

ONTARIO COUNTY PLANNING BOARD

Wednesday, August 13, 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, August 13, 2025, Ontario County Planning Board meeting to order at 7:10 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Paul Passavant
Terri Brown
Ruth Cahn
Burch Craig
Dan Crowley
Stephen High
Ed Kaiser
Paul Lambiase
Edward (Ted) Liddell
A.J. Magnan
Jamie Purdy
Leonard Wildman
Ryan Wilmer
Tammy Worden

Present Not Voting:

Jack Dailey
Bessie Tyrrell

Excused:

Roslyn Grammer, Chris Mergler, Mike Woodruff

Present (Voting): 14, Present (Not Voting): 2, Absent: 0, Excused: 3

3. Approval of Minutes:

Leonard Wildman motioned to approve the minutes from the July 9, 2025, Ontario County Planning Board meeting. The motion was seconded by A.J. Magnan. The motion passed.

4. Old Business

None

5. New Business:

6. Town of Bristol

117-2025 (Exempt) Special Use permit for a 600 SF attached accessory dwelling unit addition at 6664 Dugway Road in the Town of Bristol.

Municipality: Town of Bristol
Referring Board: Zoning Board of Appeals
Application Type: Special Use Permit
Class: Exempt
Property Information (Address & ID): 152.00-1-10.200

Description & Review Comments:

Exempt (not within 500 ft.)

Attachments:

1. Floor Plan
2. SUP App
3. SEAF

7. Town of Canandaigua

118-2025 (Class 1) Area Variance for a 1,600 SF addition to a preexisting non-conforming structure (boat service area) with a preexisting non-conforming use (Marina). No specific setbacks are due to there being no established bulk and area requirements for the preexisting non-conforming use. The project is located at 3907 County Road 16 (German Brothers Marina) in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 113.13-1-10.000

Description & Review Comments:

The subject 3.5-acre parcel is within the RLD (Residential Lake Zoning District) where the marina is not a permitted or specially permitted use. The subject parcel (and additional parcels) was referred to CPB in November 2023 as 238-2023 (Technical Review) Map amendment to rezone subject properties (3904, 3907, 3935 CR 16) from Residential Lake District to Incentive Zoning at the German Brothers marina (and adjoining parcels) in the Town of Canandaigua. The request was denied by the Town Board in March 2024. See the Zoning Schedule for the dimensional requirements of permitted and specially permitted uses in the RLD (below):

Permitted Uses	Minimum Setback Requirements (ft.)			
	Principal Building		Accessory Building	
	Front	Rear (Lake)	Side	Rear (Lake)
* Specially Permitted Uses				
Single-Family Dwelling	x	x	x	x
(Lot size less than 10,000 SF)	50	30	8	15
(Lot size between 10,000-20,000 SF)	55	30	10	15
(Lot size more than 20,000 SF)	60	60	12	15
Public Facilities, parks and recreation	60	40	35	15
*Essential Services, public utility, or communications installation	60	40	35	15
*Semi-public buildings and grounds	60	40	35	15
*Temporary farm stand	Requirements specified by the Planning Board			
*Tourist Home	60	60	12	15

The proposed 40 ft. x 40 ft. addition further encroaches upon the front (right-of-way; County Road 16) setback. According to the submitted (OnCor) aerial, the addition will have a front setback of roughly 4-5 ft from the right-of-way. The applicant mentions that the addition is to the existing 40 ft. x 40 ft. two-bay service building, and that this addition will be used to provide employees shelter from the elements while servicing boats. The lot coverage will not change as the proposed addition will be located on existing asphalt.

According to OnCor:

- Surrounding land use is residential or vacant residential. The subject parcel is recreation and entertainment.
- In the area in/near the proposed work:
 - Steep slopes (16-30% gradient) are present along CR16, and gentle slopes (4-9% gradient) exist closer to the lake.
 - FEMA 100-Year Flood Zone and FEMA Q3 Floodplain exist.

The referring official mentioned that submission of a site plan application is pending results of the area variance request. In the submitted zoning law determination, the zoning officer stated that the "applicant will need to address steep slopes and floodplain issues".

Relevant Findings from Administrative Review Policy AR5 involving the development of lakefront parcels include:

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. Runoff from lakefront development is more likely to impact water quality.
4. 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.

5. Protection of community character, as it relates to tourism, is a goal of the CPB.
6. It is the position of this Board that numerous variances can allow over-development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
7. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

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.

Comments

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve 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.
3. Any stormwater management infrastructure/practices should be labeled on the site plan when submitting it for site plan approval.
4. FEMA Floodzone and Floodplain boundaries should be labeled on the site plan when submitted.

Attachments:

1. Aerial
2. Sketch
3. Test Questions
4. LOI
5. SEAF
6. ZBA App
7. ZLD
8. Project Details

CPB Comment

1. There are concerns over driver visibility with the building being so close to the right-of-way. The referring Board should consider requiring warning or safety signage for the area.

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

119-2025 (AR1) Special Use Permit for the installation of a 150 SF commercial speech sign (Spirit Halloween) at 4406 Route 5&20 (Big Lots Plaza) in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Special Use Permit
Class: AR1
Property 84.00-1-26.120
Information
(Address & ID):

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 Route 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. Rendering
3. Sign Specs
4. LOI
5. ZLD
6. PB App
7. Waiver Request

120.0-2025 (AR2) Area Variances (3) and Site Plan for a proposed 515 SF two-story addition to an existing single-family home at 3542 Sandy Beach Drive in the Town of Canandaigua. Area Variances are for: (1) a proposed south-side setback of 6 ft. when a minimum of 10 ft. is required, (2) lot coverage of 32% when no greater than 30% is permitted, and (3) a building coverage of 25.5% when no greater than 20% is permitted.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property 98.15-1-33.000
Information
(Address & ID):

Description & Review Comments:

Policy AR 5 Applications involving one single-family residential site, including home occupations.

Part B Development of Lakefront Parcels.

B. The following applies to all development on parcels with lake frontage that require:

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variances pertaining to lake shore setbacks.

The CPB's role of reviewing and making recommendations on county-wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to the water quality and character of our lakefront neighborhoods. The following policy is the result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address the over-development of lakefront lots and support the clearly stated interests by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.

2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surfaces lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over-development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments:

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve 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.

Attachments:

1. Aerial
2. Site Plan
3. Elevation Drawings
4. Full Plans
5. Existing Conditions
6. Test Questions
7. ZBA App
8. PB App
9. SEAF
10. Floor Plans
11. ZLD

120.1-2025 (Exempt) Area Variances (3) and Site Plan for a proposed 515 SF two-story addition to an existing single-family home at 3542 Sandy Beach Drive in the Town of Canandaigua. Area Variances are for: (1) a proposed south-side setback of 6 ft. when a minimum of 10 ft. is required, (2) lot coverage of 32% when no greater than 30% is permitted, and (3) a building coverage of 25.5% when no greater than 20% is permitted.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property 98.15-1-33.000
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

None

121-2025 (Class 1) Site Plan for a 3,500 SF addition and 5,500 SF outdoor activity space at the existing Special Needs Assisted Living Resident Community (Ferris Hills) at 3391 Middle Cheshire Road in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 97.04-1-1.110

Description & Review Comments:

This project is Phase 2 of the original site plan approval in 1999. The single-story addition (to the western side of the building) will include four single-resident rooms along with supporting daily living areas (kitchen, dining/activity space, living room, quiet room, and med room).

The project will create 0.21-ares or disturbance on the 57.1-acre parcel. In the submitted Short Environmental Assessment Form, it is indicated that additional stormwater runoff from increased impervious surface will not discharge onto neighboring properties and will be directed to an existing storm sewer system and detention pond.

