

# ONTARIO COUNTY PLANNING BOARD

Wednesday, March 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](http://www.ontariocountyny.gov/97/Planning)

## 1. Call to Order

Chair Passavant called the Wednesday, March 12, 2025 Ontario County Planning Board meeting to order at 7:00PM.

## 2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Terri Brown

Ruth Cahn

Burch Craig

Roslyn Grammer

Stephen High

Paul Lambiase

Edward (Ted) Liddell

A.J. Magnan

Chris Mergler

Leonard Wildman

Ryan Wilmer

Tammy Worden

Dan Crowley

Present Not Voting:

Jack Dailey

Bessie Tyrrell

Absent: none

Excused:

Robert Parmenter, Mike Woodruff

Present, Voting 14; Present, Not Voting 2; Absent 0; Excused 2

Guests: Brian Mahoney (Canandaigua Development Co.; 29-2025), Linc Swedrock (BME Associates; 40.0-2025 & 40.1-2025), Hayden Woods (Bohller Engineering; 48-2025)

## 3. Approval of Minutes:

Ruth Cahn motioned to approve the minutes of the February 12, 2025. The motion was seconded by Edward (Ted) Liddell. The motion passed.

#### 4. New Business:

#### 5. City of Canandaigua

**29-2025 (Class 2/A)** Map Amendment to rezone a 27.4-acre parcel from R1-B (Single Family Residential) to PUD (Planned Unit Development) - at 156 Stewart Place, just south of the City/Town of Canandaigua municipal boundary, in the City of Canandaigua.

**Municipality:** City of Canandaigua  
**Referring Board:** City Council  
**Applicant:** City Council, City of Canandaigua  
**Application Type:** Map Amendment  
**Class:** Class 2/A  
**Property Information (Address & ID):** 71.09-3-37.111; 71.09-2-47.000

##### **Description & Review Comments:**

The subject (vacant) parcels lie in the northeast corner of the City of Canandaigua, less than a quarter mile west of Canandaigua Academy. This subdivision/Planned Unit Development (PUD) includes lots totaling 27.6 acres behind homes on North Road between Cayuga Street on the west and Tamarack Drive on the east and connecting to Stewart Place and Kennedy Street to the west and south.

The City of Canandaigua PUD process establishes the City Council as the SEQR lead agency and source of final approval of extent and development density of PUD area. The process also requires review and recommendation of a site plan by the City Planning Commission, city staff, and County Planning Board. Following approval of the sketch plan by City Council and related change to the City Zoning Map, the project requires preliminary and final site plan approval by the Planning Commission and a statement of consistency with the approved sketch plan by City Council. The PUD process includes provisions that a subdivision plat for filing in the office of the Ontario County Clerk shall be prepared and filed without need for separate subdivision plat review.

The site was referred before in 2021 (23-2021) and in 2023 (171-2023). In 2023, the project included 34 duplexes with the remaining 66 units in buildings of 4 to 6 units (density of 5 units per acre). The project currently proposes 79 lots (roughly 3 units per acre) for single-family homes. Work will be completed in three phases. The homes will be approximately 1,700 to 2,300 SF in size with attached 2-car garages. The homes will be a mix of 3-4 bedroom dwellings. Intended market structure is middle income.

The project will include 3 points of access to the existing street system: North Road, Kennedy Road, and Stewart Place. Internal roadways, sidewalks, and utilities within the R.O.W. is approximately 4.7-acres. The applicant requests an exemption to permit sidewalks on one side of the street only. The development will connect to the public water and sewer system, provide

sidewalks along 1 side of each proposed road, and street lighting. 92 Sugar Maples and 17 Skyline Honeylocust trees are proposed along the roadway.

The proposed project will disturb 22 of the 27.6 acres on the site. OnCor indicates the site soils are predominately Lakemont Silty Clay Loam: poorly drained, partially hydric, moderately low permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group D. There is little to no slope on the parcels (0-3% gradient), except for some steep slopes (16-30% gradient) running along the stream that goes through the center of the site. There are no wetlands on the project site; there is a NYSDEC wetland to the south (according to OnCor). A stream runs through the center of the parcel. OnCor also indicates the 27.4-acre parcel is in Ontario County Agricultural District #1 as well as some adjacent parcels to the north. Surrounding land use is all residential, except for an athletic field directly to the south.

Existing drainage sheet flows to a swale in the center of the property. This basic flow pattern will be maintained with the addition of 5 separate bioretention areas to control water quality and quantity impacts of development.

The applicant representative was present for the March 2025 CRC Meeting and provided additional comments:

- The R1-B zoning district allows for the lot sizes proposed, but because they are single-family (and not duplexes), PUD rezoning is required.
- Street lights and trees are proposed along the street frontage.
- They are asking for relief from the City's walkability requirement of having sidewalks on both sides of the street. The applicant is proposing granite curbing in order to match the character of the existing neighborhoods. The applicant also mentioned that existing sidewalks on Stewart Pl. and Kennedy St. are only located on one side of the street. Crosswalks are proposed at the Stewart Pl./Kennedy St./Maple Ln. intersection (by the proposed cul-de-sac).
- Sidewalks will connect to the existing sidewalks along North Rd. where the proposed road entrance/exit is.
- The entire project (all 3 phases) is projected to be completed in about 2 years.
- The homes will be all electric, or will be a combination of electric and natural gas. They have confirmed with the utility providers that sufficient energy capacity will be available for the site.
- Homes are to be affordable (although not subsidized), with smaller floor plans with modest finishes costing around \$300,000.
- There is no HOA intended for the stormwater management facilities. They will be maintained by the City of Canandaigua.
- The site will have pick-ups from (Canandaigua City School) buses in the proposed development. The roads are adequately sized (meeting turning radius requirements) for school buses and emergency vehicles. The roads are to be dedicated to the City of Canandaigua.

The applicant representative was present for the March 2025 CPB Meeting and provided additional comments:

- The applicant is discussing/working on drainage concerns with the City of Canandaigua - more details will come back when this project is re-referred to the County for site plan review.

- The applicant has worked with the energy utilities and has confirmed electricity is available, availability of gas will depend on project timeline and implementation timeline for NYS regulations on expansion of natural gas distribution network and appliance sales.
- The new homes will have high energy efficiency, higher than what is currently mandated by building code (energy star 3.1 standard).

### **Relevant February 2021 Comments**

1. The intent statement and objectives of the Planned Unit Development article of the City of Canandaigua zoning code indicate the flexible standards are intended so that neighborhoods can incorporate a variety of residential types and tenure and encourage innovation to meet the demand for housing at all economic levels. All the units proposed in this PUD are single family homes on similar sized lots.
2. Any City Council authorizing resolution should include a timeframe for starting and completing the project as proposed and a provision that the property will revert to the current R-1-B zoning if not undertaken.

### **Relevant September 2023 Comments**

1. Are all lands outside the building foot print owned by the HOA?
2. Will the project incorporate provision for collection of household and common area organic waste?
3. If the property has been receiving an agricultural value exemption, conversion penalties will apply.

### **September 2023 CRC Comments**

1. How will adjacent parcel 71.09-3-10 continue to have access to a public street?
2. Is cul-de-sac sized for school bus and larger emergency vehicles?

### **September 2023 OCPB Comments**

1. There already seem to be flooding / stormwater runoff issues in this area. Will the stormwater mitigation be sufficient for the amount of construction proposed?
2. It is commended by the Board that this project is trying to meet the goals of the City of Canandaigua Comprehensive Plan in regards to creating more diverse and affordable housing.

### **Comments**

1. In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning housing developments of 10 or more units or other developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.

<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>

[https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form\\_2024](https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024)

2. Stormwater management facilities appear to be located on private lots. Who will be responsible for maintenance of these facilities? Will they be dedicated to the City? In any case, the City should be granted an access easement to allow emergency maintenance.
3. Is piped portions of the stream sized to accommodate high intensity storms.? The referring body should confirm the design of the proposed stormwater management facilities are based on the updated 2024 NYS Stormwater Design Manual. The applicant should also be required to explain how the system will function in the face of more frequent, higher intensity storms (plus 20 percent) as anticipated by the Design Manual due to climate change. As specified in the Design Manual, to the extent practicable and achievable, construction activities should be designed and built to account for the projected climate change impacts which will occur over the lifetime of the stormwater management facilities. There are existing water management issues on the site, and adjacent areas are already developed with limited opportunities to expand stormwater management systems. Therefore, it is particularly important that new development does not overburden downstream areas.

