

# ONTARIO COUNTY PLANNING BOARD

Wednesday, September 10, 2025, Time: 7:00 PM

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

## 1. Call to Order

Chair Passavant called the Wednesday, September 10, 2025, Ontario County Planning Board meeting to order at 7:02 PM.

## 2. Roll Call

Upon roll call, the following members were:

Present:

Terri Brown  
Ruth Cahn  
Burch Craig  
Dan Crowley  
Roslyn Grammer  
Stephen High  
Ed Kaiser  
Paul Lambiase  
Edward (Ted) Liddell  
A.J. Magnan  
Chris Mergler  
Paul Passavant  
Jamie Purdy  
Ryan Wilmer  
Tammy Worden  
Mike Woodruff

Present Not Voting: None

Absent:

Jack Dailey  
Bessie Tyrrell  
Leonard Wildman

Excused: None

Present (Voting): 16, Present (Not Voting): 0, Absent: 3, Excused: 0

Guests: None

## 3. Approval of Minutes:

A.J. Magnan motioned to approve the minutes of the August 13, 2025, Ontario County Planning Board meeting. The motion was seconded by Tammy Worden. The motion passed.

**4. New Business:**

**5. Town of Canandaigua**

**141-2025 (Class 2/A)** The Town Board is considering the adoption of the following revised maps that will be appended to their respective planning documents: Strategic Farmland Protection Area Map, Preserved Land Map, and the Public and Protected Land Map; plus the adoption of a new map titled Conservation Resources by Parcel.

**Municipality:** Town of Canandaigua  
**Referring Board:** Town Board  
**Application Type:** Map Amendment  
**Class:** Class 2 (A)  
**Property** n/a  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The revised maps will add an overlay of the Agricultural Protection Overlay District adopted in 2022 and show recently acquired agricultural conservation easements for 3 farms to the Strategic Farmland Protection Area map, add agricultural conservation easements to the Preserved Land map, and add the agricultural conservation easements and the new Finger Lakes Land Trust Canandaigua Vista Nature preserve to the Public and Protected Land map.

The new Conservation Resources by Parcel map supplements the existing Lands of Conservation Value map which focuses on agricultural use and parcel size. The new map provides additional ratings based on land cover and proximity to water resources and will be an amendment to the Open Space, Conservation, and Scenic Views Master Plan.

The revised Strategic Farmland Protection area map will be an amendment to the Town's 2016 Agricultural Enhancement Plan, its 2018 Open Space, Conservation, and Scenic Views Master Plan, and the 2020 Natural Resources Inventory Update. The Public and Protected Land map will be an amendment to the 2018 Open Space, Conservation, and Scenic Views Master Plan and the 2020 Natural Resource Inventory Update. The revised Preserved Land map will be an amendment to the 2016 Agriculture Enhancement Plan.

**Attachments:**

1. 2025-08-08 Planner Map Revision Memo
2. 2025-08-18 RESOLUTION NO. 2025-155
3. Agricultural Preserved Land Map\_FINAL
4. Conservation Resources by Parcel Map-UPDATE\_FINAL
5. Conservation Resources by Parcel\_Rating Table-FINAL
6. Public and Protected Land Map\_FINAL
7. Short Environmental Assessment Form Part 1 - map revisions plan amendment

8. Strategic Farmland with Ag Protection Overlay District (Outside Boundary)\_FINAL

**CPB Comment**

1. The Town of Canandaigua is commended for the updated analysis/map amendments. These can be great tools for identifying priority areas in project review for planning/zoning staff, board members, and citizens.

**Board Motion:** To retain referral 141-2025 as a class 2 and return to the local board with recommendation for approval with comments.

**Motion made by:** A.J. Magnan, **seconded by:** Roslyn Grammer. **Vote:** Yes 16, No 0, Abstained 0. **The motion:** Passed.

**142.0-2025 (Class 1)** Site Plan and Area Variance for the construction of a single-family home and associated improvements on a vacant parcel. Tax map # 112.02-4-25.050. An area variance is required for a 47.1 ft. setback from a watercourse when a minimum of 100 ft. is required.

