two-bedroom apartments and 159 parking spaces on 8.7 acres off East Street in the Village of Victor. The plan now is now for an 11 building, 55-unit townhouse complex with 79 parking spaces with a separate 1,116 SF office/maintenance building along with related site features. Each unit includes one garage parking space (not included in the parking count) and one driveway parking space. In addition, there are 19 parking spaces for visitor/overflow parking. The office building will have two designed ADA parking spaces near the entrance.

Access will be off the end of East Street and align with Ellis Street, necessitating that the initial segment of the driveway be located on the Great Brook Apartment property. Both properties are owned by the same entity and an access easement will be provided. The site plan also shows an emergency only connection gate between existing Great Brook Apartments and the proposed Victor Landing Apartments. There is an existing municipal bicycle path from the end of East Street to the Village of Victor Municipal Park that passes through the parcel. The triangle of land containing this path on the southeast end of the parcel is to be conveyed to the Village of Victor. The revised site plan shows a tree planted at the end of each residential building, 4 fenced dumpster areas, and dark sky compliant lighting. A SWPPP has been prepared.

There is an existing drainage ditch and federal wetland at the rear (north end) of site that will not be impacted. A proposed drainage access easement to Great Brook Apartments is also located across the rear end of the property. There is also a proposed stormwater feature along the eastern edge of the parcel. The property is zoned R-3.

#### **Comment**

1. Will any of the units be visitable, with a zero step entry, 36" doors and a first floor accessible bathroom?
2. What existing vegetation/plantings will screen the bike path from the developed portion of the site?

#### **OCSWCD Comments**

1. Concrete washout must be located 100 feet from any surface inlet.

#### **CPB Comments**

1. Will the site be wired to provide on-site EV charging station(s) for tenant use?
2. Is an easement needed for the emergency access connection?
3. What on-site recreation facilities are available to tenants and their pets?
4. Consider whether any of the proposed parking areas should be landbanked to minimize impervious surface. If land banking is proposed, there should be a clear statement of conditions that would require paving of land banked parking area.
5. Consider provision for school bus pick-up and drop-off.
6. The referring body should confer with fire marshal to ensure circulation system is sufficient for emergency access.

### **There is no referral 20-2023**

21- 2023

Town of Victor Zoning Board of Appeals

Class: *Exempt*

Type: *Area Variance*

Applicant: *Fred Rainaldi*

Property Owner: *High Point 300, LLC*

Tax Map Parcel #: 1.07-1-1.110

Brief Description: *Area variance for 12' front setback for building in High Point Business Park when 30' is required at 211 High Point Drive in the Town of Victor.*

**There is no referral 22-2023**

23 -2023                      Town of Gorham   Zoning Board of Appeals                      Class: 1  
Type: *Area Variance*

Applicant& Owner: *James L. & Christine L. Canessa*

Representative: *Chuck Smith*

Tax Map Parcel #: 141.17-2-18.000

Brief Description: *Area variances for 5' and 10' side setback for a new single-family residence when 15' is required at 4990 County Road 11 in the Town of Gorham.*

The proposed side setbacks are 5' (North) and 10' (South) when the existing setbacks are 2.9' and 11.3' respectively, when 15' is required. Applicant notes that a proposed lake setback of 34.9' will be an improvement, as the house will be placed further away from the lake compared to the existing structure. The second area variance is for a proposed lot coverage of 42.2 percent when a maximum of 25 percent is allowed. The proposed lot coverage is less than the existing coverage of 45.2 percent. According to OnCor, there are steep slopes of 16-30% on an approximately 30' wide section of the western-most (lakeside) portion of the parcel. Parcel is located within FEMA Floodplain.  
**CLCSD Comment** A sewer renovation permit will be required.

24- 2023                      Town of Farmington   Planning Board                      Class: 1  
Type: *Site Plan*

Applicant: *Land Tech*

Property Owner: *Edward Samoel*

Tax Map Parcel #: 29.00-1-86.200

Brief Description: *Site plan for construction of two 10,000 SF flex space buildings at the southeast corner of SR 332 and Loomis Road in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/37303/24-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37304/24-2023-color-site-plan>

This site was previously reviewed as referral 131-2022 in July of 2022 for an area variance for a 50' building setback to SR 332 when 100' is required and 30' building setback when 80' is required. The current application is for site plan approval for two (2) 10,000 SF buildings with nine (9) 1,111 SF flex-space rental units on a 2.5 acre site. The site will have (44) 9 ft. by 20 ft. parking spaces, including (1) accessible space. To reduce visual presence, the applicant has proposed to retain vegetation around the perimeter of the site. In addition, a 6' high wood screen fence will surround the parking area at the north end of the parcel to screen the view of cars and the lower portions of the buildings. The buildings will have dark brown metal siding and a black metal roof to help in reducing visual presence. In coordination with the NYSDOT, consideration will also be given to planting evergreen trees in the NYSDOT ROW at the northwest corner of the project site to provide additional screening.

