

ONTARIO COUNTY PLANNING BOARD

Wednesday, January 8, 2025, Time: 7:00 PM

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 www.ontariocountyny.gov/97/Planning

1. Call to Order

Nominating Committee Chair Chris Mergler called the Wednesday, January 8, 2025 Ontario County Planning Board meeting to order at 7:02 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Terri Brown

Ruth Cahn

Burch Craig

Roslyn Grammar

Stephen High

Edward (Ted) Liddell

A.J. Magnan

Chris Mergler

Leonard Wildman

Ryan Wilmer

Present Not Voting:

Bessie Tyrrell (arrived at 7:08PM)

Absent:

Tammy Worden

Robert Parmenter

Excused:

Jack Dailey, Paul Lambiase, Mike Woodruff

Present, Voting 11, Present, Not Voting 1, Absent 2, Excused 3

Guests: Fred Shelley, BME Associates (11-2025)

3. Approval of Minutes:

Ruth Cahn motioned to approve the minutes of the December 11, 2024 . The motion was seconded by Stephen High. The motion passed.

4. New Business:

Nominating Committee nominated Paul Passavant as Chair, Steve High as Vice Chair, and Roslyn Grammar as Water Resources Council Representative. **Motion made by:** Chris Mergler to approve the nominating committee slate, **seconded by:** Ryan Wilmer. **Vote:** Yes 11, No 0, Abstained 0. The **Motion passed.**

5. Town of Canandaigua

1-2025 (Class 2) Local Law to remove certain restrictions on the placement of manufactured homes.

Municipality:	Town of Canandaigua
Referring Board:	Town Board
Applicant:	Town of Canandaigua, Town Board
Application Type:	Text Amendment
Class:	Class 2
Property Information (Address & ID):	N/A

Description & Review Comments:

Town code currently prohibits the placement of single-wide manufactured homes anywhere outside of a manufactured home park. It also prohibits placement of double-wide manufactured homes in the residential lake district. The proposed local law will remove those prohibitions, thereby allowing manufactured homes to be sited in any residential zoning district within the Town of Canandaigua, just as with any other single-family home.

This change will provide greater flexibility for landowners and will offer potential cost savings for those interested in building (or placing) a home in the Town of Canandaigua.

The Local law outlines the following changes:

- Section One. Town Code Section 134-34 shall be deleted in its entirety and replaced with the word “Reserved.”
- Section Two. Town Code Section 220-9(S) shall be replaced in its entirety with the following:

220-9(S). Placement of manufactured housing within the Town of Canandaigua.

1. A manufactured home used as a single-family dwelling is allowed as a permitted principal use in any residential zoning district where single-family dwellings are permitted as a permitted principal use.
2. A manufactured home sited under the provisions of this section shall offer no less than 720 square feet of living area, excluding decks, porches and other structures which are either attached or placed immediately adjacent to the manufactured home.
3. A manufactured home located outside of a manufactured home park shall be sited on a full perimeter foundation with concrete or concrete block foundation walls extended below the frost line and must be affixed to the foundation in accordance with the manufacturer’s specifications.

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4. Manufactured homes to be sited within the Town of Canandaigua shall comply with all applicable federal, state and/or local laws at the time of application.
5. A permit must be obtained from the Code Enforcement Officer of the Town of Canandaigua prior to the siting of any manufactured home within the Town of Canandaigua.

According to Town of Canandaigua Zoning Code (Chapter 220-9), Accessory Dwelling Units are not allowed in any zoning district in the Town of Canandaigua. Therefore, mobile homes could not be used as accessory dwelling units. See applicable sections of the zoning code below:

- 220-9B(6) - Accessory Units shall not be used as a habitable space.
- 220-9B(7)i - Accessory Units may have electrical, gas, and water service but no other utilities.