**Municipality:** Town of Canandaigua  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property** 112.02-4-25.050  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The subject parcel is 0.80 acres. Disturbance is estimated at 0.35 acres. The proposed home will connect to the existing watermain and sewer lateral, and electricity will connect to an existing utility pole. The existing gravel driveway will be paved within the right-of-way. The driveway will be shared with the property to the rear (east) – 3719 Middle Cheshire Road. A 4’’ hdpe roof and footer drain, to direct water to a rip-rap splash pad and to a swale that feeds into the stream. The stream flows south and eventually into Canandaigua Lake to the east.

According to Oncor:

- The surrounding land use is all residential or residential vacant.
- The stream is within the National Wetland Inventory.
- Land disturbed is currently a successional old field.
- Slope is gentle to none (0–9% gradient).
- Soil disturbed is Lima Loam (partially hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B/D).

**What must be proven in order to be granted an area variance?**

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then state law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

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

### **Comments**

1. Protection of water features (water quality and quantity) is a stated goal of the CPB. Proper erosion control measures need to be ensured in order to protect the water quality of the nearby stream.
2. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

### **Attachments:**

1. Aerial
2. Site Plan
3. PB App
4. Elevation & Layout
5. Address Assignment
6. SEAF
7. ZLD
8. Ag Data Statement
9. Easement Agreement
10. ZBA App
11. Survey

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion Passed.**

**142.1-2025 (Exempt)** Site Plan and Area Variance for the construction of a single-family home and associated improvements on a vacant parcel. Tax map # 112.02-4-25.050. An area variance is required for a 47.1 ft. setback from a watercourse when a minimum of 100 ft. is required.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information (Address & ID):** 112.02-4-25.050

**Description & Review Comments:**

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

**Attachments:**

None

**143.0-2025 (AR2)** Area Variances (3) and Site Plan for the tear-down and rebuild of a single-family home in the RLD. Requesting a front setback variance of 25.2' when 29.8' is proposed and 55' is required. Requesting a side setback of 5' when 5' is proposed and 10' is required. Requesting lot coverage variance of 9.1% when 39.1% is proposed and 30% is required. The project is located at 3904 CO RD 16.

**Municipality:** Town of Canandaigua  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** AR2  
**Property Information (Address & ID):** 113.13-1-9.000

**Description & Review Comments:**

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

**Part B Development of Lakefront Parcels.**

2. The following applies to all developments 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. A particular concern is the incremental negative impacts on water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address 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.

### **OCSWCD Comments**

1. Soil Stockpile location is at the base of a grass-lined swale with temporary check dams. The applicant should consider relocating.
2. The driveway runoff is not directed to the infiltration trench. There is not adequate detail shown for the runoff calculations. There is concern that additional runoff from the increased amount of impervious surface is not adequately addressed through the infiltration trench.

### **OCDPW Comments**

1. The applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees and comply with all permit conditions and restrictions. Highway Work Permit forms can be found on the Ontario

County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>

2. In addition, the applicant's contractors will also be required to provide insurance certificates and proof of Worker's Comp & Disability insurance. All must be on the appropriate forms, we cannot accept them on an ACORD form.

**Attachments:**

1. Aerial
2. Site Plan
3. Full Plans
4. ZBA App
5. ZLD
6. SHORELINE GUIDELINES
7. PB App

**143.1-2025 (Exempt)** Area Variances (3) and Site Plan for the tear-down and rebuild of a single-family home in the RLD. Requesting a front setback variance of 25.2' when 29.8' is proposed and 55' is required. Requesting a side setback of 5' when 5' is proposed and 10' is required. Requesting lot coverage variance of 9.1% when 39.1% is proposed and 30% is required. The project is located at 3904 CO RD 16.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Application Type:** Site Plan  
**Class:** Exempt  
**Property Information (Address & ID):** 113.13-1-9.000

**Description & Review Comments:**

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

**Attachments:**

None

**144.0-2025 (Class 1)** Area Variances and Subdivision of a 24-acre parent parcel into three lots: Lot 1 is proposed at 22-acres and Lots 2 and 3 each proposed at 1-acre. The property is located at 2314 Brickyard Road. Area variances are for: (1) Lots 2 and 3 require a 50 ft variance for lot width, where 200 ft is required, and 150 ft is proposed, and (2) Lots 2 and 3 require a 1-acre variance for lot area, where 2-acres are required and 1-acre is proposed.

