

ONTARIO COUNTY PLANNING BOARD

Wednesday, May 14, 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, May 14, 2025, Ontario County Planning Board meeting to order at 7:01PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Terri Brown

Ruth Cahn

Burch Craig

Dan Crowley

Roslyn Grammer

Stephen High

Paul Lambiase

A.J. Magnan

Chris Mergler

Ed Kieser

Leonard Wildman

Ryan Wilmer

Tammy Worden

Mike Woodruff

Present Not Voting:

Jack Dailey

Bessie Tyrrell

Absent:

Excused:

Edward (Ted) Liddell

Present, Voting 15, Present, Not Voting 2, Absent 0, Excused 1

Guests: Hailey Effler, Ari Galberg and 1 additional representative (for 77.0-, 77.1-, and 77.2-2025).

3. Approval of Minutes:

Paul Lambiase motioned to approve the minutes as revised of the April 9, 2025. The motion was seconded by Leonard Wildman. The motion passed. Paul P. asked for the following revisions amend 68-2025 language of final board motion specifically the last sentence.

4. New Business:

Tracey Burkey, Destination Marketing Manager for Finger Lakes Visitor Connection (FLVC), provided a short training on the inter-relationship of tourism promotion, economic development, and quality of life. Travelers, like residents, are looking for experiences; delivering high quality experiences requires integration of attractions, food and lodging, and customer service/welcoming community. Developing a place people want to visit, is also developing a place people want to live and work; investment in tourism can lead to business investments.

New FLVC initiatives include working with I Love NY on promoting accessible travel opportunities, developing themed passports where travelers and residents can check in for discounts, and a virtual museum adding QR codes and virtual reality to dozens of traditionally static blue historic markers throughout Ontario County.

One of the key challenges for the industry throughout the Finger Lakes is transportation; whether arriving by car or motor coach, visitors would like expanded ride hailing service to fully enjoy the areas wine and craft beverage trails and other food and beverage offerings.

County Planning Board representatives and municipal leaders are encouraged to contact Tracey at tracey@visitfingerlakes.com with information on tourism and hospitality oriented businesses and events. FLVC provides an industry newsletter, networking events for hospitality businesses, and an opportunity to list their business on the FLVC website.

5. Town of Bristol

74-2025 (Class 2/A) Proposed Local Law to amend Chapter 350 of the zoning code to permit the inclusion of dwellings in all zoning districts within the Town of Bristol.

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

Description & Review Comments:

Amendments include:

- Addition of off-street parking minimum standards for single-family dwelling units (minimum of 2 spaces) within the C-B (Community Business) and the L-I (Light Industrial) zoning district.
 - Amendments occur in Chapter 350-32B(8) for the C-B zoning district and Chapter 350-32C(3) for the L-I zoning district.
- Amendment to Chapter 350-37C(1): Signs permitted by district; Community Business (C-

- B) and Light Industrial (L-I).
 - Residential use. A pole- or building-mounted, non-illuminated sign which exceeds no more than four square feet per side or 10 feet in height above ground level. No permit required for this sign.
- Addition of permitted uses in the C-B and L-I zoning district including:
 - Home occupation uses, including professional offices
 - Single-family dwellings
 - Two-family dwellings
 - Pre-manufactured modular homes
- Amendments to Chapter 350 Attachment I – Schedule of Lot Size and Setbacks for the C-B and L-I zoning districts to add the following allowable uses:
 - Dwelling, Single-family dwellings
 - Dwelling, Two-family dwellings
 - Home occupations / professional offices

Attachments:

1. Local Law
2. Town of Bristol Official Zoning Map 6_16 signed

CPB Comment

1. Referencing the updates to Chapter 350-32B(8) for the C-B zoning district and Chapter 350-32C(3) for the L-I zoning district: What are the minimum off-street parking standards for two-family dwellings and apartments? Is it also a minimum of 2 spaces? Is that enough? The referring board should consider clarifying wording on parking standards for multi-family residences.

Board Motion: To retain referral 74-2025 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 15, No 0, Abstained 0.

The motion: Passed.

6. Town of Canandaigua

75-2025 (Class 1) Final Site Plan for Phase 1 of the Canandaigua Country Estates manufactured home park expansion, which consists of 23 proposed manufactured homes as part of the overall manufactured housing park expansion project at 5555 Purdy Rd. in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Gregory McMahon, McMahon Larue Associates
Application Type:	Site Plan
Class:	Class 1
Property Information	55.00-1-19.000

| (Address & ID):

Description & Review Comments:

This project was previously referred in May 2024 as referral 89-2024 for site plan approval. The project is now for Phase I Final Site Plan approval. The subject parcel is 83.2-acres (according to OnCor) and contains an existing mobile home park with 70 dwellings. Phase I will occupy 9.1 acres and consist of 23 units. The typical lot layout is roughly 125' x 60' with a 30' x 70' manufactured home (and 20' x 25 driveway). There are 7 phases in total, with a proposed 135 new manufactured home sites.

As a part of Phase I, one stormwater management facility (10 ft. deep at the deepest) is to be created in the southeast corner of the Phase I area. The SWMF is to have a 10-20 ft. wide planted buffer (native switchgrass). According to the overall plans submitted in 2024, there are three (3) stormwater management facilities proposed to mitigate increased stormwater runoff. There is also a 3.34-acre open recreation area near the center of the development (according to the 2024 overall plans).

Service will come from an expansion (new 8" water mains and hydrants) from the existing water service (Canandaigua – Farmington). Wastewater to use existing public wastewater treatment facility (Farmington Treatment Plant). A hedgerow exists (and will continue to exist) between the manufactured home park and the farm land to the east. Trees are proposed to be planted along the perimeter of the Phase I area, as well as roughly 1 for every 2 homes within the park. Tree species include Flowering Dogwood, Eastern Red Bud, White Spruce, and Blue Spruce. According to the overall plans submitted in 2024, there will be residential post lighting at driveways.

Access to Phase I is to connect from the existing manufactured home park (Private Drive B) as well as an additional connection off of Purdy Rd. A connection to Purdy Rd. already exists in the existing manufactured home park. Phase I will also connect to additional internal roadways (Private Drives A and C).

Subject Parcel and surrounding parcels are in Ontario County Agricultural District #1. The southern portion of the parcel contains a regulated (NYSDEC and Federal) wetland that buffers the Padelford Brook outfall location. Surrounding parcels are predominately agricultural, residential, or commercial.

