

ONTARIO COUNTY PLANNING BOARD

Wednesday, July 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, July 9, 2025 Ontario County Planning Board meeting to order at 7:02 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant

Terri Brown

Ruth Cahn

Burch Craig

Dan Crowley

Roslyn Grammar

Stephen High

Ed Kaiser

Paul Lambiase

A.J. Magnan

Leonard Wildman

Ryan Wilmer

Absent:

Jack Dailey

Chris Mergler

Bessie Tyrrell

Excused:

Ted Liddell, Tammy Worden, Mike Woodruff

Present (Voting): 12, Present (Not Voting): 0, Absent: 3, Excused: 3

Guests: None

3. Approval of Minutes:

Ryan Wilmer motioned to approve the minutes of the May 14, 2025. The motion was seconded by Paul Lambiase. The motion passed.

4. Old Business

102.0-2025 and 102.1-2025 (Both Class 1's) Special Use Permit and Site Plan to develop a 4.428 MWAC solar energy facility on a 34.93-acre parcel located at 0000 Main St. Fishers, adjacent (east) of the Monroe County / Town of Victor Municipal Boundary (TM# 5.00-1-70.000), in the Town of Victor.
T. Victor June 2025 Planning Board Decision: No Decision Made (SUP and Site Plan referral) - Coming back in July 2025

CPB Comments

1. The referring board should consider requiring a landscaping agreement as a condition of approval in order to ensure vegetation and landscaping continues to be maintained after development.
2. Was this application referred to Monroe County as required by General Municipal Law Section 239?

Board Motion: To retain referrals 102.0-2025 and 102.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Paul Lambiase, **seconded by:** A.J. Magnan. **Vote:** Yes 12, No 0, Abstained 0.
The motion Passed.

5. New Business:

6. Town of Canandaigua

104-2025 (Class 2/A) Local Law creating a new Town of Canandaigua Code Chapter 220-9U (Accessory Dwelling Units) and amending certain existing sections to align with the new chapter.

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

Description & Review Comments:

The memo submitted to the Town Board (part of the submitted referral materials) states: “The purpose of the proposed local law is to create a new Accessory Dwelling Unit (ADU) chapter in the town code that allows both attached and detached accessory dwelling units in residential zoning districts in the Town. This will allow greater flexibility for homeowners to fully utilize their existing properties and has the potential to increase housing availability in the Town at a

greater rate than with the development of vacant land alone.

Currently, the Town Code allows single-family homes to have an attached ADU, also called an “accessory apartment,” that is part of the existing home but provides a complete separate dwelling unit inside while retaining the outward appearance of a single residence. “The proposed law would add detached ADUs as a new permitted use in all residential zoning districts on lots where there exists a single-family home, provided it meets the requirements and regulations detailed in the new chapter, which include limitations on size, access to the parcel, and utility hook-ups.” “The new law will also update certain existing sections of the town code to align them with the new chapter.” Additional highlights include (see attached Local Law for full list of additions/amendments):

- **SECTION ONE.** A new chapter shall be added to Town Code: Section 220-9U. Accessory Dwelling Units
 - 220-9U(1) Location of Unit. “(a) Any accessory dwelling unit shall be located in the principal dwelling unit on the premises. No accessory dwelling unit shall be located in a detached accessory building or structure, except [when] (1) the minimum separation from the principal structure shall be 10 feet.”
 - 220-9U(2) Number of units. “There shall be no more than one accessory dwelling unit permitted on each parcel.”
 - 220-9U(5) Occupancy. The owners of record of the property on which the principal dwelling unit is located must reside in either the principal dwelling unit or the accessory dwelling unit.
 - 220-9U(6) Utility Service. “The principal dwelling unit and the accessory dwelling unit shall have only one service and one meter for each utility servicing the property. There shall be only one sanitary sewer service, one waterline service, one electrical service and one natural gas service.”
 - 220-9U(7) Parking. “There shall be at least one additional off-street parking space for an accessory dwelling unit.”
 - 220-9U(11) “An accessory dwelling unit shall not be permitted on a lot on which exists a tourist home, bed-and-breakfast, rooming or boarding house, home occupation, preexisting accessory dwelling unit, or multiple-family dwelling.”
- **SECTION TWO.** Amendment to Article II: Definitions and Word Usage, § 1-17: Definitions
 - The definition of Dwelling, Single-Family With Accessory Apartment contained in Town Code §1-17 shall be replaced in its entirety with the following:
 - Accessory Dwelling Unit. A second single-family dwelling on a parcel that is subordinate to the principal single-family dwelling. An accessory unit can be attached to or detached from the principal single-family dwelling.
- **SECTION THREE through SECTION SIX.** Amendment to the following code sections:
 - Adding “one single-family dwelling and one attached or detached accessory dwelling unit per lot” to the list of allowable uses and removing “single-family dwelling with accessory apartment” from the following Zoning Districts: AR-1 (Agricultural Rural Residential), R-1-30 (Residential), SCR-1 (Southern Corridor Residential) and the RLD (Residential Lake Zoning District).
- **SECTION SEVEN.** § 220, Attachment 1, Schedule I Zoning Schedule
 - The following zoning districts shall be amended to include accessory dwelling units in the list of permitted uses: RR-3, AR-1, AR-2, R-1-20, R-1-30, SCR-1, and RLD.

CRC Comment

1. If the residence is on septic, it needs to be ensured that the capacity is appropriately sized to serve both the primary and accessory dwelling unit.