### **OCSWCD Comments**

1. Can grading and vegetation be stage to coincide with Phased development?
2. Drainage swale has 791ft elevation throughout which will not facilitate water flow. No outlets are indicated so is this swale meant to retain water?

### **CRC Comment**

1. The board commends the applicant for helping to increase the stock of modest size housing options that can be delivered at a lower price point than larger units.

### **Attachments:**

1. Aerial
2. PUD Application Report - 39 pages
3. PUD Sketch Plan

**Board Motion:** To retain referral 29-2025 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by:** Ryan Wilmer, **seconded by:** Leonard Wildman. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

## **6. Town of Bristol**

**30-2025 (Class 1)** Area Variances (2) to construct a new single-family residence on a currently vacant parcel – at 6591 Day Road in the Town of Bristol. Area Variances are for: (1) front (northern) setback of 17.1 ft. when 57.9 ft. is required, and (2) a side (southern) setback of 25 ft. when 50 ft. is required.

|                          |                                    |
|--------------------------|------------------------------------|
| <b>Municipality:</b>     | Town of Bristol                    |
| <b>Referring Board:</b>  | Zoning Board of Appeals            |
| <b>Applicant:</b>        | Timothy Cassidy & Kimberly Edwards |
| <b>Application Type:</b> | Area Variance                      |
| <b>Class:</b>            | Class 1                            |

**Property** 124.00-2-39.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

Subject parcel is 4.8-acres. Proposed disturbance is 0.29-acres. The applicant mentions that the area variances are being requested in order to avoid disturbance in steep slopes.

According to OnCor:

- Subject and surrounding parcels are in the Ontario County Agricultural District #1.
- Land Cover is predominately successional southern and northern hardwoods.
- Land use is currently residential vacant. Surrounding land uses are predominately residential.
- Project site is in steep slope areas (16-30% gradient). Soil disturbed is predominately Lansing Silt Loam (not hydric, moderately high permeability, high erodibility, is not prime farmland, and is in hydrologic soil group B).

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 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.

See submitted Area Variance Test Questions (in posted documents).

**Attachments:**

1. Aerial
2. Site Plan
3. Full Plans
4. ZBA Test Questions

5. ZBA App
6. SEAF

**Board Motion:** To retain referral 30-2025 as a class 1 and return to the local board with comments. **Motion made by:** Ryan Wilmer, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 1. Abstain: A.J. Magnan. **The motion:** Passed.

## 7. Town of Canandaigua

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**31-2025 (Exempt)** Site Plan to construct a 2,400 SF single-family home on a currently vacant lot - at 4080 Cramer Rd. in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Applicant:** Greg Wojcik  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information**  
**(Address & ID):** 111.00-1-25.000

**Description & Review Comments:**

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

**Attachments:**

1. Aerial
2. Site Plan
3. Survey
4. Ag Data Statement
5. Soil Erosion and Sediment Control Application
6. SEAF
7. ZLD
8. recorded deed
9. PB App

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**32.0-2025 (Class 1)** Area Variance (for a driveway 0 ft. from the side property line when a minimum of 10 ft. is required) and Site Plan to construct a single-family home on a currently vacant lot - at Latting Rd. (TM# 57.00-1-7.120) in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Zoning Board of Appeals  
**Applicant:** Hunter Reid  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property Information**  
**(Address & ID):** 57.00-1-7.120

**Information  
(Address & ID):**

**Description & Review Comments:**

Subject Parcel is 15-6-acres. Disturbance is estimated to be 0.8-acres. Proposed driveway is located along the eastern edge of the parcel (parcel with proposed home). The driveway gains access to Latting Road via an adjacent parcel (also owned by applicant) – which is located in a different municipality (T. Hopewell). The proposed home has a 210 ft. front setback and 60 ft. side setback. Septic / a Leach field is proposed just south of the home. A well connection is proposed to come from the east. There will be an underground electric service.

The applicant mentions that the variance request is necessary because there is no other location in which to access the lot.

Submitted documents indicate that the application is incomplete (per T. Canandaigua Zoning Law Determination):

- Application sign-off must be completed by the current property owner.
- Existing Conditions:
  - Rear building setback line is missing.
- Proposed Conditions:
  - Rear and side building setback line is missing.
  - Driveway side setback lines are missing.
  - Driveway length is missing.
  - Square footage of dwelling is missing.

According to OnCor:

- Subject and surrounding parcels are all in Ontario County Agricultural District #1.
- Subject land use is residential vacant. Surrounding land uses are agricultural (east and west) and residential (north and south).
- Area disturbed is successional old field. A stream and Silver Maple Ash Swamp occupies the western boundary of the parcel.
- There is gentle to no slope on the parcel (0-9% gradient).
- Soil disturbed is Schoharie Silty Clay Loam (not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group D).

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 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.

See submitted Area Variance Test Questions (in posted documents).

### **CRC Comments**

1. Is there an existing/proposed access and maintenance easement to provide farm access to the adjacent property to the east? If the driveway is shared, will it be designed for the weight/size of large agricultural vehicles?
2. Is the Town of Hopewell / Hopewell Highway Dept. aware of the project (location of proposed driveway)? Will an area variance be need in the T. of Hopewell for driveway side setbacks?
3. The applicant should establish/maintain a vegetative buffer to the east in order to minimize potential issues/complaints about the adjacent allowable agricultural use.

### **Attachments:**

1. Aerial
2. Full Plans
3. survey
4. ZBA Test Questions
5. PB ZLD
6. ZBA App
7. DEED
8. ZBA ZLD
9. SEAF
10. PB App

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**32.1-2025 (Exempt)** Area Variance (for a driveway 0 ft. from the side property line when a minimum of 10 ft. is required) and Site Plan to construct a single-family home on a currently vacant lot - at Latting Rd. (TM# 57.00-1-7.120) in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board

|                                                 |                                   |
|-------------------------------------------------|-----------------------------------|
| <b>Applicant:</b>                               | Jonathan Jones, Marks Engineering |
| <b>Application Type:</b>                        | Site Plan                         |
| <b>Class:</b>                                   | Exempt                            |
| <b>Property Information (Address &amp; ID):</b> | 57.00-1-7.120                     |

**Description & Review Comments:**

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

**Attachments:**

None

**33.0-2025 (Class 1)** Area Variance and Site Plan (to construct a single-family home) for a proposed lot line adjustment creating a lot width of 81.27 ft. when a minimum of 125 ft. is needed - at 4594 County Road 4 in the Town of Canandaigua.

|                                                 |                                  |
|-------------------------------------------------|----------------------------------|
| <b>Municipality:</b>                            | Town of Canandaigua              |
| <b>Referring Board:</b>                         | Zoning Board of Appeals          |
| <b>Applicant:</b>                               | Brennan Marks, Marks Engineering |
| <b>Application Type:</b>                        | Area Variance                    |
| <b>Class:</b>                                   | Class 1                          |
| <b>Property Information (Address &amp; ID):</b> | 71.00-1-44.200                   |

**Description & Review Comments:**

A proposed lot line adjustment between Lot 1 (TM# 71.00-1-44.100) and Lot 2 (TM# 71.00-1-44.200) will result in a road width frontage of 81.27 ft. and 121.64 ft., respectively. The lot line adjustment would make Lot 1's road width smaller, and Lot 2's wider. Lot 1 is a pre-existing non-conformity with a current width of 102.91 ft. Due to the pre-existing non-conformity being increased, the Planning Board will need to review and make recommendations to the Zoning Board of Appeals.

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 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. See submitted Area Variance Test Questions (in posted documents).

### CRC Comments

1. Is there any access/easement agreement for the shared driveway?
2. Is an area variance needed for the driveway side setback?