According to the overall plans, there are three (3) stormwater management facilities proposed to mitigate increased stormwater runoff. There is also a 3.34-acre open recreation area near the center of the development.

The maximum slopes in areas of proposed work are 5% gradient. Soil is poorly drained (according to SWPPP), predominately Odessa Silt Loam (47.5%) and Odessa Silty Clay Loam (29.3%):

- Odessa Silt Loam: partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.
- Odessa Silty Clay Loam: same as Odessa Silt Loam

The project site is divided into two watersheds with separate outfall locations. The southern watershed collects in Padelford Brook at the southeast corner of the parcel. The northern watershed collects at the SR332 roadside swale in the northwest corner of the parcel.

The applicant representative (Greg McMahon: McMahon-LaRue Associates, P.C.) was present at

the 5/8/24 CPB meeting, and provided the following comments on the overall project:

- There are sidewalks proposed on one side of every roadway in the park, and access to the recreation area via mulched pathways.
- Each proposed driveway has parking space for two (2) cars.
- Stormwater management facility (SWMF) will only hold large amounts of water during significant events, and will be low/dry most of the year.
- RV and boat storage is an existing use (only for residents). It is proposed that it will be expanded.
- Internal roads are private.
- If there is a demand, the owner is willing to work with the school district on bus-pickup options. Current residents are predominately aged 55 or older.
- Refuse pick-up will be paid for by park owners and handled by a private hauler. Existing residents have individual totes that are picked up by a hauler. The plan is to continue with this service for the proposed lots.
- Lots are designed for double-wide manufactured homes (roughly 22'-24' wide, 50'-60' long), but single-wide manufactured homes are allowed as well.
- Manufactured home sites will be built in phases (roughly 20–25 lots per phase).

May 2024 OCSWCD Comments

1. Consider construction impacts on existing underground drain tiles.
2. Consider proposed changes to FEMA floodplain.
3. Plans indicate minimal tree plantings. Consider adding additional plantings.
4. Additional fence/signage is recommended to delineate the wetland area.

May 2024 CPB Comment

1. Applicant is encouraged to install a fence surrounding stormwater management facility.

CRC Comment

1. Has the applicant been in contact with (gas/electric) energy providers and confirmed that they will have power availability for this project?

Attachments:

1. Aerial
2. Site Plan
3. Grading Plan
4. Utility Plan
5. Landscaping Plan
6. Full Plans
7. PB App
8. FEAF
9. ZLD
10. Agricultural Data Statement

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

76.0-2025 (Class 1) Area Variance and Site Plan for a proposed addition (attached garage, new patio, and new driveway) to an existing single-family home at 3850 CR16 in the Town of Canandaigua. The associated area variance is for a proposed front setback of 16.5 ft. for the attached garage when a minimum of 60 ft. is required.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Logan Rockcastle, Marks Engineering
Application Type: Area Variance
Class: Class 1
Property 113.09-3-9.110
Information
(Address & ID):

Description & Review Comments:

Addition of an attached garage, patio, new driveway, and 8ft retaining wall off Wyffels Rd. at 3850 County Rd 16 with associated site improvements including grading, drainage, and utilities to an existing single-family dwelling, and the removal of patios, walkway, retaining wall, and driveway. Disturbance is estimated at 0.62 acres.

The addition of the attached garage will increase the degree of an existing non-conforming front setback. The existing front setback is 92.1 ft (east; CR 16.) and 32.9 ft. (south; Wyffels Rd.). The 32.9 ft. setback is pre-existing and non-conforming. The proposed front setbacks are 76.8ft (east) and 16.5ft (west) when 60 ft. is required. Also, the existing rear setback is 127.2ft and the proposed rear setback of 89.5ft where 60ft is required. The total existing impervious coverage is 4,602SF (17.4%). The proposed impervious coverage is 6,243.5SF (23.6% where 25% is maximum). The proposed landscaping includes 8 trees (2 of each: Autumn Blaze Freeman Maple, Flowering Dogwood, River Birch, and Red Oak), 23 shrubs, and a variety of grasses and perennials.

According to Oncor:

- All surrounding parcels are residential.
- Soil is Lima loam (moderately well-drained, partially hydric, moderately high permeability, high erodibility, and is in hydro group B/D.)
- Slope disturbed is moderate to none (0-15%)

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; and
 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; and
 3. Whether the requested area variance is substantial; and
 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 the submitted Area Variance Test Question Response submitted by the applicant.

Attachments:

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

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

76.1-2025 (Exempt) Area Variance and Site Plan for a proposed addition (attached garage, new patio, and new driveway) to an existing single-family home at 3850 CR16 in the Town of Canandaigua. The associated area variance is for a proposed front setback of 16.5 ft. for the attached garage when a minimum of 60 ft. is required.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Applicant:	Logan Rockcastle, Marks Engineering
Application Type:	Site Plan
Class:	Exempt
Property Information (Address & ID):	113.09-3-9.110

Description & Review Comments:

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

Attachments:

None

77.0-2025 (Class 2/A) Use Variance, Special Use Permit, and Site Plan for a proposed Ground-mounted Tier-3 4.95-megawatt (MW) ac community solar energy system when Tier-3 solar energy systems are prohibited on a parcel that lies on the east side of New Michigan Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Hayley Effler
Application Type: Use Variance
Class: Class 2/A
Property 69.00-1-54.410
Information
(Address & ID):

Description & Review Comments:

The project site is 46.4 acres. Project activities will disturb 22 acres. There is a 0.04-acre (1,750 SF) encroachment into a seasonal drainage swale. The 0.17-acre wetland will remain. The proposed project would convert 8 of the existing (roughly) 45 acres of agricultural use. This includes 0.67-acres of impervious surface, and 7.4-acres occupied by the solar racks. No on-site battery energy storage is proposed - submitted documents indicate that the solar energy facility will connect and interact with RG&E's transmission infrastructure.

Approximately 61.1% of the land is classified as prime farmland, 31.2% is classified as prime farmland if drained, and 7.8% is classified as farmland of statewide importance, according to the USDA Gridded Soil Survey Geographic Database. Prime farmland soils are comprised of Schoharie, Honeoye, and Cayuga silt loams, and silty clay loams at 3-8% slopes. Prime farmland of drained soils are comprised of Odessa silt loam and silty clay loam at 0-8% slopes, while the farmland of statewide importance soils are comprised of Lakemont silty clay loam at 0-3% slopes.