According to OnCor:

- The adjacent parcel to the south is in Ontario County Agricultural District #1.
- Surrounding land use is predominately residential, with one agricultural parcel to the south.
- The disturbed area is on a mowed lawn. Soil disturbed is:
 - Honeoye Loam: not hydric, moderately high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.
 - Lima Loam: partially hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B/D.
 - Little to no slope (0-3% gradient).

Comment

1. Any stormwater management infrastructure/practices should be labeled on the site plan when submitting it for site plan approval.

Attachments:

1. Aerial
2. 1999 Approved Site Plan
3. Existing Property Survey

4. Courtyard Rendering
5. Elevation Drawings
6. PB App
7. SEAF
8. ZLD

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

122.0-2025 (Class 1) Area Variances (3) and Site Plan to construct a 9,400 SF community residence (DePaul Ontario Next Steps) at 0000 Parkside Drive in the Town of Canandaigua. Area variances are for: (1) 47% of the proposed building facade to be in the “Build-To Zone” when a minimum of 75% is required; (2) a transparency of 32% when a minimum of 50% is required; and (3) a building height of 10’8” when a minimum of 15’ is required.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 70.11-1-30.000
Information
(Address & ID):

Description & Review Comments:

The subject (vacant) parcel is located on a 1.56-acre site on the southside of Parkside Drive, which is zoned Uptown Canandaigua Formed Based Code – Mixed-Use Development (FBCD-MUD) Subarea. This project is adjacent to an existing DePaul permanent housing development (Trolley Station Apartments). This will be a separate operation. 47% of the building lies within the “build-to-zone” – which requires a minimum of 5 feet from the front property line (right-of-way; Parkside Drive), and a maximum of 20 feet. The applicant mentions that the curvature of the road and an existing utility easement to the Town of Canandaigua along Parkside Dr. make it difficult to place the building within the build-to-zone.

The proposed community residence includes 14 bedrooms (all single bedrooms) in a one-story, 9,400 SF structure. The common areas include a kitchen, dining room, living room, lounge areas, common bathrooms for men and women, office areas, storage, and an exterior courtyard and seating area for the residents’ use. A total of 17 parking spaces are proposed. Sidewalk will be connected across the project frontage to existing dead-end sidewalks to complete pedestrian connectivity through the roadway corridor. The disturbance is estimated to be 1.1 acres. Surrounding the building, the landscaping includes 36 deciduous trees: 10 Red Sunset Maple, 3 Canadian Serviceberry, 3 Eastern Redbud, 3 Flowering Dogwood, 5 Shademaster Honey Locust, 3 Tulip Poplar, 7 American Hophombeam, and 2 Okame Flowering Cherry. 159 shrub and 75 perennial plantings are proposed as well.

An existing 8'' PVC sanitary sewer within an easement to the Town of Canandaigua runs along the southeast property line. A 6'' PVC lateral will be extended to connect to the existing (Town of Canandaigua) main with a cleanout placed at the easement line. The property will connect to the existing water main (Canandaigua-Farmington Water District) along Parkside Drive. For lighting, six (6) 15 ft. pole-mounted lights are to be located around the parking area and nine (9) bollard lights are proposed behind the building – all dark sky compliant. Runoff reduction volume treatment is proposed to be provided by four (4) bioretention areas, tree plantings, and filter strip. The site generally drains to the Parkside Drive right-of-way where it is collected in the roadside swale. An offsite stormwater management facility will provide the necessary detention and stormwater quantity mitigation. This downstream SWMF is owned and operated by the Town of Canandaigua. Storm sewer sizing is designed to convey the 10-year storm with allowances for 100-year storm rainfall in the routing of overland flow to avoid impact to vehicle routing and the building finished floor elevation. More information on stormwater management can be found in the provided SWPPP.

According to OnCor:

- Surrounding land use is primarily residential (apartments) or vacant residential/commercial areas.
- The parcel has little to no slope (0-3%).
- Soil disturbed is Lakemont Silty Clay Loam (partially hydric, moderately low permeability, very high erodibility, is farmland of statewide importance and is in hydrologic soil group D) and Ovid Silt Loam (partially hydric, moderately high permeability, high erodibility, is prime farmland if drained and is in hydrologic soil group C/D).
- Land cover is successional old field/shrubland.

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.

Comment

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

Attachments:

1. Aerial
2. Concept Plan
3. Site Plan
4. Landscaping Plans
5. Grading Plan
6. Utility Plan
7. Lighting Plan
8. Full Plans
9. Floor Plans
10. Elevations
11. LOI
12. Test Questions
13. PB App
14. ZBA App
15. SEAF
16. SWPPP
17. Engineers Report
18. ZLD

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

122.1-2025 (Class 1) Area Variances (3) and Site Plan to construct a 9,400 SF community residence (DePaul Ontario Next Steps) at 0000 Parkside Drive in the Town of Canandaigua. Area variances are for: (1) 47% of the proposed building facade to be in the “Build-To Zone” when a minimum of 75% is required; (2) a transparency of 32% when a minimum of 50% is required; and (3) a building height of 10’8” when a minimum of 15’ is required.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property	70.11-1-30.000
Information	
(Address & ID):	

Description & Review Comments:

See 122.0-2025.

Attachments:

None

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0.
The motion: Passed.

123-2025 (Class 1) Site Plan for a (previously approved) commercial landscaping facility containing four buildings and totaling 19,400 SF (Office - 4,900 SF; Maintenance - 4,900 SF; Storage - 6,000 SF; and Salt Storage - 3,600 SF) - at 5530 Airport Road in the Town of Canandaigua.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property 70.00-1-66.110
Information
(Address & ID):

Description & Review Comments:

Site Plan to construct a landscaping construction facility on a vacant 36-acre parcel in the industrial zoning district. The proposed work is occurring on the eastern portion of the parcel, split by Airport Road. Proposed site features include an office building, maintenance building, outdoor equipment storage, outdoor gravel storage, as well as staging areas for landscape inventory. A parking area with 45 parking spaces (3 of which are ADA-accessible), 11 land-banked spaces, and 28 trailer parking spaces are proposed. There are two access drives proposed along the south side of Airport Road. The total area to be physically disturbed is 12 acres.

Storm water facilities will also be included to mitigate the increased levels of surface water created by the proposed impervious surfaces. Downspouts discharging to splash blocks are proposed on the office and maintenance buildings. Storm drains within the parking lot direct stormwater north towards a proposed dry dwale just north of the proposed development. The dry swale leads to a proposed stormwater pond and bio-retention area. A 20-ft. wide access easement to the SWMF exists for the Town of Canandaigua. In addition, a 15 ft. wide sidewalk easement exists along Airport Road just north of the proposed development. The property will be connected to the public sewer. The project will be connected to an existing public watermain. 8 building-mounted and 1 pole-mounted light are proposed. A plant nursery will also be included in the site features. Additional proposed landscaping (along Airport Rd.) includes 33 trees: 15 Concolor Fir, 8 Autumn Blaze Freeman Maple, 3 Hackberry, 3 Black Gum, and 4 Red Oak.

According to Oncor:

- Surrounding land use is primarily commercial or vacant (vacant commercial or vacant industrial).
- Subject parcel contains DEC Informational Wetlands.
- The adjacent parcel to the north is Agricultural District #1.
- Surrounding parcels are predominately commercial and vacant. The subject parcel is vacant.
- The slope is gentle or little to no slope (0-3% gradient).
- Soils are a combination of silty loams ranging from poorly drained to moderately well-drained.

Comments

1. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the DEC.
2. How many employees will there be? What are the hours of operation? How many trips per day will be generated from the proposed use?
3. Will any vehicles be serviced on-site? Proper disposal of waste needs to be ensured.

CRC Comment

1. According to the submitted site plan, the proposed stormwater management facility looks to be around 8 ft. deep. The referring board should consider requiring fencing around the facility.

