

ONTARIO COUNTY PLANNING BOARD

Wednesday, February 12, 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

Chair Passavant called the Wednesday, February 12, 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 Grammer

Stephen High

Edward (Ted) Liddell

A.J. Magnan

Chris Mergler

Ryan Wilmer

Absent:

Jack Dailey

Excused:

Paul Lambiase, Robert Parmenter, Bessie Tyrrell, Leonard Wildman, Tammy Worden, Mike Woodruff

Present, Voting 10, Present, Not Voting 0, Absent 1, Excused 6

Guests: Dan Crowley (future CPB Member - T. S. Bristol), Rob Brenner (27-2025; Pelican Point LLC)

3. Approval of Minutes:

Burch Craig motioned to approve the minutes of the January 8, 2025. The motion was seconded by Stephen High. The motion passed.

4. New Business:

5. City of Canandaigua

12-2025 (Class 2/A) Proposed amendments to the City of Canandaigua's Comprehensive Plan.

Municipality: City of Canandaigua
Referring Board: City Council
Applicant: Canandaigua City Council
Application Type: Comprehensive Plan
Class: Class 2/A
Property N/A
Information
(Address & ID):

Description & Review Comments:

Amendments to the Comprehensive Plan include a diverse range of topics/chapters. Highlights include:

- Chapters 1-4
 - Demographics updated with 2020 Census data.
 - Updated Zoning Map.
- 5.1 Transportation
 - Updated Traffic Counts.
 - Delete references to older plans (Active Transportation Plan, Blue Zone Plan, best boat practices, Regional Transportation Plan).
 - Add reference to “Complete Streets Policy”.
 - Add reference to 2021 Waterfront Active Transportation Plan.
- 5.2 Housing
 - Update to housing stats.
 - Remove recommendation to move Rental Housing Inspection from 3 years to 2 years.
- 5.2 Parks & Recreation
- 5.4 Economy
 - Updated Employment by Sector statistics (*Source: 2022 American Community Survey 5-Year Estimate.
 - Added recommendations for the City to work with the Ontario County Industrial Development Agency to build relationships with large/emerging employers, and the Finger Lakes Visitor Connection in order to conduct a needs assessment and market analysis of the tourism economy.
- 5.5 Historic Preservation
 - Recommendation for the expansion of the regulated preservation districts to include properties added to the National Register of Historic Places in 2016.
- 5.6 Urban Forestry
 - Removal of completed plans regarding the corner of SR 332 and 5&20.
- 5.7 Environment and 5.8 Inter-municipal Opportunities
 - Remove recommendations regarding community gardens and hydraulic fracturing.
 - Addition of descriptions highlighting recent environmental projects: Water

Resource Recovery Facility upgrade, contract with Gateway Community Power (registered residents to receive energy from 100% renewable energy sources), the purchase of 10 zero-emission vehicles and installation of 4 solar chargers, and a designation by NYS naming the City of Canandaigua a Climate Smart Silver Community.

- Chapter 6 (Focus Areas): Downtown, South Main Street, Lakeshore, Eastern Boulevard, Northeast Quadrant, Southeast Quadrant, Health Care District.
 - Downtown: Added description to the BID (Business Improvement District), removed reference to older parking study, and updated recommendations (Removing recommendations regarding traffic-calming, a parking study, snow clearing, and the diversion of truck traffic).
 - South Main Street: Removal of older 2001/2002 studies.
 - Lakeshore: Removal of New York Kitchen as a gateway for agritourism, update of the status of Pinnacle North, Lake House, and Hotel Canandaigua, removal of multiple goals/recommendations.
 - Eastern Boulevard
 - Northeast Quadrant: removal of “neighbor-oriented businesses from recommended development patterns.
 - Southeast Quadrant: removal of “neighbor-oriented businesses from recommended development patterns and suggestions for street extensions.
 - Health Care District: removal of recommendations for high density residential usage and recommendations regarding intersection improvements and the “Middle Cheshire Road Study”. Addition of the recommendation to permit some limited, commercial uses that help support the needs of health-care workers, patients, and patient’s families.

Attachments:

1. Summary of Amendments
2. Comprehensive Plan

CPB Comment

1. The CPB commends the City Council in its' proactive updating of their Comprehensive Plan - only five years after the adoption of the latest Comprehensive Plan (2020).

Board Motion: To retain referral 12- 2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote: Yes 10, No 0, Abstained 0. The motion:** Passed.

6. Town of Canandaigua

13-2025 (Exempt) Site Plan for a proposed single-family home with associated improvements - at 5790 Bristol Cross Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua

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Referring Board:	Planning Board
Applicant:	Mychajlo Eliaszewskyj
Application Type:	Site Plan
Class:	Exempt
Property Information (Address & ID):	125.00-1-35.111

Description & Review Comments:

Exempt (See Exemption #9 of Appendix B of the OCPB Bylaws).

OCSWCD Comment

1. This office has reviewed the site plan, and is waiting on revisions. Once the revisions are complete, approvals will be issued.