The proposed property is in Padelford Greenway and near 1,300 acres of permanently preserved farmland. The OC Agricultural Enhancement Board (AEB) review of the preliminary notice of intent found that several other proposed solar projects in this area have been reviewed unfavorably by the Town of Canandaigua Agriculture Advisory Committee. The Committee is concerned that area farmers will lose access to leased land that contributes to the viability of their farm operation.

The AEB also pointed out that the northern portion of the property has the least productive agricultural soils, is wet, and is bisected by a north-south drainage swale complicating field planting patterns.

The property is zoned AR-2 Agricultural Rural Residential 2. Canandaigua defines 4 tiers of solar energy systems. Tier 1 and Tier 2 systems, with a capacity of up to 1 MW AC used on-site and not more than 8 acres of facility area, are allowed by special use permit in the AR-2 district.

Commercial and larger Tier 3 and 4 solar systems require a special use permit and are only allowed in the I - Industrial and CC - Community Commercial zoning districts or as part of an Incentive Zoning proposal. The Town of Canandaigua has received a use variance application to consider the solar energy system as a public utility, which has different standards than other types

of use variances.

In a December 2024 NYS Appellate Court case, the court directed the Zoning Board of Appeals of the Town of Athens to issue a use variance for a solar energy generation facility, finding a public necessity. The court found that the project was entitled to a “reducing showing” because the project had a minimal impact as evidenced by the SEQRA review and that aesthetic and environmental impacts are generally not part of the calculating public necessity.

As stated in the application submittal letter, the public utility variance standard requires an applicant to provide an “essential service,” to demonstrate:

1. The relief is “a public necessity in that it is required to render safe and adequate service,” and
2. There are “compelling reasons, economic or otherwise,” that make it more feasible to seek that variance than to seek alternative locations.

Application materials review NYS Climate Leadership and Community Protection goals regarding transition to fossil fuel-free electricity, court decisions regarding public utility use variance, and the necessity for fast action to secure land leases for sites that have cost-effective grid access.

The application indicates the proposed site is near to the required 3-phase distribution infrastructure and a substation with capacity for solar energy and that such proximity of the site to RG&E infrastructure and RG&E customer load (electricity demand) helps mitigate transmission and distribution congestion and allows the project to deliver greater amounts of electricity more efficiently to the end users by limiting line losses from traditional, centralized generation.

Application materials include an alternative site assessment which started with 104 parcels within 500 feet of a 3-phase electric line. After eliminating nearly 30 parcels due to open water, slopes over 12 %, existing on-site buildings, or disruptive gas/oil infrastructure; 20 parcels outside the Town of Canandaigua; and 5 parcels with disruptive wetlands, there remained 49 parcels of 20 acres or more with contiguous areas suitable for a solar facility. Potentially usable sites include 47 properties in the AR-2 district and 2 in the Industrial district. Six of the 49 property owners were contacted, and only the selected site owner expressed willingness to host a solar facility. Based on this analysis, the applicant determined that there are no viable alternative sites available in the Town of Canandaigua to access existing grid infrastructure with available hosting capacity.

The applicant intends to contract with farmer(s) for vegetation management and has outlined a plan for integration of a variety of agricultural uses on the parcel. The agricultural uses include sheep and kune kune pig grazing within the solar facility fence line; raising grass-fed broiler chickens in the 22-foot setback between the array and the fence; an 80-tree apple orchard as landscaping to screen the solar array along New Michigan Road; and a hay harvesting operation on setbacks and land north of the pipeline easement with access from New Michigan Road at the gas pipeline. The integrated agricultural plan included with the application was prepared by an operator with a multi-species grazing operation with sheep, pigs, and ducks at a solar facility in Lansing, NY. Proposed agricultural activities may or may not align with the knowledge, equipment, and operation of area farmers.

A full Coordinated Electric System Interconnection Review (“CESIR”) has been completed by RG&E and the applicant has made the required payments to RG&E to assist RG&E in improving and upgrading the distribution infrastructure to accept the locally generated power. The applicant has made all necessary payments to maintain its position within the interconnection queue.

The decommissioning plan provides a cost estimate for the restoration of the site to current status, includes mechanism for cost escalation, and references NYS Department of Agricultural and Markets Guidelines for Mitigation of Solar Energy Projects.

Comments

1. What is the acreage proposed for each of the integrated agricultural uses?
2. Will United Agrivoltaics be operating any of the agricultural uses? If not have operator(s) been identified to operate the sheep, pig, and chicken raising within the fence and haying and orchard operations in the setback and gas pipeline easement area? Will the apple trees be planted if an orchard operator is not identified or will other landscaping screening be provided?
3. Applicant should consider identifying potential locations for farm buildings for overwintering pigs and sheep on the site plan.
4. What is the acreage within the fence line? The area of disturbance appears to exclude the apple orchard.
5. NYS DAGML 2017 Guidelines for Agricultural Mitigation for Solar Energy Projects require stripping and storage of topsoil from access roads, equipment areas, and any electric trenches to allow replacement where removed.

https://www.ontariocountyny.gov/DocumentCenter/View/38050/Solar_Energy_Guidelines

6. Is replacement next growing season an acceptable interval for addressing dead screening plants?
7. The decommissioning plan does not include the potential cost for removal of orchard to return the parcel to row crop use.
8. The Fire Safety Plan includes references to the Town of Farmington code.

The applicant representatives were present for the May 14th Ontario County Planning Board meeting and provided the following information:

- Animals proposed on the site are: KuneKune Pigs, Sheep, and Broiler Chickens.
- Grazing will occur throughout the solar field within the fenceline. Animals will have full access to the site, except for around the equipment pads. Grazing will occur under the proposed apple orchards as well during the fall season.
- Animals will shelter underneath the panels.
- Noise is not an issue for the animals on-site or for animals/people off-site. The only noticable noise generated will be centered in the equipment pad area.
- Animals will be slaughtered and sold locally.
- Animal presence outside will be reduced in the winter months.
- Landscaping plans have been updated and have increased the buffer to 50 ft. on all sides.
- The applicants have been in contact with the City of Canandaigua Fire Dept. as well as the Cheshire Volunteer Fire Dept. and there are no fire concerns.
- The panels have a minimum lifespan of 25 years and can run at almost peak efficiency for at least 15 years.
- The lease for the land has a 25 year term, with 2 5-year renewal options (35 years total).
- The intent of this solar project is to keep the energy local. Residents within the Town can subscribe and get discounts on their energy. They are still working on defining the range/boundary of who can receive these discounts outside of the Town of Canandaigua.

