

ONTARIO COUNTY PLANNING BOARD

Wednesday, April 9, 2025, Time: 7:00 PM

This document will serve as both the draft minutes for the Ontario County Planning Board and as the Official Notice of Findings and Decision for the applications reviewed by the CPB. It can also be viewed at the Ontario County Planning Department Website www.ontariocountyny.gov/97/Planning

1. Call to Order

Chair Passavant called the Wednesday, April 9, 2025 Ontario County Planning Board meeting to order at 7:00PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Ruth Cahn

Burch Craig

Dan Crowley

Jack Dailey - alternate

Stephen High

Paul Lambiase

Edward (Ted) Liddell

A.J. Magnan

Bessie Tyrrell - alternate

Ryan Wilmer

Tammy Worden

Absent:

Leonard Wildman

Excused:

Terri Brown, Roslyn Grammer, Chris Mergler, Mike Woodruff

Present, Voting 10, Alternate 2 Present, Not Voting 0, Absent 1, Excused 4

Guests: Cathy Lovejoy and Rochelle - Lakeview Mental Health, Ed Shelley BME - Lakeview Mental Health, Applicant Rep Plan Architecture - Lakeview Mental Health, Rob Brenner - Village of Victor Mahoney Brenno, Ed Kaiser, future T. Gorham CPB rep

3. Approval of Minutes:

Tammy Worden motioned to approve the minutes of the County Planning Board's March 12, 2024 as modified to fix a type in CPB comment #3 of referral 48-2025. The motion was seconded by Edward (Ted) Liddell. The motion passed.

4. New Business:

5. City Geneva

53.0-2025 (Class 1) Area Variances (5 total), Special Use Permit, and Site Plan for the proposed redevelopment of an existing newspaper (Finger Lakes Times) facility into a multi-use, 5-story building (17,000 SF footprint) with 70 one-bedroom apartments and four 2- bedroom apartments, administrative offices, a 26-space parking lot, and associated site improvements. The project is located at 218 Genesee St. in the City of Geneva.

Municipality: City Geneva
Referring Board: Zoning Board of Appeals
Applicant: Lakeview Health Services Inc.
Application Type: Area Variance
Class: Class 1
Property 104.42-2-44.110
Information
(Address & ID):

Description & Review Comments:

Lakeview Health is proposing to re-develop the 1.04-acre property located at 218 Genesee Street (tax account number 104.42-2-44.110), which is currently the home of the Finger Lakes Times building (existing newspaper office). The parcel is currently completely developed. The disturbance is estimated at 1.27-acres. Lakeview will demolish the existing building and construct a new 5-story mixed-use building consisting of 2,850 sf of first floor supportive office space and 74 residential units on floors 1-5. The property is zoned CB-5, Central Business 5-Story District. Surrounding land use is either residential or commercial. The northern portion of the parcel is within the FEMA Q3 Floodplains. Castle Creek lies just north of the subject parcel. The property project requires a Special Use Permit per Code Section 350-4.4 to allow a multifamily dwelling with greater than 12 units. The following is the list of area variances being sought for the proposed project:

1. **Code Section 350-7.4.A (3) to allow an accessory structure to be located in the front yard (when accessory structures/uses are not allowed to be located in any required front yard area).** The applicant requests the variance to allow construction of a gazebo, a storage building, and the dumpster enclosure to be located between the proposed new building and Elm Street, thus locating the three accessory structures in what is considered the Elm Street front yard. The three structures are in support of the primary building to be constructed, and the location proposed is the only practical location for accessibility and function. Given the four-sided public street perimeter, there is no feasible means where the permitted accessory structures could be located outside a front yard.
2. **Code Section 350-7.14.B.(8) & 350-8.6.A to allow for off-street parking to be located within the front yard of Elm Street and to have a 0' setback to the Elm Street right of way. 350-7.14.B.(8) - "Off-street parking areas shall be located in the side or rear yard only and shall maintain a minimum setback of 20 feet from all property lines and five feet from the front building line". 350-8.6.A: "Location in all districts. Off-**

street parking and loading spaces are prohibited in the front yard in all districts. However, parking in the front yard, space shall be allowed for single-, two-, and multifamily dwellings up to four units on an approved, designated driveway”. The Code requires the provision of off-street parking and the four-sided public street perimeter provides the hardship of not being able to locate the parking in the side or rear yard because, by definition, the property does not contain either. Currently, the property has parking along Elm, Colt, Castle, and Genesee Streets. The 0’ setback to Elm Street is requested for that portion of the existing parking lot to be re-developed and remove existing parking that extends into the Elm Street right-of-way and pull the pavement back to the property line. The need for this relief is a function of the property’s Colt Street driveway location.

3. **Code Section 350-8.6.C to allow for off-street parking to be located at the corner of Elm Street and Colt Street. 350-8.6.C “Special restrictions. Parking and loading spaces shall never be located at the corner of any street, in front of any building, or between a building and the public right-of-way”.** This is the existing parking lot which will be re-configured and continue to be used to serve the proposed building.
4. **Code Section 350-4.5 to allow for the front setback to Elm Street and Colt Street to exceed the allowed 10’ maximum setback and be setback 28’ from the Elm Street right-of-way line, and ±220’ from the Colt Street right-of-way line.** The relief is sought as a result of fronting the proposed building to Castle Street and Genesee Street to be in compliance with the setback requirement. It is not practical or feasible to configure the proposed building to be in compliance with a 10’ maximum setback to its four public street frontages.
5. **Code Section 350-8.11.C to allow for the existing Colt Street driveway to remain and to be located within 60’ of the intersection of Elm Street, as the existing driveway is located ±38’ east of the Elm Street curb line.** The limited property frontage on Colt Street does not allow for the existing driveway to be shifted to the east to comply with this requirement.

The subject property has frontage on all four sides, consisting of Castle Street to the south, Elm Street to the west, Colt Street to the north, and Genesee Street to the east. Having public street frontage on all four sides. All requested variances relate to proposed structure and parking setbacks to the front property lines or uses located within the front yard of the property. In addition, the re-development resulted in the introduction of new on-site green space and establishing a tree lawn area along Elm Street. New landscaping will be provided on site and along Elm Street and Genesee Street. There are a total of 10 trees proposed (4 Bowhall Red Maple, 3 Prairie Sentinel Hackberry, and 3 Mushashino Columnar Zelkova) are proposed along the west side of the parcel, 55 different shrubs (along the east side of the parcel), and a variety of ornamental grasses and perennials. A rain garden is proposed on the west side of the parcel. The re-development results in an increase in green space on the property, which currently has a negligible amount. The proposed plan provides 25% (0.25 acres) of new green space. Six (dark sky compliant) pole-mounted lights are proposed surrounding the parking area.

Primary access to the building will be from Elm Street with access to the first-floor office space provided from Castle Street. A thorough interior sidewalk system provides direct access from the building to Castle Street, Elm Street, and Genesee Street. Vehicular access to the site will be provided from Elm Street and Colt Street to provide access to the site parking area (26 parking spaces, 2 of which are ADA-accessible), main entrance, and provide emergency vehicle access. The access from Genesee Street to the rear of the building at 100-110 Castle Street, which is located on the project property, will remain.

Additional details on the project include:

- The proposed multifamily use will not be a generator of noise, odors, glare, refuse, or other similar conditions. The building will be staffed 24/7, and the office space will be utilized during normal business hours.
- The EAF Part 1 and Engineer's Report provides the information to show the proposed use and project site will be adequately served by existing public sanitary sewer, storm sewer, and public water systems. The project is a low traffic generator and thus will not impact the capacity or use of the surrounding street network. The City is capable of providing emergency services for the proposed primary resident use. The proposed supportive housing use will put little to no demand on the existing school district.
- The project site will include on-site dumpsters within an enclosure as detailed in the site plans.
- The project will have minimum signage which will be code-compliant. There will be a building-mounted sign at the Castle Street building entrance, and a freestanding project identification sign at the Elm Street driveway entrance.
- The site development plans include the design of the proposed site connection to public utilities (water supply, sanitary sewer service, stormwater management).
- A waiver is being requested to waive the minimum recreational open space requirement. 18,000 SF is required and 2,500 SF is proposed.
- A waiver is being requested to waive the minimum parking space requirement. 26 off-street parking spaces are proposed while 83 are required.

The applicant representative was present at the April 2025 CRC meeting and provided additional details:

- Each unit includes a kitchen and bathroom.
- This application offers "supportive care units".
- Offices on the ground floor are to be for the Lakeview Health Services (applicant) staff.
- Amenities include a proposed fenced-in patio along Elm St., small lawn space along Genesee St., and a community room inside the building.
- There will be one elevator inside the building.
- The internal driveway is designed for emergency vehicle access.
- The applicant is working with the geotechnical engineer to determine if excavation work is needed.
- A parking analysis was conducted as required by the City Code. It is anticipated that 25% of the tenants will have vehicles. The applicant believes the proposed parking is sufficient, which is why they are requesting a waiver. The Engineer's report identifies 3 public parking lots within 1,000' of the building, 1 of which includes a bus stop.

Comment

1. How many of the units will be ADA-compliant or visitable by providing zero-step entry, 36' doorways, and access to a bathroom?

OCSWCD Comment

1. The proposed concrete washout is less than 100ft away from the drop inlet as required.

CRC Comments

1. How many units are designed as supportive care units? How many are open to the general

- community?
2. Will the driveway size/design be sufficient for the proposed use? Increased traffic from the tenants, possible food delivery services, the office workers, and possible caregivers for tenants needs to be considered in the design.

Attachments:

1. Aerial
2. Site Plan
3. Utility Plan
4. Grading Plan
5. Landscape Plans
6. Full Plans
7. Elevations
8. Survey
9. ZBA LOI
10. PB LOI
11. Engineer Report 131 pages
12. Site Plan App
13. SUP App
14. Area Variance App
15. SEAF
16. FEAF

CPB Comments:

1. In response to questions, the applicant representatives provided the following additional information
 - All units will be independent living, with half of units connected to supportive skill development services through Office of Mental Health.
 - Units are all income restricted. Initial occupancy is by lottery from income screened applicants with future occupancy from the project waiting list.
 - The project will apply for low income housing tax credits in fall 2025, hope to break ground in 2026 and be ready for occupancy in 2028.
 - As required by NYS Housing and Community Renewal, the project will include 5 percent ADA units;since standard applies to each unit type, this will be 5 units. There will also be 3 units outfitted to meet visual and hearing impaired ADA standards. All units will be visitable and convertible.
 - As required, the development will include EV charging stations.
 - There is an existing 24 hour public parking lot across Elm Street from the projects. By eliminating the Genesee Street vehicle access point, the applicant will be increasing area on-street parking.
 - The units will be all electric. They have been in contact with the energy provider and do not anticipate power availability issues. They will be submitting detailed energy load requested shortly.
 - Pets are allowed subject to a screening process.
 - Lawn areas will be used for snow storage.
 - One-bedroom units will be 680 SF and two-bedroom units will be 900. The community room will be 750 to 900 SF with a kitchen.