Attachments:

1. Site Plan
2. Survey
3. ZLD
4. Letter of Intent
5. Renderings and Floor Plans
6. SEAF
7. PB App

14.0-2025 (AR2) Area Variance and Site plan for proposed improvements including a seating area (with a proposed rear/lake setback of 1 ft. when 15 ft. is required) and putting green on a residential parcel - at 3477 CR16 in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Anthony Venezia, Venezia Associates
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	98.13-1-17.211

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,

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- 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. Aerial
2. Site Plan
3. Existing Conditions
4. ZBA App
5. PB App
6. SEAF
7. Shoreline Compliance
8. ZLD

14.1-2025 (Exempt) Area Variance and Site plan for proposed improvements including a seating area (with a proposed rear/lake setback of 1 ft. when 15 ft. is required) and putting green on a residential parcel - at 3477 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): 98.13-1-17.211

Description & Review Comments:

Exempt (See Exemption #9 of Appendix B of the OCPB Bylaws).

Attachments:

None

7. Town of East Bloomfield

15-2025 (Class 1) Special Use Permit to allow for a "drive-in restaurant" for a proposed coffee business in an existing building - at 6570 SR 5&20 in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Planning Board
Applicant: Mark Mansfield, The Irish Mafia Brewing
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 81.00-1-34.000

Description & Review Comments:

The 0.84-acre subject parcel is zoned CC (Community Commercial). Drive-in restaurants are a specially permitted use in the CC zoning district. According to OnCor the surrounding land uses are commercial or vacant. The subject parcel and surrounding parcels are all within Ontario County Agricultural District #1. The lot has entrances/exits along SR 5&20 as well as Whalen Rd. The existing commercial building was formerly a seasonal ice cream shop (Shivers Shakes and Cones). The owner would like to turn the business into a year-round drive-thru coffee business. There is no proposed work/disturbance. The submitted sketch indicates parking will be provided. Parking will be provided on both the east and west side of the building, with the drive-thru

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circulating around the eastern parking lot. The single drive-thru window and order menu will be located on the east side of the building.

Posted Speed Limit	Connection Spacing (ft.)	
	Arterial	Collector or Local Through Road
35 mph or less	245	125
40 mph	440	245
45 mph or greater	660	440

As outlined in the Code and Access Management Plan, interconnected street networks benefit the community by providing pedestrian connectivity, minimizing access connections, and maintaining through street safety and capacity. It is unlikely the **overall development plan complies** with the **440'** spacing standard for existing and proposed access connections along collector and through local roads when the speed limit is **45 mph or higher**.

Comments

1. How many customers do you anticipate during peak hours? Is the parking area, in addition to the drive-thru length sufficient?
2. Will the parking / drive-thru area be paved? Will parking lines be painted?
3. How many employees will you have?
4. What are the hours of operation?
5. Is there any proposed lighting?

CRC Comments

1. Drive-in is not defined in the Town Code. The Town of East Bloomfield should consider adding the definition to Town Code.
2. Will there be any ADA Accessible spaces? There are none indicated on the submitted sketch.
3. The entrance/exit on SR 5&20 has a reversed configuration with an entrance being on the left and the exit on the right in order to avoid traffic entering the stacking area. Is this an allowable configuration?
4. The referring board should consider requiring measured plans/drawings in order to better understand potential safety concerns regarding the distance from the intersection. See the access spacing table above outlining recommended connection spacing based on speed limit.

Attachments:

1. Aerial
2. Sketch
3. Survey
4. PB App
5. SEAF
6. LOI

CPB Comment

1. The County Planning Board re-affirms the concerns mentioned in the CRC Comments regarding the drive-thru's configuration.

Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28-

2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

8. Town of Farmington

16.0-2025 (Class 1) Area Variance and Site Plan for the construction of a 1,767 SF 3 bay addition to an existing emergency service building - at 5505 St Rt 96, on the southwest corner of SR 96 and CR8 in the Town of Farmington. The Area Variance is for the absence of sidewalks when "sidewalks are to be provided along all sites fronting along any state and county highways" in the MTOD (Major Thoroughfare Overlay District).

Municipality:	Town of Farmington
Referring Board:	Zoning Board of Appeals
Applicant:	Victor Farmington Ambulance
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	30.00-1-32.100

Description & Review Comments:

The new Victor-Farmington Ambulance facility is proposed on a site zoned GB General Business and developed with an existing doctor's office. Adjacent properties are also zoned GB with a mix of developed and undeveloped uses. The property is also in the Major Thoroughfare Overlay District which requires sidewalks along all street frontages, which in this case would be 650'. The property is not in the Main Street Overlay District which requires landscaping and other pedestrian friendly amenities.

The project approximately doubles the building and parking footprint. The existing access from CR 8 will continue to be used.

The nearest existing sidewalk is 1.4 miles to the west along SR 96. There are not existing sidewalks along CR 8. The applicant proposes to provide a 10' easement to the Town of Farmington to simplify future installation of sidewalks if warranted based on increase in the density of development and pedestrian traffic generators in this area.