Attachments:

1. Aerial
2. Plans
3. Landscaping Plans
4. Prelim Full Plans
5. Renderings
6. ZBA App
7. Inverter Data Sheet
8. Zoning Compliance Memo
9. CESIR
10. Wetland Delin Report
11. FEAF
12. Ground Lease
13. Decomiss Plan
14. Grazing Memo
15. Grazing Plan
16. SWPPP
17. Site Selection Analysis and Justification
18. Site Selection Affidavit
19. Panel Specs
20. DEC Letter
21. SHPO No Impact Letter
22. NYSERDA Form
23. Ag Data Form
24. Exhibit 22 - United States Fish and Wildlife Service Determination
25. Submittal Letter
26. Emergency Response - Fire Safety Plan
27. Real Estate Value Impact Report
28. Glare Analysis

CPB Comments:

1. The referring Board should consider how impacts from the potential loss of agricultural land could be mitigated by a termed conservation easement on other sites with comparable agricultural soil quality.
2. The County Planning Board acknowledges and supports the plan for this parcel to continue to be a part of agricultural production, and recommends the referring board make continued agricultural use a condition of approval.

Board Motion: To retain referral 77.0-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: A.J. Magnan, **seconded by:** Mike Woodruff. **Vote:** Yes 15, No 0, Abstained 0.

The motion: Passed.

77.1-2025 (Class 1) Use Variance, Special Use Permit, and Site Plan for a proposed Ground-mounted Tier-3 4.95-megawatt (MW) ac community solar energy system when Tier-3 solar energy systems are prohibited on a parcel that lies on the east side

of New Michigan Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Hayley Effler
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 69.00-1-54.410

Description & Review Comments:

See 77.0-2025.

Attachments:

None

Board Motion: To retain referrals 77.1-2025 and 77.2-2025 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Paul Lambiase. **Vote:** Yes 15, No 0, Abstained 0. **The motion** Passed.

77.2-2025 (Class 1) Use Variance, Special Use Permit, and Site Plan for a proposed Ground-mounted Tier-3 4.95-megawatt (MW) ac community solar energy system when Tier-3 solar energy systems are prohibited on a parcel that lies on the east side of New Michigan Rd. in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Hayley Effler
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 69.00-1-54.410

Description & Review Comments:

See 77.0-2025.

Attachments:

None

Board Motion: To retain referrals 77.1-2025 and 77.2-2025 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Paul Lambiase. **Vote:** Yes 15, No 0, Abstained 0. **The motion** Passed.

78-2025 (Class 1) Site plan for the construction of a 8,030 SF event center with parking at 1880 SR332 in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Anthony Venezia, Venezia Associates
Application Type: Site Plan
Class: Class 1
Property 55.02-1-7.100
Information
(Address & ID):

Description & Review Comments:

A lot line combination is proposed on this parcel, joining Parcel 1 (55.02-1-7.100; Stella's Florist) to adjacent Parcel 2 to the south (55.02-2-21.100; 5516 Purdy Rd.). The subject parcel will be roughly 7.5 acres. Event centers are permitted in the CC Zoning District. The event center (to be located on the newly combined parcel) is planned to accommodate bridal/baby showers, rehearsal dinners, birthday parties, and weddings.

The lot contains an existing retail building and (99 spaces; 8 of which are ADA-accessible) a parking lot. There is also an exiting stormwater bio-retention and management facility behind (west) the retail building. 11 additional parking spaces (3 of which are ADA-accessible) are proposed to surround the new event space. The space will connect to the public watermain and will have a new sewer connection via the existing sewer lateral (T. Farmington Sewer District). Disturbance is estimated at 0.96 acres.

According to OnCor:

- Surrounding parcels to the north and west, as well as across the street to the south (Purdy Rd.) and east (SR332) are within Ontario County Agricultural District #1.
- Subject Parcel has a commercial land use. Surrounding land uses to the north and south are predominately residential. The adjacent parcel to the west is vacant, and the parcels to the east (across SR332) are agricultural.
- Slope disturbed is little to none (0-3% gradient).
- Soil disturbed is Odessa Silt Loam and Odessa Silty Clay Loam
 - Both: Moderately low permeability, very high erodibility, prime farmland if drained, and is hydrologic soil group D.
- Landcover disturbed is parking lot and mowed lawn.

In the submitted Zoning Law Determination brought up:

- §220-76D15(1) "In all districts, public and private parking lots or automotive use areas containing more than 10 parking spaces shall have at least one shade tree for each 10 parking spaces or portion thereof. Said trees shall be located within the paved area of the parking lot..."
- §220-76D15(2) "For parking areas designed for more than 10 cars, a minimum of 5% of the interior of the parking area shall be devoted to landscaping..."
- §220-76D1 Where any commercial, industrial, or specially permitted use in any district

abuts land in any residential district, a strip of land at least 75 ft. in width shall be maintained as an open landscaped area in the front yard, side yards, and rear yard which adjoins these other districts. Such dimensions may be part of the required minimum yard dimensions and are not in addition to the minimum yard dimensions. In any case, the larger buffer, either the minimum required setback or the fifty-foot strip, shall be required.

The Zoning Inspector of the Town of Canandaigua indicated that the applicant changed the plans and has provided a 75 ft. buffer for the parking area. And regarding the other landscaping issues in the parking area, the requirements can be determined by the Planning Board during site plan review.

- § [220-76B](#) Authority. Landscape requirements shall be determined by the Planning Board in the course of their respective reviews of any site plan, special use permit, or planned unit development.

Some relevant Off-Street Parking Town Zoning Code includes:

- According to §220-73 Off Street Parking Regulations,
 - "There are no provisions that establish a minimum number of off-street parking spaces for development. However, certain development proposals are required to complete a parking demand analysis, which will assist in determining off-street parking spaces required".
- §220-73B(4) Design Requirements
 - "Any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of 10% of those spaces as reserved only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least 14 feet in width and 20 feet in depth".