The stormwater management system will be based on an Infiltration Basin (I-2) system that will allow the stormwater run-off to infiltrate into the existing moderately permeable soils. According to OnCor, there is a potential wetland area identified by the National Wetland Inventory in the southeast corner of the site. The property is not constrained by floodplains or steep slopes and is not in the agricultural district

#### Comments

1. The referring body should confirm the southeast corner of the site is not a regulated wetland.

#### OCSWCD Comments

1. Will topsoil be removed from site or remain on site? Location of topsoil stockpile not specified.
2. Concrete truck washout not identified.
3. Consider alternative drop inlet protection structures, see Blue Book.

#### CPB Comments

1. Is 30' space between parking and building sufficient for truck/trailer circulation?
2. What Town or applicant guidelines govern allowable tenant types?
3. Is outdoor storage allowed?

25 - 2023 Town of Geneva Planning Board Class: 1

Type: *Site Plan*

Applicant: *Passero Associates*

Property Owner: *Elizabeth Missick*

Tax Map Parcel #: *119.00-1-30.211*

Brief Description: *Site plan re-approval for Seneca Springs Town Homes on the south side of Snell Road between Lincoln Way and White Springs Road in the Town of Geneva.*

<https://ontariocountyny.gov/DocumentCenter/View/37308/25-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37309/25-2023-Site-Plan>

The project was referred for site plan review only, though the referral package also includes a letter to the Town Board requesting re-approval for re-zoning to PUD. The Town of Geneva Zoning code does not specify that re-zoning to PUD lapses after some period of time if no final development plan is presented to the Planning Board. The Zoning map however, does not show these lands zoned PUD. The regulations also indicate the Town Board is involved in some way with the final development plan, yet does not specify the Town Board role. The Town of Geneva Code Officer has clarified that the 2016 PUD rezoning remains in effect.

The proposed site plan indicates 76-single story townhomes in four and five unit buildings in addition to an 8,000 SF community building, walking trails, greenhouses, and a dog park. In accordance with current site plan regulations, the development will include walking paths, streetscape landscaping along Snell Road, landscape buffer adjacent to residence to the west along Snell Road, and a mix of streetscape, walking path, and foundation plantings within the development. The development is intended as a community for households age 55 and older with anticipated units selling for \$240,000 to \$290,000.

A proposed PUD development plan indicates a second phase of 70 units on the 14 acres at the south end of the site. The Plan indicates over 35 percent green space with 7 percent or 3.5 of the 51 acres in open space. The Plan shows infiltration basins along with rooftop disconnection and organic filters which will discharge to a



proposed outlet structure. There is a stormwater management area proposed on the eastern edge of the parcel. The site plan also shows landscape screening along property lines and around all mechanical equipment. The project is expected to have public water and sewer.

According to OnCor, the parcel predominantly has gentle to no slope (0-9%), with a brook running along the western side. There is also a national wetland on the adjacent parcels to the north and south.

### **Comments**

1. The referring body should clarify the impervious coverage/density of development proposed and the adequacy of related open space and stormwater management facilities.
2. The Town Board should amend the PUD regulations should outline the process for reversion to original zoning of PUD site if a project does not proceed to development in a timely fashion. This avoids development of projects that do not incorporate best practices that may not have been required at the time of rezoning. The regulations should also be amended to clarify the role of the Town Board, if any, at the final site plan state.
3. The site plan should identify location of agricultural infrastructures, especially field drainage, and require that any such infrastructure damaged during development be repaired to protect the viability of adjacent agricultural lands.

### **OCSWCD Comments**

1. Consider culvert installed under gravel access to stormwater management facility to allow water from swale to enter facility.
2. Concrete truck washout must be 100 feet from any surface inlet.
3. Consider impacts to site drainage due to damage to tile system during construction.
4. Consider green infrastructure practices for managing stormwater.

### **CRC Comments**

1. In 2028, all electric housing units will be required. Will full buildout be completed before 2028? Has consideration been given to building these units as all electric?
2. Will any of the units be visitable, with zero step entry, 36" doors, and a first floor accessible bathroom?