CRC Comment

1. Will ambulances be serviced at this location? Proper containment and disposal of oil/waste needs to be taken.

Attachments:

1. Aerial
2. Site Plan
3. Existing Conditions
4. Relevant Code Sections
5. LOI

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6. Project Location
7. SEAF
8. ZBA App

Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

16.1-2025 (Class 1) Area Variance and Site Plan for the construction of a 1,767 SF 3 bay addition to an existing emergency service building - at 5505 St Rt 96, on the southwest corner of SR 96 and CR8 in the Town of Farmington.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Applicant:	Victor Farmington Ambulance
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	30.00-1-32.100

Description & Review Comments:

See 16.0-2025

Attachments:

None

Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28- 2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

9. Town of Geneva

17-2025 (AR2) Area Variances (2) for four proposed signs for the Rochester Regional Health building (formerly Don Allison Sports) - at 833 SR 5&20 in the Town of Geneva. Area Variances are for: (1) a business unit sign area total (2 signs) of 392 SF when no greater than 150 SF total is permitted, and (2) representational sign total area (2 signs) of 224 SF each when no greater than 72 SF total is permitted.

Municipality:	Town of Geneva
Referring Board:	Zoning Board of Appeals

Applicant:	Rochester Regional Health
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	103.00-3-37.000

Description & Review Comments:

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR5&20 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

Final classification: Class 2

Findings:

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a negative impact on community character.

Final Recommendation – Denial

Comments

1. The referring board should grant the minimum variance necessary to allow identification of the business and its products.

Attachments:

1. Aerial
2. Sign Images
3. Survey
4. Code Section
5. ZBA App
6. LOI

226 Turk Rd. in the Town of Geneva.

Municipality: Town of Geneva
Referring Board: Planning Board
Applicant: David J. Hanley
Application Type: Major Subdivision
Class: Class 1
Property 133.00-1-20.100
Information
(Address & ID):

Description & Review Comments:

The subject parcel of this referral is 226 Turk Rd., or **Tax Map # 133.00-1-20.100**.

Local Law 3 of 2019 approved the rezoning of Tax Map # 133.00-1-20.000, containing a total of 151.4-acres of land (including the Turk Rd. right-of-way), to a PUD Planned Unit Development subject to conditions. Subsequent to Local Law 3 of 2019 taking effect, the Town of Geneva Planning Board approved the subdivision of Tax map # 133.00-1-20.000 into three (3) separate parcels, which are now designated as Tax Map #'s **133.00-1-20.100**, 133.00-1-20.200, and 133.00-1-20.300. This project was referred to the Ontario County Planning Board in November 2023 (247-2023). Concept Plans in November 2023 indicated the that the three parcels previously were planned to contain 120 townhome units, a commercial space, a 9-hole golf course, a winery, and a clubhouse.

In April 2024, the (now) 3-parcels (Tax Map #'s **133.00-1-20.100**, 133.00-1-20.200, and 133.00-1-20.300) were referred to the Ontario County Planning Board as 68-2024 to amend the PUD requirements outlined in Local Law 3 of 2019. The Town Board amended Local Law 3 of 2019 as follows:

1. The Official Zoning Map of the Town of Geneva is amended by changing the zoning district classification of Tax Map # 133.00-1-20.300 (120.6-acre parcel, south of Turk Rd.) from PUD Planned Unit Development to AG Agricultural District.
2. The conditions of the PUD approval set forth in [Local Law 3 of 2019](#) will no longer be in effect for 133.00-1-20.300.
3. The conditions of PUD approval set forth in Local Law 3 of 2019 shall continue to be binding on Tax Map #'s **133.00-1-20.100** and 133.00-1-20.200, except that condition numbered 4, 9, 10, 11, and 15 are declared null and void and shall be of no further effect on either parcel.

68-2024 was considered a Class 2 (a project that may create inter-municipal or countywide impacts) and was recommended for approval by the Ontario County Planning Board.

Today (February 2025) the project is being referred for the subdivision of 226 Turk Rd. into seven (7) lots. The zoning of the lots is proposed to be changed (from PUD – Planned Unit Development) as follows: Lot 1 - B (General Business), and Lots 2 through 7 - R-1 (Residential). The parcel is also a part of the Town of Geneva's Lakeview Overlay. It is intended that single-family homes will be built there in the future. No construction is proposed at this time. In the referred materials, the applicant mentions that water service lines (City of Geneva Water Treatment Plant) will need to be added as each residential lot is developed. Existing sewer will be used for the homes when they are built – sanitary sewer laterals will need to be added.

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Lot 1, having land on both sides of SR14, contains an existing (vacant) commercial building. Proposed Lots 2-7 are currently vacant. Lots 6 and 7 (on the east side of CR14) contain land on both sides of the railroad – some of which has frontage on Seneca Lake (just south of Glass Factory Bay).

According to OnCor:

- Lots 6 and 7 (lakefront portion) have land in the FEMA Floodway and the DRAFT 100- and 500-Year Flood Zone.
- Soil on the subject parcel is predominately Cayuga Silt Loam and Ovid Silt Loam
 - Cayuga Silt Loam (moderately well drained, not hydric, moderately high permeability, very high erodibility, is an area of prime farmland and farmland of statewide importance, and is in hydrologic soil group C/D).
 - Ovid Silt Loam (somewhat poorly drained, partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D).
- There is gentle to no slope throughout the parcel (0-9% gradient).

Comments

1. A subdivision was the only referral for this project. If rezoning is also being applied for - in accordance with NYS Statute, it should be referred to the County Planning Board for rezoning (Map Amendment) as well.
2. The referring agency and applicant are encouraged to:
 - Find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
 - Encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
 - Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with applicable design standards.
 - To involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CRC Comment

1. How will lake access be provided for Parcel 6 and 7? Access easement and maintenance agreement for use of private Glass Factory Bay Rd and/or crossing of the railroad may be required.

