

# Ontario County Planning Board

Len Wildman, Chair  
David Wink, Vice Chair

ADMINISTRATIVE REVIEW REFERRAL			
The application described herein has been reviewed using an administrative review process established by the Ontario County Board of Supervisors (Resolution 540-2006). The subsequent official recommendation is derived from policies established by the Ontario County Planning Board. Recommendations for referrals not subject to administrative review can be found in the draft minutes from the respective CPB full board meeting.			
<b>Referral No:</b> 200 - 2019	<b>Referring Municipality &amp; Agency:</b> Town of Canandaigua - Zoning Board of Appeals	<b>Date Received:</b> 09/24/2019	<b>CPB Meeting Date:</b> 10/09/2019
<b>Type of Application:</b> Area Variance		<b>Administrative Review:</b> Class: AR 2	
<b>2. Applicant:</b> John & Christina Casey			
<b>3. Property Owner (if different from the applicant):</b>			
<b>4. Tax Map #:</b> 112.00-1-72.000	<b>Project Description:</b> Area variance to relocate existing shed to waterside portion of this lot and extend water and electric to water side of lot via bore at 3814 CR 16 near Wyffels Road in the Town of Canandaigua. Proposed location provides 2' front setback when 60' is required and rear (lake) setback of 12' when 25' is required.		
<b>Referral Recommendation:</b> Denial			

The 49 acre lot is primarily located on the west side of CR 16 with a potential future connection to Laura Lane. The lake side portion of the parcel includes approximately 2,147 SF of land with a depth of 8.5' to 39' and approximately 115' of shoreline. According to OnCOR, the lakeside land, CR 16, and a portion of the upland portion of the property are in the floodplain.

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

The intent of this policy is to:

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

### **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: Class 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****Comment**

The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

**OCDPW Comments**

1. 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/index.aspx?nid=830>.  
In addition, Applicant's contractors will also be required to provide proof of insurance per Ontario County insurance schedule. Applicant must contact our office for more detailed information on insurance requirements.
2. Applicant's engineer must provide an engineering scale plan & profile of private utility conduits, from right of way to right-of-way, showing minimum depth of cover of 5-feet. Applicant's engineer must show and label locations of launching and receiving pits for private utility conduits on the drawings.
3. Applicant will need to enter into an agreement for installation of private utility conduits in County Road 16 right-of-way. Applicant must contact our office for more detailed information on private utility conduit agreement.

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Thomas Harvey, Director  
Ontario County Planning Department

Date

## 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 AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

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