**Municipality:** Town of Canandaigua  
**Referring Board:** Zoning Board of Appeals

|                             |                |
|-----------------------------|----------------|
| <b>Application Type:</b>    | Area Variance  |
| <b>Class:</b>               | Class 1        |
| <b>Property Information</b> | 69.00-1-10.111 |
| <b>(Address &amp; ID):</b>  |                |

**Description & Review Comments:**

Currently, the parent parcel contains a residence on Lot 1 of the subdivision plans, and a large pond lies in the southwest portion of the lot. Proposed Lots 2 and 3 are currently vacant open field. In addition to the area variances, Lot 1 requires the Town Planning Board to grant relief from the requirement that lots greater than 3-acres shall not have lot depths greater than 2.5 times the lot width. A waiver request has been submitted for this.

According to the submitted zoning law determination by the Zoning Officer, additional information on the application is required:

- Add date to plat
- Add the R&GE easement to the plat
- Delineate land slope exceeding 10%
- Delineate NY DEC Informational Wetlands
- Show existing wastewater treatment system
- Showing existing water main on the plat
- Show existing gas line on plat
- Provide field test results for lots 2 and 3 (or request a waiver)

According to Oncor:

- The subject parcel is rural residential. Surrounding land use is primarily residential and commercial (townhouses and Centerpointe Golf Club) to the east across Brickyard Rd. and to the south, a large residential vacant parcel lies directly west, and agricultural land (in Ontario County Agricultural District #1) exists to the north. The Canandaigua Airport is about a half mile south along Brickyard Road.
- A national wetland lies on the border of the subject parcel and parcel directly west. NYSDEC Informational Wetlands also exist here. This wetland contains a tributary.

**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.

#### **CRC Comment**

1. Why are Lots 2 and 3 so small? Can the subdivision be achieved in a way that makes the parcels in (or closer to) compliance?

#### **Attachments:**

1. Aerial
2. Subdiv Map
3. PB App
4. PB Waiver Request
5. SEAF
6. ZLD
7. ZBA App

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion Passed.**

**144.1-2025 (AR1)** Area Variances and Subdivision of a 24-acre parent parcel into three lots: Lot 1 is proposed at 22-acres and Lots 2 and 3 each proposed at 1-acre. The property is located at 2314 Brickyard Road. Area variances are for: (1) Lots 2 and 3 require a 50 ft variance for lot width, where 200 ft is required, and 150 ft is proposed, and (2) Lots 2 and 3 require a 1-acre variance for lot area, where 2-acres are required, and 1 acre is proposed.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Application Type:** Subdivision

|                                                 |                |
|-------------------------------------------------|----------------|
| <b>Class:</b>                                   | AR1            |
| <b>Property Information (Address &amp; ID):</b> | 69.00-1-10.111 |

**Description & Review Comments:**

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

The intent of this policy is to:

- Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
- 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. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
4. 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. Encouraged to ensure that any required soil percolation tests are completed and considered during subdivision review.
3. Involve all appropriate agencies as early in the review process as possible to ensure proper design and placement of on-site septic and curb cuts.
4. Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with applicable design standards.
5. To involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

**Attachments:**

None

**145-2025 (Class 1)** Special use permit to allow the installation of a ground-mounted Tier 1, 33.92 kWAC (24.58 kW peak) solar array as an accessory structure in the side yard of a residential parcel in the AR-2 zoning district at 4410 Middle Cheshire Rd.

**Municipality:** Town of Canandaigua  
**Referring Board:** Planning Board  
**Application Type:** Special Use Permit  
**Class:** Class 1  
**Property** 126.00-1-56.110  
**Information**  
**(Address & ID):**

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

The subject parcel is 6.2 acres. 0.55 acres of land on the (northwest corner of the parcel) is to be annexed to the subject parcel. This annexed area is the location where the solar array is proposed.

Surrounding land uses are primarily residential, except for agricultural use to the south. The subject parcel and parcels to the east and west are in the Ontario County Agricultural District #1.