Attachments:

1. Aerial
2. Subdiv Plat
3. PB App
4. FEAF

Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

10. Town of Gorham

19-2025 (WITHDRAWN) Special Use Permit to operate a dry goods store at their residence - located at 3090 County Road 18 in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Nelson Nolt
Application Type: Special Use Permit
Class: WITHDRAWN
Property Information (Address & ID): 143.00-1-8.120

Description & Review Comments:
WITHDRAWN

Attachments:

1. Site Plan
2. Full Plans
3. PB App

11. Town of Phelps

28-2025 (Class 1) Site Plan for the installation of six (6) Level 3 charging stations and associated improvements - at 1731-1735 SR14 in the Town of Phelps.

Municipality: Town of Phelps
Referring Board: Planning Board
Applicant: SAI Group
Application Type: Site Plan
Class: Class 1 (LATE REFERRAL)
Property Information (Address & ID): 49.00-1-27.200

Description & Review Comments:

The subject (commercial use) parcel is 8.9-acres, with disturbance proposed at 0.03-acres. Surrounding parcels are predominately vacant commercial, with a few residences to the east along Old State Road. The proposed work will be located on a newly asphalted section of parking at the Mobil station. Project includes the installation of concrete pads for the placement of dispensers,

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switchgear and utility provided transformer. Bollards will be installed around all electrical equipment. One (1) new light pole with a LED fixture is proposed at the entrance of the charging area. Existing concrete barriers will be relocated south of their current location.

CRC Comment

1. Will the charges be used by tractor-trailers or heavy duty vehicles, either for fully electric vehicle or electric refrigeration? Will there be capacity?

Attachments:

1. Aerial
2. Site Plan
3. Layout
4. Full Plans
5. SEAF

CPB Comment

1. Referring Board should consider requesting additional lighting for the parking and eV charging area.

Board Motion: To accept 28-2025 as a late referral.

Motion made by: A.J. Magnan, seconded by: Ruth Cahn. Vote: Yes 10, No 0, Abstained 0. The motion: Passed.

Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

12. Town of Richmond

20-2025 (Exempt) Area Variance for a 5-ft. tall fence installed in the front yard when a maximum of 3 ft. is permitted - at 8518 Brookview Dr. in the Town of Richmond.

Municipality:	Town of Richmond
Referring Board:	Zoning Board of Appeals
Applicant:	Michelle Walulis
Application Type:	Area Variance
Class:	Exempt
Property	136.17-1-26.109
Information	
(Address & ID):	

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Description & Review Comments:

Exempt (See Exemption #3 of Appendix B of the OCPB Bylaws)

Attachments:

1. ZBA App

21-2025 (AR1) Subdivision (lot line adjustments) involving 3 lots (TM#'s: 134.00-1-42.110 - Parcel 1, 134.00-1-42.310 - Parcel 2, 148.00-1-57.112 - Parcel 3) - located in the Town of Richmond. 0.43-acres are to be annexed from Parcel 2 to Parcel 3, and 6.316-acres are to be annexed from Parcel 3 to Parcel 1.

Municipality:	Town of Richmond
Referring Board:	Planning Board
Applicant:	Matthew Gillette & Bryce Griffin
Application Type:	Minor Subdivision
Class:	AR1
Property Information (Address & ID):	134.00-1-42.110, 134.00-1-42.310, 148.00-1-57.112

Description & Review Comments:

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to

1. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
2. Address impacts to ground and surface waters.

Final Classification: Class 1

Findings

1. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Attachments:

1. Aerial
2. Survey
3. PB App
4. SEAF
5. Legal Description

22-2025 (AR1) Subdivision (lot-line adjustment) combining 2 lots (TM#'s: 149.00-1-78.112 and 149.00-1-78.200) into 1 - at 5188 CR37 in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Planning Board
Applicant: Annie Thompson & Jeff Martin
Application Type: Minor Subdivision
Class: AR1
Property Information (Address & ID): 149.00-1-78.112 and 149.00-1-78.200

Description & Review Comments:

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to

1. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
2. Address impacts to ground and surface waters.

Final Classification: Class 1

Findings

1. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve single family residential subdivisions under five lots.

Attachments:

1. Aerial
2. Survey
3. PB App
4. SEAF

13. Town of Seneca

23.0-2025 (Class 2/D) Special Use Permit and Site Plan to construct and operate a fuel (oil and gasoline product) storage and distribution facility – at 0000 SR 5&20 in the Town of Seneca.

Municipality: Town of Seneca

Referring Board:	Zoning Board of Appeals
Applicant:	Jay Newswanger, Seneca Energy
Application Type:	Special Use Permit
Class:	Class 2/D
Property	103.00-1-19.120
Information	
(Address & ID):	

Description & Review Comments:

Subject 10.9-acre parcel is in the C-2 (General Business) Zoning District. Fueling facility is considered an essential service – which is a specially permitted use in the C-2 Zoning District in the Town of Seneca. The site is currently vacant and not farmed, and is located between a commercial building to the west and a residential home to the east. Across the street (to the north) lies a commercial use as well – Martin’s Overhead Door Service. All adjacent parcels to the south are residential or vacant. The subject parcel (and adjacent parcels to the east and west) are not within the Ontario County Agricultural District #1, but all other surrounding parcels are. The Town of Geneva municipal boundary lies 640 meters to the east. There are both federal and NYSDEC regulated wetlands on the west side of the project.