Attachments:

1. Aerial
2. Site Plan
3. Grading and Erosion Plan
4. Landscaping Plan
5. Lighting Plan
6. Full Plans
7. Notice of Address Assignment
8. PB App
9. SEAF
10. ZLD

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

8. Town of East Bloomfield

140-2025 (Class 2 / Late Referral) Text Amendment updating the existing regulations on Large Scale Solar Energy Systems as a specially permitted use.

Municipality: Town of East Bloomfield
Referring Board: Town Board
Application Type: Text Amendment
Class: Class 2 (Late Referral)
Property Information (Address & ID): N/A

Description & Review Comments:

Changes to § 135-83.3 “Large-Scale Solar Energy Systems” include:

- An update to the definition of a “solar energy system” which now considers access roads and fencing as a part of the system, as well as solar panels and solar energy equipment.
- Removal of the 10 MW cumulative capacity cap for large-scale solar energy development within the Town.
- Addition of pre-construction soil testing requirement. Soil is not permitted to be less fertile at the time of decommissioning than it was during construction.
- Addition of regulation requiring large-scale solar energy systems located within the AR-2 Agricultural Rural Residential to be dual-use (agrivoltaic) properties.
- Addition of access roads and fencing in lot coverage calculations.
- Changing all setback requirements (front, rear, side) to 150 ft. Current requirements are:
 1. Front: 75 ft. (100 ft. on a State Highway)
 2. Side: 30 ft.
 3. Rear: 30 ft.

The referring official mentions that the Town’s moratorium on large-scale solar energy systems ends this month.

Attachments:

1. Solar Regs Amendment

CPB Comments

1. Future applicants and the referring Board should consult the New York State Battery Energy Storage System Guidebook when designing/implementing a solar energy facility with battery energy storage.
2. Future applicants and the referring Board should consult the NYSEDA uniform code model law for solar energy facility decommissioning regulations.
3. The referring Board should be aware of newly created State battery energy storage fire safety working group, and should be on the lookout for results/publications.
4. The referring board should be aware of the different types of glare (green vs. yellow) and their affects on pilot visibility. When a new solar project is proposed/considered, the FAA should be included.

Board Motion: To accept 139-2025 and 140-2025 as late referrals.

Motion made by: Stephen High, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 14, No 0, Abstained

0. **The motion:** Passed.

Board Motion: To retain referral 140-2025 as a Class 2 and return to the local board with recommendation for approval with comments.

Motion Made By: Paul Lambiase, **Seconded By:** Ryan Wilmer. **Vote:** 14. **Abstain:** 0. **The Motion:** Passed.

9. Town of Farmington

124-2025 (Class 1) Site Plan Amendment to construct a 1,980 SF one-story maintenance building addition and modifications to the existing parking area at 6162 State Route 96 (Auto Outlets USA) in the Town of Farmington.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property	29.00-1-73.111
Information	
(Address & ID):	

Description & Review Comments:

The subject parcel is 5.9 acres. All disturbance (0.1-acres) will be within the existing gravel parking area. Besides the addition, the proposal also includes some modifications to the inventory gravel parking area to the rear (north) of the building addition (removal of 22 spaces). The site plan was previously approved by the Planning Board in June 2023. There are no indicated plans for additional landscaping, lighting, or stormwater management.

According to Oncon:

- Subject and surrounding land use is commercial or vacant commercial.
- The slope of the project area is gentle to none (0-9%).

Comment

1. Proper disposal of waste and fluids from vehicle maintenance/servicing needs to be ensured.

Attachments:

1. Aerial
2. Amended (Proposed) Site Plan
3. Original (Approved) Site Plan
4. LOI
5. PB App
6. SEAF
7. Public Meeting Resolution

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025,

125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

125-2025 (Class 1) Special Use Permit to use an existing building as a pet grooming business at 1118 County Road 8 in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property 30.00-1-59.100
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 9.1-acres and is zoned RS-25 Residential Suburban. Major Home Occupation and Kennel are specially permitted uses in the RS-25 zoning district. The owner will have 1 employee (their son). Customers will drop their pet off and pick them up approximately 1 hour later. Grooming consists of washing the pet and trimming their hair/nails. Grooming would occur in the southernmost barn on the property. A daily maximum of 8 vehicle trips to and from this location would occur. The only improvements required will be a septic system to handle gray water and a single toilet at the barn facility. Disturbance is estimated at 0.1 acres. The barn has an existing (public) water connection.

According to Oncon:

- The subject parcel has land use as agricultural (horse farm). A home also exists on the parcel. Surrounding land use is primarily residential and agricultural.
- The pond at the front of the parcel is a part of the National Wetland Inventory.
- Subject and surrounding parcels to the north, south, and west are in the Ontario County Agricultural District #1.

Comments

1. Proper disposal of pet waste needs to be ensured.
2. What will hours of operation be?

Attachments:

1. Aerial
2. Survey
3. SEAF
4. Septic Design
5. Project Description

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-

2025, 137-2025, 138.0–2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

126-2025 (Class 1) Preliminary Site Plan for the construction of a new 11,360 SF office/retail building and site improvements – at 5974 and 5984 State Route 96 (Krossber Pool and Spa) in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 29.11-1-18.100; 29.11-1-19.100

Description & Review Comments:

This proposed new project consists of the annexation of 5984 & 5974 State Route 96. The subject parcel is 1.61-acres after annexation. Disturbance is estimated at 1.61 acres.

Existing Conditions. The property after annexation is approximately 1.6 acres in size and is located 220 feet west of the intersection with Hook Road. The parcel is located within the General Business (GB) district and the MTOD Overlay district. The parcel is bounded by NYS Route 96 to the south, the General Business district to the west, Hook Road and the Farmington Volunteer Fire Dept. to the east, and the R-1-10 residential zoning district to the north. Currently, the #5984 parcel contains Krossber Brothers Pool and Spa and the #5974 parcel is vacant (where the new building is proposed). Access is provided via two driveways from NYS Route 96.

Proposed Conditions. This project includes the construction of a +/- 11,360-square-foot building and associated site improvements (parking lot, grading, drainage, utilities). Access to the project site will remain unchanged from existing conditions. Parking for the new building will be provided throughout the site. A parking waiver is being requested from Town Code Section 165-37.11 to permit 36 parking spaces (2 of which are ADA-accessible) onsite where 40 is the minimum amount required. There are 16 existing parking spaces on the 5984 parcel, and 20 proposed on the 5974 parcel. New water and sanitary laterals will be constructed to provide service to the building. New underground electric will be installed to serve the proposed existing front building. A landscaped buffer will be installed around the perimeter of the new building; 22 trees (*Thuja stadnishii* x *plicata* Green Giant Arborvitae) are proposed along the north and east sides of the building. Areas on the site plan not indicated as a parking area (or the proposed building) are to have grass cover. A new grass swale is to be constructed surrounding the north and east sides of the building/parking area to help mitigate stormwater. Lighting includes 6 (dark sky compliant) pole-mounted lights around the new parking lot.

According to OnCor:

- Soil disturbed is predominately Palmyra Gravelly Loam: not hydric, high permeability, medium erodibility, it is an area of prime farmland, and is in hydrologic soil group B.
- The area disturbed has gentle to no slope (0-9% gradient). Land cover type is mowed lawn

currently.