Board Motion: To Approve 53.0, 53.1, 53.2–2025 as class 1s and return them to the local board

with comments.

Motion made by: A.J. Magnan, **Seconded by:** Tammy Worden. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

53.1-2025 (Class 1) Area Variances (5 total), Special Use Permit, and Site Plan for the proposed redevelopment of an existing newspaper (Finger Lakes Times) facility into a multi-use, 5-story building (17,000 SF footprint) with 70 one-bedroom apartments and four 2-bedroom apartments, administrative offices, a 26-space parking lot, and associated site improvements. The project is located at 218 Genesee St. in the City of Geneva.

Municipality: City Geneva
Referring Board: Planning Board
Applicant: Lakeview Health Services Inc.
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 104.42-2-44.110

Description & Review Comments:

See 53.0-2025.

Attachments:

None

CPB Comments:

Board Motion: To Approve 53.0, 53.1, 53.2–2025 as a class 1 and return to the local board with comments.

Motion made by: A.J. Magnan, **seconded by:** Tammy Worden. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

53.2-2025 (Class 1) Area Variances (5 total), Special Use Permit, and Site Plan for the proposed redevelopment of an existing newspaper (Finger Lakes Times) facility into a multi-use, 5-story building (17,000 SF footprint) with 70 1-bedroom apartment units and four 2-bedroom apartments, administrative offices, a 26-space parking lot, and associated site improvements. The project is located at 218 Genesee St. in the City of Geneva.

Municipality: City Geneva
Referring Board: Planning Board
Applicant: Lakeview Health Services Inc.
Application Type: Site Plan

Class:	Class 1
Property Information (Address & ID):	104.42-2-44.110

Description & Review Comments:

See 53.0-2025.

Attachments:

None

CPB Comments:

Board Motion: To Approve 53.0, 53.1, 53.2- 2025 as a class 1 and return to the local board with comments.

Motion made by: A.J. Magnan, **seconded by:** Tammy Worden. **Vote: Yes 10, No 0, Abstained 0. Abstain:** None. **The motion:** Passed.

6. Town of Canandaigua

54-2025 (Exempt) Subdivision of a 23.5-acre parcel, creating Lot 1 (4.1-acres) and Lot 2 (19.4-acres) - on a parcel just west of the Southwest corner of SR21 and Nott Rd. in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Jared Ransom
Application Type:	Minor Subdivision
Class:	Exempt
Property Information (Address & ID):	112.00-1-68.300

Description & Review Comments:

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

Attachments:

1. Survey
2. Waiver
3. ZLD
4. Ag Data
5. SEAF
6. PB App

55.0-2025 (Class 1) Area Variance (for a front setback of 47.4 ft. when a minimum of 60 ft. is required) and Site Plan for a proposed single-family dwelling - at the southwest

corner of Thomas Rd. and Sommers Dr. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Nick Graziose, Gerber Homes
Application Type: Area Variance
Class: Class 1
Property 70.06-1-76.111
Information
(Address & ID):

Description & Review Comments:

Subject parcel is 2.9 acres and was rezoned from Form Based Code to R-1-30. Disturbance is proposed at .044-acres. The applicant mentions that the area variances are being requested in order to avoid encroachment on the 100ft. pond setback and to remain outside the 150ft. Tennessee Gas Pipeline Easement.

According to Oncor:

- Subject and surrounding parcels are not in the Ontario County Agricultural District #1
- Land Use is currently residential to the west and across Thomas Rd. to the north. Vacant to the East and South.
- Project site is in 0-3% slope areas. Soil disturbed is predominately Lakemont silty clay loam (poorly drained, moderately low permeability, very high erodibility, is hydrologic soil group D).
- The pond in the rear of the parcel is a part of the National Wetland Inventory.

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. Survey
4. Test Questions
5. Rezoning
6. ZLD
7. SEAF
8. ZBA App
9. PB App

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

55.1-2025 (Exempt) Area Variance (for a front setback of 47.4 ft. when a minimum of 60 ft. is required) and Site Plan for a proposed single-family dwelling - at the southwest corner of Thomas Rd. and Sommers Dr. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Nick Graziose, Gerber Homes
Application Site Plan
Type:
Class: Exempt
Property 70.06-1-76.111
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

None

56.0-2025 (Class 1) Final Subdivision and Site Plan approval for Phase 1 of a 100-acre mixed-residential project - for four (4) parcels (TM#'s: 70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, and 70.00-1-65.100) east of Firehall Rd. in the Town of Canandaigua. Section 1 is a 72-lot mixed-residential subdivision with 65 single-family homes, 1 mixed-use building with 105 apartments and 5,000SF of commercial space, 1 amenities building with 2,500 sf of space, and 4 28-unit apartment buildings for a total of 282 residential units and other associated improvements.

Municipality: Town of Canandaigua

Referring Board:	Planning Board
Applicant:	Natalee Kiesling, Marathon Engineering
Application Type:	Major Subdivision
Class:	Class 1
Property Information (Address & ID):	70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, 70.00-1-65.100

Description & Review Comments:

The project was previously referred in October 2024 for a subdivision and map amendment to rezone the four subject parcels to the IZ (Incentive Zoning) District and in January 2025 for a preliminary overall site plan. Lot sizes range from 7,200 SF to about 21,800 SF for single-family houses. Lot sizes for the town-homes range from 1,700 SF to 4,200 SF.

The four parcels of land comprising the development area are bordered by Firehall Road (predominately commercial land use) to the west, Parkside Drive (predominately commercial land uses) and Blue Heron Park to the south, agricultural lands to the north, and a residential development to the east.

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

- Single family and Town House lot width
- Single-family building setbacks
- Townhouse, apartment, and Mixed-Use building setbacks
- Façade transparency requirements
- Single-family and Townhome driveway setbacks

After discussions, the developer has proposed the following amenities:

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

The applicant mentioned that the project has the infrastructure available to support the project - Ontario County-owned sewer mains and pump stations, the Town of Farmington-owned water mains, and Town-owned roadways connected to County Road 28 and NYS Route 332 in close proximity. In terms of stormwater, they mention that a majority of the site drains northeast toward a tributary of Padelford Brook, while a smaller portion drains into an existing stormwater management facility located in Blue Heron Park to the southwest. Five stormwater management areas will be created throughout the subdivision (ranging from roughly 8 to 16 ft. deep), collecting water from storm sewers throughout the subdivision. The development will proceed in 3–4 phases

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with the ultimate build-out anticipated in approximately 2035. Sidewalks are proposed on one side of almost all the roads within the development. The sidewalks connect to the paths at Blue Heron Park. Surrounding the apartments and mixed-use building will be 324 parking spaces (18 of which are ADA-accessible). 72 light poles are to be installed – predominately around the (apartment and mixed-use building) parking lots, along the main road (Road A), and at all internal intersections.

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

According to Oncor:

- There are no Federal or NYS DEC wetlands on the parcel.
- There is little to no slope (0-3% gradient).
- Soil is primarily Kendaia Loam, Odessa Silt Loam, and Ovid Silt Loam - all listed as prime farmland if drained.
- Land Cover is predominately successional old field going to successional shrubland.
- Adjacent parcels to the north lie within Ontario County Agricultural District #1.

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

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

Relevant October 2024 Staff Comments

1. Will there be a vegetative buffer between the proposed development and the agricultural uses to the north? Since the adjacent properties to the north are Ontario County Agricultural District #1, a note on the subdivision plan indicating the permissibility of

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- noise, dust, odors, etc. from agricultural activities on parcel 56.00-2-20.000 and 70.00-1-21.121 is required.
2. Will any of the units be affordable to households at or below the area median income?
3. How many of the units will be ADA-compliant or visitable by providing a zero-step entry, 36' doorways, and access to a bathroom?

Relevant October 2024 CRC Comment

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

Relevant October 2024 CPB Comment

1. The referring Board should consider requiring that the developer provide a portion of units at cost to average-sized households (families) at or below 100% annual median income.
2. Will the stormwater management areas be fenced?

January 2025 OCSWCD Comments

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

January 2025 OCDPW Comment

1. The Highway Department has no comments at this time.

April 2025 Staff Comments

1. The site plan indicates abandonment of an existing easement from Candlewood Apartments to Blue Heron Park. What replacement cross access provisions are proposed to facilitate access for Candlewood residents to Blue Heron Park through the development?
2. CPB appreciates documentation that stormwater management calculations use the Cornell Extreme Precipitation data set and that the development provides greater storage volume than the minimum required by the NYSDEC Stormwater Design Manual.
3. CPB appreciates the use of porous pavement, inspection/replacement of bioretention media if standing water remains 24 hours after a rain event, and the commitment to regular tree condition inspection, including after any wind event of 20 MPH or higher until maturity.
4. Is the proposed 50' easement sufficient for the Buckeye high pressure pipeline?
5. The October 2024 SEQR resolution authorized a mixed-use building with 91 apartments and 5,000 SF of commercial space; 105 apartments and 5,000 of commercial space are proposed.
6. How are the 1.19 and 2.39-acre areas at the western edge of section 1 both open space area and a stormwater management area? Should the street trees in these areas extend all the way to the work limit/phase limit?
7. What is the phasing of the off-site amenities?
8. Does the Fire Hall Road building placement meet the 75 percent building facade within the build-to zone of the Form-based code? Would it if the mixed use building was re-oriented with its long facade along Fire Hall Road?
9. No landscaping is proposed along the northern property boundary to protect the viability of adjacent agricultural use in the face of encroaching residential development.

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10. No landscaping is proposed along the southern property boundary near Fire Hall Road to provide a transition from the large parking area for the mixed-use building to Blue Heron Park.
11. Through street, Uptown Boulevard is proposed as a complete street. Does its cross-section differ from that of other proposed streets?
12. The CPB appreciates the placement of bike racks in the mixed-use building and in the pool/community building.

OCSWCD Comments

1. The SWPPP refers to GP 0-20-001. Just a note that all project plans should conform to the new 2025 CGP.
2. If tile drainage exists on former agricultural land, the tile would need to be addressed.