This project consists of the development of a fuel storage and distribution facility. This fuel facility will occupy approximately 5 acres (4.9-acres of disturbance) of the 10.9-acre site. 1.4-acres of impervious surface is to be created. It is to be setback 100+ ft. and will not be visible from the road. There are reserved areas at the rear of the property for future development that have not yet been identified. The fuel storage and distribution facility will host 5 fuel storage tanks ranging from 20,000 gallons to 15,000 gallons. The intent is to store and distribute heating oil, off-road diesel, on-road diesel as well as gasoline products. The new tanks will comply with NYSDEC standards and specifications for pollution control as well as state standards for public safety. The tanks will be located inside a concrete containment structure with retaining walls on 4 sides. The site is designed with a delivery truck route being elevated above the tanks for gravity unloading. The lower side of the tanks will have dispensing equipment to fill both commercial fuel delivery vehicles as well and a dispensing area to fill on road diesel trucks.

According to OnCor the parcel has little to no slope (0-3% gradient) and Soils are predominately Canandaigua Mucky Silt Loam (very poorly drained, all hydric, moderately high permeability, very high erodibility, is not prime farmland, and is in hydrologic soil group C/D). Elevation is to be increased roughly 9 ft. along the western side of the proposed facility, sloping down towards the east.

A chain link fence and gates will be installed to protect the tanks and commercial fuel delivery filling equipment. The on-road diesel vehicle fueling stations will be located outside of this area and will be accessible 24 hours a day 7 days a week with key card access to operate the fuel dispensers. The site is designed with a new commercial site entrance off the NYSDOT highway and a driveway approximately 450 feet long. The driveway will have space for truck and trailer parking. The end of the driveway will have an emergency vehicle turn around and a dry fire hydrant will be located near the fueling facility. The site will drain to a series for stormwater management areas.

Stormwater from the fuel loading and unloading areas will be diverted to the containment area around the fuel storage tanks. This will then drain by a manually operated pump system to discharge to a bioretention facility to provide treatment of water quality prior to discharging to a large pond on the east side of the property. The NYSDEC Spill Prevention Plan requires

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inspection of stormwater in containment areas prior to discharge to the stormwater management facility. The main stormwater pond (6 ft. deep) on the east side of the driveway provides additional water quality treatment and detention as required by NYSDEC SPDES permit for construction activities. This pond also provides a water source for firefighting. An underground electrical service will be installed to a transformer near the fuel facility. A 2" water service will be installed (T. Seneca Water Dept.) for future development, as well as water source for construction and normal facility maintenance. There will be area lighting (22 pole-mounted/down-lit lights) at the fueling areas, as well as along the driveway.

The applicant is requesting that the approval process with the town be completed with a conditional approval of the NYSDOT Entrance Permit and NYSDEC Wetland Delineation/USACOE Non-Jurisdictional Determination be completed prior to issuing of the building permit. The issue is that a proper wetland delineation cannot be completed until spring months, so flora and fauna are available for research. The level of encroachment into the wetlands is not yet clear.

Comments

1. Will there be any employees? Will there be any parking?
2. What is the expected number of customers per day? How much additional traffic will be generated?
3. The referring Board should consider additional landscaping along the 10 ft. elevation drop along the west side of the parcel in order to further deter vehicles from accidentally going over the edge.
4. The Referring Board should consider requiring some sort of landscaping/physical buffer to the east (along the driveway) to provide safety/privacy for residents on the adjacent residential parcel.
5. Is the proposed lighting contained on-site? Is it dark sky compliant?
6. Will significant noise be generated by the trucks / associated activities?

OCSWCD Comments

1. OCSWCD has been to this site multiple times on drainage concerns and issues. There is drainage tile throughout the parcel, with septic in the northern portion. Due to the proposed (fuel storage/distribution) use, the amount of existing underground drainage hydrologically connected to the road ditch and wetland is of major concern.
2. The proposed settling trap / pond area is all hydric soil and the depth to groundwater will most likely be less than the proposed excavation.
3. Before any design is approved, percolation tests should be performed on any area proposed for stormwater management.
4. All underground drainage should be disconnected from areas of stormwater management and fuel containment structures.
5. Limits of disturbance appear to overlap with designated wetland areas and a wetland delineation may be required.
6. Created slope may require additional topsoil or imported materials for seed/grass establishment.

Attachments:

1. Aerial
2. Site Plan
3. Grading Plan
4. Full Plans

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5. ZBA App
6. PB App
7. LOI
8. SWPPP
9. FEAF

Board Motion: To elevate referral referrals 23.0 and 23.1 -2025 to class 2s as it has been deemed to have county-wide or intermunicipal impacts.