Attachments:

1. Aerial
2. Lot Line Adjustment Plat
3. Site Plan
4. Grading and Erosion Plan
5. Landscape Plan
6. Lighting Plan
7. Full Plans
8. LOI
9. PB App
10. SEAF

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

127.0-2025 (Class 1) Area Variances (2) and Site Plan to construct a 16,000 SF “Day Programming” building and 11,400 SF education building with adjacent outdoor wildlife area, as well as infrastructure and parking improvements at 1111 County Road 8 (Bridges for Brain Injuries) in the Town of Farmington. Area Variances are for: (1) a farm animal shelter setback of 49 ft. and (2) a farm animal waste setback of 50 ft. when a minimum of 200 ft. is required.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 30.00-1-61.100
Information
(Address & ID):

Description & Review Comments:

The applicant mentions that “Bridges for Brain Injury” guides individuals with traumatic brain injuries and physical disabilities and their families. Services can include service coordination, life skills training and day program services. The Wildlife Rockstars Program is a wildlife & conservation education program run by Bridges for Brain Injury staff and day program members. As a part of their rehabilitation, members are rebuilding and learning new skills as they are trained in the handling and care of live native and exotic animals, birds, reptiles, and more. Bridges for Brain Injury, who received a temporary use permit from the Town last year, are proposing to expand their operation by constructing a 16,000 SF Day Programming Building, an 11,400 SF Wildlife Education Building with an adjacent outdoor wildlife area, as well as infrastructure and parking improvements. These will be constructed on their existing 24.7-acre site, located on the east side of County Road 8, approximately 0.4 miles north of NY Route 96. Disturbance is estimated at 6.75 acres. Existing buildings are to remain. The three westernmost fences are to be removed to make way for the new structures and

parking lot. Access to the parcel is to remain off of County Road 8 to the west.

Animals to be held include: cats, chickens, alligators, ferrets, armadillos, (silver, cross, pale, fennec) foxes, opossum, chinchilla, guinea pigs, bettong, owl, snapping turtle, tortoise, an aviary (parrot, cockatoo, turaco, additional birds), coypu, African and American porcupines, New Guinea singing dog, caviar, kangaroo, Geoffroy's cats, lynx and additional rotating animals. The animals will be contained both inside and outside the building. The outdoor wildlife education center enclosure area will be contained by an 8-ft. black chain-link fence. Within the enclosure, animals will be separated by a 3 ft. fence. A picnic table area and garden are also within this area.

A concrete sidewalk connects the wildlife education building to the day program building. Along this walk is a pergola structure on a hardscape patio, a fire pit, and a wooden pedestrian bridge that goes out into the existing pond. A drop-off bus loop serves the day program building. A parking lot with 107 spaces, 4 of which are ADA spaces, lies between the two proposed structures. The farm waste storage and wastewater treatment structure is proposed to be located on the northeast corner of the parcel (needing variance). A chicken coop is proposed as well, just west of the proposed day program building. A greenhouse will be built just east of the existing home on the parcel.

The existing structures are serviced by a private water service with a meter in tile. This service will be abandoned and a new combined water service extended down the existing driveway. This routing was chosen to permit limited impact on the existing trees along the entrance way and install the proposed backflow and meter for the larger service within an existing structure. The combined service will be 6" and provide an anticipated 5 gpm of domestic demand and 250 gpm fire sprinkler demand. No hydrant will be provided off of the proposed water service. Instead, a dry hydrant will be installed in the existing pond to provide the needed fire flow.

Tight soils, limited slope and evidence of high groundwater have been observed which limit options for septic systems to treat wastewater. Therefore, an on-site package treatment plant will be installed to treat wastewater for the project in conjunction with eOne private pumps and force mains to convey the sewage from the proposed buildings to the treatment area. The on-site package treatment plant is proposed to be a Membrane Bioreactor system with an ultraviolet (UV) disinfection module. The package plant will be installed in the northeast corner of the site and discharge treated effluent to surface waters. It is anticipated that this will require an individual SPDES permit from the New York State Department of Conservation (NYSDEC).

The proposed stormwater runoff will be collected into the project's storm sewer system and conveyed to the existing stormwater management facility. The proposed building roof runoff will also be connected to the existing system. Storm sewers will be privately owned and maintained, and will be sized for a 10-year storm event. The site is located within the Black Creek watershed, which is not a 303(d) watershed requiring additional treatment. The project is classified as a redevelopment project with an increase in impervious area and will utilize the existing pond as a stormwater management facility. It is anticipated that improvements to the existing pond and 18" outlet pipe will be necessary to comply with the permit, such as: addition of an outlet control structure to regulate flows, shelving of the pond banks to create an aquatic bench and stabilization of the interior banks of the pond with vegetation.

Gas and electric services are anticipated to be run from existing mains that run within the County Route 8 right-of-way and will be coordinated directly with RG&E. The proposed site will utilize pole-mounted site lighting (15 total). The luminaires will be down-facing LED light fixtures, which are "Night Sky" compliant. These lighting features are intended to use energy efficiently and minimize glare on adjacent properties, in accordance with the Town Code.

For landscaping, the existing trees bordering the driveway are to remain. A total of 38 trees (3 Chinkapin Oak, 3 River Birch, 7 Red Point Maple, 16 Lucas Columnar Hornbeam, 3 Street Keeper Honey Locust, 2 Skyline Honey Locust, 2 Swamp White Oak, and 2 Red Sunset Maple) are proposed to be planted around the new buildings and parking area. There will be landscaping within the wildlife center and animal habitats as well (to be determined).

According to Oncor:

- Parcels to the north and west are in Ontario County Agricultural District #1.
- NYSDEC Informational Wetlands run along the southeast boundary of the parcel.
- The parcel has little to no slope (0-3%).
- Soil disturbed is primarily Rhinebeck Silty Clay Loam: partially hydric, moderately high permeability, very high erodibility, is prime farmland if drained, and is hydrologic soil group C/D.
- Subject land use is agricultural (horse farm). Surrounding land uses are a mix of agricultural and residential.
- Land disturbed is pasture.

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.

OCDPW Comments

1. A Highway Work Permit will be required from OCDPW to widen the driveway.
2. Contractors will be required to provide insurance certificates prior to approval of the Highway Work Permit.
3. The 6" water service will need to be installed using a tunneling or boring application beneath County Road 8; an open cut will not be permitted.

4. Will there be any grading work completed on the south side of the driveway along County Road 8 to prevent standing water that can be seen?

Comments

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. According to Onco, there may be DEC Informational Wetlands which would require a Jurisdictional Determination request from the DEC.
3. Is an 8 ft. fence for the outdoor enclosure area high enough to ensure animal containment?

CRC Comments

1. Protection of water features (water quality and quantity) is a stated goal of the CPB. Proper containment and disposal of pet waste needs to be ensured in order to protect the water quality of the nearby water features (pond, stream, groundwater).
2. The pond is listed as a federal wetland. If any disturbance is to occur in this area, the relevant regulating entities (United States Army Corp. of Engineers and the United States EPA) should be consulted.

Attachments:

1. Aerial
2. Overall Plan
3. Site Plan
4. Landscaping and Lighting Plans
5. Grading Plan
6. Elevations and Floor Plans
7. Full Plans
8. ZBA App Test Questions
9. LOI
10. PB App
11. SEAF
12. Engineers Report
13. Project Details

CPB Comments

1. The referring board should consider if the proposed wildlife education building can provide appropriate space and an adequate level of care for all the animals on site.
2. The referring Board should ensure that all applicable permits have been secured and regulating agencies have been contacted.

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

127.1-2025 (Class 1) Area Variances (2) and Site Plan to construct a 16,000 SF “Day Programming” building and 11,400 SF education building with adjacent outdoor wildlife area, as well as infrastructure and parking improvements at 1111 County Road 8 (Bridges for Brain Injury) in the Town of Farmington. Area Variances are for: (1) a farm animal shelter setback of 49 ft. and (2) a farm animal waste setback of 50 ft. when a minimum of 200 ft. is required.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 30.00-1-61.100

Description & Review Comments:

See 127.0-2025.

Attachments:

None

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0–2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0.
The motion: Passed.