A Tier 1 ground-mounted solar array is a specially permitted use in the AR2 provided it is not in the SVO (Scenic View shed Overlay) District. This proposed solar array would be located in the SVO district. A waiver from the Planning Board would be required for its installation. The Zoning Law Determination provided by the Zoning Officer states that the applicant must provide a statement of conformity to the SVO district.

As defined in the Town of Canandaigua's zoning code, a tier 1 solar energy system is "*roof-mounted and building-integrated solar energy systems; ground-mounted solar energy systems with a nameplate capacity of up to 25 kW AC, or with a total solar panel surface area of up to 4,000 square feet; and on-farm solar energy systems designed to support an existing agricultural operation in the community*".

The solar array will consist of 64 panels (2 groupings of 32), spanning 55 ft. in length in two separate groupings. The two groupings are connected by an AC combiner w/ a fused DC disconnect. The energy is then sent through a buried conduit to the interconnection point on the utility meter on the north side of the house.

Two waivers have been submitted to the Town: for a residential ground-mounted solar array and for it to be within the SVO.

#### **Comment**

1. Stamped engineer plans that are edited/marked with a pen should not be used as it is a violation of New York State Education Law.

#### **Attachments:**

1. Aerial
2. Site Plan
3. Full Plans
4. PB App
5. Canandaigua Ridgeline Viewshed Map

6. ZLD
7. Survey
8. IronRidge Report
9. Permit Waiver Request
10. Permit Waiver Request
11. Letter of Intent
12. System Schematic (3-line)

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion Passed.**

## 6. Town of East Bloomfield

**146-2025 (Class 2/A)** New text to be added to all district regulations regarding rural home occupations involving storage of materials or equipment for off-site work.

**Municipality:** Town of East Bloomfield  
**Referring Board:** Planning Board  
**Application Type:** Text Amendment  
**Class:** Class 2 (A)  
**Property** n/a  
**Information**  
**(Address & ID):**

### Description & Review Comments:

Definitions according to Town of East Bloomfield Zoning Code:

- **Motor Vehicle:** Every vehicle which is propelled by a power other than muscular power, except electrically driven chairs designed for and operated by the physically challenged. Motor vehicles shall include, but not be limited to, automobiles, trucks, motorcycles, motorbikes, boats, all-terrain vehicles, snowmobiles, etc.
- **Motor Vehicle Service Station:** Any building, structure or land used to disperse, sell or offer automobile fuels, oils or accessories, including lubrication, washing, polishing or cleaning and the replacement or installation of parts and accessories to motor vehicles, vans or trucks not exceeding 1 1/2 tons.

### Comments

1. The Town Board may want to consider defining Home Occupation, Rural – to include service businesses operating off-site and with on-site materials and equipment storage. This would allow the desired change to be done by amending AR-2 Agricultural Rural Residential, RR Rural Residential district, and perhaps R-1-30 Residential district regulations to follow the framework of 135-42 C (8) for home and home professional occupations regarding no change to character, required location and screening of such materials and equipment storage area, limit on number, square feet of use, minimum lot

size, and/or setbacks of equipment and material storage area, instead of amending regulations applicable to all districts.

2. In any case, the Town Board should clarify whether outdoor storage of materials and equipment for off-site rural home occupations is allowed in R-1-30 district. The existing code does not include home/home professional occupations as allowable accessory use.

**Attachments:**

1. Code Section
2. CPB Referral Form - Rural Occupation

**CPB Comments**

1. The referring Board may want to consider further define the allowable/unallowable uses, and the intensity/size of the allowed use.
2. Is motor vehicle repair/service allowed as a part of this offsite use? Some relevant definitions are included above.
3. If adopted, is there a time frame for the implementation? The referring Board should consider a grace period that allows existing home occupants to submit a site plan.

**Board Motion:** To retain referral 146-2025 as a class 2 and return to the local board with recommendation for approval with comments.

**Motion made by:** Ryan Wilmer, **seconded by:** Paul Lambiase. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion:** Passed.

**7. Town of Farmington**

**147-2025 (Class 1)** Final Site Plan Amendment application for the construction of a 2,312-square-foot pole barn on a portion of Cobblestone Arts Center property at 1622 State Route 332.