Motion made by: Stephen High, **seconded by:** Ruth Cahn. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Findings

1. Proposed plan does not appropriately protect water resources of the Seneca Lake watershed. More specifically:
 - the location of fuel loading and unloading activities is outside the containment system.
 - unknown location of drainage tile and septic leach field makes it difficult and expensive to ensure protection of downstream water resources.
 - The proposed pond area is all hydric soil and the depth to groundwater will most likely be less than the proposed excavation. In any event, use of infiltration practice requires percolation test to determine likely rate of infiltration of native soils or need for imported soil. Percolation testing would also be needed for the bio-retention area.
 - without a completed wetland delineation, the extent of the disturbance to the wetlands is unknown and there appears to be no protection of the wetland area from potential spills at the gravity unloading truck access.
 - without catch basins or an oil separator in the fuel loading and dispensing areas, it is unclear how potential spills will be prevented from entering the proposed stormwater management system.

CPB Comment

1. The applicants need to speak with the fire chief with jurisdiction over the area to determine the fire-fighting ability/capacity for the site (and use).

Board Motion: To retain referrals 23.0-2025 and 23.1-2025 as a Class 2s and return to the local board with the recommendation of Disapproval with comments. Based on consideration of the referral, review comments and findings included herein, there is the potential for significant adverse county-wide and/or inter-municipal impacts.

Motion made by: Chris Mergler, **seconded by:** Terri Brown. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

23.1-2025 (Class 2/D) Special Use Permit and Site Plan to construct and operate a fuel (oil and gasoline product) storage and distribution facility – at 0000 SR 5&20 in the Town of

Seneca.

Municipality:	Town of Seneca
Referring Board:	Planning Board
Applicant:	Jay Newswanger, Seneca Energy
Application Type:	Site Plan
Class:	Class 2/D
Property Information (Address & ID):	103.00-1-19.120

Description & Review Comments:

See 23.0-2025

Attachments:

None

Board Motion: To elevate referrals 23.0-2025 and 23.1-2025 to class 2s as it has been deemed to have county-wide or intermunicipal impacts.

Motion made by: Stephen High, **seconded by:** Ruth Cahn. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Findings

1. Proposed plan does not appropriately protect water resources of the Seneca Lake watershed. More specifically:
 - the location of fuel loading and unloading activities is outside the containment system.
 - unknown location of drainage tile and septic leach field makes it difficult and expensive to ensure protection of downstream water resources.
 - The proposed pond area is all hydric soil and the depth to groundwater will most likely be less than the proposed excavation. In any event, use of infiltration practice requires percolation test to determine likely rate of infiltration of native soils or need for imported soil. Percolation testing would also be needed for the bio-retention area.
 - without a completed wetland delineation, the extent of the disturbance to the wetlands is unknown and there appears to be no protection of the wetland area from potential spills at the gravity unloading truck access.
 - without catch basins or an oil separator in the fuel loading and dispensing areas, it is unclear how potential spills will be prevented from entering the proposed stormwater management system.

Board Motion: To retain referrals 23.0-2025 and 23.1-2025 as Class 2s and return to the local board with the recommendation of Disapproval with comments. Based on consideration of the referral, review comments and findings included herein, there is the potential for significant adverse county-wide and/or inter-municipal impacts.

Motion made by: Chris Mergler, **seconded by:** Terri Brown. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

14. Town of Victor

24-2025 (AR1) Preliminary and Final Subdivision approval for the subdivision of an 11.6-acre parent parcel into three parcels - at 0000 Benson Rd in the Town of Victor.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	Tod Stover, 8 Hardwood Hill Road, Pittsford, NY 14534
Application Type:	Minor Subdivision
Class:	AR1
Property Information (Address & ID):	6.00-1-47.181

Description & Review Comments:

Policy AR-6: Single-family residential subdivisions under five lots

The intent of this policy is to

1. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
2. Address impacts to ground and surface waters.

Final Classification: Class 1

Findings

1. As of 2005 69% of the parcels in Ontario County were classified as one or two family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report)
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the Ontario County Highway Department, the NYS Board of Health and NYS Department of Environmental Conservation.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

Final Recommendation: The CPB will make no formal recommendation to deny or approve

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single family residential subdivisions under five lots.

Comments:

The referring agency and applicant are encouraged to:

1. Find ways to minimize the number of curb cuts by sharing driveways or providing cross access between the parcels.
2. Encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
3. Involve all appropriate agencies as early in the review process as possible to ensure proper design and placement of on site septic and curb cuts.
4. Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with applicable design standards.
5. To involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Attachments:

1. Aerial
2. Full Subdiv Plans
3. Survey
4. PB Apps
5. SEAF
6. LOI
7. SHPO Letter

25-2025 (Class 1) Site Plan to install overhead doors to the east building face and additional pavement installation along the east wall of an existing office building - at 770 Canning Pkwy in the Town of Victor.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	Marathon Engineering
Application Type:	Site Plan
Class:	Class 1
Property	14.02-1-54.111
Information	
(Address & ID):	

Description & Review Comments:

Subject Parcel is 8.10-acres. Disturbance is estimated at 0.6-acres. Area to be disturbed is currently mowed lawn. Subject parcel has a commercial land use. Surrounding parcels are either commercial or industrial – with exception to the Auburn Trail running along the northern boundary of the subject parcel.

The 8.1± parcel is located on the northern portion of the Canning Parkway Industrial Park, on the west side of Victor Heights Parkway, north of NYS Route 251. Four Winds Chimney is leasing vacant building space from the DiMarco Group (dba 770 Canning Parkway, LLC) in order to expand their business. The property is zoned Light Industrial and is within the Route 96 and 251 Overlay District – the proposed use is an allowed use. The building contains multiple tenants also contains Bristol Instruments as a tenant (no proposed work).