### **CPB Comments**

1. What are parameters of the 2016 PUD approval? What uses and densities/impervious coverage is allowed? What permanent open space is required? The PUD development plan and accompanying local law or narrative must be of sufficient detail to guide development in the long run in the absence of zoning district use and bulk parameters. If more than one parcel is involved, the PUD development plan should also be sufficient to assign allowable development of each parcel and any easements and financial responsibilities required for shared access, parking, open space, stormwater management or other elements.
2. How will access to agricultural lands south of the site be provided?
3. Are buildings sprinklered or is a secondary access required?
4. The applicant should provide a conservation easement for any lands identified as permanent open space.





28 -2023

Town of Hopewell Planning Board

Class: 1

Type: Site Plan

Related Referrals: 29-2022

Applicant: *Sonbyrne Sales*Property Owner: *Finger Lakes Community College Foundation*Representative: *Christian Brunelle*

Tax Map Parcel #: 85.03-1-8.000

Brief Description: *Site plan and area variance for 4,200 SF Bryne Dairy with 4 fuel pumps at the southwest corner of SR5/US 20 and Lakeshore Drive in the Town of Hopewell. Area variance to allow portion of fuel canopy 40' from SR 5/US 20 ROW when 60' is required.*

<https://ontariocountyny.gov/DocumentCenter/View/37312/28-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37313/29-2023-Site-Plan>

The project site is a 2.1 acre parcel at the southwest corner of SR 5/US 20 and Lakeshore Drive in the Town of Hopewell. The variance is required because the corner lot is required to provide front setback along both road frontages. The site is currently occupied by office space for the FLCC Honors. The primary structure is proposed to be 4,232 SF with the free-standing canopy being 40' wide and 104' long. The site will have 2 driveways 137' apart on Lakeshore Drive. There is a 50' wooded buffer between the existing parking area and the apartments to the west. The proposed site plan shows removal of a majority of the trees/vegetation along this property boundary, while retaining the required 20' building setback. The existing screening vegetation along the SR 5/US 20 boundary is in the NYSDOT ROW. The project is expected to use existing public water and sewer connections.

According to OnCor, the parcel has gentle to no slope (0-9 percent). Soils consist of mostly Cayuga silt loam and Ovid silt loam with moderately high permeability and high erodibility. Cayuga silt loam is not hydric while the Ovid silt loam is partially hydric.

#### Comments

1. The referring body should consider requiring retaining or planting of screening vegetation along the property boundaries to buffer adjacent residential uses, screen the use from SR 5/US 20 travelers, and provide a desirable pedestrian environment along the sidewalk along Lakeshore Drive,

#### OCSWCD Comments

1. Preliminary plans do not provide enough detail to comment on erosion and sediment control method..

**CLCSD Comment** Conceptual comments on sewer connection have been provided to the applicant.

#### OCDPW Comments

1. A highway work permit is required for any proposed work within a County highway right-of-way and applicant 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>
2. A Traffic Impact Study is required for approval of a highway work permit due to the location and nature of development. The analysis performed should include the following:
  - Review and prove no service impacts to the intersections at County Road 10 and Marvin Sands Drive.

- Evaluation of impacts during high traffic events at FLCC (i.e. CMAC concerts, Graduation, Opening Weekend, etc.)
  - Evaluation of service impacts to the intersection of Lakeshore Drive and 5&20.
3. A minimum 100' separation is required between any entrances and public roads. This is measured from the nearest travel lane of the road to the projected edge of driveway. Please ensure the westerly entrance meets minimum separation requirements and consider additional separation beyond the minimum to improve safety.
  4. Driveways, curb cuts and sidewalk modifications are to comply with the NYSDOT standard sheets and ADA, this will be verified during submission of the highway work permit.
  5. Open cuts across the road are not permitted. Any utility connection required to cross the road will need to be directional drilled.

### CRC Comments

In response to questions the applicant pointed the following site plan elements and additional information:

1. There is a sidewalk connection from the street to the building and there will be 3 picnic tables on the covered porch on the eastside of the building.
2. The site development will include relocation of the FLCC sign from the NYSDOT ROW to the project site and a 20 SF monument sign 8' in height for the proposed use along SR 5/US 20.
3. Site plan details sheets including stormwater management, landscaping, and lighting and a SWPPP will be prepared following decision on the area variance and consultation with OCDPW regarding details of access connections off Lakeshore Drive. Landscaping to include street trees along Lakeshore Drive.
4. The requested traffic impact study (TIS) has been prepared. Based on the TIS the site plan will be revised to move the western driveway entrance 25' to the east to reduce turning movement overlap with vehicles exiting Marvin Sands Drive and more closely align with driveway entrances to Cedar Lodge student apartments on the south side of Lakeshore Drive .