CRC Comments

1. Are public EV charging stations being considered as a part of this project?
2. Do the homes have an option for either standard or custom design in terms of eV charging capacity? The NYS Uniform Code requires the installation of an EV charging conduit to allow the cost-effective future addition of EV charging infrastructure. Future EV charging locations for multi-family units, including those in Mixed -Use buildings, should be shown on the site plan.
3. The County Planning Board commends the applicant for providing additional housing (at a lower price point) in the County.

Attachments:

1. Aerial
2. Phasing Plan
3. Site Plan
4. Landscaping Plan
5. Utility Plan
6. Grading & Erosion Plan
7. Amenity Plan
8. Full Plans
9. TH Elevations
10. Floor Plans & Elevations Homes
11. Mixed Use Floor Plans & Elevations
12. Apt Floor Plans & Elevations
13. LOI PB Section 2-3-2025
14. PB App
15. Ag Data
16. Town Board SEQR Resolution
17. Engineer's Utility Report
18. NYSDOH Comments
19. SWPPP - 484 pages
20. Canandaigua Fire Dept Comments
21. Engineer's Utility Report
22. SAE Turning Radius Calcs

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

56.1-2025 (Class 1) Final Subdivision and Site Plan approval for Phase 1 of a 100-acre mixed-residential project for four (4) parcels (TM#s: 70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, and 70.00-1-65.100) east of Firehall Rd. in the Town of Canandaigua. Section 1 is a 72-lot mixed-residential subdivision with 65 single-family homes, 1 mixed-use building with 105 apartments and 5,000SF of commercial space, 1 amenities building with 2,500 sf of space, and 4 28-unit apartment buildings for a total of 282 residential units and other associated improvements.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Natalee Kiesling, Marathon Engineering
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 70.00-1-18.114, 70.00-1-18.115, 70.00-1-17.117, 70.00-1-65.100

Description & Review Comments:

See 56.0-2025.

Attachments:

None

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion passed.**

7. Town of East Bloomfield

71-2025 (Class 2 / LATE REFERRAL) Map Amendment to rezone a portion of a property from CC (Community Commercial) to AR-2 (Agricultural Rural Residential) – at 2959 Ashman Rd. in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Town Board
Applicant: Thomas J Ptaszek
Application Type: Map Amendment
Class: Class 2 (LATE REFERRAL)
Property Information (Address & ID): 81.00-1-75.121

Description & Review Comments:

The subject parcel is 9.68-acres, all zoned CC (Community Commercial). The applicant proposes to rezone approximately 2.0-acres of the southwest corner of the parcel to AR-2 (Agricultural

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Rural Residential). The referring official mentioned that the subdivision has yet to be referred, as it is “contingent on the [rezoning] approval to allow a residence by rezoning”. Subject Parcels to the west and south are zoned AR-2, and are a mix of agricultural/residential uses. All other surrounding parcels (to the north and east) are in the CC Zoning District. The uses of CC-zoned parcels vary widely, with land use types including: commercial, vacant, residential, and community services (Antique Wireless Association). The subject and surrounding parcels are also all within Ontario County Agricultural District #1.

The intent of this rezoning is to allow for the construction of a residential home. The parcel has existing utilities available, including: water, power, fire hydrants, and gas lines.

Attachments:

1. Aerial
2. Plat
3. Rezoning App
4. LOI
5. SEAF

Board Motion: To accept late referrals 71, 72, 73.0, 73.1, 73.2, 73.3-2025 as late referral(s).

Motion made by: Stephen High, **Seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

CPB Comments:

1. The submitted survey map and tax parcel number do not align with information available in OnCor.

Clarification from Ontario County Real Property Tax on 4/10/25

1. tax parcel 81.00-1-75.121 has been altered but is not yet shown on OnCor. The tax parcel number of the lot proposed for subdivision is 81.00-1-95.1 which excludes the areas with NYS 5 and 20 frontage shown as part of the parcel number used in the referral (81.00-1-75.121) and shown on the attached aerial.

Board Motion: To return referral 71-2025 as Incomplete with comments to the local board.

Motion made by: Tammy Worden, **Seconded by:** Paul Passavant. **Vote:** Yes:10 NO: 0. Abstain: None. **The motion** Passed.

8. Town of Farmington

57-2025 (Class 1) Area Variance (to remove sidewalk frontage requirements) for a conditionally approved 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:	Zoning Board of Appeals
Applicant:	DECAL LLC
Application Type:	Area Variance
Class:	Class 1
Property	29.00-1-1.210

**Information
(Address & ID):**

Description & Review Comments:

The project was previously referred to the February 2025 (Referral #39-2025) County Planning Board meeting for amended site plan approval (Class 1; no recommendation given by the CPB). It is now referred (57-2025) for requested area variance approval, which the site plan approval is conditioned on.

The 3.9-acre site is currently being developed with a building for textile recycling use. The property is within the MTOD (Major Thoroughfare Overlay) and GI (General Industrial) Zoning District. 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.

Town Code Chapter 165, Article IV, Section 34J(3)(g)(6) states, “sidewalks are to be provided along all sides fronting on state and county highways and other town highways within the mapped MTOD district that connects to, or contributes to, the completion of a pedestrian network in the area”. No sidewalks are proposed on this project, which is the reason for the area variance request.

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.

In the Letter of Intent / Area Variance Test Question responses, the applicant mentions:

- The property is unique in that it fronts along three different roads.
- There are no sidewalks in the area to connect to.
- Construction of a sidewalk along SR332 is not feasible due to the large elevation difference

and lack of space / level surface along SR332.

Comments

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.
2. Area Variance Test Questions need to be completely filled out. 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.

Attachments:

1. Aerial
2. Full Plans
3. Site Plan
4. Landscape Plan
5. Test Questions
6. ZBA App

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

58-2025 (Exempt) Area Variance to construct an in-ground pool in the side yard when such structures shall be located in the rear yard - at 4686 Rushmore Rd. in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Applicant: Earl Johnson
Application Type: Area Variance
Class: Exempt
Property 19.00-1-50.211
Information
(Address & ID):

Description & Review Comments:

Exempt (See Exemption #1 of Appendix B of the OCPB Bylaws).

Attachments:

1. Survey
2. SEAF
3. Pool Fence Application
4. ZBA App

59-2025 (Class 2) Local Law creating Chapter 115 "Short Term Residential Rental Regulations" of the Town Code in the Town of Farmington.

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

Description & Review Comments:

The proposed Short-Term Residential Rental Regulations include the following:

- Permit Required
 - Owners shall not use their property as a short-term residential rental without obtaining a revocable short-term residential rental permit from the Town of Farmington and a completed registration with the Ontario County Clerk's Office.
 - A short-term residential rental unit permit shall be valid for a period of two (2) calendar years from the date of issuance.
 - The short-term residential rental unit permit is not transferable to a new owner.
 - Properties with short-term rental unit commitments existing on the date the chapter takes effect shall be permitted to honor existing commitments and continue to make commitments for short-term rentals but must apply for a permit within 180 days of the chapter's effective date for all future short-term rental commitments. In the event such an application is denied, all commitments shall be canceled.
- Short-term residential rental unit permit application requirements
 - A copy of a valid Ontario County registration as a short-term rental host.
 - The name, address, email and contact information for a twenty-four-hour contact.
 - A statement authorizing the Code Enforcement Officer or Fire Marshal to inspect the property to ensure compliance with all requirements and standards contained within this chapter of the Farmington Town Code.
 - A floor plan for each level of the dwelling to be occupied.
 - A statement that none of the owners of the subject property have had a short-term rental permit and/or Department of State Registration or Ontario County Registration revoked within the previous year for any rental properties owned individually or together with others.
- Property Requirements (some highlights include):
 - Property must be located within one of the following residential districts: RA -80 (Rural Agricultural District), RR -80 (Rural Residential District), RS -25 (Residential Suburban District), R-1-10 (Residential District), R-1-15 (Residential District), R-2 (Residential Two-Family District), IZ (Incentive Zoning District), and PD (Planned Development District).
 - The property must have a minimum of one off-road parking space for every bedroom/sleeping area.
 - The water supply for the property must meet all state and town requirements.
 - Provisions shall be made for weekly garbage removal during rental periods. The applicant shall submit evidence of how garbage is to be removed from the property.
 - Short-term rental hosts shall maintain records related to guest stays for two years following the end of the calendar year in which an individual rental stay occurred, including the date of each stay and number of guests, the cost of each stay, including relevant tax records related to the registration as short-term rental hosts with Ontario County.

- Permit holders must have a rental contract:
 - The maximum occupancy of short-term residential rental units allowed on the property shall be based upon the applicant's compliance with either: (a) the provisions contained in Chapter 125 of the Farmington Town Code, entitled Sewer Use, for rental units allowed connection to publicly owned treatment works of the Farmington Sanitary Sewer District; or (b) for rental units operating upon the on-site wastewater treatment system's design, Chapter 126 of the Farmington Town Code, entitled Individual On-Site Wastewater Treatment Systems, and the number of sleeping rooms permitted in the Dwelling Unit.
 - The maximum number of people allowed for each short-term residential rental unit shall be the smaller of: (a) The maximum number of people allowed based upon the size of the individual on-site wastewater treatment system design; or (b) The number of people calculated on the basis of two persons per sleeping room (unless the room size is below 100 square feet), or (c) Acknowledgment from the Town Water & Sewer Superintendent that the existing lateral connection to the public sewer line is functional and able to accommodate the number of short-term residential rental units.
 - Maximum number of on-site parking spaces to be provided.
 - A good neighbor statement must be provided.
 - Recreational campfires, if permitted by the property owner, must be attended to.
 - Dogs must always be on a leash when outdoors, or under verbal control by their owners.
 - STRs shall not be permitted to be used for any commercial use of commercial event space.
 - Outdoor camping shall be allowed as identified in the permit application.
- Procedure upon filing application
- Conformity and display of short-term rental permit
- Posting of house rules. All short-term rental properties shall post for renters of each unit or rooms listing of house rules. Highlights include:
 - Renters and their guests are requested to observe quiet hours Sunday through Thursday from 10:00 p.m. through 7:00 a.m. and Friday and Saturday from 11:00 p.m. through 7:00 a.m.
- Compliance and penalties
 - If there is a cited violation, corrective action must be completed and approved within 30 days of the date of such notice from the Code Enforcement Officer of Fire Marshal, or the owner may be subject to revocation of the STR permit.
 - Should a permit be revoked, all owners of the short-term rental are prohibited from obtaining a short-term residential rental permit on the property for one year from the date of revocation.
- Application for renewal of permit
- Appeals and Hearings
- Severability
- Effective Date

Comments

1. It looks like there is a typo on page 9 of the local law. §115-10 has two section (2)'s. There is also an unnecessary indentation on page 14 (115-14C).
2. The referring body may want to clarify whether maximum occupancy applies to overnight guests only or to the entire occupancy period. If special events or higher daytime

- occupancy is allowed, consider the relationship between available parking and the capacity of the wastewater treatment system.
3. The Local Law seems to have multiple terms for the same thing. In 115-5 (Definitions), the term sleeping area is defined. Section 115-8 (Short-term rental unit permit application requirements) uses the term bedroom/sleeping area. 115-10 (Permit holders must have a rental contract) uses the term sleeping room. The text should use consistent terms.
 4. Is the appeal (or revocation/renewal) to the ZBA?