Proposed improvements on the property include the addition of "at-grade" overhead doors to the east building face and additional pavement installation along the east wall of the building. These improvements will allow employees to load vans and trailers with necessary materials for installation and servicing clients.

A treatment practice for water quality is proposed on-site to treat the majority of the new pavement area. Water quantity mitigation is not proposed and is anticipated to be minimally increased due to the D-type soils of the existing site. The parcel has little to no slope (0-3% gradient).

Water quality volume (WQv) is proposed to be provided by a hydrodynamic separator with an ADS Barracuda storm water quality structure installed inline on the proposed roof lateral. The Barracuda structure was designed utilizing the online design tool (ADS Water Management Solutions | Barracuda 3D Design Tool) and sized for the WQv event of a 1" rainfall and conveyance of the 10-year rainfall event. The resulting structure calculations require a 3' diameter WQv with one entering and one exiting pipe and a total structure depth of 9.4'.

Comments

1. Will any waste be produced onsite? Proper containment and disposal of waste needs to be taken.
2. Referring board should consider requiring additional stormwater management for this increase in impervious surface.

CRC Comment

1. The site plan indicates that 164 parking spaces are proposed when a minimum of 174 spaces are required. Is an area variance necessary? Has a waiver been requested? Town Code Section 211-32B Parking Schedule states that for retail/commercial use, 5 spaces per 1,000 SF of leasable floor area are required. While for warehouse, 1 spaces per 3,000 SF of leasable floor area are required. The required number of parking spaces varies greatly based on the use.
2. What is the leasable floor area?
3. The less impervious surface, the less negative environmental impact. Where applicable, excessive parking should be avoided. Land-banked parking can be used to reduce impervious surface, while still allowing capacity for parking needs for a future use.

Attachments:

1. Aerial
2. Site Plan
3. PB App
4. Elevations
5. LOI
6. SEAF
7. Stormwater Management Memo

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Board Motion: To retain referrals 15-2025, 16.0-2025, 16.1-2025, 18-2025, 25-2025, and 28-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, seconded by: Roslyn Grammer. Vote: Yes 10, No 0, Abstained 0. The motion Passed.

26-2025 (Exempt) Site Plan for the construction of a 2,400 SF pole barn for storage (vehicles, RV/travel trailer, lawn equipment, etc.) - at 6415 Bortle Rd. in the Town of Victor.

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: Fred Elliott
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 7.00-1-30.212

Description & Review Comments:

Exempt (See Exemption #9 of Appendix B of the OCPB Bylaws).

Attachments:

1. Site Plan
2. PB App
3. SEAF
4. LOI
5. Elevation East
6. Elevation North
7. Elevation South
8. Elevation West

15. Village of Victor

27-2025 (Class 1) Site Plan to construct a 3,960 SF building and parking lot for a boat retail business - at 290 W Main St. in the Village of Victor.

Municipality: Village of Victor
Referring Board: Planning Board
Applicant: Pelican Point LLC
Application Type: Site Plan
Class: Class 1
Property 16.17-2-2.000

**Information
(Address & ID):**

Description & Review Comments:

The subject property is 1.2-acres, about 150 ft. east of the Town of Victor municipal boundary.

Subject parcel is commercial and surrounding parcels are predominately vacant commercial or commercial – with exception to the residential parcels to the northeast. Soils disturbed are Palmyra and Howard soils (not hydric, high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group B) and Palmyra Fine Sandy Loam (not hydric, high permeability, medium erodibility, is prime farmland, and is in hydrologic soil group B). Land cover is mowed lawn with trees, with successional southern hardwoods in the back of the parcel.

Development will include public water service, public sanitary connection, stormwater connection.

Proposed lighting includes 4-building mounted lights. Landscaping includes 2 trees (2 Street Keeper Honey Locust) and 16 shrubs. The existing water curb stop, and sewer clean out will be utilized to service the building. The project includes 8 paved parking spaces to accommodate employee and patron parking (includes 2 ADA accessible spaces).

The site has extremely steep slopes (31-60% gradient) which include a 23 ft. drop in elevation from the middle of the site to the right-of-way. The top (rear) of the parcel has an elevation of 666 ft. above sea level, and the parcel bottoms out at 584 ft. The design includes a 6 ft. high retaining wall along the rear of the building.

The proposed development requires approximately 0.46-acres of soil disturbance. Existing drainage patterns will be maintained with all site runoff directed to the right-of-way where drainage will be picked up by the existing collection within the state road. Runoff from the rear of the building and retaining wall will be captured into a closed conduit stormwater conveyance system which will tie into the existing NYSDOT stormwater collection.