**Municipality:** Town of Farmington  
**Referring Board:** Planning Board  
**Application Type:** Site Plan  
**Class:** Class 1  
**Property** 41.00-1-38.100  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The proposed pole board is at the rear of the property near the Auburn Trail. Overhead doors will not be visible from the public ROW, Auburn Trail, or path connecting the Trail to SR 332 sidewalk.

A portion of the building site is on 0.46 acres adjacent to the Auburn Trail and the sidewalk connection that will be conveyed from the Town of Farmington to Cobblestone Arts Center. This area is where the proposed pole barn will be located. This action is not subject to County Planning

Board Review.

**Attachments:**

1. Aerial
2. Site Plan
3. Lot Line Adjustment
4. Metes and Bounds
5. PB Resolution for CPB
6. PB Resolution Public Meeting
7. PB Resolution Complete Site Plan
8. PB App
9. SEAF
10. LOI

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion Passed.**

## 8. Town of Geneva

**148-2025 (Class 2/A)** Town of Geneva Comprehensive Plan. The 2025 Comprehensive Plan Update for the Town of Geneva builds upon the foundation laid by the 2015 plan. This update is not a replacement but a strategic enhancement that reflects a decade of progress and addresses emerging challenges and opportunities. The plan incorporates updated data, community input, and a renewed vision to guide land use, development, infrastructure, and policy decisions for the next ten years.

**Municipality:** Town of Geneva  
**Referring Board:** Town Board  
**Application Type:** Comprehensive Plan  
**Class:** Class 2 (A)  
**Property Information**  
**(Address & ID):** n/a

**Description & Review Comments:**

The draft Plan is not an update, but a strategic enhancement focused on 4 priority policy areas as paths to assess how actions align with the continued Town Vision:

*"The Town of Geneva aspires to be a thriving, diverse, and sustainable community that balances livability, environmental preservation, and commerce. Future growth should occur in a compact, sustainable form within existing developed areas close to the City of Geneva, which is a commercial and cultural center. The landscape will continue to be predominantly agrarian, accentuated by woodlands, a varied terrain, historic homes and farmsteads, and vistas of Seneca Lake."*

The 4 priority policy areas are:

1. Housing and Neighborhoods
2. Economic and Community Development
3. Recreation and Resiliency
4. Sustainable Agriculture

The Policy Areas section includes tables of 6 to 11 action items for each policy area (35 total), including many partnership opportunities.

The Town continues to support development of a Town Center to focus on development near infrastructure and preserve greenspace and agricultural lands in other areas of the Town. The Future Land Use section adds character descriptions to further refine the future land use.

Compared to the 2015 Future Land Use Map, the 2025 map re-envisioned Rural Residential areas as General Residential areas of a suburban nature and Residential Suburban as Traditional Residential with a mix of housing types with nearby shops and amenities. The draft Future Land Use Map also omits the Light Industrial area along SR 14 at the T. Phelps boundary, and adds a Parks, Recreation, and Open Space designation along creeks in the southern half of the Town.

The Draft Plan also provides an extensive community profile of demographics, housing conditions, transportation, the economy, the environment, community services, and land use.

The draft Plan recommends the Town code remove minimum parking standards from the Town Center zoning districts (TC-1 for core intersection and TC-2 for adjacent arterials) to allow more efficient use of space based on intended occupants.

The draft does not include appendix materials related to the Economic Base Report or public engagement.

### Comment

1. The Town of Geneva is commended for the timely review and refinement of its Comprehensive Plan.

### Attachments:

1. Draft Comp Plan

**Board Motion:** To retain referral 148-2025 as a class 2 and return to the local board with recommendation for approval with comments.

**Motion made by:** Dan Crowley, **seconded by:** Mike Woodruff. **Vote:** Yes 16, No 0, Abstained 0. **The motion:** Passed.

**149-2025 (AR2)** Area Variance for a side setback (200 SF deck) of 6.5 feet when the requirement is 12.5 feet. The project is located at 4683 Whites Point.

|                          |                         |
|--------------------------|-------------------------|
| <b>Municipality:</b>     | Town of Geneva          |
| <b>Referring Board:</b>  | Zoning Board of Appeals |
| <b>Application Type:</b> | Area Variance           |
| <b>Class:</b>            | AR2                     |
| <b>Property</b>          | 147.51-1-5.000          |

**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,
- variance pertaining to lake shore setbacks

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

**9. Town of Gorham**

**150-2025 (AR2)** Area Variance requests for lot coverage, side setbacks, front setback and rear setback. The applicant will demo the existing house to construct a new single-family residence. The property is located at 5028 Co Rd 11.