According to Town of Canandaigua Short-Term Rental Code (Chapter 201):

- Code Section 201-7E states - STRs with a maximum occupancy over 12 must obtain a special use permit from the Town Planning Board prior to the issuance of a STR permit.
- The Town website states that "the maximum occupancy is determined by bedroom size and in accordance with NY State Laws". Code Section 201-6E states - The Zoning Inspector shall establish the maximum overnight occupancy in accordance with Uniform Code.
- 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.
- The Town website states that "applicants will be asked to have an inspection of the STR property done by the Code Enforcement Officer prior to the Planning Board meeting". Code section 201-5H states - Owner shall sign a consent for Zoning Inspector to access any or all portions of the property for purposes of inspection to ensure compliance with the provisions of this chapter.

Attachments:

1. Code Update Memo

Board Motion: To retain referral 1-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Chris Mergler. **Vote:** Yes 11, No 0, Abstained 0.
The motion Passed.

2-2025 (Class 1) Special Use Permit to operate a short-term rental with a maximum overnight occupancy greater than 12 (max allowed occupancy of 18) - at 4075 Onnalinda Dr. in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	James Chaney
Application Type:	Special Use Permit

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Class:	Class 1
Property Information (Address & ID):	113.17-1-8.110

Description & Review Comments:

There are a total of four (4) bedrooms in the existing home. Short-term rentals are a permissible use in the RLD (Residential Lake District) and SCR-1 (Southern Corridor Residential) zoning districts. A short-term rental with an occupancy greater than 12 requires a special use permit.

There is no proposed work/disturbance.

Submitted referral documents indicate:

- Trash will be picked up weekly (on Monday) by FingerLakes Disposal.
- Guests must comply with the Noise Law of the Town of Canandaigua. Quiet hours are from 10 PM – 9 AM.
- A maximum of 6 vehicles are allowed at this home.

According to OnCor:

- The subject 1.09-acre parcel is split by CR16 and Onnalinda Drive. The eastern third (east of CR16) contains a dock/lakefront access, the middle section contains the home, and the section west of Onnalinda Drive contains a barn.
- The home is served by public sewer and water.
- Subject and surrounding parcel land uses are residential.
- Existing home has a north side setback of roughly 15-20 ft. and a south side setback of roughly 5-10 ft.

Comments

1. How will the number of overnight occupants be enforced?
2. The Town Board should consider amending the code to define occupancy by adults.

CRC Comment

1. All Short-Term Rentals must abide by the recently passed New York State Short-Term Rental Registration Requirements.

Attachments:

1. 2-2025 Aerial
2. Use Policies
3. Rental Agreement
4. Statement of Operations
5. ZLD
6. Survey
7. SUP App
8. Floor Plans

CPB Comment

1. Is a maximum allowed 6 vehicles adequate for an occupancy of 18 people?

Board Motion: To retain referral 2-2025, 4.1-2025, 6-2025, and 10-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 11, No 0, Abstained 0. **The motion passed.**

3.0-2025 (AR2) Area Variances and Site Plan to construct a 423 SF (one-story) bedroom addition to an existing home - at 3729 CR16 in the Town of Canandaigua. Area Variances are for: (1) a rear setback of 50 ft. when a minimum of 60 ft. is required, and (2) a lot coverage of 26.2% when a maximum of 25% is allowed.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Gregory McMahon, McMahon Larue Associates
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	113.05-1-30.000

Description & Review Comments:

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.

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

Final Recommendation: Denial

Comments:

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

Attachments:

1. 3-2025 Aerial
2. Site Plan
3. Full Plans
4. ZLD
5. Elevations
6. PB App
7. Shoreline Guidelines
8. ZBA App
9. Stormwater Mitigation
10. SEAF

3.1-2025 (Exempt) Area Variances and Site Plan to construct a 423 SF (one-story) bedroom addition to an existing home - at 3729 CR16 in the Town of Canandaigua. Area Variances are for: (1) a rear setback of 50 ft. when a minimum of 60 ft. is required, and (2) a lot coverage of 26.2% when a maximum of 25% is allowed.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Gregory McMahon, McMahon Larue Associates
Application Type:	Site Plan
Class:	Exempt
Property Information	113.05-1-30.000

| (Address & ID):