128.0-2025 (Class 1) Area Variance (for an accessory structure bigger than the primary structure) and Site Plan Amendment for a proposed 4,320 SF pole-barn at 5540 Holtz Road in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 9.03-1-6.400

Description & Review Comments:

This project was referred to last month as 116-2025 for an “*Area Variance to construct a pole barn with a 25 ft. height when no greater than 15 ft. is permitted*” – as a class 1 (no recommendation from the Ontario County Planning Board). The applicant is now applying for a second area variance (and site plan amendment) for the size of the proposed pole barn (an accessory structure) being larger than the principal structure (home has a building footprint of 2,680 SF) as defined in Town Code Chapter 165 Definitions.

The subject parcel is 2.3 acres. Disturbance is estimated at 0.25-acres. The barn is proposed to be just north of the existing home, connected by a gravel driveway and apron. There are no proposed water/wastewater connections. The barn will have roof downspouts and splash blocks. 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.

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.

Comment

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. Community character is a key feature of creating a desirable tourism destination and maintaining a quality of life for residents. The referring board should consider additional landscaping requirements to visually buffer the barn from nearby residential parcels.
3. The Ontario County Planning Board has an interest in reducing stormwater quality and quantity impacts on downstream properties. The referring board should consider additional stormwater management practices to mitigate increased stormwater runoff from the increase in

impervious surface.

4. Proper disposal of waste and fluids from vehicle maintenance/servicing needs to be ensured.

Attachments:

1. Aerial
2. Site Plan
3. Elevations
4. ZBA App Test Questions
5. SEAF
6. Layouts and Drawings

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

128.1-2025 (Exempt) Area Variance (for an accessory structure bigger than the primary structure) and Site Plan Amendment for a proposed 4,320 SF pole-barn at 5540 Holtz Road in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 9.03-1-6.400

Description & Review Comments:

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

Attachments:

None

129-2025 (Class 1) Area Variance to remove the sidewalk requirement for multiple parcels off of Loomis Rd. at Jetman Drive in the Town of Farmington.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 17.00-1-67.010; 17.00-1-67.900; 17.00-1-67.800; 17.00-1-67.700; 17.00-1-67.600; 17.00-1-67.500; 17.00-1-67.400; 17.00-1-67.300; 17.00-1-67.200; 17.00-1-67.100; 17.00-1-67.011

Description & Review Comments:

The Loomis Road frontage in question is designated as Public Sidewalk -Proposed on the sidewalk and trails master plan in the 2021 Comprehensive Plan. Other possible designations in the sidewalk master plan include Public Sidewalk - Future (Easement). The project site plan, approved June 4, 2025, shows sidewalks along the Loomis Road frontage and indicates if in the future other industrial lots are developed and the road is proposed for dedication, sidewalks would be required on Jetman Drive as well.

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. LOI
3. Test Questions
4. Visual
5. Sidewalk Master Plan
6. ZBA App

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

10. Town of Geneva

130-2025 (AR2) Area Variance for a 44 SF building-mounted (commercial) sign when no greater than 22 SF is allowed - at 520 Hamilton Street in the Town of Geneva.

Municipality: Town of Geneva
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property 104.17-1-21.000
Information
(Address & ID):

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

Final classification: Class 2

Findings:

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

CRC Comment

1. A 200% Area Variance request that covers a portion of the adjacent business is excessive.

Attachments:

1. Aerial
2. Sign Rendering

3. Test Questions
4. Sign Permit App
5. ZBA App
6. Photos

11. Town of Hopewell

139-2025 (Class 1 / Late Referral) Site Plan for an expansion of the parking area and a new access driveway off of County Road 46 – at 4317 County Road 46 (Pathway Community Church) in the Town of Hopewell.

Municipality: Town of Hopewell
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1 (Late Referral)
Property 85.00-1-94.110
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 10.25 acres. Disturbance is estimated at 0.75 acres. The site plan indicates that 24 asphalt parking spaces are to be added to the current 50-space parking lot. There are currently 2 ADA spaces, and no new ones are proposed. Two new pole-mounted (dark sky compliant) light fixtures are proposed on the north side of the parking area. A second (24 ft.-wide, asphalt) access off of County Road 46 is proposed to the west of the existing entrance. After installation of the parking lot/driveway, lot coverage will be 11.8% and green space at 88.2%.

According to OnCor:

- Surrounding land uses are primarily residential. Ontario Pathways lies on the adjacent parcel directly to the east. Adjacent parcels to the east and west are in Ontario County Agricultural District #1.
- The subject parcel has little to no slope (0-3% gradient).
- Soil disturbed is primarily Odessa Silt Loam: partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D.
- Land disturbed is a successional old field.

Comment

1. Are there any plans for stormwater management practices/installation to help mitigate increased runoff from this additional impervious surface?
2. The applicant representative is strongly encouraged to work with the County Highway Department during design and installation of the new entrance.

Attachments:

1. Aerial
2. Site Plan
3. Full Plans

Board Motion: To accept 139-2025 and 140-2025 as late referrals.

Motion made by: Stephen High, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0–2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

12. Town of Manchester

131-2025 (AR1) Subdivision of a 10.9-acre parcel into three (3) separate parcels (Lot 1–8.69-acres; Lot 2–0.69-acres; Lot 3–1.49-acres) at 1063 State Route 21 in the Town of Manchester.

Municipality: Town of Manchester
Referring Board: Planning Board
Application Type: Major Subdivision
Class: AR1
Property 20.00-1-45.110
Information
(Address & ID):

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 on 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. 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.

6. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
7. 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 parcels.
2. 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.
3. To involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

Attachments:

1. Aerial
2. Subdiv Plat

132-2025 (AR1) Area Variance for the installation of a 15 SF commercial message (CabAve Cabinets) pole-sign within the public right-of-way at 4200 State Route 96 in the Town of Manchester.

Municipality:	Town of Manchester
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	AR1
Property Information (Address & ID):	32.00-1-24.110

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 Route 96 as a primary travel corridor for tourists visiting Ontario County.

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

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 a 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 Image
3. Sign Plan

13. Town of Phelps

133.0-2025 (Class 1) Special Use Permit and Site Plan for the redevelopment of a former Boy Scout Camp (Camp Dittmer) into a private campground with 109 RV camp sites, 8 tent sites, a variety of boutique camping options, 3 new bathhouses, a trailer dump station, new wedding venue, amphitheater, new water, new sanitary sewer, stormwater infrastructure and associated gravel roadways and accommodations. The project is located at 2212 Toll Rd. in the Town of Phelps.

Municipality: Town of Phelps
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property 61.00-1-61.200
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 307.2-acres and disturbance for the project is proposed at 64-acres. It is noted that site disturbance is not anticipated within floodplain limits. Construction operations are primarily interior to the site with a naturally vegetated wood buffer of 200 to 500 ft. to adjoining property lines and further to neighboring residences. 13.2-acres of impervious surface will be created from this project. Additional land cover changes include: a loss of 18.9-acres of forested area, and a gain of 5.7-acres of meadows/grassland/shrub land. The parcel includes Remick Lake aka the Newark Reservoir. A 21 ft. tall and 400 ft. long (volume of 544 acre-ft. impounded) dam exists on the property. A 2015 NYSDEC inspection gives it a hazard classification of “intermediate” due to undesirable growth, maintenance needs, surficial deterioration, voids, and movement/misalignment deficiencies.

Some highlights from the existing conditions and removal plan:

- Trees, brush, and vegetation are to be cleared and grubbed within the grading limits.
- Portions of gravel driveway are to be removed and restored as lawn. In some areas the gravel driveway is to be expanded.