CRC Comments

1. 115-6 Presumes a dwelling unit as an STR if it is leased for a period of one month or less. Since the number of days in a month varies, the referring board may want to consider using a timeline of 30 days instead.
2. How will it be ensured that dogs stay under verbal control? The referring board may want to limit the good neighbor statement finding (115-10.3.F) to "dogs must always be on a leash when outdoors".

CPB Comments

1. Ontario County Treasurer has a current registry of STRs that are subject to county occupancy tax which exempts facilities with 3 or fewer rentable units. The County is required to create a registry for all STRs by 11/22/25. The language of this Local Law should be flexible enough to apply to all STRs before and after expansion of the Ontario County registry.
2. Based on experience of a CPB member, the referring body may want to consider how to ensure emergency vehicle access in any situation where there is an access easement without a maintenance agreement and that the width of the easement is sufficient for typical emergency vehicles.

Attachments:

1. Resolution
2. Local Law

Board Motion: To retain referral 59-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Tammy Worden. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

9. Town of Geneva

60-2025 (Exempt) Area variance for a 1,024 SF detached garage in front of the existing home (when such structures are required to be placed in the rear or side yard) - at 4165 St Rt 14 in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Zoning Board of Appeals
Applicant:	Kenneth Harris
Application Type:	Area Variance
Class:	Exempt

Property Information 119.20-1-31.210
(Address & ID):

Description & Review Comments:

Exempt (See Exemption #1 of Appendix B of the OCPB Bylaws).

Attachments:

1. App Materials

61-2025 (Class 2) Local Law approving (with conditions) the rezoning of a parcel of land from R-2 (Residential Rural District) to PUD (Planned Unit Development), amending the Official Zoning Map - subject parcel is located just west of the Carter/Gambee Rd. intersection (formerly 280 Carter Rd.) in the Town of Geneva.

Municipality: Town of Geneva
Referring Board: Town Board
Applicant: Town of Geneva Town Board
Application Type: Text Amendment
Class: Class 2
Property Information 90.00-2-75.210
 (Address & ID):

Description & Review Comments:

The project was previously referred in October 2024 as 187-0-2024 and 187.1-2024 for a “Map Amendment and Site Plan to rezone 65-acres from the Residential Rural Zoning District (R-2) to Planned Unit Development (PUD) – for a proposed 135-lot single-family residential subdivision (Rolling Hills Subdivision) for new manufactured homes located at 280 Carter Rd., immediately northwest of the Gambee Rd. intersection, in the Town of Geneva”. See attached October 2024 Minutes for project description. 187.0-2024 was a Class 2 (Map Amendment) recommended for approval, and 187.1-2024 was a site plan deemed incomplete by the County Planning Board. The current referral is for the approval of the rezoning with conditions.

The site plan submitted as a part of 61-2025 proposes 145 lots (2.2 lots per acre; minimum lot size of 8,750 SF.). The project will occur in three phases. Sidewalks are proposed along one side of the internal roadways, as well as a path to the southeastern corner of the parcel that connects at the Carter/Gambee Rd. intersection. One tree is proposed along the frontage of each residential parcel. A berm with screening trees is proposed on the west side of the subdivision to buffer the homes from agricultural fields. Five stormwater ponds are proposed.

A traffic impact study was submitted. The following intersections were studied: (1) Carter and Gambee Rd., (2) Carter Rd. and West North St., (3) West North St. and Maxwell Ave., and (4) Gambee Rd. and NY-14. The submitted traffic study indicates the closest bus route is Bus Route 255, which picks up at the intersection of West North S. and Maxwell Ave (October 2025 CRC question). The following conclusions were drawn by the engineer from the study:

1. Speed data collected by Passero Associates on Carter Rd indicates that motorists are generally driving at or below the posted speed limit.
2. Under full development, the proposed project is expected to generate approximately 23 entering/70 exiting vehicle trips during the AM peak hour and 84 entering/47 exiting vehicle trips during the PM peak hour.
3. No changes in levels of service are anticipated between background and full build

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conditions at any of the study intersections.

4. No improvements are warranted nor recommended at any of the study intersections.
5. The additional traffic volumes generated by the proposed project can be accommodated, as there is adequate intersection capacity.
6. Pursuant to the State Environmental Quality Review Act (SEQRA), this detailed analysis demonstrates that the proposed project, with the recommended improvements in place, does not result in any significant adverse traffic impacts.

Relevant October 2024 CRC Comments

1. The County Planning Board has an interest in protecting and enhancing the character of Ontario County's diverse communities and landscapes. The referring board should ensure the layouts of the buildings are positioned so that the decks of homes are not orientated to face directly onto another home.

Relevant October 2024 CPB Comments

1. The referring Board should consider requiring that the developer provide a portion of units at costs affordable to average-sized households (families) at or below 100% annual median income.
2. The County Planning Board appreciates the applicant's effort to increase the number of affordable homes in the area.
3. The referring body should consider whether adherence to the guidelines of the 2016 NYS Stormwater Design Manual is sufficient to mitigate potential flood impacts. Alternatively, the applicant could be asked to meet the 2022 draft Stormwater Design Manual guidelines.

Relevant (to previous CPB Comments) proposed conditions of Local Law 2 of year 2025 include:

- All site features are to comply with the Town of Geneva Site Design and Development Criteria adopted July 9, 2019 (as amended), unless otherwise specified in these conditions.
- Acceptance of dedication and/or conveyance to the Town of roads, sidewalks, storm and sanitary sewer facilities, water main, and stormwater management areas, including ponds, as shown on the Rolling Hills Subdivision Planned Unit Development Dedication Plan, last dated February 2025, and received by the Town on February 11, 2025, depends on compliance with Town standards and the requirements of the Town's attorney. All side slopes within the open space to be maintained by the Town are to be no less than 1 on 3.
- As part of a site-plan review with the Town Planning Board, seeding and vegetation for the stormwater control ponds, swales and adjacent open space proposed for dedication to the Town must be designed for ease of maintenance and use of native species.
- A two-year maintenance bond or guaranty is required for all landscaping upon completion of its installation.
- In order to "provide for a diverse mix of quality housing for a diverse population," as called for in the Town's Comprehensive Plan, the Town plans to accept ownership of stormwater facilities and common areas, and reduce the parks and recreation fee, and the developer must construct the sidewalk described in condition number 10 above, and offer new homes with fee title to the lots at prices starting at approximately \$150,000.00, the exact price depending on the amenities selected by the buyer, e.g., basement and garage options, and changes in construction and related costs over time.
- Only the uses and layout set forth in the Rolling Hills Subdivision Planned Unit Development plan last dated February 2025, and received by the Town on February 20,

2025, that is on file with the Town, shall be part of any final site plan approval.

The applicant representative was present for the April 2025 CRC Meeting and provided additional information:

- Working with the New York State Department of Transportation, the plan is now to have the entrances/exits be located further north on Carter Rd. The Carter/Gambie Rd. intersection is now proposed to be a 3-way stop. Sidewalks are proposed along the west side of Carter Rd. headed south. Via a crosswalk, the sidewalk will switch to the east side of the road at Angelo St., where the sidewalk currently exists, all the way south to West North St.
- The Town Board is considering the addition of speed bumps on Carter Rd.
- Flag lots are to have shared driveways via a maintenance/access agreement.

Comments

1. The referring body may want to alter the rezoning resolution to include an administrative means of adjusting the base price/reduced price promised as a result of the town's acceptance of the dedication of the park and infrastructure and lowered recreation fees to account for future building material price changes without the need for an amended re-zoning resolution.
2. Since the PUD zoning designation replaces zoning district regulations, the referring body may want to include required principal and accessory use setbacks and heights, lot coverage, and other typical district standards in the rezoning resolution.

CRC Comments

1. According to the site plan, flag lots don't have any trees proposed. The referring board may want to consider requiring the developer to provide a tree for these lots upon sale/agreement with the new owner.
2. In response to questions, the applicant's representative indicated the proposed 200 amp power supply would be sufficient for all electric home appliances and EV charging.

Attachments:

1. Aerial
2. Local Law
3. 187-2024 October 2024 CPB Minutes
4. Plans
5. Traffic Impact Study
6. Proposed Sidewalk Aerial

Board Motion: To retain referral 61-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Paul Lambiase, **seconded by:** Tammy Worden. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

10. Town of Gorham

62-2025 (Class 2) Local Law Establishing a six-month moratorium on Farm Markets in the Town of Gorham.

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

Description & Review Comments:

The purpose of this moratorium is to enable the Town of Gorham to have sufficient time to review existing laws pertaining to the regulation of Farm Markets in the Town of Gorham Zoning Local Law and to have the Town Planning Board to study and recommend modifications to the Town's laws and or to the Town of Gorham Comprehensive Plan or to recommend the adoption of new laws regarding the regulation of Farm Markets within the Town.

The Town Board is concerned that the current Town of Gorham Zoning Local Law does not differentiate sufficiently between general retail sale establishments that are allowed by right only in commercial zoning districts and Farm Markets that are currently listed as allowed by right in the FP district and by special use permit in the RR district, yet section 31.9.7 in the Town of Gorham Zoning Local Law state that Farm Markets may be permitted by the Planning Board as a specially permitted use only in the FP district. At the same time, the Town, in accordance with its comprehensive plan, wishes to ensure that agricultural producers within the Town are not restrained from offering agricultural products produced on the farm for sale directly to the public in a safe manner and in accordance with the protections granted agricultural operators within a County Agricultural District under the State Agriculture and Markets Law, the County Right to Farm Law, and the Town's Right to Farm Law.

It is, therefore, the intent of the Town Board to suspend the review, approval or creation of all Farm Markets as defined in the Town of Gorham Zoning Local Law and in this local law on lands within the Town of Gorham. This will afford the Town sufficient time to review the Town of Gorham Comprehensive Plan and the Town Code and, if determined to be necessary, amend pertinent sections to the Town of Gorham Comprehensive Plan or of the Town Code or to draft new provisions to the Town Code.