Description & Review Comments:

Exempt (Exemption 9 of OCPB Exemption List)

Attachments:

None

4.0-2025 (AR2) Area Variances (5 total) and Site Plan for the tear-down/re-build of a single-family home - at 4771 CR16 in the Town of Canandaigua. Subject parcel is divided east/west by CR16. Area Variances are for: (1) a rear (lake) setback for the home of 16.1 ft. when a minimum of 30 ft. is required, (2) a north and (3) south side setback for the detached garage of 8.5 ft. when 20 ft. is required. Two additional Area Variances for the project are a part of referral #4.1-2025 (Class 1).

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Scott Harter
Application Type: Area Variance
Class: AR2
Property 140.14-1-10.000
Information
(Address & ID):

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments:

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

Attachments:

1. 4-2025 Aerial
2. Site Plan
3. Landscape Plan
4. Full Plans
5. ZLD
6. PB App
7. Zoning Map Snippet
8. ZBA App
9. SEAF

4.1-2025 (Class 1) Area Variances (5 total) and Site Plan for the tear-down/re-build of a single-family home - at 4771 CR16 in the Town of Canandaigua. Subject parcel is divided east/west by CR16. Final two Area Variances (both for the detached garage) are for: (4) a rear setback of 2 ft. when a minimum of 30 ft. is required, and (5) a front setback of 3.9 ft. when a minimum of 60 ft. is required.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Scott Harter
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	140.14-1-10.000

Description & Review Comments:

Subject Parcel is 0.31-acres. Disturbance is estimated to be 0.25-acres. According to the Official T. Canandaigua Zoning Map, the portion of the parcel west of CR16 is in the RR-3 (Rural Residential) Zoning District and the lakeside portion is in the RLD (Residential Lake) Zoning District. The western portion of the parcel contains the detached garage, while the eastern/lakeside portion contains the home – both to be torn-down and re-built. The area variance requests for the rear/lake setback (for the home) and the front setback (for the detached garage) are expansions upon pre-existing non-conformities – which are currently 20.8 ft. and 5.0 ft., respectively.

Lot coverage on the western section is to increase from 11.4% to 15.4%, and for the eastern section it is to increase from 34% to 36%. In addition to the new detached garage on the western portion of the parcel – it will be surrounded to the north and south by a leach field and retaining walls. According to the landscaping plans – the existing trees (roughly 8) on the western portion of the parcel are to be removed. In its place will be 1 River Birch, 1 October Glory Red Maple, 1 Castle Green Columnar Oak, and 13 Green Giant Arborvitae. Shrubs are to be planted on both sides of CR16 along the roadside between the garage/home and the road.

According to OnCor:

- Subject Parcel and Surrounding land uses are all residential. Land cover of the parcel is mowed lawn.
- The proposed home is within the FEMA 100-Year Floodplain and within the Draft 2023 100- and 500-Year Flood Zone. The subject parcel lies adjacent to (on the west side of) Canandaigua Lake.
- Slope on the parcel is gentle to extremely steep (4-60% gradient).
- Soil disturbed is Cayuga Silt Loam (not hydric, moderately high permeability, very high erodibility, is not prime farmland, and is hydrologic soil group C/D).

In the submitted area variance test question responses, the applicant mentions that these variances are being requested in order to address the drainage and wastewater issues currently on the parcel. No wastewater system currently exists – only holding tanks are used.

What must be proven in order to be granted an area variance?

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then State law requires the applicant to

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show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

Comments

1. Demolition debris should be recycled if feasible or disposed of properly.
2. Per the CPB Bylaws, Canandaigua Lake is a historic/cultural landscape and waterway essential to community character. The referring body should consider requesting a vegetative buffer / additional screening of the structure from the lake in order to ensure the preservation of community natural character.
3. Preliminary revised 100- and 500- Year floodplain extents should be shown on the site plan to document applicant's awareness of flood risk.
4. The referring board is encouraged to grant only the minimum variance(s) necessary to allow reasonable use of the lot.