### Attachments:

1. Aerial
2. Full Plans
3. Survey
4. ZBA Test Questions
5. ZLD
6. ZBA App
7. SEAF
8. PB App

### CPB Comment

1. Is there an existing/proposed access and maintenance easement for the shared driveway?

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**33.1-2025 (Exempt)** Area Variance and Site Plan (to construct a single-family home) for a proposed lot line adjustment creating a lot width of 81.27 ft. when a minimum of 125 ft. is needed - at 4594 County Road 4 in the Town of Canandaigua.

|                            |                                  |
|----------------------------|----------------------------------|
| <b>Municipality:</b>       | Town of Canandaigua              |
| <b>Referring Board:</b>    | Planning Board                   |
| <b>Applicant:</b>          | Brennan Marks, Marks Engineering |
| <b>Application</b>         | Site Plan                        |
| <b>Type:</b>               |                                  |
| <b>Class:</b>              | Exempt                           |
| <b>Property</b>            | 71.00-1-44.200                   |
| <b>Information</b>         |                                  |
| <b>(Address &amp; ID):</b> |                                  |

### Description & Review Comments:

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

**Attachments:**

None

**34-2025 (Class 1)** Area Variances to place an accessory generator: (1) 13 ft. from the rear property line when 15 ft. is required, and (2) 10 ft. from the side property line when 15 ft. is required - at 8012 Arbour Hill Trail in the Town of Canandaigua.

**Municipality:** Town of Canandaigua  
**Referring Board:** Zoning Board of Appeals  
**Applicant:** Sabrina Martin, Home Power Systems  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property** 112.19-1-50.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The proposed generator location requires a rear and side setback variance in order to be installed according to safety/code requirements for the house. The residence is the southern half of a duplex. Roughly 20 ft. of space lies between the house and the rear parcel line. The south side setback is 9.1 ft. The rest of the residence lies on / directly adjacent to the parcel lines (front, north side). Location of the proposed generator is on an area of gentle to no slope (0-9% gradient). The generator is proposed in the southeast corner of the lot (back yard), away from the residence to the north. Subject and nearby parcels on Arbour Hill Trail are all residential, with vacant residential land surrounding.

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 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.

See submitted Area Variance Test Questions (in posted documents).

**Attachments:**

1. Aerial
2. Sketch
3. ZBA Test Questions
4. ZLD
5. ZBA App

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

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**35-2025 (Exempt)** Local Law Update: Town Code text amendment to §45 Cemeteries and Monuments.

**Municipality:** Town of Canandaigua  
**Referring Board:** Town Board  
**Applicant:** Town of Canandaigua  
**Application Type:** Local Law  
**Class:** Exempt  
**Property Information (Address & ID):** NA

**Description & Review Comments:**

Exempt

**Attachments:**

1. Memo
2. Proposed Changes - Final Draft
3. Proposed Changes - Redline Draft
4. SEAF

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**36-2025 (Class 2/A)** Text Amendment(s): three separate local law updates to Chapter §220-21 RLD, regarding: (1) to §220-21(C)(1) Detached Garages, (2) to §220-21(C)(3) Generators, and (3) to §220-21(D)(3) Bisected Lots.

**Municipality:** Town of Canandaigua  
**Referring Board:** Town Board  
**Applicant:** Town of Canandaigua  
**Application Type:** Text Amendment  
**Class:** Class 2/A  
**Property Information:** NA

**Information  
(Address & ID):**

**Description & Review Comments:**

1. §220-21(C)(1) Detached Garages

- Detached private garages in the RLD are currently limited to a maximum of 900 square feet in area. This update will remove that size limit. Proposed projects will still be required to comply with regulations governing maximum building and lot coverage in the RLD.

2. §220-21(C)(3) Generators

- Town Code currently allows lots in the RLD zoning district to have a total of two accessory buildings/structures: one detached private garage and one additional structure. Because Town code includes generators as one type of accessory structure, many homeowners must choose between a generator and a shed or pool or other accessory structure.
- This update will specifically permit homeowners to propose the placement of one generator in the RLD without it counting towards the two total accessory buildings/structures. Proposed projects will still be required to comply with regulations governing maximum building and lot coverages and setbacks in the RLD.

3. §220-21(D)(3) Bisected Lots

- The purpose of this new section is to prevent excessive impervious coverage on parcels in the RLD abutting Canandaigua Lake, specifically on the lakeside portion of a lot that is divided by a public or private right-of-way. The change would limit new impervious coverage on the lakeside portion of a divided lot to 50% maximum coverage. Total coverage for the entire lot would be subject to existing requirements for lot coverage as specified in §220 Attachment 1 - Schedule I.
- This change will also require any project involving the tear-down and rebuild of a single-family home to limit the proposed building coverage percent to what previously existed for the demolished home. The proposed law would also prohibit any increase of pre-existing nonconformities.

**Attachments:**

1. Memo
2. Final Draft
3. Redline Draft
4. SEAF

**Board Motion:** To retain referral 36-2025 as a class 2 and return to the local board with recommendation for approval. **Motion made by:** Chris Mergler, **seconded by:** Tammy Worden.  
**Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**8. Town of Farmington**

**37.0-2025 (Class 1)** Special Use Permit renewal for an existing telecommunications tower - at 4804 Kyte Rd. in the Town of Farmington. In addition, a preliminary subdivision is proposed to subdivide the 28.3-acre parent parcel, excluding the Kyte Rd. right-of-way, into 4 separate parcels (1 containing the telecommunications tower, and 3 for future residential use).

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Applicant:** Tim Mattice 1014 Dominion Dr Katy Texas 77450  
**Application Type:** Special Use Permit  
**Class:** Class 1  
**Property Information (Address & ID):** 31.00-1-61.000

**Description & Review Comments:**

In 2007 Farmington approved construction of a 155' monopole telecommunications tower within a 100'x 100' leased area. Based on documentation provided in the referred application materials, the tower was sized to accommodate 3 carriers. In 2009, the Town approved the addition of a 2nd carrier, however, there is currently only 1 carrier with equipment on this tower. At the time of the original special use permit application, the term was 5-years which aligned with the renewal frequency of the telecommunication equipment license. The special use permit term is now 2-years.

The existing tower setbacks are 161' to the north property boundary with the NYS Thruway and 175' to the west proposed property boundary. Additional dimensions are not provided on the site plan, however, it appears a similar setback is available to the property line to the east. Also minutes from the 2007 approval indicate there was a 396 setback from Kyle Road, which seems to have been increased by 32', and a 360' setback to any existing shelter.

The proposed subdivision plat includes Lot 1, a 9.9 acre lot, at the northeast corner of CR 28 and Kyte Road with an existing home and barn 60' or more from Kyte Road and 95 feet from proposed lot line. Lot 2 is 5.3 acres and includes the tower site. Lot 3 is 6.4 acres with the front 2/3s of the property in the NYS DEC wetland check zone. Lot 4 is 6.8 acres on the southeast corner of CR 28 and Kyle Road.

No percolation test were completed and the subdivision plat indicates proposed lots are not approved building lots. The property is zoned A-80 which requires a minimum lot size of 80,000 square feet. The proposed lots meet the lot size requirement.

According to OnCor, there is a stream and a wetland in the northwest corner of the property. The wetland area is identified as a NYSDEC wetland on the subdivision plat. There are no floodplain or steep slope areas on the property. There are 4 homes on lots of .18, 2.2, 2.2, and 8 acres adjacent to the property along CR 28. All other adjacent properties are in Ontario County Agricultural District #1, though there are two additional single family homes along Kyte Road to the east.

Nine of the total 28.3-acre site is currently leased for farming by a nearby farmer; OnCor indicates this is primarily on proposed Lot 3 and along the eastern portion of Lot 2, the tower site. The rear 1/3 of Lot 3 is prime farmland, the front 2/3 are farmland of statewide importance.

## Comments

1. Does the proposed subdivision plan appropriately balance desirability of maintaining land in agricultural use and ensuring a safe fall zone around the tower? It appears continued lease of the 9 acres farmed could require leases with two property owners.
2. Is the existing lighting an L 810 double obstruction light as currently required by Town Code in the event lighting is requested by Mercy Flight?
3. When was the last equipment update completed and was a structural assessment completed at that time?
4. Has the referring body confirmed the presence of back-up power as required by the current Town code?
5. Is there room in the existing 350 SF equipment building for equipment for additional carriers? If not the Town's 400 SF limit may limit the attractiveness of this tower for co-location due to the need for an area variance. If the Planning Board has authority to waive special use permit requirements, it may be appropriate to increase the maximum allowable equipment building size in conjunction with this SUP application.
6. Is a 2-year permit term necessary given the compliance of the applicant and the enforcement resources of the Town?