Comments

1. Will there be any lighting installed?
2. Will there be any signs installed?
3. What will hours of operation be?

Attachments:

1. Aerial
2. Site Plan
3. Lot Combination
4. PB App
5. SEAF
6. ZLD

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

7. Town of East Bloomfield

79.0-2025 (Class 2/A) Rezoning of a 34.3-acre parcel (from Community Commercial to Agricultural Rural Residential) and subdivision into three lots (Lot 1: 11.9-acres; Lot 2: 18.0-acres; Lot 3: 4.4-acres) – at 6525 SR 5&20 in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Town Board
Applicant: Old Bloomfield, LLC
Application Type: Map Amendment
Class: Class 2/A
Property Information (Address & ID): 81.00-1-60.110

Description & Review Comments:

The parent parcel, which is currently zoned CC (Community Commercial), contains a single-family dwelling. The parcel lies just southeast of the SR 5&20 and SR64 intersection. Proposed Parcel 1 (11.9-acres; along SR 5&20) is to contain this existing home. Parcel 2 is proposed at 18.0-acres and Parcel 3 at 4.42-acres – the applicant indicates that there are plans for both of these parcels to have homes on them in the future. Because of this, the applicant is requesting the entire 34.3-acre parcel be rezoned to AR-2 (Agricultural Rural Residential).

According to OnCor:

- The subject and surrounding parcels are in Ontario County Agricultural District #1.
- Subject Parcel has a land use of residential. Adjacent parcels to the north, east, and south are predominately residential. Adjacent parcels to the west are commercial (formerly Shivers Shakes and Cones, Duvall Farms, and more).
- Land cover is mowed lawn surrounding the existing home, but is primarily a successional old (abandoned) field, with more forested land to the south.
- Soils are predominately
 - Odessa Silt Loam (0-3% slopes): Moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D.
 - Cayuga Silt Loam (3-8% slopes): Moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D.
- Mud Creek Passes through the southern portion of the current 34.3-acre parcel. It is surrounded by FEMA Floodways and Q3 Floodplains, and also contains Draft 2023 FEMA 100- and 500- Year Floodplains. Some steep slopes occur surrounding Mud Creek (16-30% gradient).

CRC Comment

1. Is there sufficient road frontage (parcel R2 on the submitted subdivision plan) for the parcel? Does it meet minimum lot frontage requirements according to the Town Zoning Code?

Attachments:

1. Aerial

2. Subdiv Plan
3. Application Forms
4. LOI
5. SEAF

CPB Comments:

Board Motion: To retain referral 79.0-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Leonard Wildman. **Vote:** Yes 15, No 0, Abstained 0. **The motion:** Passed.

79.1-2025 (AR1) Rezoning of a 34.3-acre parcel (from Community Commercial to Agricultural Rural Residential) and subdivision into three lots (Lot 1: 11.9-acres; Lot 2: 18.0-acres; Lot 3: 4.4-acres) – at 6525 SR 5&20 in the Town of East Bloomfield.

Municipality: Town of East Bloomfield
Referring Board: Planning Board
Applicant: Old Bloomfield, LLC
Application Type: Minor Subdivision
Class: AR1
Property Information (Address & ID): 81.00-1-60.111

Description & Review Comments:

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

The intent of this policy is to

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

Final Classification: Class 1

Findings

1. As of 2005, 69% of the parcels in Ontario County were classified as one or two-family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report)
2. Collectively, individual residential developments have significant impacts on surface and groundwater.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county-wide significance.
6. Standards related to protecting water quality and traffic safety have been established by

agencies such as the Ontario County Highway Department, the NYS Board of Health and NYS Department of Environmental Conservation.

7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

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

Comments:

The referring agency and applicant are encouraged to:

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

Attachments:

None

8. Town of Farmington

80-2025 (Class 2/A) Adoption of the 2025-2035 Town of Farmington Parks and Recreation Master Plan.

Municipality:	Town of Farmington
Referring Board:	Town Board
Applicant:	Paula Ruthven
Application Type:	Comprehensive Plan
Class:	Class 2/A
Property Information (Address & ID):	N/A

Description & Review Comments:

The established goals for the plan were to:

1. Promote the creation of a diversity of active and passive recreation facilities within the Town for all age groups.
2. Capitalize on unique scenic, historical, and cultural assets, and scenic ravines, for recreational and educational pursuits.
3. Provide high-quality recreational lands, facilities, and programs in a fiscally appropriate manner.
4. Ensure that parks and recreational offerings are responsive to the needs and desires of the community.

With goals established, the steering committee began reviewing the changing conditions of the town which could impact parks and recreation demand or supply. The committee established that the town is growing quickly within all demographic subsets, and the population is more educated and with higher incomes. They further found that there is a growing need for services for the disabled, and that the growing southwest quadrant of the Town has the most pronounced lack of access to park facilities, among other findings.

While the strategic action items include a heavy focus on maintaining and enhancing the current Town facilities, the plan also recommends creating improvements like the development of a splash pad and a dog park; two improvements that were highly supported in the Town's 2024 Parks and Recreation Survey and in the comments from the public.

Also, to further the goal of creating active and passive facilities within the Town, the Master Plan expresses numerous actions to connect park facilities to each other, surrounding neighborhoods, and to the regional and statewide trail system with safe infrastructure.

And because the Town already owns a 55-acre parcel adjacent to Town Hall and Town Hall Park, the committee felt this was a tangible and easily prioritized major project with the opportunity to add a diversity of new facilities to the Town, including new baseball and softball fields, multi-use rectangular fields, trails, parking and much more. The parcel also includes 13 acres of wetland (Hozey Swamp - the largest wetland in Ontario County) which could create a unique, environmental and educational site. To be clear, Hozey Swamp is much larger than 13 acres. This is just the amount of wetland on the 55-acre parcel.

The community also expressed mixed support and opposition to two major opportunities with the Town of Victor - a possible agreement to access Boughton Park and a Community Center. The Master Plan, following the goal of ensuring quality and fiscally appropriate offerings, has recommended that feasibility studies be prepared for these two opportunities to understand the user demand and the cost to the Town. It further recommends that a joint Community Center be explored with the Town of Victor, and, as part of discussions with Farmington and Victor, the committee recommends including the Cobblestone Arts Center in discussions as an opportunity to provide indoor facilities as part of their overall wellness center project.

A more detailed outline of the Master Plan includes:

- There are 9 Town-owned parks or conservation facilities throughout the town. The Town also owns a 55-acre parcel adjacent to Town Hall Park.
 - The National Recreation and Parks Association (NRPA) performance Review provides a median of 12.6 acres of parkland per 1,000 residents within towns under 20,000 residents. The upper quartile measurement is 20.9 acres of parkland per 1,000 residents. The Town of Farmington overall currently has 10.8 acres per 1,000 residents.
- Currently, the Town is connected to a regional trail system through the Auburn Trail. There are also small local trails within Beaver Creek Park and the Hickory Rise

Subdivision.