OCSWCD Comments

1. Consider second layer of silt fence along the shoreline.
2. Proposed location of concrete truck washout not indicated on plans.
3. Consider green infrastructure practices to manage water from impervious surfaces on site.

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/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.

2. Applicant will be required to complete an encroachment agreement with Ontario County DPW for the septic system line that will run beneath County Road 16. This will need to be completed prior to the issuance of a highway work permit from our office.

Attachments:

None

Board Motion: To retain referral 2-2025, 4.1-2025, 6-2025, and 10-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 11, No 0, Abstained 0. **The motion** passed.

4.2-2025 (Exempt) Area Variances (5 total) and Site Plan for the tear-down/re-build of a single-family home - at 4771 CR16 in the Town of Canandaigua. Subject parcel is divided east/west by CR16.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Scott Harter
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 140.14-1-10.000

Description & Review Comments:

Exempt (Exemption 9 of OCPB Exemption List)

Attachments:

None

5-2025 (Exempt) Site Plan for the tear-down/re-build of a single-family home - at 4925 CR16 in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Anthony Venezia, Venezia Associates
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 154.06-1-2.200

Description & Review Comments:

Exempt (Exemption 9 of OCPB Exemption List)

OCDPW Comment

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/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.

Attachments:

1. Site Plan
2. Landscaping Plan
3. Full Plans
4. ZLD
5. Layout and Elevations
6. SEAF
7. Survey Plat
8. PB App

6-2025 (Class 1) Preliminary Overall Subdivision for a 100-acre mixed-residential project - for four (4) parcels (TM#'s: 70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, and 70.00-1-65.100) east of Firehall Rd. in the Town of Canandaigua. Future development includes for-sale town homes (88 units), single-family housing (222 units), for-rent apartments (224 units), and as mixed-use retail/residential building (105 units and 5,000 SF of commercial/retail space).

Municipality: Town of Canandaigua

Referring Board: Planning Board

Applicant: Natalee Kiesling, Marathon Engineering and Jeff Cook, Uptown Landing

Application Type: Major Subdivision

Class: Class 1

Property Information (Address & ID): 70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, 70.00-1-65.100

Description & Review Comments:

The project was previously referred in October 2024 for a subdivision and map amendment to rezone the four subject parcels to the IZ (Incentive Zoning) District. Lot sizes range from 7,200 SF to about 21,800 SF for the single-family houses. Lot sizes for the town-homes range from 1,700 SF to 4,200 SF.

The four parcels of land comprising the development area are bordered by Firehall Road

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(predominately commercial land use) to the west, Parkside Drive (predominately commercial land uses) and Blue Heron Park to the south, agricultural lands to the north, and a residential development to the east.

The incentive zoning approval provides relief from the following standards (see project summary in links):

Single family and Town House lot width

- Single-family building setbacks
- Town house, Apartment, and Mixed-Use building setbacks
- Façade transparency requirements
- Single-family and Townhome driveway setbacks

After discussions the developer has proposed the following amenities:

- Park recreational equipment at Blue Heron Park
- Sidewalk Installation on Fire Hall Road. Developer shall design and install 5' wide concrete sidewalk on the east side of Fire Hall Road from Parkside Drive to the northern boundary of Blue Heron Park.
- Signage at Blue Heron Park
- Sidewalk Installation on Parkside Drive. Developer shall design and install 5' wide concrete sidewalks on the north side of Parkside Drive from the sidewalk on the west side of NYS Route 332 to the eastern border of its property on Parkside Drive.
- New public restroom in Blue Heron Park. The developer proposes to add the park to the sewer district and extend sanitary service to the restroom location.
- Put asphalt pavement on the stone dust trails within Blue Heron Park (decreasing maintenance, increasing accessibility).