- Removal of multiple existing buildings.
- Abandon existing septic systems and underground piping; remove them where it may interfere with new construction.
- Cut, cap, and abandon the existing underground water line, remove it where it may interfere with new construction. The portion of the water line that is above ground is to be removed.
- Replace and extend 24" diameter storm culverts with 24" diameter hdpe culverts and end sections as needed.

The project is anticipated to be phased into (4 phases). The "hobbit homes", Loop A, and renovations to existing structures will be Phase I. Phase II will be Loop B and the remaining boutique camping options are located on the eastern side of the site. Phase III will be Loops C and D, and Phase IV will be any future development over water (platforms and tree houses). In total, there are plans for 35 new buildings on the site: 3 bathhouses, 8 new cabins, 4 bungalows, 3 treehouses, 2 bunkies, 4 overwater platforms, 8 glamping tents, and 3 hobbit houses.

Site access comes off of the southeast corner of the parcel along Toll Road. The site is served by the Ontario County Sheriff and Phelps Fire Department. There will be an estimated water demand of 15,310 gallons/day, which will be provided by the Town of Phelps. In order to serve the site, a horizontal direction water main connection will be drilled below Remick Lake to the northeast. It will connect at the service entrance just north of the existing pump house (to remain). The total anticipated liquid waste per day is estimated at 15,170 gallons/day and will be treated by a private on-site 6-part (6-location) wastewater treatment facility. The treatment facility will consist of a combination of pressure distribution absorption beds, gravity absorption trenches, pressure distribution mound systems, and a buried sand filter system. Five of the six practices will discharge into the ground into the sand filter system, which then discharges into Remick Lake. Roadside swales and culverts will be used to convey runoff to multiple stormwater management facilities across the site. Stormwater runoff will be primarily directed via sheet flow over vegetated filter strips and riparian buffers, with stormwater management bioretention and detention basins to be used as needed to meet stormwater quality and quantity requirements. All runoffs will infiltrate into the ground or flow to Remick Lake. There will be an estimated annual electricity demand of roughly 1,500 kW for the site at full build-out. Underground electric with pad-mounted transformers will serve the site. The total expected peak demand is 920 kW. The site is for seasonal use, operating 24 hours a day. Limited building-mounted lighting and site pole lighting are proposed. All lights will be on the interior of the property, not impacting neighboring properties, and will be dark-sky-compliant.

Some highlights from the proposed plan:

- New asphalt pavement internal roadway at the entrance.
- New gravel internal connecting entrance to the western portion of the property.
- Traffic and way-finding sign installation.
- A trailer dump station is proposed near the entrance of the parcel. It will be connected to 2 15' x 90' absorption beds with pressure distribution. A fill station is located here as well.
- The administration area, playground and parking lot lie just north of the entrance off of 2212 Toll Rd. It also includes 2 eV charging stations.
- Trash and recycling dumpsters will be provided just north of the administration area, located at the base of the western peninsula. This is considered the venue and cabin area. This area also includes: the wedding venue (former dining hall) and bridal suite (former "brownsea" building), amphitheater, craft barn, renovated and new cabins, renovated bunkhouse, an existing bathhouse (to remain), asphalt roadway, and associated parking areas.
- Further north ("peninsula point"), it includes: an existing wood-frame barn (to remain), an

existing lighthouse (to remain), an existing boathouse (to remain), future overwater platforms, future treehouses, glamping tents, “bunkies”, renovated bunkhouse, and a gravel roadway.

- The northeast shore area of the parcel to be developed is to contain: the hobbit homes, an existing pumphouse (to remain), and existing chapel (to remain), parking areas, and a gravel roadway with access off of Toll Road.
- The bridge connecting the east side of the parcel to the west will be gravel. The western side of the site is planned for the RV sites, asphalt buddy and pull-through sites, 3 bathhouses, an existing ecology building (to remain), a playground, a gravel driveway, ADA walkways, and parking areas. Some of the RV sites have partial or full electric and water.
- The northern edge of the west-most peninsula contains a beachfront area. 16 parking areas (1 ADA accessible) are proposed for this area.

According to OnCor:

- A majority of surrounding parcels are in Ontario County Agricultural District #1.
- The parcel contains FEMA Q3 Floodplains, 2023 Draft 100-Year Flood Zones, National Wetland area, and NYSDEC Informational wetland area (located in/around Remick Lake). Some streams connect to the lake within the parcel as well.
- Slopes on the parcel are predominately gentle to no slope (0-9% gradient), except for the east-most peninsula (steep slope; 13-30% gradient).
- Land cover on the subject parcel consists of:
 - Farm Pond / Artificial Pond and Deep Emergent Marsh (Remick Lake)
 - Floodplain forest (just north of Remick Lake)
 - Mowed Lawn and Outdoor Recreation (cleared campsite areas)
 - Mix of forest types (south of Remick Lake): Silver-Maple Ash Swamp, Successional Northern Hardwoods, Conifer Plantation
- The subject parcel has a recreation and entertainment land use. Surrounding land use is primarily agricultural (west) and residential (east).
- Soil Disturbed is:
 - Ontario Fine Sandy Loam (not hydric, moderately high permeability, medium erodibility, ranges from non-prime farmland to prime farmland depending on slope, and is in hydrologic soil group B).
 - Palmyra Fine Sandy Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

It was indicated by the referring official before the August 2025 CPB meeting that changes to the project are being made, and that a new site plan will be referred in the future.

Comments

1. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the DEC.
2. Existing floodplains, flood zones, and wetland boundaries need to be included in the site plan.
3. Is there adequate space for emergency vehicle turnaround to all sites on the property?
4. Will there be onsite staff?
5. Will there be kayaking or motorized boats on the lake?
6. Protection of water features is a stated goal of the CPB. It should be ensured that Remick Lake and other natural resources are protected from new development, campsite waste, boating.
7. The spillway may need some work. Are there any improvement plans for this area?

8. Are there any renovation plans for the existing pump station on the northern portion of the parcel?

OCSWCD Comments

1. Silt fence should be installed per NYSDEC Blue Book specs with at least 10 ft. from toe of slope (ex: C-303 shows silt fence placed mid-slope on disturbed area).
2. Plans note concrete washout location TBD and specs to follow. The location of washouts is noted to not be placed within 50 feet. Washouts should be 100 ft. from drainage swales, storm drain inlets, wetlands, streams and other surface waters.
3. Do all planned bio-retention facilities have underdrain associated with practice? It is not clear from the plans.
4. 90-degree bends prior to septic tanks could cause plugs.
5. Plans should show soil investigation (deep holes and percolation tests) information for each location.
6. Plans should show waterbody and property line setbacks.
7. Code enforcement review may be required.
8. Department of health review may be required.

Attachments:

1. Aerials
2. Overall Site Plan
3. Existing Conditions and Removal Plan
4. Layout and Improvement Plan
5. Utility Plan
6. Grading Drainage and EC Plans
7. Dump Station Plans
8. Parking Lot Plan
9. Camp Site Layouts
10. Watermain Crossing Plan
11. Survey Plat
12. TOC and Legend for Plans
13. Full Plans
14. PB App
15. FEAF
16. Ag Data

Board Motion: To return referral 133.0-2025 and 133.1-2025 to the local board as Incomplete with comments.

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

133.1-2025 (Class 1) Special Use Permit and Site Plan for the redevelopment of a former Boy Scout Camp (Camp Dittmer) into a private campground with 109 RV camp sites, 8 tent sites, a variety of boutique camping options, 3 new bathhouses, a trailer dump station, new wedding venue, amphitheater, new water, new sanitary sewer, stormwater

infrastructure and associated gravel roadways and accommodations. The project is located at 2212 Toll Rd. in the Town of Phelps.

Municipality: Town of Phelps
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information
(Address & ID): 61.00-1-61.200

Description & Review Comments:

See 133.0-2025.