- NRPA 2024 Agency Performance Review provides a median of 4.5 miles of trails within towns under 20,000 residents. The Town of Farmington currently has around 6 miles of trails.
- Currently, 28.37 square miles, or 1.9% of the Town, is not within one mile of a trail. This calculation does not include sidewalks.
- The Auburn Trail connects three parks in the area, including: Farmington Grove Park, Beaver Creek Park, and Mertensia Park. The rest of the parks lack connections.
- In looking for possible future bicycle/pedestrian trail corridors, rail lines are a common option. The Genesee Transportation Council has identified the Ontario County Railroad Line as a future pathway to create an East/West Trail through the Town, if the Finger Lakes Railroad ceases its lease operation. Additionally, there is a National Grid utility corridor that follows the Finger Lakes rail line from Manchester before turning north at an intersection with Town Hall Park.
- There are 4,002 parcels in the Town of Farmington classified as some sort of residential use. Of these, 1,827 (45.7%) are not within a 0.25-mile distance of a Town Park. However, while some addresses may be proximate to a park in a straight line, many residents cannot quickly/comfortably reach parks (even within their own neighborhood) due to suburban subdivision design that features windy roads, cull-de-sac, and vehicular priority. Compounding this, sidewalks, bike lanes, and safe crossings are limited within the southwest corner of the Town of Farmington. The Town is currently implementing a Sidewalk/Trail Connections Master Plan.
- Within the Town, there are about 2,500 acres of NYS DEC-regulated wetlands, and multiple streams (Ganargua Creek, Mud Creek, Beaver Creek, Black Creek, Padelford Brook, and Trap Brook). The 2017-2022 Town of Farmington Parks and Recreation Master Plan included a goal to capitalize on unique scenic assets and ravines for recreational pursuits.
- The Town's ability to accomplish these ambitious projects will require the appropriate identification and utilization of funding programs:
 - The Town has access to local funds to utilize as the sole funding source or as a match. The Town of Farmington maintains a Parks and Recreation Trust Fund enabled by Section 277 of the NYS Town Law. It provides that a Town may, "prior to approval by the planning board of plats, require developers to reserve land suitable for parks, playgrounds, or other recreational purposes or, in lieu thereof, to pay money to the Town to be held in a trust fund for the purchase of land for recreational or park purposes, construction of recreational facilities, or maintenance of existing recreational facilities".
 - Other sources of funding:
 - The American Trials Capacity and Legacy Programs
 - Empire State Development – I LOVE NY Tourism Matching Funds
 - NYS Environmental Protection Fund Grants Program for Parks, Preservation and Heritage
 - Parks & Trail New York / NYS Office of Parks, Recreation and Historic Preservation – Park and Trail Partnership Grants
 - US Environmental Protection Agency – Recreation Economy for Rural Communities
 - Genesee Transportation Council - Transportation Improvement Program
- A Parks and Recreation Implementation Committee is to be formed to ensure the plan is not forgotten or ignored. The committee should consist of five to eight members and meet regularly to ensure the momentum of plan implementation. Additionally, the committee

will coordinate with the Town Board to conduct a yearly review of the Parks and Recreation Master Plan implementation progress and establish implementation goals for the following year. Through the planning process, the steering committee identified key objectives as it pertains to Parks and Recreation in Farmington that were then organized into strategies and actions to create the following three focus areas:

1. Facilities
 2. Programming
 3. Long Range Planning
- Within communities under 20,000 residents, they average 14 FTE employees and have operating expenditures of \$135.53 per capita. Within the 2025 proposed Town of Farmington budget, the Town will spend \$88.52 per capita and employ 8 FTE staff.
 - Population Data:
 - The Town of Farmington's population in 2020 was 14,170, which is up from 11,825 in 2010, a 19.8 percent growth rate. The population is projected to be around 15,369 in 2029, which is still significant growth but slower than the prior decade. There are currently 5,855 households in the Town with an average household size of 2.53; these numbers are projected to be 6,168 households and 2.49 average household size in 2029. New development continues to be concentrated in the southwest corner of the Town.
 - Census data show that the town is aging, and estimates show a continued aging into the next decade with the median age growing from 37.8 to 39.1 years old. However, unlike some other upstate communities, other age segments are not shrinking but are increasing at a slower pace than the over 65 population. As a growing community, the Town faces a challenge of providing more parks and programs for a growing population of nearly all age demographics.
 - In total, an estimated 21% of the town's population has some type of disability. Residents over 65 years old – a growing population in the Town – are more likely to have ambulatory difficulties (i.e. difficulty walking or climbing stairs). The Town has recently made progress to improve its parks to the standards required by the ADA. The Town may also look to construct inclusive playgrounds to provide recreational opportunities for all residents, as done in other communities, like the Town of Canandaigua.

Comment

1. Is the Town aware of all the Victor Parks (besides Boughton Park)? Are there any other connections to existing parks that can be made?

Attachments:

1. Parks and Rec Master Plan
2. Memo

CPB Comment

1. The County Planning Board commends the Town of Farmington on their Parks and Recreation Master Plan, and its' consideration of all population demographics in the Town.

Board Motion: To retain referral 80-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Tammy Worden. **Vote:** Yes 15, No 0, Abstained 0.

The motion: Passed.

9. Town of Gorham

81-2025 (Class 1) Area Variance for lot coverage of 27.2% (when no greater than 25% is permitted) for the tear-down/rebuild of a single-family home at 4090 SR364 in the Town of Gorham.

Municipality:	Town of Gorham
Referring Board:	Zoning Board of Appeals
Applicant:	Lakeshore 4090, LLC
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	127.07-1-15.000

Description & Review Comments:

The subject parcel is 0.66 acres. The existing lot coverage is 2,541 SF total. The proposed lot coverage is 3,368 SF total. Existing impervious areas (including sidewalks, roofs, decks, pavement, seawalls, and patios) total 6,540SF. The proposed impervious total is 7,825 SF (Increased impervious area of 1,285 SF). The proposed impervious area of 27.2% exceeds the maximum impervious area of 25%.

According to Oncor:

- The subject and surrounding parcels are residential. The parcel to the east is agricultural (and is Ontario County Agricultural District #1).
- Gentle to no slope (0-9% gradient). Soil is Lima loam (Moderately high permeability, partially hydric, high erodibility, prime farmland, and is in hydrologic soil group B/D).