## Attachments:

1. Aerial
2. Prelim Subdiv Plat
3. Site Plan
4. Farmington - Planning Board Minutes 2007
5. LOI
6. Submittal Letter
7. PB App
8. Correspondence
9. Ag Data Statement
10. SEAF

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**37.1-2025 (AR1)** Special Use Permit renewal for an existing telecommunications tower at 4804 Kyte Rd. in the Town of Farmington. In addition, a preliminary subdivision is proposed to subdivide the 28.3-acre parent parcel, excluding the Kyte Rd. right-of-way, into 4 separate parcels (1 containing the telecommunications tower, and 3 for future residential use).

|                          |                                               |
|--------------------------|-----------------------------------------------|
| <b>Municipality:</b>     | Town of Farmington                            |
| <b>Referring Board:</b>  | Planning Board                                |
| <b>Applicant:</b>        | Tim Mattice 1014 Dominion Dr Katy Texas 77450 |
| <b>Application Type:</b> | Subdivision                                   |
| <b>Class:</b>            | AR1                                           |
| <b>Property</b>          | 31.00-1-61.000                                |

**Information  
(Address & ID):**

**Description & Review Comments:**

See description of existing conditions and proposed subdivision at 37.0-2025.

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

The intent of this policy is to:

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

**Final Classification: Class 1**

**Findings**

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
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 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 American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
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 subdivision 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.

**Comments**

1. 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.
2. The applicant and referring agency should ensure that the sight distances and spacing for the future driveways can comply with local standards and standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The referring agency is also encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
4. The applicant and referring agency are also strongly encouraged to involve 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.
5. The applicant and referring agency are strongly encouraged 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:**

None

**38.0-2025 (Class 1)** Special Use Permit and Site Plan for a 1.75-acre expansion of a parking lot (for the display of vehicles) at an existing commercial RV (Meyers RV) business – at 6200 SR96 in the Town of Farmington.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Applicant:** Meyers RV of Farmington  
**Application Type:** Special Use Permit  
**Class:** Class 1  
**Property Information (Address & ID):** 29.00-1-70.110

**Description & Review Comments:**

The board previously reviewed the development of the Meyers RV site, a lot line adjustment to include additional purchased property to the north, and rezoning of the additional property from RMF Residential-Multi-family to GB General Business. The current referral is to develop a 1.75 acre gravel parking area to expand the inventory/display area. The additional display area will replace the existing wooded area and accommodate 83 vehicles. The total number of vehicles will remain within the 250-vehicle limit of the existing special use permit. The modification does not require changes to business operations and no new curb cuts or water or sewer infrastructure are proposed.

The proposed site plan includes stormwater modifications and associated grading and erosion control and stormwater pollution prevention plan modifications. There is a proposed stormwater management facility along the new northern property line and 4 proposed bio-retention areas along the northern edge of the gravel display area and near the proposed access connection between the existing and proposed display areas. The fence along Mertensia Road will be 4 feet and the fence along the northern property boundary will be 6 feet. Fencing will include wood and chain link segments. The Mertensia Road fence will be within the 20' sidewalk easement granted to the Town.

Some woods will remain along the western half of the project site and 2 maple and 3 service berry trees will be planted along Mertensia Road and 11 spruce trees, 10 shrubs, and 39 sedge and iris perennials will be planted along the top of the stormwater management facility. There are additional woods to the north on the adjacent site located between the lot line and the access driveway. There also appear to be 2 streetlights along Mertensia Road and 3 along the northern edge of the proposed gravel parking area.

**OCSWCD Comments**

1. The SEAF (#17) indicates stormwater discharge will not flow to adjacent properties.

Grading and Erosion Control Plan indicates an emergency spillway leading onto an adjacent parcel. Full SWPPP should include design plans for the neighboring Stormwater Management Facility.

2. Are bioretention underdrains connected to the stormwater conveyance system?

**Attachments:**

1. Aerial
2. Site Plan w Aerial
3. Full Plans - 11 pages
4. PB App
5. Submittal Letter
6. SEAF

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

---

**38.1-2025 (Class 1)** Special Use Permit and Site Plan for a 1.75-acre expansion of a parking lot (for the display of vehicles) at an existing commercial RV (Meyers RV) business – at 6200 SR96 in the Town of Farmington.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Applicant:** Meyers RV of Farmington  
**Application Type:** Site Plan  
**Class:** Class 1  
**Property Information (Address & ID):** 29.00-1-70.110

**Description & Review Comments:**

See 38.0-2025.

**Attachments:**

None

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

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**39-2025 (Class 1)** Site Plan Amendment for a 7,200 SF commercial (textile business) pole barn - at 1067 Gateway Dr. in the Town of Farmington.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board

**Applicant:** Decal, LLC  
**Application Type:** Site Plan  
**Class:** Class 1  
**Property Information (Address & ID):** 29.00-1-1.210

**Description & Review Comments:**

The 3.9 acre site is currently developed with a building for a textile recycling use. Site access is off Gateway Drive. The proposed new building will be located east of the existing building. The 0.6 acre area of disturbance does not include existing on or off-site buffer vegetation along SR 334 or existing vegetation along other adjacent roadways. There are no slope, wetland, or floodplain constraints on the property.

Adjacent uses include SR 332 to the east, an industrial use to the south across Plastermill Road, an apartment complex across Gateway Drive to the west, and a vacant Industrial zoned site to the north.

**Comment**

1. The site plan lists the parcel acreage as 3.827 while OnCor lists the property as 3.935 including a small area south of Plastermill road adjacent to the SR 332 right-of-way.

**Attachments:**

1. Aerial
2. Site Plan
3. Landscaping Plan
4. Full Plans
5. Layout and Elevations
6. PB Resolution
7. MTOD and MSOD Site Design Guidelines
8. No Impact Letter
9. PB App
10. Engineer Response Letter
11. SEAF

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**40.0-2025 (Class 1)** Preliminary Site Plan and Re-subdivision to construct a 38,600 SF office building and adjoining 25,000 SF (Industrial/Manufacturing) warehouse with related site improvements - at 6100 Loomis Rd. and 9 additional contiguous parcels, just north of Loomis Rd., in the Town of Farmington.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Applicant:** T&M Properties of WNY, LLC  
**Application Type:** Site Plan

|                            |                                                                 |
|----------------------------|-----------------------------------------------------------------|
| <b>Class:</b>              | Class 1                                                         |
| <b>Property</b>            | 17.00-1-67.010; 17.00-1-67.100; 17.00-1-67.200; 17.00-1-67.300; |
| <b>Information</b>         | 17.00-1-67.400; 17.00-1-67.500; 17.00-1-67.600; 17.00-1-67.700; |
| <b>(Address &amp; ID):</b> | 17.00-1-67.800; 17.00-1-67.900                                  |

**Description & Review Comments:**

The project site was previously approved for development as an industrial park with ten 2 to 4 acre sites. Prior to that, portions of the site were mined for gravel. The current referral proposes consolidating the 10 lots of the industrial park into a single lot. The site plan indicates a similar access point from Loomis Road, a private road built to Town dedicatable standards, and development on the eastern 1/3 of the consolidated site.

The site plan includes a 38,600 SF single-story building with 25,000 SF of warehouse space (construction company) with loading docks facing a loading area along the eastern property boundary and 13,700 SF of industrial/manufacturing space to the north. The site plan also shows a 9,000 SF addition to the east of the proposed industrial building and north of the asphalt loading area. The site plan also includes 8 truck parking spaces by the loading area (labeled equipment storage area) and 58 employee and customer parking spaces with 4 light poles north and west of the industrial building and main entrance on the west facade. Building-mounted lighting is proposed on the east, west, and south sides of the warehouse building.