The applicant mentioned that the project has the infrastructure available to support the project - Ontario County owned sewer mains and pump stations, Town of Farmington owned water mains, and Town owned roadways connected to County Road 28 and NYS Route 332 in close proximity. In terms of stormwater - they mention a majority of the site drains northeast toward a tributary of Paddleford Brook, while a smaller portion drains to an existing stormwater management facility located in Blue Heron Park to the southwest. Five stormwater management areas will be created throughout the subdivision (ranging from roughly 8 to 16 ft. deep), collecting water from storm sewers throughout the subdivision. The development will proceed in 3-4 phases with ultimate build-out anticipated in approximately 2035. Sidewalks are proposed on one-side of almost all of the roads within the development. The sidewalks connect to the paths at Blue Heron park.

Surrounding the apartments and mixed use building will be 324 parking spaces (18 of which are ADA accessible). 72 light poles are to be installed – predominately around the (apartment and mixed-use building) parking lots, along the main road (Road A), and at all internal intersections.

All the lights will have zero spillage onto adjacent properties. 521 deciduous trees and 112 evergreen trees are proposed to be planted - predominately around the (apartment and mixed-use building) parking lots, along the main road, in addition to 1 tree per home.

According to Oncor:

- There are no Federal or NYS DEC wetlands on the parcel
- There is little to no slope (0-3% gradient)
- Soil is primarily Kendaia Loam, Odessa Silt Loam, and Ovid Silt Loam - all listed as prime farmland if drained).

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- Land Cover is predominately successional old field going to successional shrubland.
- Adjacent parcels to the north lie within Ontario County Agricultural District #1.

The applicant mentions this project fills the need for housing in the community and meets the guideline principles of the Mixed-Use Development Subarea (pg. 74 of the Final Uptown Form Based Code):

- Expansion of lower density mixed uses
 - The proposed development includes 5-7 dwelling units per acre (total project) with a wide range of for-rent and ownership opportunities at a variety of price points.
- Establish a combination of low density, multi-family homes in close proximity to commercial uses.
 - The west side of the project includes the commercial/retail mixed-use component and is immediately across the street from the State Route 332 Subarea on Firehall Road where a larger commercial presence is anticipated. The proposed residential housing is a mix of for-rent and for-sale with a multitude of options for community residents looking for new homes.
- Expansion of mixed-residential uses in the Town
 - The mix of apartments, single-family homes and townhomes fully complies with this guiding principle.
- Encourage multi-modal mobility options
 - The central boulevard is intended to be a complete street with additional pedestrian improvements and park connections included in the design. Offsite sidewalks for enhancing pedestrian connectivity to NYS Route 332 and existing commercial development are also incorporated in the incentives, discussed later in this report.
- Ensure new development and site design does not negatively impact adjacent residential uses.
 - The proposed project thoughtfully transitions to the lower impact single-family homes adjacent to large-lot residential uses on the north and east with the apartments and mixed-use adjacent to the multifamily zoning and State Route 332 Subarea zoning to the south and west.

Relevant October 2024 Staff Comments

1. Will there be a vegetative buffer between the proposed development and the agricultural uses to the north? Since the adjacent properties to the north are Ontario County Agricultural District #1, a note on the subdivision plan indicating the permissibility of noise, dust, odors, etc. from agricultural activities on parcel 56.00-2-20.000 and 70.00-1-21.121 is required.
2. Will any of the units be affordable to households at or below area median income?
3. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36' doorways, and access to a bathroom?

Relevant October 2024 CRC Comment

1. At the start of each Phase, the referring board is encouraged to require the applicant to adhere to the code/design standards in place at that time – not what was in place at the time at the start of the project.

Relevant October 2024 CPB Comment

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1. Referring Board should consider requiring that the developer provide a portion of units at costs affordable to average sized households (families) at or below 100% annual median income.

Comment

1. Will the stormwater management areas be fenced?

OCSWCD Comments

1. Silt fence is needed in some downslope areas.
2. Is this project proposed to occur all at once or will this project be completed in phases? More detail is needed if the project is anticipated to be completed in phases.
3. Will there be any easements for maintenance of drainage swales through backyards to ensure system maintains functionality?