Attachments:

1. Local Law

CPB Comments:

1. Will any current applicants be effected by the moratorium
2. Is 6 months sufficient?

Board Motion: To retain referral 62-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Ruth Cahn. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

63-2025 (Class 2) Local Law amending Town of Gorham Zoning local law to adopt regulations pertaining to Solar Energy Systems.

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

Description & Review Comments:

The local law includes the following regulations/information:

- Authority
- Statement of Purpose
- Definitions
 - Tier 1 Solar Energy Systems include the following:
 - Roof-mounted solar energy systems or building-integrated solar energy systems.
 - Ground-mounted solar energy systems with a total solar panel surface area of up to 10,000 SF that generate up to 110% of the electricity consumed on the lot over the previous 12 months or 110% of the electricity demanded by the lot, and all structures thereon, as determined by current industry standards.
 - On-Farm Solar Energy Systems.
 - Tier 2 Solar Energy Systems are Solar Energy Systems which are ground-mounted and are not included under Tier 1 Solar Energy Systems.
- Applicability
- General Requirements
- Permitting Requirements for Tier 1 Solar Energy Systems
 - All Tier 1 Solar Energy Systems shall be permitted as accessory structures in all zoning districts in the Town.
 - Roof-mounted solar energy systems shall be exempt from site plan review.
 - Building-integrated solar energy systems shall be exempt from site plan review but shall be shown in the plans submitted for the building permit application for the building containment system.
 - All Tier 1 ground-mounted solar energy systems shall be subject to site plan approval and applications.
- Permitting Requirements for Tier 2 Solar Energy Systems
 - All Tier 2 Solar Energy Systems are permitted through the issuance of a special use permit in all zoning districts in the Town, and subject to site plan application requirements set forth in this section [G].
 - A Decommissioning Plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant.
 - The filing with the Town of Gorham Clerk of an irrevocable surety bond or other form of security to be issued by at least an A-rated institution solely for the benefit of the Town and reasonably acceptable to the Town of Gorham attorney and approved by the Town Board, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the decommissioning plan and to provide for the removal and restoration of the site after removal, as required by the decommissioning plan.
 - The amount of the bond or security shall be at least 115% of the cost of

removal and site restoration of the Tier 2 Solar Energy System and shall be revisited every 5 years and updated as needed to reflect any changes (due to inflation or other cost changes). In the event ownership of the system is transferred to another party, the new owner (transferee) shall file evidence of an acceptable financial surety with the Town Board at the time of transfer.

- In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the bond or security shall be forfeited to the Town of Gorham, which shall be entitled to take action thereon. The bond or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- Safety
- Decommissioning Plan and Surety
- Permit Timeframe and Abandonment
 - Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town of Gorham may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 12 months of notification.

Comment

1. The Board should consider replacing the term “glare” with “measured reflective angle” in the definitions. It is the angle of the light’s reflection (where the light is being pointed/directed) that is a safety concern, not necessarily the intensity of the glare.

CRC Comment

1. Is there a limit to the number of accessory structures that can be placed in a particular zoning district? If a Tier 1 solar energy system were installed, does this count towards an accessory structure limit? Does each separate solar panel or rack count as a separate accessory structure?

Attachments:

1. Local Law

CPB Comments:

1. The referring body should consider requiring confirmation from applicable fire department regarding the sufficiency of their fire-fighting capacity, if battery storage is included in a proposed solar energy project.
2. As in the NYSEDA Model Solar Law, the proposed Local Law requires a solar energy system to cease generation for 12 consecutive months to be considered abandoned. Other solar laws reviewed allow determination of abandonment if a system is operating at less than 80 or less than 50 percent of intended capacity. The referring body may want to consider changes in the conditions that allow a determination of abandonment.

Board Motion: To retain referral 63-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Paul Lambiase. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

64.0-2025 (Class 1) Special Use Permit and Site Plan Approval for a proposed 2.55 MW AC community solar energy facility - on a parcel just southeast of the SR247/SR245/Blodgett Rd. intersection in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Ontario CSG 4, LLC
Application Type: Special Use Permit
Class: Class 1
Property 156.00-1-21.000
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 27.47-acres; disturbance is proposed at 15.4-acres. The proposed project will be situated on approximately 18.1 acres of land.

The project consists of approx. 4x3 feet photovoltaic solar modules mounted to a driven pile, Single Axis Tracking system. Modules will be arranged into rows arranged from east to west. Rows of solar modules will connect to an inverter. The inverters transform the direct current power generated by the photovoltaic system to alternating current power, which is then connected to the existing distribution line at the point of interconnection. All electrical conduits within the array fence will be buried. Both direct current (DC) and alternating current (AC) conductors will be trenched in conduit. After final circuit consolidation at the PV system pad-mounted switchboard, the system's voltage will be stepped-up to distribution level at the utility-owned transformer and interconnected with an existing utility distribution circuit.

Each Solar Facility will have one to two concrete equipment pads, to support interconnection and metering equipment, and above-ground typical utility poles to support interconnection of the distribution powerline.

Other details about the project include:

- Access to the site will come off of Blodgett Rd. to the west.
- The solar panels will be coated with an anti-reflective coating. The referred materials mention that roadways, buildings, and flight paths will not be impacted by glare from the panels.
- The applicant will be responsible for maintaining any existing drain tile system underneath the array and replacing any damage to tiles occurring during construction, or any time prior to or during decommissioning. Existing drain tile lines will be identified upon the completion of the ALTA survey prior to construction.
- Ground cover within the fenced portion of the array will follow the best management practices for the seed type and seasonal conditions. The entire site will be stabilized and maintained with vegetative cover; areas beneath the solar arrays will be planted with grass to stabilize the site.
- Active management in all areas of the solar site should include an annual inspection followed by necessary vegetation maintenance to encourage healthy native species while discouraging non-native/invasive species. During the growing season of the first year of establishment, the site should be inspected a minimum of three times.
- During the germination year, we mow the project area to control annual weed development and to aid in the growth of the seedlings by reducing weed competition. The operator shall

- establish a timeframe for cutting the grass and maintaining other plant material growth.
- In the years following the first growing season, vegetation management services are utilized to control weed species within the developing native landscape. Typical services include spot herbicide spraying, spot mowing, and herbicide wicking.
- Some, or all, of the perimeter of the Solar Facility and Equipment Pads are fenced with an approximately eight-foot-high fence. Surveillance methods such as security cameras, motion detectors, or heat sensors may be installed at 327 locations along the Solar Facility boundary as determined necessary. No lighting will be installed.
- The decommissioning cost to remove the solar PV facility and reestablish the property back to a grassy field is not expected to exceed a net expenditure of \$290,959.27.
- The service life of the facility is assumed to be 35 years. Because of this, there is inherent uncertainty with pricing estimates that far into the future. All dollar amounts are in net present value (NPV). It is assumed that all values will inflate/deflate consistent with inflation. Therefore, the NPV comparison of removal cost to salvage value will remain relevant at the end of the service life.

According to OnCor:

- The subject parcel has an agricultural land use. Surrounding parcels are a mix of agricultural and residential; except for Marcus Whitman schools to the northwest.
- The subject and surrounding parcels are in Ontario County Agricultural District #1.
- The parcel currently has a use as vacant farmland.
- Land cover crop/successional old field. A tree line runs along the western edge of the parcel.
- The percent slope is gentle to none (0-9% gradient).
- The soil disturbed is Lima Loam, partially hydric, has moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B/D.

Comments

1. Has a visibility/glare study been done? How visible will it be on neighboring parcels and to drivers on nearby roads?
2. Are any stormwater management facilities proposed? What is the proposed landscaping?
3. Since the project is in an agricultural district, an agricultural data statement should be provided. The project should also comply with the NYS Dept. of Ag. and Markets Guidelines for Solar Project Mitigation and will be required to pay for impact mitigation free for prime farmland converted to solar use. <https://www.nyserda.ny.gov/-/media/Project/Nyserda/Files/Programs/NY-Sun/Contractor-Resources/NYSAGM-guidelines-for-solar-construction-mitigation-ag.pdf>
4. Is the road strong enough in order to hold up against the weight of panels/trucks during installation?

OCSWCD Comment

1. Imagery from OnCOR 2014 clearly shows extensive tile drainage with outlets to the hedgerow midfield and south of the property to the adjacent eastern ditch. Removal of this hedgerow for construction and modification of current underground drainage will require outlet protection as water discharges into the ditch along the property line.

Attachments:

1. Aerial
2. Full Plans
3. Site Plan
4. Project Overview
5. FEAF
6. SEAF
7. Decommissioning Plan
8. Wetland Delin Report
9. Submittal Letter
10. Full Report - 185 Pages

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

64.1-2025 (Class 1) Special Use Permit and Site Plan Approval for a proposed 2.55 MW AC community solar energy facility - on a parcel just southeast of the SR247/SR245/Blodgett Rd. intersection in the Town of Gorham.

Municipality: Town of Gorham
Referring Board: Planning Board
Applicant: Ontario CSG 4, LLC
Application Site Plan
Type:
Class: Class 1
Property 156.00-1-21.000
Information
(Address & ID):

Description & Review Comments:

See 64.0-2025.

Attachments:

None

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

11. Town of Hopewell

72-2025 (Class 1 / LATE REFERRAL) Special Use Permit to set up and operate a

temporary 800 SF temporary tent for the sale of fireworks at 3191 County Road 10 in the Town of Hopewell.

Municipality: Town of Hopewell
Referring Board: Planning Board
Applicant: William Chrysler
Application Type: Special Use Permit
Class: Class 1 (LATE REFERRAL)
Property 85.03-1-11.000
Information
(Address & ID):

Description & Review Comments:

The proposed tent location is in the existing Running's parking lot, just north of SR 5&20. Within the parking lot, the tent is located on the far southeast corner of the parking lot, just south of the internal roadway (Recreation Dr.) leading to the Walmart / Lowe's parking lot. Temporary commercial sales signs are proposed along/within the tent.

The plan is for the tent to be set up sometime between June 18-24. Sales are to begin June 24th and end July 5th. Tent pickup and site cleanup occur July 6-7. Hours of operation/sales are typically from 8 or 9 AM to 10 PM +/- an hour. See included "Operating Hours" PDF for more details.

Comment

1. Is the tent located a safe distance from the internal roadway just to the north? The roadway serving these two adjacent parcels/businesses is used regularly throughout the day. Pedestrian/vehicle safety needs to be ensured.