The site plan labels the area to the west of the proposed private road as a future development area, though this area is included within the area of disturbance and the grading plan includes a note about fill compaction in the pavement area. It is not clear whether fill will be removed from or placed in the future development area during proposed site modifications.

The project includes a 20 ft. deep stormwater management facility and landscaping along the southern property boundary adjacent to existing residential lots on Loomis Road and a light pole and monument sign at the project entrance. No fence around the SWMF is proposed. There is also landscaping along the proposed road and around the north and west sides of the industrial building foundation. The stormwater management analysis includes analysis based on development of the proposed road and buildings only and for full site development with 65 percent lot coverage or 14.7 acres of impervious area. More SWMFs will be created if development/expansion occurs to the west.

The Engineers Report indicates proposed infiltration basin will be included in the geotechnical analysis and provided to the Town. Based on test pits examined for the previous plan, the site consists of permeable sandy soils with pockets of fill materials. The Engineers report indicates the stormwater system has been designed based on infiltration rate of 2" per hour, though rates may be as high as 10" per hour.

The applicant representative was present at the March 2025 CPB Meeting and provided the following information:

- An oil/water separator is proposed to protect from spills.
- No fuel tanks will stored on-site.
- The majority of heavy equipment used by the company will be stored at nearby property.
- They are working with the utility companies to confirm electricity availability - but it has not yet been confirmed.

**OCSWCD Comments**

1. Proposed concrete washout must be 100 ft. from storm drain inlets.
2. Consider using Phosphorus-free fertilizer unless a soil test indicates it is required.

**CRC Comment**

1. The referring board should consider additional landscaping on the northern side of the parcel for both visual appeal for employees as well as to shield traffic on I-90 from vehicle headlights in the proposed parking lot.

**Attachments:**

1. Aerial
2. Site Plan
3. Landscaping Plan
4. Grading Plan
5. Tax Map
6. Subdiv Plat
7. Full Plans - 14 pages
8. Submittal Letter
9. PB App
10. Floor Plan
11. Ag Data
12. FEAF - 15 pages
13. Engineers Report - 166 pages

**Board Motion:** To retain referrals 40.0-2025 and 40.1-2025 as class 1's and return to the local board with comments. **Motion made by:** Roslyn Grammer, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**40.1-2025 (Class 1)** Preliminary Site Plan and Re-subdivision to construct a 38,600 SF office building and adjoining 25,000 SF (Industrial/Manufacturing) warehouse with related site improvements - at 6100 Loomis Rd. and 9 additional contiguous parcels, just north of Loomis Rd., in the Town of Farmington.

|                            |                                                                |
|----------------------------|----------------------------------------------------------------|
| <b>Municipality:</b>       | Town of Farmington                                             |
| <b>Referring Board:</b>    | Planning Board                                                 |
| <b>Applicant:</b>          | T&M Properties of WNY, LLC                                     |
| <b>Application</b>         | Subdivision                                                    |
| <b>Type:</b>               |                                                                |
| <b>Class:</b>              | Class 1                                                        |
| <b>Property</b>            | 17.00-1-67.010; 17.00-1-67.100; 17.00-1-67.200; 17.00-1-       |
| <b>Information</b>         | 67.300; 17.00-1-67.400; 17.00-1-67.500; 17.00-1-67.600; 17.00- |
| <b>(Address &amp; ID):</b> | 1-67.700; 17.00-1-67.800; 17.00-1-67.900                       |

**Description & Review Comments:**

See 40.0-2025.

**Attachments:**

None

**Board Motion:** To retain referrals 40.0-2025 and 40.1-2025 as class 1's and return to the local board with comments. **Motion made by:** Roslyn Grammer, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**41-2025** Referral Does Not Exist. It was a part of 37.0-2025 and was incorrectly assigned a referral number.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Applicant:** TBA  
**Application Type:** Subdivision  
**Class:** TBA  
**Property** 31.00-1-61.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

NONE

**Attachments:**

None

## 9. Town of Gorham

**42.0-2025 (Exempt)** Subdivision (of a 1.98-acre parcel from a 157.0-acre parent parcel) and Site Plan for the construction of a single-family home - at 4091 Middle Rd. in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Hayley Oaks  
**Application Type:** Subdivision  
**Class:** Exempt  
**Property** 113.00-1-41.200  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

Exempt (See Exemption #11 of Appendix B of the OCPB Bylaws).

**Attachments:**

1. Subdivision Plat
2. Site Plan

## Approved Minutes

3. Full Plans
4. PB Apps
5. SEAF

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**42.1-2025 (Exempt)** Subdivision (of a 1.98-acre parcel from a 157.0-acre parent parcel) and Site Plan for the construction of a single-family home - at 4091 Middle Rd. in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Hayley Oaks  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information (Address & ID):** 113.00-1-41.200

**Description & Review Comments:**

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

**Attachments:**

None

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**43-2025 (Exempt)** Site Plan for a tear-down / re-build of a single-family home - at 4244 SR364 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Matthew Rischpater  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information (Address & ID):** 127.11-1-37.000

**Description & Review Comments:**

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

**Attachments:**

1. Aerial
2. Site Plan
3. Layout & Elevations
4. PB App

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**44-2025 (Exempt)** Site Plan to construct 2 additions (totaling 682 SF) to an existing residence - at 4914 CR11 in the Town of Gorham.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Applicant:** Julia & Tom Insalaco  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information (Address & ID):** 141.17-1-1.000

**Description & Review Comments:**

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

**Attachments:**

1. Aerial
2. Site Plan
3. Elevations
4. Survey
5. Submittal Letter
6. PB App
7. SEAF

**10. Town of Phelps**

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**52-2025 (AR1 / Late Referral)** Site Plan to replace a current sign with a 50 SF LED digital sign - at 1943 SR14 in the Town of Phelps.

**Municipality:** Town of Phelps  
**Referring Board:** Planning Board  
**Applicant:** ASB Ventures LLC  
**Application Type:** Site Plan  
**Class:** AR1  
**Property Information (Address & ID):** 63.00-3-18.210

**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 xxx 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.

B. Applications for signs complying with local limits on size and number

**Final Classification:** Class 1

**Findings**

1. Signs that comply with local dimensional requirements will have the minimal practical level of impact on community character.

**Final Recommendation:** The CPB will make no formal recommendation to deny or approve applications for signs that comply with local limits on size and or number.

**Comments** from individual members and staff shall be so designated and sent to the referring agency.

**Attachments:**

1. Aerial
2. Survey Sketch
3. Sign Image
4. PB App
5. SEAF
6. Ag Data

**Board Motion:** To accept late referral 51.0-2025, 51.1-2025, 51.2-2025 and 52- 2025 as late referral(s). **Motion made by:** Tammy Worden, **seconded by:** Paul Lambiase. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**CPB Comment**

1. What determines the setback of a sign? The base or the edges? Is the proposed sign extending further towards (or even into) the right-of-way? Would this require an area variance?

## 11. Town of Richmond

**45-2025 (Exempt)** Area Variance for a 4 ft. tall fence in the front yard when no greater than 3 fl. is permitted - at 45 Mastin Dr., just north of Sandy Bottom Park, in the Town of Richmond.

|                             |                         |
|-----------------------------|-------------------------|
| <b>Municipality:</b>        | Town of Richmond        |
| <b>Referring Board:</b>     | Zoning Board of Appeals |
| <b>Applicant:</b>           | Jacqueline Boorman      |
| <b>Application Type:</b>    | Area Variance           |
| <b>Class:</b>               | Exempt                  |
| <b>Property Information</b> | 135.20-2-26.000         |

| (Address & ID):

**Description & Review Comments:**

Exempt (See Exemptions #1 and 3 of Appendix B of the OCPB Bylaws).

**Attachments:**

1. Aerial
2. ZBA App
3. SEAF

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**46-2025 (Exempt)** Lot Combination combining a 1.81-acre parcel (136.17-1-23.100) and a 1.78-acre parcel (136.17-1-22.000) into a single parcel - at 4859 East Lake Rd. in the Town of Richmond.