Attachments:

1. Final Redline Draft
2. Local Law

Board Motion: To retain referral 104-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

105-2025 (Class 1) Area Variance associated with a proposed minor subdivision of a 15-acre parcel into two (Lot 1: 10.0-acres, Lot 2: 5.0-acres) - at 4651 State Route 21 S in the Town of Canandaigua. The area variance is for a proposed lot width of 33.47 ft. when a minimum 225 ft. is required.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Applicant: Daniel Richter
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 139.00-1-20.110

Description & Review Comments:

In the letter of intent, the applicant mentions that they would like to purchase the 5-acre lot from their neighbors to use for bird and wildlife viewing, and possibly some bow hunting in the southernmost section of the parcel. Future plans (not a part of this application) include the addition of a “small” outbuilding to store gardening equipment/vehicle storage and possibly an enclosed viewing deck/room. The applicant has ideas for planting bird/butterfly/bee/wildlife-friendly flowering plants, trees, and shrubs.

According to the Town’s Zoning Law Determination, the proposed subdivision is within the following protected areas/districts:

- Ontario County Agricultural District #1
- Scenic Viewshed Overlay District
- Agricultural Protection Overlay District
- Strategic Farmland Protection Area
- Steep Slopes
- Padelford Brook Greenway
- Strategic Forest Protection Area
- National Wetlands
- NYS DEC Wetlands / NYS DEC Informational Wetlands (will require applicant to submit a jurisdictional determination to the DEC.
- FEMA Q3 Floodplain
- Draft 2023 FEMA 100-Year Flood Zones

The applicant is requesting relief from the Town Planning Board from Code Section 174-19(e) for a lot depth greater than 2.5 times the lot width.

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 the submitted area variance test question document for the applicant's responses to the five (5) area variance test questions.

Attachments:

1. Aerials
2. Subdiv Plat
3. Area Variance Test Questions
4. LOI
5. ZBA App
6. Neighbor Letters
7. ZLD

Board Motion: To retain referrals 105-2025, 108-2025, 109-2025, 114-2025, and 116-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion Passed.**

106.0-2025 (AR2) Area Variance and Special Use Permit for the installation of a 250 SF wall-mounted commercial speech sign in the CC zoning district when the maximum allowed sign area is 91.3 SF - at 4406 State Routes 5&20 in the Town of Canandaigua.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Applicant:	Rania Kassis (Kassis Superior Signs)
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	84.00-1-26.120

Description & Review Comments:

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Routes 5&20 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

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

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

Comments

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

Attachments:

1. Aerial
2. Existing Conditions
3. Proposed Sign
4. Waiver Request
5. LOI
6. ZLD
7. SEAF
8. PB App

106.1-2025 (AR2) Area Variance and Special Use Permit for the installation of a 250 SF wall-mounted commercial speech sign in the CC zoning district when the maximum allowed sign area is 91.3 SF - at 4406 State Routes 5&20 in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Rania Kassis (Kassis Superior Signs)
Application Type: Special Use Permit
Class: AR2
Property Information (Address & ID): 84.00-1-26.120

Description & Review Comments:

See 106.0-2025

Attachments:

None

107-2025 (AR1) Special Use Permit to install a 24 SF permanent commercial speech sign at 3225 State Route 364 (Roseland Plaza) in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Applicant: Jim Colombo
Application Type: Special Use Permit
Class: AR1
Property Information (Address & ID): 98.00-1-46.110

Description & Review Comments:

Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Routes 5&20 as a primary travel corridor for tourists visiting Ontario County.

The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

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

Final Classification: Class 1

Findings

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

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

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

Attachments:

1. Aerial
2. Sign Rendering
3. ZLD
4. PB App
5. Waiver Request

108-2025 (Class 1) Retroactive Site Plan for 17,800 SF of land clearing and grubbing - at 0000 Poplar Beach, just south of the Canandaigua Country Club, 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 98.15-1-70.000
Information
(Address & ID):

Description & Review Comments:

The subject 6.4-acre parcel and portions of the area cleared/grubbed lies within:

- Draft 2023 FEMA 100- and 500-Year Flood Zone
- FEMA Q3 Floodplain
- National Wetland
- NYS DEC Wetland

The NYSDEC conducted a Freshwater Wetlands Parcel Jurisdictional Determination and determined that the parcel does contain freshwater wetlands and/or freshwater wetland adjacent areas regulated by the DEC. The parcel contains freshwater wetland that meets an unusual importance criterion by being located wholly or partially within an urban area as defined and identified by the US Census Bureau. The wetland and/or regulated adjacent areas were determined to be Class II because they are located wholly or partially within an urban area. The Town of Canandaigua Code Enforcement Officer confirmed they will need to apply for an Article 24 wetland permit through the NYS DEC.

In the submitted letter from the applicant, they mention that the area cleared contained several large dead trees and is a dumping area for old dock sections/tires/general waste. It was mentioned the work was done because some of the trees were close to falling over. The applicant is

proposing landscaping that includes wildflower seed mix and 23 trees (4 Red Maple, 4 River Birch, 4 Swamp White Oak, 6 Black Gum, and 5 Pagoda Dogwood) in the cleared area.

According to OnCor:

- Subject parcel is vacant residential. Surrounding parcels are residential except for Canandaigua County Club (recreation and entertainment) directly to the north. The FLCC Campus G-Lot parking lot lies roughly 600 ft. to the east. Canandaigua Lake is roughly 250 ft. to the west.
- There is little to no slope (0-3%), downhill towards Canandaigua Lake.
- Soil disturbed is predominantly Collamer Silt Loam (not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D).
- Land cover disturbed was silver maple ash swamp.

Section 8.3.2 Findings of the Ontario County Bylaws states: “The Board has an interest in reducing stormwater quality and quantity impacts on downstream properties. The Board also has an interest in protecting the integrity of Ontario County’s natural resources, such as its lakes, streams, forests and other natural areas, as many of these resources cross municipal boundaries, impact tourism and residents' perception of quality of life, and contribute to the local economy. Degradation of these resources can have inter-municipal or countywide impacts. For example:

- wetlands filter waters that drain into lakes or infiltrate into aquifers used for municipal wells.
- filling floodplain areas, and often other site disturbances, increases downstream flood risk.
- insufficient storm water management practices can negatively impact water quality, tourism, and agriculture.