Attachments:

None

Board Motion: To return referral 133.0-2025 and 133.1-2025 to the local board as Incomplete with comments.

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

14. Town of Richmond

134-2025 (Exempt) Retroactive Area Variance for an existing residential dwelling to have a floor area of 672 SF when a minimum of 720 SF is required - at 5331 Alpine Drive in the Town of Richmond.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property Information
(Address & ID): 149.00-1-29.000

Description & Review Comments:

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

Attachments:

1. Test Questions
2. ZBA App
3. SEAF

135-2025 (Exempt) Area Variance to construct an accessory structure (garage/barn) with a floor area of 2,560 SF when no greater than 200 SF is permitted - at 4031 Abbey Rd. in the Town of Richmond.

Municipality:	Town of Richmond
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Exempt
Property Information (Address & ID):	108.00-1-29.300

Description & Review Comments:

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

Attachments:

1. Test Questions
2. ZBA App
3. SEAF

15. Town of Victor

136.0-2025 (Class 1) Area Variance, Special Use Permit, and Site Plan for a dog grooming and kennel facility in an existing building which would include: 43 kennels, a grooming area, outdoor fenced area and office space at 7235 State Route 96 in the Town of Victor. The Area Variance is for the use of a dog kennel on a parcel that is 1.055-acres when a minimum of 2-acres is required.

Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	15.00-1-14.212

Description & Review Comments:

Site and building exterior: A special use permit is required for a kennel in the light industrial zoning district. Minimal site and exterior facade changes are proposed, other than a new opening to the existing fenced area to the rear and dividing the fenced area into two areas (one for overnight stays and one for daily stays). Screening slats will be installed at each end of the wire-fenced-in area so that the dogs will not see clients and employees coming and going. The applicant will clean up the existing landscaping and touch up deteriorated paint on the existing building. There is no proposed disturbance.

Building interior: The front of the building off the main car parking area (6 spaces proposed in the submitted sketch, 15 existing) will be used for grooming stations. There will be a hallway behind for access to the overnight kennels. To the rear of that hallway will be reception and behind the reception will be the day cribs/kennels. The dogs in daycare will be put out to play for an hour at a time with compatible dogs. After that, they will be put in resting cribs/kennels until the next play time. The building to the rear will have a similar schedule for the overnight dogs, but their kennels will be larger.

The hours that someone will be working there will be from 7:00 am to 7:30 pm. There will be cameras and a monitoring system to keep a general eye on the building and a specific eye on the overnight kennels 24/7.

Future: If the building is approved for a kennel, a building permit will be pulled to make changes to the interior of the building and the installation of the additional door opening to the rear.

According to Oncor, the subject parcel is a commercial land use. Surrounding parcel uses are predominately commercial or industrial along state route 96. A relatively tiny portion of the parcel is split by the (active) Ontario County-owned railway to the south. On the other side of the railway is Auburn Creek Apartments. A wooded area separates the apartments and the proposed grooming and kennel facility.

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.

Comments

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. Proper disposal of pet waste needs to be ensured.
3. How many employees will there be? How many customers per day?

CRC Comments

1. The site plan indicates 43 proposed kennels. Is the space big enough to safely hold that many dogs?
2. Will there be any outdoor play areas? If so, it should have grass cover.

Attachments:

1. Aerial

2. Test Questions
3. LOI
4. Survey
5. Full Plans
6. ZBA App
7. PB SUP App
8. PB Site Plan App
9. SEAF
10. Variance Description
11. 2025-07-08 Property Agreement

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0–2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

136.1-2025 (Class 1) Area Variance, Special Use Permit, and Site Plan for a dog grooming and kennel facility in an existing building which would include: 43 kennels, a grooming area, outdoor fenced area and office space at 7235 State Route 96 in the Town of Victor. The Area Variance is for the use of a dog kennel on a parcel that is 1.055-acres when a minimum of 2-acres is required.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property 15.00-1-14.212
Information
(Address & ID):

Description & Review Comments:

See 136.0-2025.

Attachments:

None

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0–2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

136.2-2025 (Class 1) Area Variance, Special Use Permit, and Site Plan for a dog

grooming and kennel facility in an existing building which would include: 43 kennels, a grooming area, outdoor fenced area and office space at 7235 State Route 96 in the Town of Victor. The Area Variance is for the use of a dog kennel on a parcel that is 1.055-acres when a minimum of 2-acres is required.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 15.00-1-14.212

Description & Review Comments:

See 136.0-2025.

Attachments:

None

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0.
The motion: Passed.

137-2025 (Class 1) Site Plan to construct a 1,974-square-foot addition to the existing (Walmart) building at 441 Commerce Drive in the Town of Victor.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 6.04-1-78.000

Description & Review Comments:

The site is currently zoned Commercial and is within the Route 96/251 Overlay District. The existing store is 99,582 square feet and the proposed building modifications include a 1,974-square-foot addition to the northwest side of the existing building in place of the existing asphalt at the back of the store. The new square footage will be 101,556 square feet, which adjusts the building lot coverage to 24.4% of the Walmart leased acreage of 9.97. The proposed expansion is designed primarily to sustain current service levels and to accommodate future customer demand. To this end, the store requires additional space and internal reconfiguration. It is also intended to improve the store's online grocery pickup and delivery operation. This store is classified as a Supercenter due to the grocery component. These proposed improvements will not alter the store's classification, nor will it increase the current employee count of approximately 290. The intended start date for construction is April 2026.

This proposed project requires an amendment solely to the building size stipulated in the Town of Victor Planning Board's Final Environmental Impact Statement ("FEIS"), to allow a modest expansion of the existing Walmart building. The FEIS limits individual building sizes to 100,000 square feet, primarily to mitigate impacts on steep slopes, reduce visual impacts, and ensure compatibility with surrounding uses. The expansion will be placed behind the store with no visual impact on the storefront. The expansion is entirely within existing impervious surfaces, with no impact on existing steep slopes, retaining walls, or vegetative buffers. The project will involve approximately 0.22 acres of disturbance, and will not affect existing stormwater infrastructure. No increase in traffic is anticipated, as the expansion is intended to improve operational efficiency rather than customer volume. The lighting for the Walmart site is to remain the same.

The site work will include associated grading, striping, and signage work. The changes were made to the online pickup and delivery area. These changes result in an increase of pickup spots, from 8 to 24. The overall parking space count on site will not be changing, but the parking ratio will change to 4.5 due to the increase in square footage.

The proposed parking ratio complies with the town code requirement of 4.5 spaces per 1,000 square feet of leasable floor area. Included in the site work is the relocation of the water main behind the store as seen in the Utility Plan.

The overall sign count on the building will increase to seven. However, the total sign area square footage will be reduced by approximately 199 square feet. The "SPARK" and "Pickup" branding has been separated and redesigned, with new labels "Grocery & Home" and "Pharmacy" added.

Attachments:

1. Aerial
2. Letter of Intent
3. Site Plan
4. Site Rendering
5. Stop Signs and Markings
6. Utility Plan
7. Grading Plan
8. Lighting Plan
9. Exterior Elevations
10. Full Plans
11. PB App
12. SEAF

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

16. Village of Manchester

138.0-2025 (Class 1) Area Variance and Subdivision of a 2.13-acre parcel into two separate parcels (Parcel 1–1.64-acres; Parcel 2–0.49-acres) – at 89 South Main Street in the Village of

Manchester. Area Variance is for lot frontage of 50 ft. when a minimum of 100 ft. is required.

Municipality: Village of Manchester
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 32.18-1-30.000

Description & Review Comments:

The subject parcel is zoned I-2 (General Industrial). The existing buildings on the parcel are planned to be removed.