**Municipality:** Town of Richmond  
**Referring Board:** Planning Board  
**Applicant:** Samantha Kennedy  
**Application Type:** Minor Subdivision  
**Class:** Exempt  
**Property** 136.17-1-23.100 & 136.17-1-22  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

Exempt (See Exemption #11 of Appendix B of the OCPB Bylaws).

**Attachments:**

1. PB App
2. SEAF
3. Ag Data

---

**47-2025 (AR1)** Site Plan for a new tenant (educational/community center) in an existing building on an existing commercial parcel - at 8730 Main St. in the Town of Richmond.

**Municipality:** Town of Richmond  
**Referring Board:** Planning Board  
**Applicant:** Joe Cassara  
**Application Type:** Site Plan  
**Class:** AR1  
**Property** 135.20-1-14.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

**Policy AR-4:** Use of existing facilities for a permitted use with no expansion of the building or paved area.

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

**Final classification** shall be Class 1

**Findings**

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

**Final Recommendation** - The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area (Class 1).

**Attachments:**

1. Aerial
2. Survey
3. SEAF
4. PB App
5. Sign Renderings

**12. Town of South Bristol**

**51.0-2025 (Class 1 / Late Referral)** Area Variances (2) & Site Plan for a proposed 241 sq.ft. addition to a single-family home - at 6957 Granger Point Drive. The first Area Variances is for: (1) a front setback of 43.1ft. where no less than 50ft. is allowed.

**Municipality:** Town of South Bristol  
**Referring Board:** Zoning Board of Appeals  
**Applicant:** Mark Schlegel  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property** 191.17-1-7.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The subject parcel is 0.30-acres. Disturbance is proposed at 0.01-acres. The addition is single-story and to match the existing home – for a proposed master bedroom. This referral (51.0-2025) is a class 1, for a front setback area variance of 43.1 ft. when no less than 50 ft. is allowed (this area variance did not meet AR2 requirements). This is a relief upon a pre-existing non-conformity of an existing setback of 29.2 ft. The second area variance requested is for a proposed lot coverage of 31.28% when no greater than 20% is allowed (AR2 portion of the referral; 51.1-2025) – this is an expansion upon the pre-existing non-conforming (current) lot coverage of 28.98%. In addition,

the submitted documents indicate a pre-existing non-conformity exists for the front (4.7 ft.) and side setback (0.2 ft.) of the carriage house.

According to OnCor:

- Subject parcel is within the FEMA Floodway, FEMA Q3 Floodplains, and Draft 100- and 500- Year Flood Zones. Parcel is on the Canandaigua Lake shoreline.
- Soil disturbed is Guyanoga Channery Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).
- Area disturbed is mowed lawn. There is little to no slope (0-3% gradient) down towards the lake.
- Subject and all surrounding land use is residential.
- Sewer and water source is private.

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 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.

**Attachments:**

1. Aerial
2. Septic Sketch
3. Code Section
4. Site Plan
5. Images
6. Resolution
7. Layout and Elevations-11pgs
8. OCSWCD Letter
9. PB App
10. Septic Details

## Approved Minutes

11. Cert of NonC
12. AG Data Statement
13. SEAF
14. DEC Letter
15. NYSPRHP Letter
16. Floodplain App
17. ZBA App

**Board Motion:** To accept late referral 51.0-2025, 51.1-2025, 51.2-2025 and 52- 2025 as late referral(s). **Motion made by:** Tammy Worden, **seconded by:** Paul Lambiase. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**51.1-2025 (AR 2 / Late Referral)** Area Variances (2) & Site Plan for a proposed 241 SF addition to a single-family home - at 6957 Granger Point Drive. The second Area Variance is for: (2) a lot coverage of 31.28% where no greater than 20% is allowed.

|                            |                         |
|----------------------------|-------------------------|
| <b>Municipality:</b>       | Town of South Bristol   |
| <b>Referring Board:</b>    | Zoning Board of Appeals |
| <b>Applicant:</b>          | Mark Schlegel           |
| <b>Application</b>         | Area Variance           |
| <b>Type:</b>               |                         |
| <b>Class:</b>              | AR 2                    |
| <b>Property</b>            | 191.17-1-7.000          |
| <b>Information</b>         |                         |
| <b>(Address &amp; ID):</b> |                         |

### Description & Review Comments:

See description of project at 51.0-2025.

**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:**

None

**Board Motion:** To accept late referral 51.0-2025, 51.1-2025, 51.2-2025 and 52- 2025 as late referral(s). **Motion made by:** Tammy Worden, **seconded by:** Paul Lambiase. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**51.2-2025 (Exempt / Late Referral) Area Variances (2) & Site Plan for a proposed 241 sq.ft. addition to a single-family home - at 6957 Granger Point Drive.**

|                         |                       |
|-------------------------|-----------------------|
| <b>Municipality:</b>    | Town of South Bristol |
| <b>Referring Board:</b> | Planning Board        |
| <b>Applicant:</b>       | Mark Schlegel         |
| <b>Application</b>      | Site Plan             |
| <b>Type:</b>            |                       |
| <b>Class:</b>           | Exempt                |

|                                                 |                |
|-------------------------------------------------|----------------|
| <b>Property Information (Address &amp; ID):</b> | 191.17-1-7.000 |
|-------------------------------------------------|----------------|

**Description & Review Comments:**

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

**Attachments:**

None

**Board Motion:** To accept late referral 51.0-2025, 51.1-2025, 51.2-2025 and 52- 2025 as late referral(s). **Motion made by:** Tammy Worden, **seconded by:** Paul Lambiase. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

### 13. Town of Victor

**48-2025 (Class 1)** Site Plan to construct a 5,331 SF drive-thru restaurant (Chick-fil-A) with double-lane drive-thru and outdoor patio. The project is proposed on a 1.96-acre portion of land on the Eastview Mall southeast corner - at 100-1020 Eastview Mall Dr. in the Town of Victor.

|                                                 |                    |
|-------------------------------------------------|--------------------|
| <b>Municipality:</b>                            | Town of Victor     |
| <b>Referring Board:</b>                         | Planning Board     |
| <b>Applicant:</b>                               | Bohler Engineering |
| <b>Application Type:</b>                        | Site Plan          |
| <b>Class:</b>                                   | Class 1            |
| <b>Property Information (Address &amp; ID):</b> | 6.00-1-12.100      |

**Description & Review Comments:**

CFA (Chik-fil-A) proposes to develop the site with a new ±5,331 SF GFA restaurant with a double-lane drive-thru and outdoor patio area along with detached meal ordering and meal delivery canopies over the drive-thru. In addition to the drive-thru restaurant, new asphalt parking, concrete curbing\sidewalk, utilities, stormwater treatment, retaining wall, lighting, landscaping, signage and a dumpster enclosure\shed are proposed for the Project as depicted on the accompanying Site Development Plans. The project will disturb ±1.9-acres of land and the increase in impervious area is 1.0-acres within the project site area. The proposed FFE (finished floor elevation) is 692 ft. while the current elevation of the area reaches 704 ft. (requiring a 12 to 13 ft. high retaining wall). The proposed building is 28.5 ft. at the peak.

The restaurant location will be in the southeastern portion of the Eastview Mall property, just southeast of Macy's and the existing parking lot. CFA will be leasing the area from the mall and will have rights to shared parking on the north side of the internal roadway (Eastview Mall Drive).

It will be located on what is now mowed lawn with trees. The drive-thru entrance/exit will come off of the internal roadway. A total of 60 parking spaces (including 4 ADA Accessible spaces) are proposed, for 74 seats in the restaurant. There will be a total of 3 access points/drives to the restaurant.

There is no access from SR96. Directional markings and signs will circulate the cars through the parking lot/drive-thru in a counterclockwise direction. A full traffic impact study was conducted. The development is projected to add a total of 26 new trips during the weekday morning peak hour, 216 new trips during the weekday midday peak hour, 84 new trip during the weekday evening peak hour and 187 new trips during the Saturday midday peak hour.