OCDPW Comment

1. Highway Department has no comments at this time

Attachments:

1. 6-2025 Aerial
2. Overall Plans
3. Phasing Plans
4. Prelim Subdiv Plats
5. Layout Plan
6. Amenity Plan
7. Grading Plan
8. Landscaping Plan
9. Utility Plan
10. Full Plan Set - 37 pages
11. Apartment Elevations
12. Engineers Utility Report
13. SWPPP - 410 pages
14. LOI
15. Ag Data Statement
16. IZ Approval Resolution
17. SEQR Resolution
18. PB App
19. Mixed Use Elevations

Board Motion: To retain referral 2-2025, 4.1-2025, 6-2025, and 10-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 11, No 0, Abstained 0. **The motion passed.**

6. Town of Farmington

7-2025 (Exempt) Area Variance to replace an existing (manual copy) sign with a 23.2 SF electronic ground sign (moving sign) when such signs are prohibited - at 153 Church Ave. in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Applicant: St Johns Lutheran Church & Preschool
Application Type: Area Variance
Class: Exempt
Property Information (Address & ID): 1.20-1-29.100

Description & Review Comments:

Exempt

Attachments:

1. Sign Image
2. Sketch
3. LOI
4. ZBA App

7. Town of Gorham

8-2025 (AR2) Area Variances requested for a proposed porch addition for: (1) a lot coverage of 39.6% when no greater than 25% is permitted, and (2) for the extension of the existing south-side setback (5 ft., 1 in. when a minimum of 15 ft. is required) - at 4080 Shoal Water Pt. in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Zoning Board of Appeals
Applicant: Tom Johnson
Application Type: Area Variance
Class: AR2
Property Information (Address & ID): 127.07-1-10.000

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

Comments:

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

Attachments:

1. 8-2025 Aerial
2. Site Plan
3. Full Plans
4. SEAF
5. ZBA App and Test Questions

9.0-2025 (Exempt) Site Plan and Subdivision of a 67.5-acre parcel into two (2) parcels (Parcel 1 - 64-acres and Parcel 2 - 3.8-acres) - for a proposed 6,000 SF home. Project is located at 4364 Lake to Lake Rd. in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Seth Bay
Application Type: Site Plan
Class: Exempt
Property 127.00-1-13.100
Information
(Address & ID):

Description & Review Comments:

Exempt (Exemption 9 of OCPB Exemption List)

Attachments:

1. Subdiv Plat
2. Site Plan
3. Full Plans
4. PB App
5. SEAF

9.1-2025 (Exempt) Site Plan and Subdivision of a 67.5-acre parcel into two (2) parcels (Parcel 1 - 64-acres and Parcel 2 - 3.8-acres) - for a proposed 6,000 SF home. Project is located at 4364 Lake to Lake Rd. in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Seth Bay
Application Minor Subdivision
Type:
Class: Exempt
Property 127.00-1-13.100
Information
(Address & ID):

Description & Review Comments:

Exempt (Exemption 11 of OCPB Exemption List)

Attachments:

None

8. Town of Victor

10-2025 (Class 1) Special Use Permit for the modification (removal/replacement of 3 existing antennas) of an existing monopole telecommunications tower - at 914 Brownsville Rd. in the Town of Victor.

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: Crown Castle 3530 Toringdon Way, Charlotte NC
Application Type: Special Use Permit
Class: Class 1
Property 16.00-1-42.211
Information
(Address & ID):

Description & Review Comments:

Because the Town of Victor requires a special use permit, adding antennas and other equipment to this existing tower is not covered under Administrative Review Policy 8 regarding co-location of equipment on existing towers. Applicant mentions that the modification will not substantially change the physical dimensions of the tower or base station. There will be no ground work (no disturbance), change in tower height or antenna centerline. A structural analysis was performed by a licensed professional engineer and it was determined that the structure is capable of supporting the proposed equipment.