**Municipality:** Town of Gorham  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** AR2  
**Property Information**  
**(Address & ID):** 154.08-1-5.000

**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,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county-wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts on water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address the overdevelopment 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 should consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

### **OCDPW Comments**

1. The applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way (Driveway Modifications) and shall pay all necessary fees and comply with all permit conditions and restrictions. Highway Work Permit forms can be found on the Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. In addition, the applicant's contractors will also be required to provide insurance certificates; proof of Worker's Comp & Disability insurance must be on appropriate forms; we cannot accept on ACORD form. We will not issue a highway work permit until all appropriate insurance certificates are received with the permit application.
3. Please include a driveway profile showing the driveway sloping away from the roadway, to prevent water from flowing back onto County Road 11 during heavy rain events.
4. Will the driveway be gravel/crusher, asphalt or concrete?
5. Note 23 should say "Ontario County DPW" rather than the "Town of Gorham Highway Superintendent."
6. The applicant is strongly encouraged to reach out to Canandaigua Lake County Sewer District for any comments in regard to the sewer main.

### **Attachments:**

1. Aerial
2. Updated Site Plan
3. Site Plan

4. ZBA App
5. SEAF

**151.0-2025 (Class 1)** Area Variance requests for lot coverage, height and side setback.

The applicant will demo the existing cottage and garage to construct a new single-family residence with an attached garage. The property is located at 5018 Co Rd 11. This referral is just in regard to the height variance.

**Municipality:** Town of Gorham  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property** 154.08-1-2.000  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The subject parcel is 0.14 acres. Disturbance is estimated at 4,500 SF. The new home will connect to the existing water service, sanitary lateral, and electric.

Existing pre-existing non-conforming setbacks are as follows: a 0.1 front yard setback, 1.5 ft side setback, and a 29.8 rear setback. Existing lot coverage is 40.5%.

The area variances requested include: (1) lot coverage of 39.8% where no greater than 25% is permitted, (2) a side setback of 5 ft. when a minimum of 15 ft. is required, and (3) a building height of 26.9 ft. when no greater than 26 ft. is permitted. The proposed front setback is 31 ft. and the rear (lake) is 30 ft. All of these requested area variances would lessen the degree of non-conformity (except for the height variance).

According to OnCor:

- The subject parcel and surrounding parcels are primarily residential.
- FEMA Q3 Floodplains and Draft 100- and 500-Year Flood zones exist on the parcel.
- Slope disturbed is moderate (10–15% gradient).
- Soil disturbed is primarily Cayuga Silt Loam (not hydric, moderately high permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group C/D).

**What must be proven in order to be granted an area variance?**

If requesting an area variance, that is, permission to build in an otherwise restricted portion of the property (such as in the required front, side or rear yards, or above the required building height, or in excess of the lot coverage regulations), then state law requires the applicant to show that the benefit the applicant stands to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community. State law requires the ZBA to take the following factors into consideration in making its determination:

1. whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;

2. whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;
3. whether the requested area variance is substantial;
4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. whether an alleged difficulty is self-created.

Unlike the use variance test, the ZBA need not find in favor of the applicant on every one of the above questions. Rather, the ZBA must merely take each one of the factors into account. The ZBA may also decide that a lesser variance than the one requested would be appropriate, or may decide that there are alternatives available to the applicant which would not require a variance.

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

### **Comments**

1. FEMA Q3 Floodplains and Draft 100- and 500-Year Flood should be shown on the site plan when requesting site plan approval.
2. Protection of water features (water quality and quantity) is a stated goal of the CPB. Proper erosion control measures need to be ensured in order to protect the water quality of the nearby stream.
3. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

### **OCDPW Comments**

1. Are there any proposed changes to the driveway/parking area? If there are, the applicant will be required to obtain a highway work permit for any proposed work within a County highway right-of-way (for any Driveway Modifications) and shall pay all necessary fees and comply with all permit conditions and restrictions. Highway Work Permit forms can be found on the Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. In addition, the applicant's contractors will also be required to provide insurance certificates; proof of Worker's Comp & Disability insurance must be on appropriate forms; we cannot accept them on the ACORD form. We will not issue a highway work permit until all appropriate insurance certificates are received with the permit application.
3. Place the location of the 36" cross culvert on the plan(s), along with the location of the pipe that is connected to it running the length of the property line to the lake.
4. The applicant is strongly encouraged to reach out to Canandaigua Lake County Sewer District for any comments in regard to the sewer main.