Comment

1. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

CRC Comments

1. The site plan should clearly indicate historically mapped and informational NYS DEC Wetlands and the limits of disturbance of completed and proposed activities.
2. Do the completed or proposed activities in the wetland require an Article 24 permit, general or otherwise?

Attachments:

1. Aerials
2. Site Plan
3. ZLD
4. PB App
5. SEAF
6. Authorization Letter
7. NYSDEC Determination

Board Motion: To retain referrals 105-2025, 108-2025, 109-2025, 114-2025, and 116-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion** Passed.

7. Town of Farmington

115-2025 (Exempt / LATE REFERRAL) Retroactive Area Variance (44 ft. front setback when a minimum of 50 ft. is required) for the replacement of a primary residence's front stoop canopy - at 6184 Fawn Meadow St. in the Town of Farmington.	
Municipality:	Town of Farmington
Referring Board:	Zoning Board of Appeals
Applicant:	Frederick Laudise
Application Type:	Area Variance
Class:	Exempt
Property Information (Address & ID):	29.18-3-10.000

- Description & Review Comments:**
Exempt (See exemption #1 of Appendix B of the OCPB Bylaws).
- Attachments:**
- 1. Sketch
 - 2. LOI
 - 3. ZBA App
 - 4. SEAF

Board Motion: To accept late referrals 113-2025, 114-2025, 115-2025, and 116-2025 as late referral(s).

Motion made by: Leonard Wildman, **seconded by:** Stephen High. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

116-2025 (Class 1 / LATE REFERRAL) Area Variance to construct a pole barn with a 25 ft. height when no greater than 15 ft. is permitted - at 5540 Holtz Rd. in the Town of Farmington.	
Municipality:	Town of Farmington
Referring Board:	Zoning Board of Appeals
Applicant:	Adrian Bellis
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	9.03-1-6.400

Description & Review Comments:
The subject parcel is 2.3 acres. Disturbance is estimated at 0.25-acres. There are no proposed water/wastewater connections. The applicant indicates the pole barn requires the height area

variance in order to fit in a classic car lift for old car storage. See attached elevation drawings for dimensions of the proposed structure. There are three (3) proposed overhead doors.

The Town of Farmington referring official mentioned that the referral the County has is only a partial referral. The applicant has been informed by the Town Code Enforcement Officer that they will need a second area variance for the size of the proposed pole barn (an accessory structure) being larger than the principal structure as defined in Town Code Chapter 165 Definitions. In addition, before a building permit may be issued, the applicant will need to amend their site plan.

The applicant has informed the Town of Farmington that they wish to continue with the application to the ZBA (and referral to the County Planning Board). It is the Town's understanding that the applicant will be making applications for a second area variance and final site plan amendment in the future.

According to OnCor:

- The subject and surrounding parcels are in Ontario County Agricultural District #1.
- Subject and surrounding parcels are primarily single-family residential, with some residential vacant land to the north and west.
- Land use is a successional old field.
- Slope is gentle to none (0-9% gradient).

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 the submitted ZBA application for the applicants' response to the test questions.

Attachments:

1. Aerial
2. ZBA App

3. Elevation Drawings
4. SEAF

Board Motion: To accept late referrals 113-2025, 114-2025, 115-2025, and 116-2025 as late referral(s).

Motion made by: Leonard Wildman, **seconded by:** Stephen High. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 105-2025, 108-2025, 109-2025, 114-2025, and 116-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

8. Town of Geneva

109-2025 (Class 1) Site Plan for a 12,400 SF building expansion to the existing (Sturdy Built) manufacturing facility – at 842 and 844 State Routes 5&20 in the Town of Geneva.

Municipality:	Town of Geneva
Referring Board:	Planning Board
Applicant:	Earth & Sky Design
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	103.04-1-45.000 & 103.00-3-32.000

Description & Review Comments:

The subject project area (842 and 844 State Routes 5&20) totals 8.5 acres. Soil disturbance from the project is estimated at 0.96-acres. Sturdy Built Manufacturing produces galvanized agricultural/dairy fencing and corral equipment, and the proposed building expansion (to the north/rear side of the existing building) is designed to primarily provide storage space (and some additional retail space) to support and continue the existing use and operations on the subject parcel. The subject parcel is in the Residential-4 zoning district. The retail/storage use is pre-existing non-conforming. No variances are required for the proposed work. §165-90C of the Town Code states: “*alterations and additions to a pre-existing nonconforming structure shall be allowed if they do not increase the non-conformity*”. The proposed building expansion occurs solely on 844 State Routes 5&20. The only proposed work on 842 State Routes 5&20 is the eastern edge of the asphalt access drive.

The subject parcel has access to State Routes 5 & 20 via two (2) existing curb cuts and also access to Lenox Avenue via one (1) curb cut; all of which are proposed to remain. The existing asphalt pavement and parking areas along Route 5 & 20 and Lenox Avenue are proposed to remain. A new 20 ft. wide asphalt drive (connecting to the existing asphalt pavement to remain on the subject property) has been designed to service the proposed building expansion around the north (rear) side of the expansion area and provide access to the overhead door areas. An existing water service and sanitary lateral (both commercial/public according to OnCor) serve the existing building operations – no expansions to the existing utility services are required to support the new building addition. Existing downspouts and cleanouts (on the northern side of the building) are to

be relocated as necessary. The retaining wall in front of the existing building is proposed to be extended. The site plan indicates that the trees surrounding the area of proposed work are to remain. No additional landscaping is proposed. The applicant mentions that the proposed building expansion is anticipated to add one (1) additional employee.