Landscaping includes: (39) trees and (251) shrubs, in addition to grasses, groundcovers and perennials are proposed as part of this project. The CFA project will not require an area variance for green space or parking, as the "Element by Westin" hotel project (recently referred to the CPB in January 2025 as a Class 1; 11-2025) is adding 0.66 acres of green space for an overall green space at EVM of 65.63 acres. The CFA project is removing 1.0 acre of green space for an overall green space at EVM of 64.63 acres or 34.7%, which is the amount that was previously approved by the Zoning Board of Appeals with the area variance granted on September 17, 2007. The proposed CFA project will add (60) parking spaces where (134) are required by code. The overall number of parking spaces required with the hotel and CFA projects is 7,098 where 7,171 spaces are proposed. The proposed project location is within a no-build area, which was enacted in 1997 by the Planning Board. The applicant is requesting that the proposed lease area be removed from the "No-Build" area to allow for the construction of the project. New pole (24 total) mounted dark sky compliant LED site lighting fixtures are proposed to illuminate the site to provide consistent lighting levels for the parking and drive lanes, in addition to 26 building-mounted lights. The layout will minimize light spill at the property lines.

All on-site storm sewers drain to the on-site recharge basins located to the west and north of the mall development. Stormwater runoff from the new impervious and rooftop areas will be directed to new on-site catch basins which will discharge to the existing mall storm sewer system. There is an existing 10" private water main with a master meter and backflow within a vault to the north of the proposed lease area. There is also an existing 8" private watermain that is parallel to RT. 96, crosses under the southern mall access drive and services City Mattress, Lazy Boy/Stickley and BJ's. As part of the CFA project, this main will be relocated closer to the RT. 96 R.O.W. so the watermain is not in conflict with the proposed retaining wall. Proposed is a new 6" combined water service to serve the CFA facility. There is an existing gravity sanitary sewer main located south of the southern access drive. Proposed is a 4" sanitary lateral to service the building along with an exterior 1,000-gallon grease trap. Based on the proposed elevations, a pump station and force main will be required to connect to the existing gravity sewer. The force main will be directionally drilled under the southern access road.

The facility will be open ±6:30 am to ±10:00 pm Monday through Saturday and closed on Sundays. The store is open when the Drive Thru is in operations for dine-in guests as well as mobile order pick-up and guests who prefer to order inside. A typical shift will include approximately 15 team members with a 3-shift rotation throughout the day. Local waste hauling companies will be utilized for trash removal and pick-up is limited to times outside peak hours. Deliveries are typically provided 5 times a week or as needed during off peak hours as well.

The applicant representative was present for the March 2025 CPB Meeting and provided the following information:

- If traffic backs up into the internal roadway (Eastview Mall Drive), the manager will help direct traffic.
- Building the restaurant on the existing asphalt parking space was not proposed by the mall, therefore the proposed location is on the greenspace.
- The proposed drive-thru capacity (two lane of 220 ft.each) is relatively standard for a Chik-fil-a.
- If the new hotel (Marriot Element by Westin) does not get approved/constructed as planned, the proposed restaurant would need an area variance for greenspace and parking

requirements (both would be below the requirement).

- The applicant has no plans for EV charging stations. There are existing charging stations located in the Eastview Mall parking lot to the north.
- A traffic study was conducted by the applicant. DOT had no concerns.

### **Comments**

1. The submitted materials indicate that the project will require an area variance for the front setback of the meal delivery canopy which is proposed to be 51.5' where 80' is required. Will the site plan be granted conditionally, based on the approval of the area variance?
2. The submitted materials indicate that the project intends to have wall signs on all 4 sides of the proposed building (6 total). Would an area variance for number/square-footage of signs be needed? The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County. Protection of the community character along these corridors is an issue of countywide importance. Excessive signage has a negative impact on community character. If applicable, the referring board should grant the minimum variance necessary to allow identification of the business and its products.

### **CRC Comments**

1. The County Planning Board has concerns over pedestrian safety as they walk across the parking lot (across internal roadways) to the restaurant. The referring board should consider how to best minimize pedestrian/vehicle conflict.
2. The referring board has additional concerns over possible traffic issues that may occur due to increased usage of the internal road (Eastview Mall Drive). During peak hours, is there a possibility the drive-thru lane will back up into the Eastview Mall Drive entrance/internal intersection to the south?
3. The Town of Victor may want to consider reducing parking space requirements for the Eastview Mall complex in order to better utilize impervious surfaces (and to increase the amount of greenspace).
4. Are the onsite stormwater management facilities adequate given the increase of impervious surface?

### **CPB Comments**

1. The referring board should ensure the traffic study provided reflects the seasonal variability of traffic at Eastview Mall.
2. The applicant is seeking approval to build in a designated "no-build" area, removing 1-acre of the remaining green space on the property. Can the referring body reduce the Mall parking requirement to allow the restaurant to be located in the existing parking lot? Or can impervious surface somewhere else on the property be removed to create some additional greenspace?
3. Stacking of vehicles (at the High St. entrance / internal intersection to the south) entering the parking lot is currently a traffic issue during busy times of the year. The referring board needs to ensure remediation and proper management of this issue.
4. The County Planning Board reiterates concerns over pedestrian safety crossing the parking lot and internal roadways to the restaurant.
5. The County Planning Board urges the referring board to consider the re-route of the internal roadway (Eastview Mall Drive), or to move the proposed location of the restaurant

due to traffic stacking and pedestrian safety concerns.

**Board Motion:** To elevate referral 48-2025 to a class 2 as it has been deemed to have county-wide or intermunicipal impacts.

**Motion made by:** Ryan Wilmer, **seconded by:** Dan Crowley. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

### Findings

1. The County Planning Board considers State Route 96 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.
2. The County Planning Board has concerns over pedestrian safety and potential internal site traffic/stacking issues that may result from the increased trips generated from the drive-thru restaurant.

**Board Motion:** To retain referral 48-2025 as a class 2 and return to the local board with recommendation for approval with comments. **Motion made by:** Dan Crowley, **seconded by:** Chris Mergler. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

### Attachments:

1. Aerial
2. Site Plan
3. Site Plan Overview
4. Landscape Plan
5. Grading Plan
6. Full Plans - 24 pages
7. Elevations
8. Sign Survey - 25 pages
9. Engineers Response
10. PB App
11. Drainage & Erosion Control Report - 52 pages
12. Submittal Letter
13. Traffic Impact Study - 26 pages
14. TIS Addendum - 42 pages
15. FEAF
16. Engineer's Report

**49-2025 (Class 1)** Preliminary Subdivision Approval for 24 single-family home lots on a 74.5-acre parcel - on the west side of Cline Rd. (TM# 7.00-1-30.110) and the T. Victor / T. Farmington municipal boundary in the Town of Victor.

**Municipality:** Town of Victor  
**Referring Board:** Planning Board  
**Applicant:** Polidori & Feri Custom Homes  
**Application Type:** Major Subdivision

|                                                 |               |
|-------------------------------------------------|---------------|
| <b>Class:</b>                                   | Class 1       |
| <b>Property Information (Address &amp; ID):</b> | 7.00-1-30.110 |

**Description & Review Comments:**

The subject 74.5-acre parcel is in the R-2 zoning district. Surrounding parcels are in the Ontario County Agricultural District. Surrounding parcels are a mix of agricultural, residential, and vacant.

The majority of the site drains easterly toward Mud Creek ultimately through a 36'' culvert that passes under Cline Road. The northwestern portion of the site drains to the north and is in the Irondequoit Creek watershed. The northwestern portion is to remain undisturbed open space. The parcel consists of open farm fields, woodlands, wetlands (National Wetland Inventory), and drainage channels generally sloping toward the northeast. Several drumlins are located near and within the project with the drainage flowing between them toward Cline Road. The wetland is located in the southwest corner of the parcel. There will be minor changes to the overall drainage pattern and the proposed grading only involves private drives and home sites. The proposed runoff will not exceed the existing runoff from the property.

There is a minimum proposed lot size of 33,560 SF. Each home is to have individual onsite septic. A portion of the subdivision consists of 20 lots fronting on a proposed Town dedicated road constructed by the developer with water main connection, storm sewer, gas, and electric. This road will pass over Mud Creek with a 4'x8' pre-cast concrete structure installed to allow a 100-year channel flow to pass through. There will also be a separate private drive from Cline Road also with watermain connection, storm sewer, gas, and electric – served to the 4 remaining lots. 46-acres of disturbance is proposed, a majority being successional old field (abandoned cropland).