The applicant representative was present at the meeting and provided additional information:

- The applicant is aware that the proposed 8 parking spaces on the submitted site plan is less than the required 13. Retail uses in the Gateway Corridor Business Zoning District are required to have 2.5 spaces per 1,000 SF of building area.
- Revised Plans will be submitted to the Town, lowering the building footprint from 4,500 SF to 3,960 SF. In addition, the applicant will increase the proposed parking spaces from 8 to 10 - removing the need for an area variance. The ADA accessible spaces will also be relocated closer to the customer entrance (south/front of building).
- The building will be for sales only. There will be no boat preparation, deliveries, or drop-offs. The building will be used as a "pro shop," selling items such as surf boards, life vests, and other boating/water sporting items. A few (2-3) boats will be displayed within the display area, which are to be moved in/out of the building using the overhead door on the east end of the building.
- The building is slab-on-grade with stick frame construction - it is not a pole-barn. The plan is to use reclaimed wood from Ontario County for siding.
- There will be little to no excavation into the hill by the retaining wall. No disturbance will occur in the back (northern portion) of the parcel. It will be seeded.
- The business will operate during normal business hours (9:00 AM - 6:00 PM), 4-5 days a week.
- All lighting is contained on-site. Applicant is open to limiting lighting (light on a timer)

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during non-business hours, but would like a few left on at night for security purposes.

- There will be 1 employee working at a time.
- Parcel was previously developed, but there was a fire that destroyed the building.

Comments

1. Will boats be serviced/repair be occurring in this building? Will boats be stored outside as well? Proper containment and disposal of fluids needs to be taken.
2. Will any trees be removed for construction of the building?
3. Referring board should consider requiring additional stormwater management for this increase in impervious surface.
4. What are the hours of operation of the business?
5. How many employees will there be? What is the expected number of customers per day?

CRC Comments

1. ADA Accessible parking spaces should be closer to the retail entrance.
2. According to the site plan, an area variance for parking is required.
3. The less impervious surface, the less negative environmental impact. Where applicable, excessive parking should be avoided. Land-banked parking can be used to reduce impervious surface, while still allowing capacity for parking needs for a future use.
4. The applicant indicated that the following changes are to be made to the site plan in response to CRC Comments 1 and 2:
 - The ADA Accessible spaces are to be moved closer to the retail entrance.
 - The number of parking spaces proposed will be increased, meeting code requirements.
 - A decrease in building footprint, lowering impervious surface and parking space requirements.

The referring board has the discretion on whether or not to re-refer the project with the amended site plan (changes described above), if they determine the changes to be significant.

Attachments:

1. Aerial
2. Site Plan
3. Grading Plan
4. Landscape Plan
5. Full Plans
6. PB App
7. SEAF
8. LOI

Board Motion: To retain referral 27-2025 as a class 1 and return to the local board with comments.

Motion made by: A.J. Magnan, **seconded by:** Terri Brown. **Vote:** Yes 9, No 0, **Abstained** 1 (Chris Mergler). **The motion:** Failed.

16. Privilege of the Floor

- 2024 Annual Report presented by Linda Phillips

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- The Board recommended a few revisions to the 2024 Annual Report. Revisions are to Section 8 (Trends, Innovations, and Concerns):
 1. Emerging Electric and Natural Gas Capacity Limitations - mention recent electric and gas delivery capacity limitations facing developers.
 2. 2021 CPB Ad Hoc Committee - clarify comments regarding the development of a County Vision Plan.

Board Motion: To Approve annual report (pending revisions mentioned above) with comments to submit to PEQ and BOS **Motion made by:** A.J. Magnan, **seconded by:** Roslyn Grammer. **Vote:** Yes 10, No 0, Abstained 0. **The Motion** passed.

17. Upcoming Trainings:

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

MRB Group & Hancock Estabrook Municipal Bootcamp – see registration link below

- <https://mrbgroupp.com/bootcamp/>
- SESSION 2: FROM BIG TO SMALL – TRANSLATING COMPREHENSIVE PLANS INTO LAND USE REGULATION
 - Thursday, February 27, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 3: UNDER THE TENT – OPEN MEETINGS, RECORD KEEPING, AND ENGAGING THE PUBLIC IN COMMUNITY DEVELOPMENT
 - Thursday, March 27, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 4: ENVIRONMENTALLY SPEAKING – THE NUTS & BOLTS OF SEQR
 - Thursday, April 24, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 5: PLANNING BOARD BASICS: ROLES OF THE PLANNING BOARD IN COMMUNITY DEVELOPMENT
 - Thursday, May 22, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 6: ZONING BOARD BASICS: ROLES OF THE ZONING BOARD IN COMMUNITY DEVELOPMENT
 - Thursday, June 26, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 7: SOAKING UP THE SUN – SOLAR AND BATTERY STORAGE AND THE LOCAL REVIEW PROCESS
 - Thursday, July 24, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 8: PUTTING THE HOME IN HOMETOWN – STRATEGIES FOR ATTRACTING HOUSING INVESTMENT TO YOUR COMMUNITY
 - Thursday, September 25, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 9: SHORT, BUT NOT TOO SHORT – HOW SHORT-TERM RENTALS ARE CHANGING THE DEVELOPMENT AND REGULATORY LANDSCAPE
 - Thursday, October 23, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 10: SANTA’S NAUGHTY and NICE LIST— THE BEST AND WORST OF 2025
 - Thursday, December 18, 2025 – 6:00 PM – 7:00 PM; (Remote)

NYSDOS Local Government Training Schedule

- Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SEQR

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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%3A2236

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

18. Adjournment:

Board Motion: To Adjourn at 8:52PM. **Motion made by:** Burch Craig, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 10, No 0, Abstained 0. **The Motion** passed.

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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)