According to OnCor:

- Land use:
 - To the North: primarily residential.
 - To the South: primarily commercial (across Route 5&20).
 - To the East: primarily commercial.
 - To the West: vacant manufactured home park (Woodworth's).
- Slope is gentle to none (0-9%), downhill heading from south to east.
- Soil Disturbed is Lima Loam (partially hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is hydrologic soil group B/D).

The applicant representative was present for the CRC Meeting and provided the following additional details on the project:

- Existing drainage patterns will be maintained to current conditions. Proposed grading as well as a swale along the northern edge of 842 SR 5&20 will continue to direct water north.
- There is no proposed landscaping. The addition is located on the rear (north) side of the building, distant from other developments.

OCSWCD Comment

1. Are the existing downspouts tied into any underground drainage? If downspouts and cleanouts are relocated, please indicate how roof water runoff will be addressed.

CRC Comment

1. The County Planning Board has identified State Routes 5 and 20 as a primary travel corridor for tourists visiting Ontario County. The referring board should consider requiring additional landscaping in order to protect the character of development along these corridors.

Attachments:

1. Aerials
2. Submittal Letter
3. Site Plan
4. Utility and Grading Plans
5. Full Plans
6. Renderings
7. PB App
8. SEAF

Board Motion: To retain referrals 105-2025, 108-2025, 109-2025, 114-2025, and 116-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion** Passed.

9. Town of Gorham

110-2025 (Exempt) Subdivision of a roughly 126.5-acre parcel into two - at 5070 Bassage Rd. in the Town of Gorham. Parcel 1 is proposed at 116-acres and Parcel 2 is proposed at 11.9-acres (10.6-acres from the parent parcel + 1.3-acres to be annexed from 157.00-1-31.200).	
Municipality:	Town of Gorham
Referring Board:	Planning Board
Applicant:	Allen & Ellen Martin
Application Type:	Subdivision
Class:	Exempt
Property Information (Address & ID):	157.00-1-8.210

- Description & Review Comments:**
Exempt (See exemption #11 of Appendix B of the OCPB Bylaws).
- Attachments:**
1. Subdivision Plat
 2. PB App
 3. SEAF

10. Town of Manchester

111.0-2025 (Class 2/D) Use Variance and Site Plan for the conversion of an existing construction equipment storage building into a brewery/restaurant at 1755 Pioneer Rd. in the Town of Manchester.	
Municipality:	Town of Manchester
Referring Board:	Zoning Board of Appeals
Applicant:	M & Y Incorporated
Application Type:	Use Variance
Class:	Class 2/D
Property Information (Address & ID):	44.03-1-22.000

- Description & Review Comments:**
The subject parcel is zoned Light Industrial, and the brewery is not a permitted (or specially permitted) use in this zoning district. Therefore, a use variance is required. In addition to the conversion of the existing building into a brewery, other proposed work includes:
- Southern parking area: A 70-vehicle gravel driveway (south of the existing building) with access coming off of Pioneer Rd. to the south. This parking area also connects to the

existing driveway (just north) which surrounds the existing building. There are two proposed (down-lit) pole-mounted lights within this parking area.

- Northern parking area:
 - A gravel 14-space employee parking area is proposed along the back (east) side of the building. Access is provided by the existing driveway that surrounds the building, which comes off of Pioneer Rd.
 - In addition, a 40-space grass overflow parking area is proposed across the existing driveway to the east.
- Gates are proposed on both ends of the existing driveway to block vehicular traffic.
- There is a proposed connection to the public sewer (sewer grinder pump) on the northern end of the existing building. The existing water connection is commercial/public.
- Overall, the applicant estimates that there will be 0.8-acres of disturbance from the project.

The applicant mentions there will be roughly 10 employees at the start of the business. According to OnCor:

- The Canandaigua Outlet runs along the eastern boundary of the subject parcel. There is roughly a 3-4 ft. elevation difference from the edge of the proposed parking areas.
- Surrounding land use varies:
 - To the West: Finger Lakes Railway (active railway) across Pioneer Street. Residential parcels lie west of the railway.
 - To the East: Canandaigua Outlet and primarily vacant farmland with some residential.
 - To the North: Primarily residential.
 - To the South: NYSDEC Land (open space conservation). Also, the T. Manchester / T. Hopewell municipal boundary lies just south of the subject parcel.
- The Ontario County Agricultural District #1 lies directly east (across the Canandaigua Outlet) of the subject parcel. It is currently listed as vacant farmland.
- The slope of the existing building and proposed parking areas are gentle to none (0-9% gradient).
- Soil disturbed is Phelps gravelly silt loam (high permeability, medium erodibility, it is an area of prime farmland, and is in hydrologic soil group B/D).

What must be proven in order to be granted a use variance?

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove "unnecessary hardship." To prove this, state law requires the applicant to show all the following:

1. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted);
2. that the property is being affected by unique, or at least highly uncommon, circumstances;
3. that the variance, if granted, will not alter the essential character of the neighborhood; and
4. that the hardship is not self-created.

If any one or more of the above factors is not proven, state law requires that the ZBA must deny the variance. See linked use variance test questions responses (and additional response to question #1) for more information.

CRC Comment

1. If the Town is interested in allowing this type of use in the LI (Light Industrial) zoning

district, the Town Board could consider amending their zoning code to update the list of allowable or specially permitted uses.

Attachments:

1. Aerials
2. Floor Plan
3. Site Plan
4. Full Plans
5. Test Question 1 Response
6. Use Variance Test Questions
7. PB & ZBA App
8. SEAF

CPB Comment

1. Under the current zoning code, is a brewery an allowable use in the LI (Light Industrial) zoning district? Could it be considered an "agricultural and food processing, or packaging plant use?"

Board Motion: To retain referral 111.0-2025 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/or inter-municipal impacts.

Motion made by: A.J. Magnan, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0.

The motion: Passed.