The project will be serviced by a water main extension of the existing public water system. The connection to the existing 8'' water main will be located near the eastern property line on Cline Road. The proposed 8'' water main with fire hydrants will be extended along the dedicated right-of-way serving the site to provide water services to the lots. For stormwater management – four catch basins are proposed on the plans. Lighting will consist of house mounted lights and small light posts along driveways. A “local trash hauler” will be hired to pick up trash weekly.

**Comments**

1. Is the proposed stormwater management sufficient given the increase in impervious surface?
2. Are any sidewalks proposed?
3. Will school buses drive into Timberview Drive to pick up students?
4. Is the cul-de-sac adequately spaced for emergency vehicle turnaround?
5. Since surrounding parcels are in Ontario County Agricultural District #1, a note on the subdivision plan indicating permissibility of noise, dust, odors, etc. from agricultural activities on these parcels is required.
6. In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning housing developments of 10 or more units or other developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.

[Form2020-rev1](#)

[https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form\\_2024](https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024)

### OCSWCD Comments

1. Underground tile drainage may be present and will need to be addressed during grading.
2. Deep hole and perc tests as well as current site conditions indicate some areas of poorly drained soils. More detail will be required for stormwater management facilities and connection to storm sewer.

### Attachments:

1. Aerial
2. Cover Sheet
3. Plans
4. Grading Plans
5. Full Plans - 12 pages
6. FEAF - 15 pages
7. Submittal Letter
8. PB App
9. Prelim Eng Report - 45 pages
10. SWPPP - 40 pages

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

## 14. Village of Victor

**50.0-2025 (Class 1)** Site Plan and lot combination to construct a proposed 18,170 SF building and parking lot for a proposed commercial recreational facility (bar/restaurant, mini-golf, and indoor skydiving) – located on six parcels on the north side of School St. in the Village of Victor.

**Municipality:** Village of Victor

**Referring Board:** Village Board

**Applicant:** Mitchell Design Build

**Application Type:** Site Plan

**Class:** Class 1

**Property** 16.17-2-58.190, 16.17-2-58.180, 16.17-2-58.170, 16.17-2-58.160,

**Information** 16.17-2-58.150, 16.17-2-58.140

**(Address & ID):**

### Description & Review Comments:

The subject parcel is on the west side of School St. and adjacent (just south of) the Bright Raven Gymnastics facility. Access to the proposed (127 vehicle; 5 ADA Accessible) parking lot will extend off of an existing asphalt line shared with the gymnastics facility. The parking lot is sized to accommodate fire truck turning radius. The south end of the parcel is undeveloped and contains

wetlands and wetland buffer areas. The proposed development will avoid disturbance of wetlands completely and minimize disturbance to buffer areas to the greatest extent possible. The parcel is surrounded by a railroad track and drainage swale to the north, the south is wetlands and then an industrial development. West of the parcel is a heavily wooded wetland/buffer area and east of the parcel is School Street and a mix of residential and commercial developments. The parcel is served by the School St. trail, which feeds directly into the Auburn Trail 800 ft. to the south. The topography of the site is moderate slopes of 1-3% that generally slope in a southern direction. The receiving water for all offsite runoff from the project area is Great Brook. Located offsite, Great Brook flows in a north-easterly direction. Runoff from the site discharges to wetlands that eventually outlet into the creek. The existing site contains 0 acres of impervious area. The project will create 1.56 acres of new impervious area. Disturbance from the project is estimated at 3.85-acres, and will occur primarily in what is currently mowed lawn / successional old field.

Combined, the six parcels have an area of roughly 16.1 acres – all owned by Maguire Family Properties. The applicant is proposing to combine all six parcels (TM #'s: 16.17-2-58.140, #16.17-2-58.150, #16.17-2-58.160, #16.17-2-58.170, #16.17-2-58.180 & #16.17-2-58.190) into one. These lots are zoned Industrial. This project is an assembly space that falls under the Commercial Recreational Facilities permitted in the Industrial District.

New utilities include: underground electric, a new gas line, connection to the sanitary sewer main, and connection to public water. Three bio-retention facilities (ranging from 2 to 6 ft. deep) are proposed south of the entrance drive, as well as south of the proposed building. Catch basins surrounding the impervious area direct the water through an 18" diameter outlet pipe to the storm water management facilities. For landscaping - a series of shrubs/bushes are to be planted at the front of the building.

According to OnCor:

- National (NWI) and NYSDEC Wetlands lie on the western portion of the project area.
- Soil disturbed is primarily Lamson Fine Sandy Loam (partially hydric, high permeability, high erodibility, is farmland of statewide importance, and is in hydrologic soil group B/D).
- Water and Sewer are publicly served.

## Comments

1. What will the hours of operation be?
2. How many employees will there be?
3. How many customers do you anticipate during peak hours?
4. Is the proposed lighting contained on site? Is it dark sky compliant?
5. The proposed recreational facility store is adjacent to residential uses (to the south). The referring board should consider requiring some sort of landscaping/physical barrier (all along the side of the parking lot) to provide safety/privacy for residents on the adjacent residential parcel to the west.
6. Are the number of ADA accessible parking spaces sufficient? (5 out of 127; just under 4%).

## Attachments:

1. Aerial
2. Site Plan
3. Landscaping Plans

## Approved Minutes

4. Utility Plans
5. Grading Plan
6. SWMF Plans
7. Full Plans - 13 pages
8. Elevations
9. LOI
10. PB App
11. SEAF
12. Draft SWPPP - 242 pages
13. Light Specs

**Board Motion:** To retain referrals 32.0-2025, 33.0-2025, 34-2025, 37.0-2025, 38.0-2025, 38.1-2025, 39-2025, 49-2025, 50.0-2025, 51.0-2025 as class 1s and return them to the local boards with comments. **Motion made by:** Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

**50.1-2025 (Exempt)** Site Plan and lot combination to construct a proposed 18,170 SF building and parking lot for a proposed commercial recreational facility (bar/restaurant, mini-golf, and indoor skydiving) – located on six parcels on the north side of School St. in the Village of Victor.

**Municipality:** Village of Victor

**Referring Board:** Village Board

**Applicant:** Mitchell Design Build

**Application** Major Subdivision

**Type:**

**Class:** Exempt

**Property** 16.17-2-58.190, 16.17-2-58.180, 16.17-2-58.170, 16.17-2-

**Information** 58.160, 16.17-2-58.150, 16.17-2-58.140

**(Address & ID):**

### Description & Review Comments:

Exempt.

### Attachments:

None

## 15. Privilege of the Floor

1. Ontario County will be applying to NYS for a \$1 million infrastructure in support of housing development grant to expand the capacity of the City of Geneva Wastewater Treatment Plant.

2. Sharing of information from Rail Freight community open house: The area #2 study in T of Phelps and C/T of Geneva identified potential sites for rail enabled development and also examined options and costs of expanding rail car storage capacity by moving much of this operation from C. Geneva lake view site to a site in the T. Phelps. The relocation/expansion cost could be in the range of \$70-80 million. The expansion site would be close to I-90 exit 42 and could also involve revived rail service north to T/V Lyons in Wayne County. Redevelopment of any portion of the existing rail yard would likely require site remediation. Unaddressed was half of rail yard in Seneca County.

## 16. Upcoming Trainings:

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

- MRB Group / Hancock estabrook municipal bootcamp; <https://dos.ny.gov/training-assistance>
  - 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)
- NYS DOS LOCAL GOVERNMENT TRAINING.
- Genesee Finger Lakes Regional Planning Council Spring Workshop : May 30, 2025  
Genesee Community College, Batavia. Registration opens March 25.
- NYSDOS Local Government Training Schedule
  - Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SEQR basics training (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](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](mailto:nypf@nypf.org)

#### 17. Adjournment:

**Board Motion:** A motion to Adjourn was made and the Ontario County Planning Board Meeting Was Adjourned At 9:10. **Motion made by:** Roslyn Grammer, **seconded by:** Terri Brown. **Vote:** Yes 14, 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.<br>Class 2 Denial                                                       | Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.                                                                                                                   |
| AR Policy 5 B.<br>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.<br>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) |