Relevant findings from Ontario County Administrative Review Policy #6

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface leads to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.

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; and
 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; and
 3. Whether the requested area variance is substantial; and
 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 ZBA Test Questions attachment for the applicants' response to these questions.

Comments:

1. Demolition debris should be recycled if feasible or disposed of properly.
2. Preliminary revised 100- and 500- year floodplain extents should be shown on the site plan to document the applicant's awareness of flood risk.

Attachments:

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

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

82-2025 (AR1) Site Plan to operate a de-packaging facility within an existing building at 4611 Dewey Ave. in the Town of Gorham.

Municipality:	Town of Gorham
Referring Board:	Planning Board
Applicant:	ECO Operations LLC
Application Type:	Site Plan
Class:	AR1
Property	144.00-1-21.100
Information	
(Address & ID):	

Description & Review Comments:

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

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

The final classification shall be Class 1.

Findings

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

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

Comment

1. Will any waste be produced on site? Proper disposal of waste needs to be taken.

Attachments:

1. Aerial
2. Site Plan
3. Layout
4. Process Flowsheet
5. Survey
6. PB App
7. Process Explanation
8. SEAF

10. Town of Manchester

83-2025 (Class 1) Site Plan for a proposed 2,520 SF addition (warehouse and truck parking) to an existing building at 4330 Rt 96 in the Town of Manchester.

Municipality: Town of Manchester
Referring Board: Planning Board
Applicant: Luke Abbott
Application Type: Site Plan
Class: Class 1
Property 32.00-1-65.110
Information
(Address & ID):

Description & Review Comments:

The subject 4.9-acre parcel lies just west of the SR96 and Kyte Rd. intersection. The addition (1-story, 12 ft. ceilings) will come off of the west side of the existing building. 5 to 10 additional employees are expected. Disturbance is estimated at 0.50 acres.

According to OnCor:

- The subject parcel has a commercial use. Surrounding land uses are predominately residential.
- The soil disturbed is Palmyra Cobbly Loam: high permeability, medium erodibility, it is an area of prime farmland, and is in hydrologic soil group B.
- Slope disturbed is gentle to none (0-9% gradient).
- Land disturbed is mowed lawn with trees.

Comment

1. How many overhead doors are there proposed?

Attachments:

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

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

11. Town of Richmond

84-2025 (AR1) Site Plan for a proposed "general business" within a section of an existing building at 8730 Main Street in the Town of Richmond.

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

Description & Review Comments:

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

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

review.

The final classification shall be Class 1.

Findings

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

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

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

Attachments:

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

85-2025 (AR1) Site Plan for a proposed coffee shop within an existing building at 8596 Main St. in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Planning Board
Applicant: Taryn Schultz
Application Type: Site Plan
Class: AR1
Property 136.17-1-2.120
Information
(Address & ID):

Description & Review Comments:

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

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

The final classification shall be Class 1.

Findings

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

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

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

Attachments:

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

12. Town of Victor

86.0-2025 (Class 1) Special Use Permit and Site Plan to modify an existing microcell wireless telecommunications facility on the roof of an existing building – at 600 Fishers Station Dr. in the Town of Victor. Modifications include: removal of existing antennae and one remote radio head (RRH) unit, and installation of two RRH units, one new antenna and ten coax cables.

Municipality: Town of Victor
Referring Board: Planning Board
Applicant: Nixon Peabody
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 6.00-1-59.210

Description & Review Comments:

Proposed modifications will occur on an existing microcell wireless telecommunications facility on the roof of the existing building. All ground equipment is to remain unchanged. No disturbance is proposed. The site is located within the Town's Light Industrial Zoning District. Modifications to the existing wireless telecommunications facilities are permitted in the Town upon the issuance of a special use permit and site plan approval from the Planning Board.

Attachments:

1. Aerial
2. Site Plan
3. Full Plans
4. LOI
5. FEAF
6. Site Plan App
7. SUP App

Board Motion: To retain referrals 75-2025, 76.0-2025, 78-2025, 81-2025, 83-2025, and 86.0-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0.
The motion Passed.

86.1-2025 (AR1) Special Use Permit and Site Plan to modify an existing microcell wireless telecommunications facility on the roof of an existing building at 600 Fishers Station Dr. in the Town of Victor. Modifications include: removal of existing antennae and one remote radio head (RRH) unit, and installation of two RRH units, one new antenna and ten coax cables.

Municipality:	Town of Victor
Referring Board:	Planning Board
Applicant:	Nixon Peabody
Application Type:	Site Plan
Class:	AR1
Property Information (Address & ID):	6.00-1-59.210

Description & Review Comments:

Policy AR-8: Co-location of telecommunication equipment and accessory structures on existing towers and sites

Co-location of telecommunication equipment and accessory structures on existing towers and sites has been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Proposals for specially permitted uses are not covered under this policy. Applications for new towers or increasing the height of an existing tower will require full Board review.

The final classification shall be Class 1.

Findings:

1. The application proposes co-location of telecommunication equipment and accessory structures on existing towers and sites.
2. It does not include a proposal for a new tower or increasing the height of an existing tower.
3. The above-described application presents little potential for countywide or intermunicipal impact.

Final Recommendation - The CPB will make no formal recommendation on applications proposing only co-location of telecommunication equipment and accessory structures on existing towers and sites (Class 1).

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

Attachments:

None

87-2025 (Exempt) Area Variance for a proposed 64 SF solar downlit subdivision identification sign – at 7652 CR42 in the Town of Victor. The area variance is for the sign to be lit when “no sign within a residential district may be lit unless it is a permitted sign for a permitted or special permitted business use or permitted by the Zoning Board of Appeals”.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Applicant: Morell Builders
Application Type: Area Variance
Class: Exempt
Property Information
(Address & ID): 6.00-1-58.311

Description & Review Comments:

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

Attachments:

1. Sketch
2. Sign Specs
3. Lighting Specs
4. ZBA App
5. LOI
6. Sign Permit App
7. SEAF

13. Village of Manchester

88-2025 (Exempt) Subdivision of a 0.5-acre parcel from the overall 2.3-acre parcel to allow the construction of a 3,200 SF one-story building (Public Library) at 89 South Main St in the Village of Manchester.