Findings

1. The County Planning Board has an interest in encouraging local municipalities to follow NYS Statute 81-B(3b) where “No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the board of appeals that for *each and every permitted use* under the zoning regulations for the particular district where the property is located”.
 1. “*the applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence*”;
 2. “the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood”;
 3. “the requested use variance, if granted, will not alter the essential character of the neighborhood; and”
 4. “the alleged hardship has not been self-created”.
2. If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.
3. Referral 111.0-2025 does not show “dollars and cents” financial evidence that reasonable rate of return cannot be reached for “each and every permitted use” under the zoning regulations in their district.

111.1-2025 (Class 1) Use Variance and Site Plan for the conversion of an existing construction equipment storage building into a brewery/restaurant at 1755 Pioneer Rd. in the Town of Manchester.

Municipality: Town of Manchester
Referring Board: Planning Board
Applicant: M & Y Incorporated
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 44.03-1-22.000

Description & Review Comments:

See 111.0-2025 for project description.

Comments

1. Will any spaces be marked as ADA-accessible parking spaces?
2. What are the hours of operation? Will there be outdoor music?
3. How will waste (from the brewing process) be disposed of? Will there be a pickup service? Proper disposal needs to be ensured in order to reduce stormwater quality and quantity impacts.
4. Is any of the proposed work (parking areas) in wetlands/flood zones? The location of any NYSDEC Informational Wetlands, FEMA Floodplains, FEMA Flood zones on the parcel should be shown on the site plan.
5. The proposed parking areas look to be in close proximity to the Canandaigua Outlet. The referring board may want to consider additional fencing/screening to deter vehicles/individuals from going into the outlet.

CRC Comments

1. The parking area is adjacent to the Canandaigua Outlet. Are there any plans for stormwater management? The County Planning Board has an interest in protecting the integrity of Ontario County's natural resources, such as lakes, streams, forests and other natural areas, as many of these resources cross municipal boundaries, impact tourism and residents' perception of quality of life, and contribute to the local economy.
2. What is the first floor elevation of the existing building and is it sufficiently above the base flood elevation? In considering the flood risk, the Planning Board and applicant may want to know the elevation of the parking area in relation to the base flood elevation.

Attachments:

None

CPB Comments

1. The location of any NYSDEC Informational Wetlands, FEMA Floodplains, FEMA Flood zones on the parcel should be shown on the site plan in order to document the applicant's awareness of the likelihood of future risk.
2. Do the completed or proposed activities in the wetland require an Article 24 permit,

general or otherwise?

Board Motion: To retain referral 111.1-2025 as a class 1 and return to the local board with comments.

Motion made by: Stephen High, **seconded by:** Leonard Wildman. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

11. Town of Richmond

112-2025 (Class 2/A) Local Law to amend multiple sections of the Town of Richmond's Zoning Law.

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

Description & Review Comments:

Amendments are as follows (see provided local law for full details):

Section 2: §200-7 Definitions

- Insertion of new definitions for: “Agricultural Building”, “Base Flood”, “Base Flood Elevation (BFE)”, “Full Perimeter Foundation”, “Manufactured Home”, and “Modular Home”.

Section 3: §200-7 Definitions

- Repealing the definitions of: “Camping Ground”, “Dwelling, Manufactured”, “Floodway”, “Mobile Home”, and “Roadside Stand”.
- Replacing the definitions with: “Camping Ground or Campgrounds”, “Dwelling, Manufactured”, “Floodway”, “Mobile Home”, and “Roadside Stand”.

Section 4: §200-12B Permitted Principal Uses (A Residential/Agricultural District)

- Repeal and replacement of Subsection (8), regarding the permitted principal use of “mobile homes on individual lots as temporary dwellings while permanent structures are being built”.

Section 5: §200-12B Permitted Principal Uses (A Residential/Agricultural District)

- Repeal and replacement of Subsection (9), adding mobile homes (in addition to premanufactured modular homes) with full perimeter frost-free foundations to the list of permitted principal uses.

Section 6: §200-12C Permitted Accessory Uses (A Residential/Agricultural District)

- Repeal and replacement of Subsection (2), raising the maximum floor area required for “customary accessory structures” from 200 SF to 1,200 SF.

Section 7: §200-12C Permitted Accessory Uses (A Residential/Agricultural District)

- Subsection (8), regarding mobile homes for use an accessory use by immediate family members or farm employees, is repealed in its entirety.

Section 8: §200-12D Special Permit Uses (A Residential/Agricultural District)

- Insertion of new subsections (12) Mobile home as an accessory use by immediate family members or farm employees, (13) event centers, and (14) campgrounds.

Section 9: §200-13B Permitted Principal Uses (B Residential District)

- Repeal and replacement of Subsection (5), adding mobile homes (in addition to premanufactured modular homes) with full perimeter frost-free foundations to the list of permitted principal uses.

Section 10: §200-14B Permitted Principal Uses (C Residential/Recreational District)

- Repeal of Subsections (5) Roadside stands for the purpose of marketing agricultural products produced on the parcel, (6) mobile homes on individual lots as temporary dwellings while permanent structures are being built, and (7) premanufactured homes with full perimeter frost-free foundations.
- Replacement of subsections (5) mobile homes on individual lots as temporary dwellings while permanent structures are being built and (6) premanufactured homes with full perimeter frost-free foundations.

Section 11: §200-14C Permitted Accessory Uses (C Residential/Recreational District)

- Repeal and replacement of Subsection (6). It removes the permitted accessory use of mobile homes and replaces it with roadside stands.

Section 12: §200-14D Special Permit Uses (C Residential/Recreational District)

- Insertion of new subsections (8) Mobile home as an accessory use by immediate family member or farm employee.

Section 13: §200-15B Permitted Principal Uses (D Residential/Lakeside District)

- Repeal and replacement of Subsection (4), adding mobile homes (in addition to premanufactured modular homes) with full perimeter frost-free foundations to the list of permitted principal uses.