According to Oncon:

- The subject parcel contains: NYS DEC Informational and Jurisdictional Wetlands, within the Draft 2023 100-Year Flood zones, FEMA Floodway, and FEMA Q3 floodplains.
- Extremely steep slopes (31-60% gradient) exist in the rear (eastern) portion of the parcel.
- Surrounding land use is: residential to the north, the Canandaigua Outlet lies east, across South Main St. (to the west) is industrial, and south lies an active rail line (owned by Ontario County).

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. Subdiv Plat
3. ZBA App
4. PB App

Board Motion: To retain referrals 118-2025, 121-2025, 122.0-2025, 122.1-2025, 123-2025, 124-2025, 125-2025, 126-2025, 127.0-2025, 127.1-2025, 128.0-2025, 129-2025, 136.0-2025, 136.1-2025, 136.2-2025, 137-2025, 138.0-2025, and 139-2025 as class 1s and return them to the local boards with comments.

Motion made by: Steven High, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

138.1-2025 (AR1) Area Variance and Subdivision of a 2.13-acre parcel into two separate parcels (Parcel 1–1.64-acres; Parcel 2–0.49-acres) at 89 South Main Street in the Village of Manchester. Area Variance is for lot frontage of 50 ft. when a minimum of 100 ft. is required.

Municipality: Village of Manchester
Referring Board: Planning Board
Application Type: Subdivision
Class: AR1
Property Information (Address & ID): 32.18-1-30.000

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 on 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. 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.
6. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
7. 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 parcels.
2. 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.
3. 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

17. Privilege of the Floor

1. Thomas Harvey - Code Enforcement Officer (CEO) working group discussion; 6PM (Training):
 - Recently, municipalities have had trouble recruiting qualified candidates for Code Enforcement Officer (CEO) positions.
 - A survey was conducted in 2024 to all CEOs in Ontario County.
 - Over 50% of CEOs are over 50 years old. 28% are 60 or older. It is likely a lot of CEOs are going to retire in the near future. It was surveyed that 20% of the CEOs in the County want to retire by 2029. Top reasons for retirement include age and pay.
 - There has been a lot of job turnover in the position across municipalities. Average position tenure is 5.4 years. 88% of CEOs have less than 10 years in their present position.
 - Finding experienced CEOs is an issue. 64% of CEOs have less than 10 years' experience (total, in any municipality).
 - Ratio is about 7 to 3 full-time to part-time CEOs. About 55% are permanent employees, while the remaining percentage are probationary or by contract.
 - About 1/3 of CEOs get no clerical support, 1/3 get full time clerical support, and 1/3 part time.
 - CEOs have many responsibilities other than code enforcement including (but not limited to): zoning officer, PB/ZBA support, FEMA Flood Prevention Administrator, dog/noise complaints, fire marshal, fee collection, 9-1-1 addressing, erosion control, and more.
 - 24% of CEOs mentioned that the municipality does not allocate sufficient time to perform all assigned duties. A big concern was for lack of time for (making appointments and conducting) annual fire safety inspections.
 - Only 68% of CEOs receive notification of fire/damage to buildings when they occur.
 - 50% of CEOs say that state mandated training is adequate preparation for the job(s).
 - Only 1 CEO in the County has floodplain training.
 - CEOs mention that top training needs include: planning/zoning, mentoring/transition,

- on-site inspection practice, and others.
- The State currently provides planning/zoning introduction, as well as SEQR introduction training.
- One of the biggest takeaways was for a municipality to have a CEO transition plan. Ideally there should be an overlap in CEOs - so there is never a vacancy, and so that the new CEO isn't thrown into the job without being comfortable / adequate training with the former CEO.
- 64% of municipalities do not have a policy on vacancies / when there is no CEO in their municipality.
- Things CEOs like least about their job include: violation processing, lack of support or appreciation, pay, complaints, and politics/interference. 60% site that "helping their community/neighbors" is what they like most about the job.
- 72% of CEOs cited stress as an issue in attracting new CEOs. Other issues with attracting new candidates include: lack of municipal board support/understanding, insufficient zoning training, lack of knowledge of profession amongst young adults, lack of training before provisional appointment, large workload, and salary.
- 52% cited personal safety as a concern.
- Future Plans to address these issues include:
 1. A Code Enforcement Working Group consisting of (of Supervisors, CEOs, and the Planning Director) was created with the intent to prioritize issues and develop solutions.
 2. Plan for additional CEO Training includes: ICC certification from YOBO, Ontario County Planning Dept. (OCPD) CEOs to help mentor new municipal CEOs, recommendation of 1-3 month overlap for new hires to municipalities, and the OCPD will develop a list of available trainings targeted to CEOs. The OCPD and YOBO also plans to develop Board/Elected Official/Fire Chief/Judiciary trainings as well.
 3. Some OCPD initiatives include: standardizing administration/definitions in zoning laws to ease CEO fill-in and design professional familiarity, development of intermunicipal cooperation agreements between the County and municipalities, the County providing annual fire safety inspections, and for municipalities to adopt a local law (if they have not already) to address CEO vacancies.
 4. A salary and benefit study are to be conducted by Ontario County Human Resources. The County hopes to create a progressive series for the career path (utility inspector, building inspector, CEO, supervising CEO, dept. head), and to increase the frequency of civil service exams for the position.
 5. OCPD is to develop a violation processing primer/procedure, how to read/work with site plans training, and SEQR training as well.

2. Linda Phillips – notification of fraudulent County Planning Board Invoices

- The County has received calls from multiple municipalities regarding fraudulent invoices (of \$6,000 to \$9,000) from Ontario County for County Planning Board Review.
- **There is no fee for review and referral to Ontario County Planning Board.** We have removed applicant name from public materials including CRC/CRB agendas and minutes starting with CRC minutes that will be posted on Wed. Aug 13. The project address must necessarily remain public.
- **The referring municipality should let applicants know there is no fee associated with County Planning Board review and they should not pay any invoice that appears to come from Ontario County Planning Board.** The County will be updating the memo to referred applicants to reflect this information and distributing later this week.
- If anyone hears about applicants receiving such invoices, please send an e-mail to the County Planning Department with: the name of the applicant, the project address, and the invoice

amount if known, though no one should be forwarding such e-mails or open any links in them.

- Local municipalities may also want to review whether they are publicly posting more contact information than is necessary on their website.
- This message has been sent directly to CEOs, municipal clerks, and development directors.

18. Upcoming Trainings:

Battery Energy Storage Systems

- August 11, 2025 noon to 1 pm. NYSERDA overview of the NYS Inter-agency Fire Safety Working Group recommendations recently adopted by the NYS Fire Prevention and Building Code Council. [Registration link](#)
- [webinar](#) and [presentation slides](#) Deploying Safe Lithium-Ion Energy Storage in Your Community Hosted by the FSWG May 7, 2025, topics include critical safety considerations, regulatory updates, and best practices in the field, along with specific recommendations for local action.

An updated list of training opportunities can be found at:

<https://www.ontariocountyny.gov/192/Training>

NY Association of Towns Fall Planning & Zoning School

- Topics include open meeting's 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 from 8 am to 12 PM in Kingston

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

- 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; <https://dos.ny.gov/training-assistance>

- Includes links to YouTube recordings of NYSDOS Planning Board, Zoning Board of Appeals, and SEQR basics training (CERTIFICATE OF COMPLETION NOT PROVIDED).

NYSDOS On-Demand Training; <https://dos.ny.gov/training->

[courses?f%5B0%5D=filter_term%3A2236](https://www.nycom.org/training/webinars)

- 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); <https://www.nycom.org/training/webinars>

- 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 and 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

19. Adjournment:

Board motion to: Adjourn. **Motion made by:** Paul Lambiase, **seconded by:** Ruth Cahn, **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed. The August 13th, 2025 Ontario County Planning Board meeting was adjourned at 7:46 PM.

DRAFT

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.

DRAFT

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)