CRC Comment

1. Instead of granting a special use permit for a "temporary" tent, the referring board should consider requiring specific operation dates to be established as a part of the conditions of the special use permit.

Attachments:

1. Aerial
2. Tent Layout
3. Tent Location
4. Operating Hours
5. Temp Sign Images
6. LOI
7. SEAF

Board Motion: To accept late referrals 71, 72, 73.0, 73.1, 73.2, 73.3-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0.

Abstain: None. **The motion** passed.

73.0-2025 (Class 1 / LATE REFERRAL) Area Variance (for a lot width of 107.4 ft. when a minimum of 200 ft. is required), Special Use Permit, Subdivision, and Site Plan to construct a proposed 20,800 SF racquetball/pickleball facility, parking lot, and associated improvements – at 3791 State Route 5&20 in the Town of Hopewell.

Municipality: Town of Hopewell
Referring Board: Zoning Board of Appeals
Applicant: Marks Engineering
Application Type: Area Variance
Class: Class 1 (LATE REFERRAL)
Property 99.00-2-33.000
Information
(Address & ID):

Description & Review Comments:

The 28.3-acre parcel is proposed to be subdivided into two lots: a lot of 2.10-acres (northeast corner of the parent parcel) and a lot of 26.2-acres (remaining area). The proposed 2.10-acre parcel includes an existing office building / parking lot. The larger 26.2-acre parcel is to be combined with a (different) adjacent 0.42-acre parcel to the northwest (3805 SR 5&20); with a combined parcel area of roughly 26.6-acres.

The area variance requested is with regard to the newly created 26.6-acre parcel. By merging with the parcel currently addressed as 3805 SR 5&20, it assumes its lot width, as it provides the only road frontage to the parcel (providing width of the lot). This newly created parcel has a lot width of 107.4 ft. (aka the existing lot width of 3085 SR 5&20) when a minimum of 200 ft. is required, so an area variance is needed. The existing frame house and sheds at 3085 SR 5&20 are to be razed.

This larger parcel is where the project (and requested Area Variance, Special Use Permit, and Site Plan) is occurring. This parcel (and the proposed project area) has split zoning: the northern portion is zoned C-2 (Low Intensity Commercial) and the southern portion is zoned A-G (Agricultural). “Recreational Areas” are specially permitted uses in both zoning districts.

Access to the parcel will come off of the existing office building parking lot directly north (proposed 2.1-acre parcel). The access road will split into the new sports facility as well as a gravel drive leading to an existing brick building on the subject parcel (to the west). 48 parking spaces (4 ADA Accessible) and concrete sidewalks are proposed to surround the new recreational facility. The plans indicate the new parking area has space for emergency vehicle turnaround in the southwest corner of the lot. A 4 ft. retaining wall is proposed on the south side of the building.

Disturbance from the project is approximately 3.2 acres. The proposed recreational facility will hold 10 courts according to the site plan. A 2-ft. deep (6,050 SF) bio-retention facility is proposed to the west of the parking lot. Septic is proposed south of the proposed building/parking lot.

Water and electric services will be provided via an access easement along the east side of the adjacent parcel (proposed 2.1-acre parcel with office building) to the north. Proposed landscaping includes 5 trees (2 Autumn Blaze Freeman Maple and 3 Red Oak) to be planted along the east side of the recreational facility, as well as additional shrub and grass plantings. 11 (dark sky

compliant) pole-mounted lights are to be placed around the perimeter of the parking area.

According to OnCor, the subject parcel is/has:

- It includes a stream running north/south through the center of the parcel.
- Contains a Draft 2023 FEMA 100-Year Flood Zone (also shown on site plan).
- Soil disturbed is a mix of Darien Silt Loam and Darien-Ilion Silt Loam. Both soils are: partially hydric, moderately high permeability, high erodibility, prime farmland if drained, and are in hydrologic soil group C/D.
- Little to no slope (0—9% gradient).
- The land cover of the project area is a successional old field and is treed along the western edge of the parcel.
- Parcels to the north (across SR 5&20) are in Ontario County Agricultural District #1.
- Land use on the parcel as it currently exists is commercial. The adjacent lot (to the west) to be combined into the newly created parcel has a residential use at this time. The other adjacent parcels to the west are commercial. The adjacent parcel to the east is vacant, and residential parcels lie to the north across the street (SR 5&20).

Comments

1. Will there be any employees?
2. What are the hours of operation? What hours will the pole-mounted lights be on/illuminated?

OCSWCD Comments

1. How will roof runoff be directed? It looks like two forebays are directed into the bio-retention facility, but the direction of water from the parking area is not clear and how water is entering the upper forebay is not clear.
2. Silt fence must be placed 10ft from the toe of the slope on slopes greater than 3:1 per NYSDEC Blue Book guidance.
3. OnCor photos show potential underground drainage in the area of the septic system. All underground drainage tile/pipe will need to be addressed as part of development.

CRC Comment

1. The referring board should consider requiring an access and maintenance easement for the proposed shared driveway access. In addition, the referring board may want to consider conditioning the variance so that no curb cuts will be made to grant access to the site via the newly merged parcel (currently addressed as 3791 SR 5&20).

Attachments:

1. Aerial
2. Full Plans
3. Site Plan
4. Grading Plan
5. Landscape Plan
6. SEAF Variance
7. SEAF SUP

Board Motion: To accept late referrals 71, 72, 73.0, 73.1,73.2. 73.3-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

73.1-2025 (Class 1 / LATE REFERRAL) Area Variance (for a lot width of 107.4 ft. when a minimum of 200 ft. is required), Special Use Permit, Subdivision, and Site Plan to construct a proposed 20,800 SF racquetball/pickleball facility, parking lot, and associated improvements – at 3791 State Route 5&20 in the Town of Hopewell.

Municipality: Town of Hopewell
Referring Board: Planning Board
Applicant: Marks Engineering
Application Type: Special Use Permit
Class: Class 1 / LATE REFERRAL
Property Information (Address & ID): 99.00-2-33.000

Description & Review Comments:

See 73.0-2025.

Attachments:

None

Board Motion: To accept late referrals 71, 72, 73.0, 73.1,73.2. 73.3-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

73.2-2025 (Class 1 / LATE REFERRAL) Area Variance (for a lot width of 107.4 ft. when a minimum of 200 ft. is required), Special Use Permit, Subdivision, and Site Plan to construct a proposed 20,800 SF racquetball/pickleball facility, parking lot, and associated improvements – at 3791 State Route 5&20 in the Town of Hopewell.

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	Marks Engineering
Application Type:	Subdivision
Class:	Class 1 / LATE REFERRAL
Property Information (Address & ID):	99.00-2-33.000

Description & Review Comments:

See 73.0-2025.

Attachments:

None

Board Motion: To accept late referrals 71, 72, 73.0, 73.1,73.2. 73.3-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. **Abstain:** None. **The motion** passed.

73.3-2025 (Class 1 / LATE REFERRAL) Area Variance (for a lot width of 107.4 ft. when a minimum of 200 ft. is required), Special Use Permit, Subdivision, and Site Plan to construct a proposed 20,800 SF racquetball/pickleball facility, parking lot, and associated improvements – at 3791 State Route 5&20 in the Town of Hopewell.

Municipality:	Town of Hopewell
Referring Board:	Planning Board
Applicant:	Marks Engineering
Application Type:	Site Plan
Class:	Class 1 / LATE REFERRAL
Property Information (Address & ID):	99.00-2-33.000

Description & Review Comments:

See 73.0-2025.

Attachments:

None

Board Motion: To accept late referrals 71, 72, 73.0, 73.1,73.2. 73.3-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 10, No 0, Abstained

0. **The motion:** Passed.

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

12. Town of Victor

65-2025 (Class 1) Site Plan to construct a 19,870 SF addition to the south side of the existing 90,000 SF (automotive assembly) building at 727 Rowley Rd. in the Town of Victor.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	PMD - Tim Lochner
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	15.00-2-34.211

Description & Review Comments:

The subject parcel is 7.43-acres and is zoned Commercial - Light Industrial, and it falls within the Route 96/251 Corridor Overlay District. The proposed disturbance is 1.6 acres. The area disturbed is currently mowed lawn and successional old field and asphalt.

There are four proposed building-mounted lights along the addition. An at-grade drive-in door and recessed loading dock with a 4 ft. high retaining wall is proposed on the southwestern corner (west facing) of the addition. All proposed materials are intended to match the existing building. A retaining wall is proposed to create more usable space along the south and east sides of the addition due to the encroaching embankment.

The project will result in the elimination of south side parking (10 spaces), loading docks, a stormwater detention facility, dumpster location, and a portion of the driveway. There are a proposed 148 parking spaces (6 ADA Accessible) - less than the code requirement of 323 spaces. However, more than enough parking spaces are provided according to the owner. They now have a work-from-home program in place that reduces the number of employees on-site and therefore the number of parking spaces needed. The building addition will allow for the layout of longer automated assembly lines, and it is not intended to add additional employees on-site. Access to the site is currently provided by two curb cuts off Rowley Rd., which are to stay the same.

Stormwater management plans include 7' deep infiltration/ detention basins proposed between the building and Rowley Rd. to the west. Roof leaders are proposed on the addition, which will feed into the proposed infiltration basins. Nine trees (4 Skyline Honeylocust, 5 October Glory Red Maple) are proposed to be planted surrounding the perimeter of the building.

APPROVED REVISED MINUTES

According to OnCor:

- Property Class: Manufacture
- The current use of the parcel is considered industrial. Surrounding parcels to the north are industrial, the parcel to the east is vacant, and the parcels to the south and west are commercial.
- The slope varies from little to moderate (0-15% gradient) in the proposed disturbance area.
- Soil Disturbed is primarily Gravelly Loam (moderately high permeability, medium erodibility, well-drained).

Comments

1. Are there any proposed landscaping plans?
2. Referred materials indicate that the proposed parking (148) spaces are less than the requirement of 323 spaces. Will an area variance be required?
3. The Town of Victor may want to consider reducing parking space requirements in order to better utilize impervious surfaces (and increase the amount of green space).
4. Proper containment/disposal of oil & waste needs to be achieved.
5. Are the proposed stormwater management facilities adequate given the removal of one of the detention facilities and the increase in impervious surface?

Attachments:

1. Aerial
2. Site Plan
3. Grading & Erosion Plans
4. Full Plans
5. Elevations
6. PB App
7. LOI
8. SEAF
9. SWPPP - 169 pages
10. IMG_0166
11. IMG_0167
12. IMG_0168

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion passed.**

13. Village of Naples

66.0-2025 (Class 1) Area Variances (2) and Site Plan to tear-down/re-build a commercial building for a new business to lease or rent – at 101 S Main St. in the Village of Naples. Area Variances are for: (1) a proposed front setback of 56.5 ft. (when 0 ft. is required)

and (2) a proposed south side setback of 0.24 ft. (when a minimum of 10 ft. is required).