Attachments:

1. 10-2025 Aerial
2. Letter of Intent
3. Plans
4. PB App
5. Structural Analysis Report - 33 pages
6. Bald Eagle Location
7. SEAF
8. SHPO Response

Board Motion: To retain referral 2-2025, 4.1-2025, 6-2025, and 10-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 11, No 0, Abstained 0. **The motion** passed.

11-2025 (Class 1) Site Plan to develop a new 4-story (23,580 SF) hotel with 123 rooms. Project is located at 100-1020 Eastview Mall Dr. - on the western side of the existing Eastview Mall property (on an existing paved parking lot between JcPenny and what was formerly Lord and Taylor).

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: BME Associates, 10 Lift Bridge Lane, East Fairport, NY 14450
Application Type: Site Plan

Class:	1
Property Information (Address & ID):	6.00-1-12.100

Description & Review Comments:

The proposed hotel is located at west side of the mall property and within an existing paved parking lot (Lot R-6) between the JC Penney and former Lord and Taylor stores. The developer and Mall owner (Eastview Mall LLC) will establish a lease parcel to encompass the proposed hotel building. Lot R-6 (tax map # 6.00-1-12.100; 91.4-acres total) currently includes portions of the main mall building, standalone retail stores and associated support/maintenance buildings, paved parking areas, and three (3) stormwater management ponds. Signage is proposed to be on the building, but not along SR 96.

Two large, interconnected ponds are located along the north property line and a smaller pond is located along the west property line. The 3 pond sites capture runoff from the mall property and infiltrate site runoff into site soils with no discharge to downstream waters. Eastview Mall properties drain to the existing stormwater management ponds on located on the property – no new stormwater management facilities are proposed. The proposed hotel site drains to the northwest, towards the existing northern interconnected stormwater management ponds.

Private utility services (water, sanitary sewers, and storm sewers) will be extended throughout the site from the existing private utilities to serve the new hotel. A new private combined watermain will connect to the existing private watermain along the west side of the former Lord and Taylor store. The development will be served by multiple private fire hydrants within the mall property, and the building will have a sprinkler system. The development will be served by a private gravity sanitary sewer system, connected to the existing private pump station located on Lot 12 at the northwest corner of the intersection of Eastview Mall Dr. and Commons Blvd. The pump station is privately maintained through the reciprocal easement agreements/private utility easements between the mall owner and the tenants. The original calculations revealed the Eastview Commons could generate approximately 17 gallons/minute (gpm) and a peak sewer flow of approximately 69 gpm. The pump station was designed to discharge at a minimum rate of 100 gpm to maintain acceptable flow velocities within the force main. It is calculated that with the new hotel, the peak sewer flow of Eastview Commons to the pump station is 110 gpm. The applicant mentions that the hotel developer will coordinate review of the existing pump station flow characteristics with the mall owner to determine if pump equipment adjustments are warranted based on actual use records.

The proposed development footprint of 3.3-acres will require removal of existing parking and reconfiguration of internal traffic circulation within the parking lots. There is no proposed reconfiguration of either the outer or inner ring roads around the mall. Access to the hotel will be provided by individual site driveway connections to the Eastview Mall Dr. ring road and through common parking lot areas. The hotel is calculated to generate a peak weekday AM traffic count of 54 vehicles and a weekday PM traffic count of 63 vehicles. Saturday will have a calculated peak traffic of 91 vehicles and Sunday 61 vehicles. The project will result in the removal of 316 parking spaces, which result in a post-development total of 7,111 parking spaces provided on the mall property. The proposed hotel will require 144 parking spaces per Town code, and this value combined with the 4.5 spaces per 1,000 SF GLFA for the other mall uses results in a parking need of 6,964 spaces – which Eastview Mall will remain in compliance with. The hotel itself will have 144 parking spaces associated, 5 of which to be ADA accessible. The applicant hopes to have EV charging stations associated with the hotel in the future.