Section 14: §200-20B Lot Area (Flag Lots)

- Repeal and replacement of Section B (Flag Lots), increasing the minimum road frontage from 15 ft. to 50 ft.

Section 15: §200-69 Site Development Plan Review, Pre-Application Meeting, and Application

Completeness; Paragraph J and L.

- Repeal of Section J Application for final detailed site plan approval and L Action on the final site plan application.
- Replacement with Section J Preliminary Site Plan and L Final site plan approval procedure.

Comments

1. The Town may want to edit its definition of Agricultural or Farm Activities to include annual gross revenues of \$10,000, a minimum of 7 acres, and an additional definition that includes farm woodland, commercial horse boarding, and other activities that may be included in current or future definition of farm in Ag and Market laws 25AA 301
<https://www.nysenate.gov/legislation/laws/AGM/A25-AA>
2. Not all farms choose to be part of Ontario County Agricultural District #1; the Town should consider whether to allow farm buildings on farms outside OC Agricultural District #1.
3. The amendment defined Dwelling, Manufactured and a cross-reference from the older term mobile home and may want to search and replace to use manufactured homes in the permitted and accessory use list sections of the amendment.
4. The definition of campground includes a definition of temporary as located in the camping ground no longer than three months. Some campgrounds allow off-season storage of unoccupied recreational vehicles during the off-season. The Town may want to differentiate between occupied and storage of recreational vehicles for this restriction.
5. The standards for special use permits to allow mobile homes as accessory uses is one long sentence, including 9 standards. These standards, particularly that the engineers' letter referenced concerns adequate sizing of the septic system to serve both dwellings, might be easier for the planning and zoning boards to apply if formatted as a list.

Attachments:

1. Local Law

CPB Comment

1. The County Planning Board commends the Town Board in its' proactive updating of the zoning code.

Board Motion: To retain referral 112- 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:** Ryan Wilmer. **Vote:** Yes 12, No 0, Abstained 0.

The motion: Passed.

113-2025 (AR1 / LATE REFERRAL) Site Plan for a proposed "personal and professional service" use (education center) within an existing building at 8732 Main St. in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Planning Board
Applicant: Joe Cassara
Application Type: Site Plan

Class:	AR1
Property Information (Address & ID):	135.20-1-13.120

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.

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. PB App
3. SEAF
4. Floor Layout

Board Motion: To accept late referrals 113-2025, 114-2025, 115-2025, and 116-2025 as late referral(s).

Motion made by: Leonard Wildman, **seconded by:** Stephen High. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

12. Town of Seneca

114-2025 (Class 1 / LATE REFERRAL) Site Plan to construct a 9,100 SF commercial building (East Coast Van Life) with associated improvements - at 4224 South St. (and adjacent parcels) in the Town of Seneca.

Municipality:	Town of Seneca
Referring Board:	Planning Board
Applicant:	East Coast Van Life
Application Type:	Site Plan

Class:	Class 1
Property Information (Address & ID):	131.09-2-55.200; 131.09-2-55.300; 131.09-2-56.000; 131.09-2-57.000; 131.09-2-63.200

Description & Review Comments:

The proposed project involves lot reconfigurations of 5 parcels located southwest of the SR 245 and South St. intersection. The “subject” parcel (Lot 1) is to have 0.63 acres subdivided off it to form Lot 2, containing the existing building. The Town of Seneca mentioned that this parcel was the former site of the Town Highway Department and has been used for stone material storage up until 2024. This Lot 1 is planned to merge with two (2) parcels to the north along SR 245 (TM#’s: 131.09-2-55.200 and 131.09-2-55.300) as well as a portion of the adjacent parcel to the south (TM#: 131.09-2-63.200) – totaling 2.99-acres. Finally, a third lot (TM#: 131.09-2-57.000) is proposed to merge with the remaining portion of TM# 131.09-2-63.200 – totaling 0.98 acres. The proposed construction is to occur on the newly formed 2.99-acre Lot 1. The new residence indicated on the site plan on the westernmost parcel is conceptual, and not a part of the site plan.

To summarize, after the proposed lot line adjustments:

- Lot 1: 2.99 acres (subject parcel)
- Lot 2: 0.63-acres (contains existing 1-story brick building)
- Lot 3: 0.98-acres (contains conceptual home on site plan)

According to their website, East Coast Van Life is a commercial business that builds custom "camper vans" with possible additions such as beds, kitchens, entertainment areas, solar, heating/cooling, and more.

For the project there is an estimated disturbance of roughly 1.5 acres. An internal drive surrounding the building with parking areas on each side surrounds the building. Access to the property comes off of SR 245 to the north. There are 24 parking spaces, 2 of which are ADA-accessible spaces (west side of building). A new on-site wastewater treatment system is proposed just west of the parking area. The proposed project will connect to the existing public water supply via a new connection along SR 245. A new underground electric service is proposed. Proposed landscaping includes eight (8) trees: 3 Autumn Blaze Freeman Maple, 2 Hackberry, and 3 Red Oak. The trees are located to the east (between the proposed parking lot and adjacent residential lots), and to the west (along SR 245). All areas not paved/planted will be seeded with lawn seed. There are four (4) proposed pole-mounted down-lit light fixtures (dark sky complaint) on each side of the building.

According to OnCor, for the subject parcel:

- It has a land use of community services (proposed use of commercial). Surrounding land uses are primarily residential.
- Slope is little to none (0-3% gradient).
- Soil disturbed is primarily Lima Loam (partially hydric, moderately high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B/D).
- Existing land cover is primarily a gravel parking area.

Comments

1. Will the building be used solely for sales? Will vehicles be displayed outside the building?

- Will there be any vehicle repair/maintenance on-site?
2. Proper containment and disposal of waste needs to be ensured.
 3. What will hours of operation be? How many employees are expected? How many customers per day?