### CPB Comments

1. In response to questions, the applicant offered the following additional information:
  - The applicant has a gas station/convenience store across from the main entrance to the NYS Fairgrounds which is signed for "Bryne Dairy parking only, all others will be towed" during fairground events. While this does not eliminate unauthorized parking, it is sufficient.
  - Any gas station requires a petroleum bulk storage license from NYS DEC.
2. As part of consideration of how best to manage vehicle and pedestrian safety, the traffic engineers should consider a pedestrian activated light at the Lakeshore Drive crosswalk.
3. The referring body should require applicant to recycle demolition debris if facilities are available and to dispose of remainder in a permitted facility.

29 -2023

Town of Hopewell Zoning Board of Appeals

Class: 1

Type: *Area Variance*

Related Referrals: 28-2022

Applicant: *Sonbryne Sales*

Tax Map Parcel #: 85.03-1-8.000

Brief Description: *Site plan and area variance for 4,200 SF Bryne Dairy with 4 fuel pumps at the southwest corner of SR5/US 20 and Lakeshore Drive in the Town of Hopewell. Area variance to allow portion of fuel canopy 40' from SR 5/US 20 ROW when 60' is required.*

See information at 28-2023.

30 -2023 Town of Hopewell Planning Board

Class: 1

Type: *Special Use Permit*Applicant: *Timothy Michaelsen*Tax Map Parcel #: *72.00-1-15.120*

Brief Description: *Special use permit for tire and truck storage in a proposed 6,800 SF accessory building for a mobile tire installation home occupation at 2525 Smith Road in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37314/30-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37315/30-2023-Project-Image>

The proposed storage building is located in the front yard to the south of the existing driveway. The building meets the 36' side setback requirement and more than meets the 75' front setback requirement. Construction of the building would require removal of an area of natural existing trees and shrubs and the building would likely be visible from the Smith Road ROW. The front two-thirds of the building will accommodate an office, business vehicle, and tire storage for a mobile agricultural tire installation business. The back one-third of the building in open sided storage for personal power sports equipment.

#### Comments

1. The Town of Hopewell zoning code defines a home occupation an accessory use conducted within a dwelling or an accessory building by the residents thereof, which is clearly secondary to the use of the premises for residential purposes. The referring body should consider whether the proposed storage building meets the definition of a home occupation.

31 -2023 Town of Hopewell Zoning Board of Appeals

Class: 1

Type: *Area Variance*Applicant: *Erin Randall*Tax Map Parcel #: *73.00-1-24.210*

Brief Description: *Area variance for 63' front setback when 75' is required at 3128 CR 4 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37339/31-2023-location-on-aerial>

The project site is on a 1.65 acre single-family residential lot along the north-side of County Road 4 and the adjacent 8 acres property to the north and west in the Town of Hopewell. While not yet reflected in OnCor, the lots were recently combined to allow placement of the proposed 2,048 SF horse barn that would straddle the former lot line. The existing home is located closer to the road than the proposed accessory structure. The proposed structure is to be placed behind the existing accessory structure along the western side of the property. Proposed structure appears to be visible from right-of-way, but is set further back than the existing accessory structure and has some surrounding vegetation.

According to OnCor, the site mostly consists of areas of gentle to no slope (0-9%). Area of proposed structure has a section of moderate slope (10-15%). Soil is predominantly Lima Loam with some Honeoye Loam. Both types are not hydric, have moderately high permeability, and medium erodibility.

32 - 2023 Town of Hopewell Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Emmett Dailey*

Tax Map Parcel #: *74.00-1-2.211*

Brief Description: *Area variance for 50' front setback when 75' is required for 864 SF barn at 2757 SR 488 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/37318/32-2023-Project-Image>

The proposed accessory building will likely be visible from SR 488.

33 - 2023 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Applicant: *New Covenant Baptist Church*

Tax Map Parcel #: *85.00-1-94.110*

Brief Description: *Site plan for replacement and expansion of sign to reflect name change of New Covenant Baptist Church at 4317 CR 46 in the Town of Hopewell.*

The proposed sign will be located in the same location as the exiting sign. The sign face will be 3.5' by 5' and the sign will be 6' in height.

### 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)



**Discussion of CPB Annual Report** The CPB members briefly discussed potential reasons for the decline in the number of referrals and will vote on any proposed changes or to send the report to the Board of Supervisors at its next meeting.

### **Upcoming Training**

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

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

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

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

There being no further discussion, the 2/8/23 CPB meeting concluded at 9:25 pm.