Municipality: Village of Naples
Referring Board: Zoning Board of Appeals
Applicant: Bristol's Pizza, LLC
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 201.18-1-13.000

Description & Review Comments:

Subject Parcel is 0.56 acres. Disturbance is estimated to be 0.01-acres. A new one-story building is desired to be built that mirrors a similar footprint as the prior on that lot, with added features including a main-street-facing entry equipped with an ADA ramp and bathroom. Existing sewer lateral and water service to be re-used. Locations are to be verified before construction.

According to OnCor:

- Subject Parcel has a commercial use.
- The adjacent parcel to the west has a community service use (Naples Historical Society). The remaining surrounding parcels are commercial.
- The lawn/ park area in front of the proposed building will remain unchanged.

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.

Comments

1. the variance application indicates an open space easement along the Main Street frontage

and an access easement on the property limit options for building location.

Attachments:

1. Aerial
2. Site Plan
3. ZBA App
4. SEAF
5. Area Variances questions 66-2025 101SMain_CountyForm

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

66.1-2025 (WITHDRAWN) Area Variances (2) and Site Plan to tear-down/re-build a commercial building for a new business to lease or rent – at 101 S Main St. in the Village of Naples. Area Variances are for: (1) a proposed front setback of 56.5 ft. (when 0 ft. is required) and (2) a proposed south side setback of 0.24 ft. (when a minimum of 10 ft. is required).

Municipality: Village of Naples
Referring Board: Planning Board
Applicant: Bristol's Pizza, LLC
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 201.18-1-13.000

Description & Review Comments:

See 66.0-2025

Attachments:

None

67.0-2025 (Class 1) Area Variance and site plan to place a temporary seasonal tent in front of the existing principal building when accessory structures are only allowed to be placed in the rear yard - at 197 North Main St. in the Village of Naples.

Municipality: Village of Naples
Referring Board: Zoning Board of Appeals
Applicant: Roots Cafe of Naples Inc.
Application Type: Area Variance
Class: Class 1
Property Information 201.10-1-25.100

| (Address & ID):

Description & Review Comments:

Subject Parcel is 0.86 acres. The disturbance is .014-acres. Proposed is a setback distance of 33.3' from Main Street for a seasonal tent 6' off the west side of the building (Roots Cafe). The tent corner is located 0.3' East of the Highway R-O-W Line.

The current seating capacity at tables is 103, while the proposed seating capacity is 143. The seasonal tent has existed since covid, there has been no change of use.

According to OnCor:

- Parcels to the South and East are within Agricultural District 1.
- Parcel to the North is labeled as commercial.
- Parcels to the South and East are labeled as vacant.

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.

Comment

1. The tent seems to have been originally approved to allow the business to maintain seating capacity during Covid. Will the proposed variance expand seating area and, if so, does the site meet parking requirements for the additional seating/service area?

Attachments:

1. Aerial
2. Site Plan

APPROVED REVISED MINUTES

3. Restaurant and Tent Sketch
4. ZBA App
5. Liquor Authority App
6. 67-2025 area variance responses

Board Motion: To retain referrals 55.0, 56.0, 56.1, 57, 64.0, 64.1, 65, 66.0, 67.0, 72, 73.0, 73.1, 73.2, and 73.3-2025 as class 1's and return them to the local boards with comments.

Motion made by: Stephen High, **Seconded by:** Paul Passavant. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion** passed.

67.1-2025 (WITHDRAWN) Area Variance and site plan to place a temporary seasonal tent in front of the existing principal building when accessory structures are only allowed to be placed in the rear yard - at 197 North Main St. in the Village of Naples.

Municipality: Village of Naples
Referring Board: Planning Board
Applicant: Roots Cafe of Naples Inc.
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 201.10-1-25.100

Description & Review Comments:

See 67.0-2025.

Attachments:

None

68.0-2025 (Class 1) Area variances (4) and Site Plan to include a seasonal venue tent, and multiple accessory structures on a parcel just southeast of the SR21/SR245 intersection in the Village of Naples. Area Variances include: (1) proposed distance from pavilion to well-head is 103.7 ft. (where a minimum of 200 ft. is required), (2) proposed distance from tent to well-head is 75.5 ft. (where a minimum of 200 ft. is required), (3) proposed distance from tent to a stream bed (or "raceway") of 53.3 ft. (where a minimum of 100 ft. is required), and (4) a proposed side setback of the wine bar (accessory structure) of 3.7 ft. (where a minimum of 8 ft. is required).

Municipality: Village of Naples
Referring Board: Zoning Board of Appeals
Applicant: Diane S. Moore/Inspire Moore Winery
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 201.10-1-28.211

Description & Review Comments:

The subject parcel is 69.0-acres; disturbance is proposed at 0.5-acres.

The parcel was referred as 120-2024 at the June 2024 CPB Meeting for a Map Amendment to “rezone some or all six (6) different parcels (TM#’s: 201.06-1-5.000, 201.10-1-25.100, 201.10-1-26.000, 201.10-1-27.200, 201.10-1-28.211, 201.10-1-29.110) as TM# 201.06-1-5.000 to the C-3 Winery District, located along the North Main St. / SR245 intersection in the Village of Naples”. The referral was a class 2, recommended for approval with comments.

Proposed work includes:

- An existing gravel driveway to be widened (coming off of SR245).
- A total of 82 parking spaces.
- A tent, pavilion, barn, and wine bar.
- Portable restroom trailer.
- Hanging lights between the wine bar and pavilion.
- Walkways between buildings.

According to Oncor:

- Land use is a public service. Surrounding land uses are a mix of vacant w/ improvements, commercial, or open space & conservation.
- The subject and adjacent parcels to the west are in Ontario County Agricultural District #1.
- The parcel is within the FEMA Floodway, FEMA Q3 Floodplains, Draft FEMA 100- and 500-Year Floodzones. A National Wetland lies on the adjacent parcel to the west. A stream runs through the center of the parcel.
- Slope is gentle to none (0-9% gradient).

Relevant June 2024 CRC Comment

1. Most of the parcels to be rezoned are within the preliminary 2023 Floodplains. Any future development should be held to the standard of no net loss to the floodplain area.

Comments

1. Will there be live music?
2. What will be the dates/months of operation? What are the hours of operation?
3. Will there be employees? Or will vendors set up for each event?
4. Will there be parking attendants for vehicles entering / exiting the venue?
5. Will any fencing be installed between the gravel parking area along the ditch/stream?

OCSWCD Comments

1. Concerns over well-head protection. Local law indicates no construction within 200ft of the well-head as noted in the plans. The parking area is adjacent to the well-head with potential sources of contamination from fuel/oil etc.

2. New NYS DEC wetland regulations may apply to the parcel.

Attachments:

1. Aerial
2. Site Plan
3. Photo
4. NYSDOH Code
5. SEAF
6. ZBA App
7. LOI
8. DEC Emails
9. 68-2025 inspire moore area variance questions

CPB Comments:

Board Motion: To elevate referral 68.0-2025 to a class 2 as it has been deemed to have county-wide and intermunicipal impacts as when in service, the wellhead on the site provides public water supply to both Village and Town residents.

Motion made by: Ryan Wilmer, **seconded by:** Burch Craig. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

Board Motion: To retain referral 68.0-2025 as a Class 2 and return to the local board with the recommendation of Disapproval with Comments. Based on consideration of the referral, review comments and findings included herein, there is the potential for significant adverse county-wide and inter-municipal impacts.

Motion made by: Ryan Wilmer, **seconded by:** Dan Crowley. **Vote:** Yes 9, No 1, Abstain: 1 Paul L. Alternate Bessie Tyrrell voting. **The motion:** failed

Board Motion: To retain referral 68.0-2025 as a Class 2 and based on findings regarding likely project impacts, to return referral to the local board with the recommendation of approval with the following modification (s): alternate parking not in the floodway, assured adequate protection of the public water.

Motion made by: AJ Magnan, **seconded by:** Tammy Wordon. **Vote:** Yes 8, No 2, Abstain: 1: Paul Lambiase. Alternate Jack Dailey voting. **The motion:** Failed.

Board Motion: To retain referral 68.0-2025 as a Class 2 and based on findings regarding likely project impacts, to return referral to the local board with the recommendation of approval with the following modification (s): locate parking outside the floodplain to address potential for contamination of adjacent waterway due to sheetflow from grass parking area with no stormwater management and sign off letter from NYS DOH regarding adequacy of protection of well-head with proposed or granted variances.

Motion made by: Ryan Wilmer, **seconded by:** Tammy Wordon. **Vote:** Yes 10, No 0, Abstain: 1: Paul Lambiase. Alternate Bessie Tyrrell voting. **The motion:** Passed.

68.1-2025 (WITHDRAWN) Area variances (4) and Site Plan to include a seasonal venue tent, and multiple accessory structures – on a parcel just southeast of the SR21/SR245 intersection in the Village of Naples. Area Variances include: (1) proposed distance from pavilion to well-head is 103.7 ft. (where a minimum of 200 ft. is required), (2) proposed distance from tent to well-head is 75.5 ft. (where a

minimum of 200 ft. is required), (3) proposed distance from tent to a stream bed (or "raceway") of 53.3 ft. (where a minimum of 100 ft. is required), and (4) a proposed side setback of the wine bar (accessory structure) of 3.7 ft. (where a minimum of 8 ft. is required).

Municipality: Village of Naples
Referring Board: Planning Board
Applicant: Diane S. Moore/Inspire Moore Winery
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 201.10-1-28.211

Description & Review Comments:

See 68.0-2025.

Attachments:

None

14. Village of Phelps

69-2025 (Class 2) Local Law to adopt Regulations Pertaining to Cannabis Retail Dispensaries & Cannabis On-site Consumption Establishments in the Village of Phelps.

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

Description & Review Comments:

The following regulations/definitions are outlined in Local Law 3 of the year 2025 for the Village of Phelps:

- Definitions are provided for “Cannabis Retail Dispensary” and “Cannabis On-Site Consumption Establishment”.
- Dimensional Requirements
- Insertion of Section 175-10.18 (Cannabis retail dispensaries and cannabis on-site consumption establishments)
 - No cannabis retail dispensary or cannabis on-site consumption establishment shall be allowed within 500 feet of the boundary of any residential zoning district in the Village, as measured from the nearest exterior wall of the portion of the structure containing the cannabis retail dispensary or cannabis on-site consumption establishment.