CRC Comments

1. An access and maintenance easement will be needed for the shared driveway access for the proposed conceptual home to the west.
2. Are there any stormwater management plans? Rates of water discharged from the property must not be greater than discharge rates before the proposed construction.
3. The developer will require a stormwater access/maintenance easement (from the residential parcel to the east) for offsite stormwater/stormsewer management.

Attachments:

1. Aerial
2. Subdiv Plat
3. Site Plan
4. Wastewater Plan
5. Landscape Plan
6. Lighting Plan
7. Full Plans
8. Rendering 1
9. Rendering 2
10. SEAF

Board Motion: To accept late referrals 113-2025, 114-2025, 115-2025, and 116-2025 as late referral(s).

Motion made by: Leonard Wildman, **seconded by:** Stephen High. **Vote:** Yes 12, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 105-2025, 108-2025, 109-2025, 114-2025, and 116-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammar. **Vote:** Yes 12, No 0, Abstained 0. **The motion** Passed.

13. Privilege of the Floor

The Ontario County Planning Board recently held an open discussion focused on Municipal Code Enforcement Officers (CEOs), highlighting their responsibilities, the challenges they face, and ways to support their critical role in ensuring public health and safety.

CEOs are tasked with a wide range of responsibilities on a daily basis, including:

- Inspecting violations
- Investigating complaints
- Issuing notices
- Conducting compliance follow-ups
- Educating and communicating with the public
- Responding to emergencies
- Writing reports
- Attending board meetings and training sessions

- Maintaining records
- And much more

CEOs face numerous challenges that affect their ability to carry out these duties effectively. These include:

1. Ongoing Education and Code Updates
 1. Building codes are constantly being revised, requiring CEOs to stay current. Keeping up with changes can be difficult, especially when there is a lack of clear policy guidance or formal training on new codes.
 2. Public education also remains a challenge, particularly when it comes to clarifying what activities require permits and what is allowed under current regulations.
2. Limited Time and High Workloads
 1. Some municipalities may employ only one CEO—sometimes in a part-time capacity. Managing such a wide scope of responsibilities with limited staff and resources can be extremely difficult and stressful.
 2. Increased funding for CEO positions was emphasized as a necessary step forward.
3. Public and Property Owner Resistance
 1. CEOs can face hostility or pressure during inspections or throughout the appeals process (e.g., through Zoning Board of Appeals).
 2. Although CEOs are tasked with objectively applying the code, their decisions can sometimes be perceived as punitive or discriminatory.
 3. It is vital for Municipal Boards and Supervisors to support their CEOs by upholding the code and reinforcing its consistent application.

Concerns About Inconsistent Code Enforcement

1. Another key issue discussed was the potential for unequal treatment of applicants due to:
 - Personal relationships or unconscious bias.
 - External pressures from residents, applicants, or municipal officials.
 - Changes in CEOs with varying degrees of thoroughness in their enforcement.
2. To address these concerns, the Board suggested the implementation (if not already in place) of a formal code of ethics or an oath of office for CEOs, Municipal Board members, and Supervisors to help reinforce fairness and integrity in code enforcement.

The Ontario County Planning Board acknowledges the significant investment municipalities make in their Code Enforcement Officers. Their role of a CEO is essential to public health and safety, and it demands a high level of skill, judgment, and dedication.

The Board's goal is to increase awareness of the importance of the CEO role and to encourage open dialogue between CEOs, Municipal Board members, Supervisors, and the public. Consistent education for all stakeholders—including the public—on the building code and the CEO's role is critical.

Increased support for CEOs was emphasized, including:

- Ongoing professional development.
- Additional staffing where possible.

- Strong backing from Municipal Boards and Supervisors in decision-making.

The County currently has a working group composed of municipal CEOs, Supervisors, and County staff to advance these goals. To further the discussion, Tom Harvey, Ontario County Planning Director, will speak at the August 13th County Planning Board meeting at 6:00 PM to address these issues and share updates from the working group.

14. Upcoming Trainings:

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

NYSDEC Solar Development & the 2025 Construction General Permit (CGP)

- Monday, July 28 at 10 AM (via Webex); See registration link [here](#).
- Webinar open to the public featuring the NYSDEC's 2025 Solar Development Education and Outreach Presentation pertinent to the 2025 Construction General Permit (CGP). The webinar is free to attend (no cost), but registration is required (see the Registration Link). The webinar will begin with the Solar Development Education and Outreach Presentation which is expected to take approximately 45 to 60 minutes. The presentation will be followed by a brief break of about 5 minutes, and then followed by Questions and Answers (Q&A) during which attendees may submit questions to be answered by the presenter(s). Three hours total are allotted in case the Q&A portion runs long. The Webinar will be recorded and made accessible from the DEC website after the event.

Cornell cooperative Extension - Virtual Solar Trainings

- Wednesday, July 16 from 5:30 to 7 PM: Environmental concerns. Hear from NYS Department of Agriculture and Markets and a University of Michigan researcher. [See link to register.](#)
- Wednesday, July 23 from 5:30 to 7 PM: First-responder concerns. Hear from the Energy Safety Response Group about their experience working with municipalities, developers, and others and training emergency response teams to address emergencies at large-scale solar and battery energy storage facilities. [See link to register.](#)
- Wednesday, July 30 from 5:30 to 7 PM: Community benefit agreements. Hear from three speakers with an array of experience regarding how to negotiate community benefit and payment in lieu of taxes agreements to benefit the entire community and the ag communities' or other stakeholders specifically impacted. [See link to register.](#)