The proposed development will increase the existing greenspace area from 34.7% (64.97 acres existing) to 35.1% (65.63-acres proposed) for the overall mall property – a 0.66-acre decrease in impervious surface. A modest reduction of site runoff rates is expected at completion of the hotel.

The greenspace will be created through the introduction of additional green space at the outer ring road. 25 trees (2 Autumn Brilliance Serviceberry, 2 Princess Diana Serviceberry, 7 Autumn Blaze Maple, 4 Appalachian Red Redbud, 4 Kousa Dogwood, 4 Winter King Hawthorn, and 4 Shademaster Honeylocust) and just under 200 shrubs are to be planted surrounding the hotel and within landscaped islands in the parking lot. Landscaped planting beds will be mulched, and all areas not paved or planted will be seeded with lawn seed. The contractor shall be responsible for care and maintenance of plant materials and seeded areas until final acceptance. A minimum of 1-year guarantee shall be provided on all plant materials from date of final acceptance. Twelve monopole lights are to be placed in the parking area as well (6 existing are to be removed) – all dark sky compliant.

A height waiver was applied (through the clustering provisions) for a height greater than the maximum allowed of 35 ft. (59 ft. was requested for the 4-story hotel). This would remove the requirement for an building height area variance.

OCSWCD Comment

1. Consider incorporating green infrastructure to manage stormwater runoff if possible.

CRC Comment

1. The applicant should consider using geothermal energy/heating for the hotel.

Attachments:

1. 11-2025 Aerial
2. Letter of Intent
3. Layout and Rendering
4. Site Plan
5. Landscape Plan
6. Grading Plan
7. Full Plans - 13 pages
8. Engineers Report - 32 pages
9. PB App
10. SEAF

Board Motion: To retain referral 11-2025 as a class 1 and return to the local board with comments.

Motion made by: A.J. Magnan, **seconded by:** Leonard Wildman. **Vote:** Yes 11, No 0, Abstained 0. **The motion** Passed.

9. Privilege of the Floor

- After reviewing referrals, highlights of the annual report were announced by Kyle Ritts.

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- In addition - the Board had an open discussion on hot topics/trends to include in the 2024 Annual Report

10. Upcoming Trainings:

An updated list of training opportunities can be found at: <https://www.ontariocountyny.gov/192/Training>

NYS Department of Environmental Conservation Webinar

- Wednesday, January 15, 2025: 2:00 PM - 3:00 PM
- Navigating Change: Insights into the Finalized NYS Freshwater Wetlands Regulations - see registration link below
- Register [Here](#)

NYS Hospitality & Tourism Association Webinar

- Thursday, January 16, 2025: 10:00 AM - 11:00 AM
- New Short-Term Rental Law & Details - see registration link below
- Discussion topics include: background & overview of new Short-Term Rental Law; how state, local, and occupancy taxes will be collected; implementation timeline; how the registration process will work
- Register [Here](#)

NYSDOS Local Government Training Schedule

- Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SEQR basics trainings (CERTIFICATE OF COMPLETION NOT PROVIDED)
- <https://dos.ny.gov/training-assistance>

NYSDOS On-Demand Training

- Use link to access recorded webinars including Introductory courses on Planning and Zoning Boards. The courses are 1-2 hours each. You may choose to complete a final quiz on each topic. Print the quiz to provide documentation of course completion. You may need to disable your browser's pop-up blocker to access links in the training.
- https://dos.ny.gov/training-courses?f%5B0%5D=filter_term%3A223

The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities:

- <https://www.nycom.org/training/webinars>

The NY Planning Federation offers virtual and recorded webinars for members:

- Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email nypf@nypf.org

11. Adjournment:

Board Motion: To Adjourn the January 8, 2025 meeting at 8:14 PM. **Motion made by:** A.J. Magnan,

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seconded by: Roslyn Grammar. **Vote:** Yes 11, No 0, Abstained 0. **The Motion** passed.

APPROVED MINUTES

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.

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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)