- No cannabis retail dispensary or cannabis on-site consumption establishment shall be allowed within 500 feet of the property line of a parcel, within the Village, containing a church, synagogue, other place of worship, library, school, nursery school, day-care facility, park, playground or substance abuse treatment site, as measured from the nearest exterior wall of the portion of the structure containing the cannabis retail dispensary or cannabis on-site consumption establishment.
- No cannabis retail dispensary or cannabis on-site consumption establishment shall be allowed on the same parcel as another cannabis establishment.
- No cannabis retail dispensary or cannabis on-site consumption establishment shall be allowed within 1,000 feet of the property line of another cannabis retail dispensary, cannabis on-site consumption establishment or other cannabis establishment, as measured from the nearest exterior wall of the portion of the structure containing the cannabis retail dispensary or cannabis on-site consumption establishment that is the subject of the application, whether such other establishment is located in the Village of Phelps.
- No cannabis retail dispensary shall open or conduct any business prior to 9am nor remain open or conduct any business after 7pm.
- No cannabis on-site consumption establishments shall open or conduct any business prior to 9am nor remain open or conduct any business after 7pm, Mondays through Saturdays, and shall not open or conduct any business prior to 12pm nor remain open or conduct any business after 7pm on Sundays.
- A special use permit for a cannabis retail dispensary or cannabis on-site consumption establishment shall have a term limited to the duration of the applicant's ownership and use of the premises as a cannabis retail dispensary or cannabis on-site consumption establishment, as applicable. A special use permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special use permit.

Attachments:

1. Local Law

CPB Comments:

1. Are there any locations that meet these requirements in the village?

Board Motion: To retain referral 69-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: A.J. Magnan, **seconded by:** Dan Crowley. **Vote:** Yes 10, No 0, Abstained 0. Abstain: None. **The motion:** Passed.

15. Village of Victor

70-2025 (Class 1) Site Plan to construct a 3,200 SF office building and parking lot for a law firm business at 290 West Main St. in the Village of Victor.

Municipality: Village of Victor

Referring Board: Planning Board

Applicant: Mahoney Brenner LLC / Canandaigua Development Company
LLC

Application Type: Site Plan

Class:	Class 1
Property Information (Address & ID):	16.17-2-2.000

Description & Review Comments:

The subject property is 1.21 acres. The proposed disturbance is .45-acres. Six trees are to be removed. The subject parcel is currently vacant, the parcel to the east is also vacant, the parcel to the north and northeast is residential, and the parcel to the east is commercial. The soil disturbed is Gravelly loam (non-hydric, high permeability, medium erodibility, well drained, and not prime farmland). Land cover is mowed lawn with trees, with successional hardwoods in the center and rear of the parcel.

The proposed ±3,200SF (masonry, wood, metal) development will include public water service, public sanitary connection, and stormwater connection. Proposed lighting includes 4-building mounted lights. The landscaping includes 2 trees (Street Keeper Honey Locust) and 16 shrubs (9 Inkberry Holly, 7 Amur Privet). The existing water curb stop and sewer clean-out will be utilized to service the building. The project includes an asphalt drive off of W Main St to meet flush with the existing sidewalk (24' wide, stabilized construction access), and 8 paved parking spaces (including 2 ADA-compliant spaces).

The site has extremely steep slopes (31-60% gradient) which include a 23 ft. drop in elevation from the middle of the site to the right-of-way. The top (rear) of the parcel has an elevation of 666 ft. above sea level, and the parcel bottoms out at 584 ft. The design includes an 8-ft. high retaining (at the highest point) wall along the rear of the building.

The applicant representative was present for the April 2025 CRC meeting and provided the following additional information:

- To account for the additional runoff from increased impervious surface, the engineer designed two catch basins to collect water in the rear of the building, which will run to the existing inlet along the roadside to the south.
- The office building is planned to have 4 employees, with space for up to 6.

Comments

1. The referring board should consider requiring additional stormwater management for this increase in impervious surface.
2. What will the hours of operation be?
3. Is parking sufficient? How many employees? What is the expected number of customers per day?

Attachments:

1. Aerial
2. Site Plan
3. Utility & Grading Plan
4. Lighting & Landscaping Plan
5. Full Plans
6. Floor Plans & Elevations
7. Engineer Response Letter
8. SEAF
9. PB App

CPB Comments:

1. In response to questions, the applicant provided the following additional information:

- The law office will initially have 3 employees with 5 workspaces available to accommodate future growth.
- The overhead door on the west elevation is to provide access to storage area for materials such as light poles, between time of purchase and time of site installation at applicant's development sites.
- Redevelopment of this former home site will involve removal of remnants of the asphalt driveway and installation of geotextile fabric and reestablished lawn area.

Board Motion: To retain referral 70-2025 as a class 1 and return to the local board with comments.

Motion made by: Tammy Worden, **seconded by:** Paul Lambiase. **Vote:** Yes 10, No 0, **Abstained** 0. **Abstain:** None. **The motion:** Passed.

16. Privilege of the Floor

At the beginning of the meeting, Ontario County Planning Department staff person and former CPB member, Thomas Lyon, provided an update on the Ontario County Parks and Recreation Master Plan. The Master Plan provides an extensive inventory of state, local, NFP, and private recreation areas, trails, and other open space resources. This information was used to define the mission of county parks and recreation activities and may be used by local municipalities for similar purposes. The update also identified the 7 existing county parks, the Plan public engagement process, and that the Plan outlines priorities for investments in existing and future county parks including expanding recreation space in eastern Ontario County and exploring land transfers to better align with county and state priorities and capacities. The Plan and presentation also identified potential funding sources.

17. Upcoming Trainings:

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

- MRB Group / Hancock Estabrook Municipal Bootcamp; <https://dos.ny.gov/training-assistance>
- 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

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- 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: Friday, May 30, 2025 at Genesee Community College, Batavia. **Registration opens March 25.**
- NYSDOS Local Government Training Schedule; <https://dos.ny.gov/training-assistance>
 - Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SEQR basics training (CERTIFICATE OF COMPLETION NOT PROVIDED)
- NYSDOS On-Demand Training; https://dos.ny.gov/training-courses?f%5B0%5D=filter_term%3A2236
 - Use the 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.
- 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 a membership number or to pay and participate as a non-member. 518-512-5270 or email: nypf@nypf.org

18. Adjournment:

Board motion to: Adjourn. **Motion made by:** Paul Lambiase, **Seconded by** Ruth Cahn, **Vote:** Yes 10, No 0, Abstained 0. **The motion** Passed. The Ontario County Planning Board meeting was adjourned at 10:27PM.

APPROVED REVISED MINUTES

General Information

The Ontario County Planning Board (CPB) was established by the Ontario County Board of Supervisors under the provision of NYS General Municipal Law Article 12-B Section 239-c. County Planning Boards. The state legislature determined in §239-c. 1. (a), (b), (g) & (f):

1. Legislative findings and intent. The legislature hereby finds and determines that:

(a) Significant decisions and actions affecting the immediate and long-range protection, enhancement, growth and development of the state and its communities are made by county planning boards.

(b) County planning boards serve as an important resource to the state and its localities, helping to establish productive linkages between communities as well as with state and federal agencies.

(f) The great diversity of resources and conditions that exist within and among counties requires consideration of such factors by county planning boards.

(g) It is the intent of the legislature therefore, to provide a permissive and flexible framework within which county planning boards can perform their power and duties.

Note: I, (d), and (e) refer to the county comprehensive plan.

The CPB membership consists of one representative from each of the 16 towns and 2 cities who are selected by the town board or city council and formally appointed by the Board of Supervisors for terms of 5 years. Members representing a town, also represent any village(s) located with the town.

General Summary of CPB Review Responsibilities

This section provides a general summary of the CPB's roles and responsibilities. The specific responsibilities of a county planning board are found in §239 l, m, & n and the CPB Bylaws approved by the Ontario County Board of Supervisors. (Links: Complete §239 text Page151: [Guide to NYS Planning and Zoning Laws](#) and [Ontario County Planning Board Bylaws under "Quick Links"](#))

The Ontario County Planning Board reviews certain zoning and planning actions prior to the final decision made at the village, town, or city level and makes a recommendation to the municipality. Although CPB review is required, the action is advisory in nature and can be overridden at the local level (super majority if a recommendation for denial or approval without recommended modification).

NYS law spells out the types of actions reviewed by the CPB:

- Adoption or amendment of zoning regulations (text and/or map)
- Comprehensive plans
- Site plan approvals
- Special use permits
- Variances
- Any special permit, exception, or other special authorization which a board of appeals, planning board or legislative body is authorized to issue under the provisions of any zoning ordinance
- Subdivisions

NYS law specifies that CPB is required for the above actions to occur on real property lying within a distance of 500 feet from any:

- Boundary of any city, village, or town boundary
- Existing or proposed county or state park or other recreation area,
- Right-of-way of any existing or proposed county or state parkway, thruway, expressway, road or highway, existing or proposed right-of-way,
- Stream or drainage channel owned by the county or for which the county has established channel lines, or
- Existing or proposed boundary of any county or state owned land on which a public building or institution is situated.

General Procedures

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1s are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. For Class 2 applications, the CPB has determined that there will be potential impacts before voting to approve, modify or deny.

Legal Obligations for Referring Agencies

Class 1: If an application has been returned to the referring agency as a Class 1, then the only requirement is that they consider any Board comments forwarded to them by the CPB. Referring agencies are asked to read any Board Comments into the minutes of a meeting or hearing held for the subject application.

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Class 2: If the CPB has voted to deny or modify a referred application, then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB approvals without modification require no extraordinary local action. However, in all cases, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

Incomplete Applications

Referrals need to meet the definition of “full statement of such proposed action” in NYS General Municipal Law. The CPB’s determination regarding the completeness of a particular application is supported by factual findings and is made, whenever practical, after consulting with the submitting official or the chairs of referring agencies. The CPB will not make a recommendation on an application that they have determined to be incomplete. NYS General Municipal Law, Article 12-b Section 239-m I

Reporting back to the CPB

Report of final action – Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or denial of a proposed action shall set forth the reasons for the contrary action in such report.”

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR 1 is an administrative review that is a Class 1 and AR 2 is a review that is a Class 2. An AR 2 requires a majority plus one for the local board to act contrary to the recommendation for disapproved just like Class-2 referrals reviewed by the full Board. The following table summarizes the policies under which administrative review is allowed and guidance regarding class designation and recommendation based on the CPB bylaws.

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