NY Association of Towns Fall Planning & Zoning School

- Topics include open meetings law, new wetland regulations, affordable housing, and siting of large-scale energy projects (Binghamton, Lake George, and East Aurora or Agritourism (Kingston only)). You will need your town's membership credentials and then create a login username and password. [See link to register.](#)
 - Tuesday, September 2, 2025 from 8 am to 12 PM in Binghamton
 - Saturday, September 13, 2025 from 8 am to 12 PM in Lake George
 - Wednesday, October 1, 2025 from 8 am to 12 PM in East Aurora
 - Thursday, October 9, 2025 8 am to 12 PM in Kingston

MRB Group / Hancock Estabrook Municipal Bootcamp; see [link](#) to register

- SESSION 7: SOAKING UP THE SUN – SOLAR AND BATTERY STORAGE AND THE LOCAL REVIEW PROCESS; Thursday, July 24, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 8: PUTTING THE HOME IN HOMETOWN – STRATEGIES FOR ATTRACTING HOUSING INVESTMENT TO YOUR COMMUNITY; Thursday, September 25, 2025 – 6:00 PM – 7:00 PM; (Remote)
- SESSION 9: SHORT, BUT NOT TOO SHORT – HOW SHORT-TERM RENTALS ARE CHANGING THE DEVELOPMENT AND REGULATORY LANDSCAPE; Thursday, October 23, 2025 – 6:00 PM – 7:00 PM; (Remote).
- SESSION 10: SANTA’S NAUGHTY and NICE LIST— THE BEST AND WORST OF 2025; Thursday, December 18, 2025 – 6:00 PM – 7:00 PM; (Remote) NYS DOS LOCAL GOVERNMENT TRAINING.

NYSDOS Local Government Training Schedule; see [link](#) to register.

- 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; see [link](#) to register.

- 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.

NY Conference of Mayors trainings are free (if your municipality is a member); see [link](#) to register.

- Recorded Webinars Include:
 - ACCESSING FEDERAL FUNDING FROM FEMA (recorded 7-29-20) | Speakers: Robert T. Kennedy, Mayor of the Village of Freeport and NYCOM President; J. Andrew Martin, CFM, Public Assistance Section Chief, NYS Division of Homeland Security and Emergency Services; Janet Plarr, Village Administrator, Village of Blasdell; and Donna Lyudmer, Village of Saltaire
 - ADOPTING LOCAL LAWS AND CONDUCTING REFERENDA (recorded 6-24-21) | Speaker: Rebecca Ruscito, NYCOM Counsel
 - ARPA FUNDING: OVERVIEW OF ALLOWABLE USES AND OTHER REQUIREMENTS (recorded 8-3-21) | Speakers: Peter Baynes, NYCOM Executive Director and Barbara VanEpps, NYCOM Deputy Executive Director
 - CELL TOWERS AND WIRELESS REGULATIONS AND A CASE LAW UPDATE (recorded 12-15-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel
 - CONDUCT MEETINGS NOW AND DOWN THE ROAD: NAVIGATING THE FUTURE OF MEETINGS AND HEARINGS AS COVID NUMBERS DROP (recorded 3-18-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel and Rebecca Ruscito, NYCOM Counsel
 - ETHICS FOR ZBA AND PLANNING BOARD PROCEEDINGS (recorded 12-9-21) | Speaker: Wade Beltramo, NYCOM General Counsel
 - FAIR HOUSING CONSIDERATIONS FOR MUNICIPALITIES (recorded 12-16-21) |

Speakers: Charles Grieco, Bond, Schoeneck & King; Moderator: Wade Beltramo, NYCOM General Counsel

- GRANTS TRAIN IS AT THE STATION: GET READY FOR THE RIDE AHEAD! (recorded 5-6-21) | Speaker: Jim Thatcher, Manager, Community Development, C.T. Male Associates
- LAWYERS AND ETHICS FOR ZBAS AND PLANNING BOARDS (recorded 12-10-20) | Speaker: Wade Beltramo, NYCOM General Counsel
- NEW YORK'S MARIJUANA LEGALIZATION: WHAT DOES IT MEAN FOR LOCAL GOVERNMENTS? (recorded 4-15-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel; Rebecca Ruscito, NYCOM Counsel
- PLANNING AND ZONING HOT TOPICS AND CASE LAW UPDATE (recorded 12-14-21) | Speakers: Terry Rice, Partner, Law Office of Terry Rice; Moderator: Wade Beltramo, NYCOM General Counsel
- REGULATING CANNABIS OPERATIONS (recorded 12-7-21) | Speakers: Wade Beltramo, NYCOM General Counsel; Corey Auerbach, Barclay Damon, LLP
- SOLAR PANELS, LARGE SCALE ENERGY GENERATION SITING, AND LOCAL ZONING (recorded 12-17-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel

NY Planning Federation Trainings are free (if your municipality is a member)

- 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
- Recorded Webinars Include:
 - The Essentials of Planning and Zoning
 - Introduction to Planning, Zoning, and Land Use
 - Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan
 - Understanding and Applying SEQRA (NY State Environmental Quality Review Act)
 - The What, Why, and How of Site Plan Review
 - Common Mistakes and Mishaps in Site Plan Review
 - Meeting Process and Communication
 - Enhancing Transparency Effectiveness in Planning Proceedings
 - Innovations and Best Practices for Planning/Zoning Boards
 - Engaging Diverse Communities and Dealing with Difficult People
 - Working with Elected Officials and Understanding Everyone's Role in Planning
 - The Open Meetings Law for Zoning and Planning Boards, Part II
 - Working with Developers to Foster Investment in the Community
 - Communication, the Media and Social Media
 - Open Government and Planning and Zoning Decision Making

15. Adjournment:

Board motion to: Adjourn. **Motion made by:** Terri Brown, **seconded by:** Roslyn Grammar, **Vote:** Yes 12, No 0, Abstained 0. **The motion** Passed. The Ontario County Planning Board meeting was adjourned at 08:39 PM.

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.

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)