Municipality: Village of Manchester
Referring Board: Planning Board
Applicant: Gemcole Properties
Application Type: Subdivision
Class: Exempt
Property Information
(Address & ID): 32.18-1-30.00

Description & Review Comments:

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

Attachments:

1. Subdiv Plat
2. Full Plans
3. SEAF

4. PB App
5. Submittal Letter

14. Village of Naples

89-2025 (Class 1) 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.

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

Description & Review Comments:

The project was referred in April 2025 as referral # 66.0-2025 for two area variances 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). Both area variances were granted by the Joint Town/Village Zoning Board of Appeals at the April 14th, 2025 ZBA meeting. The project is now being referred as a site plan.

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 services use (Naples Historical Society). The remaining surrounding parcels are commercial.
- The lawn/ park area in front of the proposed building will remain unchanged.

Attachments:

1. Aerial
2. April 2025 Joint ZBA Decision
3. Site Plan
4. PB App
5. SEAF

Board Motion: To retain referral 89-2025 as a class 1 and return to the local board with comments.

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 15 (Alternate Vote - Bessie Tyrrell), No 0, Abstained 1. Abstain: Paul Lambiase. **The motion:** Passed.

90-2025 (Class 1) Site plan to place a temporary seasonal tent in front of the existing principal building 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 201.10-1-25.100
Information
(Address & ID):

Description & Review Comments:

The project was referred in April 2025 as referral # 67.0-2025 for an area variance to place a temporary seasonal tent in front of the existing principal building (and for it to be closer to the street or ROW than the minimum front setback for the principal building) when accessory structures are only allowed to be placed in the rear yard. These area variances were granted by the Joint Town/Village Zoning Board of Appeals at the April 14th, 2025 ZBA meeting. The project is now being referred as a site plan.

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.

Comment

1. Does the site meet parking requirements for the additional seating/service area permitted by the recently granted (April 2025) area variances?

Attachments:

1. Aerial
2. April 2025 Joint ZBA Decision
3. Site Plan

Board Motion: To retain referral 90-2025 as a class 1 and return to the local board with comments.

Motion made by: Stephen High, **seconded by:** A.J. Magnan. **Vote:** Yes 15 (Alternate Vote - Bessie Tyrrell), No 0, Abstained 1. Abstain: Paul Lambiase. **The motion:** Passed

91-2025 (Class 2/A) 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.

Municipality: Village of Naples
Referring Board: Planning Board
Applicant: Diane S. Moore/Inspire Moore Winery
Application Type: Site Plan
Class: Class 2/A
Property 201.10-1-28.211
Information
(Address & ID):

Description & Review Comments:

Four area variances for this project were previously reviewed in April 2025 as referral 68-2025.

The referral was elevated to a class 2 and returned to the local board with a recommendation of approval with modifications to locate parking outside the floodplains to address the potential for water quality impacts and to obtain a sign-off letter from NYS DOH regarding adequacy of protection of well-head with any approved variances.

NYS Department of Health shared with Ontario County Planning Department a letter sent to the Village of Naples indicating the Village is not compliant with State Sanitary code 5-D.2.a, which requires wells serving public water systems to be located such that the owner of the water system possesses legal title to lands within 100 feet of the well and the owner controls by ownership, lease, easement or other legally enforceable arrangement the land use within 200 feet of the well.

The sale of parcel 201.10-1-29.110 reduced the Village's ownership around the wellhead to 50 feet and has increased the Village's non-compliance with well protection regulations. The Village has until May 28, 2025, to submit a plan to regain the level of compliance with the State Sanitary code that existed before the property sale.

In response to questions about local action on previous variance referrals, staff requested a decision record. The summary of the record is as follows:

At the 4-28-2025 Joint Village/Town of Naples Zoning Board of Appeals (ZBA), after taking into consideration the five area variance test questions, the ZBA found that "the benefit to the applicant DOES outweigh the detriment to the neighborhood or community". Reasons cited were, "the accessory structures have been in [the] current location without impact to neighboring parcels nor to any environmental features in [the] area".

The ZBA further finds that all four variances requested from the zoning code (132-7 NYSDOH, 385-9, 385-14) are the minimum variances that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community and is granted with modifications for all four area variances.

Area Variances granted 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).

The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the following reasons:

- Condition #1: Operating Permit to be issued annually by VCEO through the office of Code Enforcement.
 - Adverse impact to be minimized: Inspection and review keeps all in compliance as

accessory structures, temporary or permanent, cannot be changed without code review and permit.

- Condition #2: Seasonal use of space for 6 months. May 1st – October 31st annually.
- Condition #3: Relocation of bathroom facilities (porta-potties) to be in compliance with code through the village code office.

Comments

1. The site plan should show current village and applicant property boundaries and the location and dimensions of the wellhead pump house.

CRC Comments

1. The site plan should clearly show areas within the 100 ft. and 200 ft. wellhead setback.
2. The site plan should show the existence, location, and size of the wellhead building (not just the wellhead).
3. The site plan should clearly show areas within the Draft 2023 FEMA 100-Year floodplain in order to document the applicant's awareness of the likelihood of future risk.

Attachments:

1. Aerial
2. Site Plan
3. Photo 1
4. Photo 2
5. PB App
6. SEAF Part I
7. SEAF Part II and III
8. revised tax map inspire moore 323801_201.10

CPB Comments

1. The County Planning Board urges the Village of Naples to mitigate, to the extent practical, the detrimental effects of special event and event parking on water quality during rain, runoff, and flood events.

Board Motion: To retain referral 91-2025 as a Class 2, and based on findings regarding likely potential impacts, return this referral to the local board with the recommendation of approval with the following modification(s): (1) The Village of Naples Planning Board should document the Department of Health's acceptance of the Village's plan for remedying the violation of New York State Department of Health Sanitary Code regarding wellhead protection; and (2) any approved proposed activities not allowed by the restrictive covenant should be formalized in a legal manner acceptable to the Village Attorney.

Motion made by: Paul Passavant, **seconded by:** Dan Crowley. **Vote:** Yes 15 (Alternate Vote - Jack Dailey), No 0, Abstained 1. Abstain: Paul Lambiase. **The motion:** Passed.

15. Privilege of the Floor

None

16. Upcoming Trainings:

17. Adjournment:

Board motion to: Adjourn. **Motion made by:** A.J. Magnan, **seconded by:** Roslyn Grammer, **Vote:** Yes 15, No 0, Abstained 0. **The motion** Passed. The Ontario County Planning Board meeting was adjourned at 08:55PM.

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General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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