### **Attachments:**

1. Aerial
2. Site Plan
3. Layout & Elevations
4. ZBA App
5. SEAF

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion Passed.**

**151.1-2025 (AR2)** Area Variance requests for lot coverage, height and side setback. The applicant will demo the existing cottage and garage to construct a new single-family residence with an attached garage. The property is located at 5018 Co Rd 11. This referral is in regard to the lot coverage & side setback variance.

**Municipality:** Town of Gorham  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** AR 2  
**Property Information (Address & ID):** 154.08-1-2.000

**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,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on countywide 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 on water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address 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 Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

**Attachments:**

None

**152-2025 (AR1)** Subdivision of a 16.6-acre parcel into three lots (Lot 1– 8.4-acres; Lot 2– 4.4-acres; Lot 3– 3.8-acres) — at 4194 County Road 18.

**Municipality:** Town of Gorham  
**Referring Board:** Planning Board  
**Application Type:** Subdivision  
**Class:** AR 1  
**Property** 113.00-1-6.000  
**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 to ground and surface waters.

**Final Classification:** Class 1

**Findings**

1. As of 2005, 69% of the parcels in Ontario County were classified as one or two-family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. RPTS Annual Report).
2. Collectively, individual residential developments have significant impacts on surface and groundwater.
3. Proper design of on-site sewage disposal is needed to protect ground and surface waters.

4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of countywide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the Ontario County Highway Department, the NYS Board of Health and NYS Department of Environmental Conservation.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met.
8. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

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

### Comments

The referring agency and applicant are encouraged to:

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

### OCDPW Comments

1. Lot 1 will need to have a future driveway/access point closer to the property line with Lot 2 due to possible restricted sight distance near the curve to the north. A highway work permit will be required for access to Lot 1, and sight distance will be required on any site plans for said lot.
2. The current driveway/field access for Lot 3 will have to stay in its current location. If changes are desired, a fee to modify the existing guiderail will be passed to the applicant at the time a highway work permit is submitted.
3. Any driveway/access plans will need to be submitted and approved by the Town of Gorham prior to submitting a highway work permit with Ontario County DPW. We will not approve any driveway/access permits until receiving approval from the Town of Gorham.
4. The applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way (Driveway Modifications) and shall pay all necessary fees and comply with all permit conditions and restrictions. Highway Work Permit forms can be found on the Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
5. Should the access point be constructed by a contractor, the applicant's contractors will also be required to provide insurance certificates; proof of Worker's Comp & Disability insurance must be on the appropriate forms; we cannot accept them on ACORD form. We will not issue a highway work permit until all appropriate insurance certificates are

received with the permit application.

**Attachments:**

1. Aerial
2. Subdivison Map
3. PB App
4. SEAF
5. Existing Conditions

**10. Town of Richmond**

**156-2025 (Class 1 / Late Referral)** Site Plan to construct a 3,456 SF pole barn on a currently vacant parcel at 4971 East Lake Road.

**Municipality:** Town of Richmond  
**Referring Board:** Planning Board  
**Application Type:** Site Plan  
**Class:** Class 1 (Late Referral)  
**Property Information (Address & ID):** 150.05-1-67.000

**Description & Review Comments:**

The subject parcel is 1.66 acres. Disturbance is estimated at 0.41 acres. The proposed barn will not have water or wastewater utilities. A proposed driveway will extend off of the existing apron and provide access to the pole barn. The pole barn will have a 300 SF attached porch on the northern side of the building.

The subject parcel is located in the E – Business Zoning District and has a vacant commercial land use. According to Oncor:

- Surrounding parcels are primarily either residential or vacant residential, with commercial uses (boat storage) across the street to the north.
- A stream, National Wetlands and NYSDEC Informational wetlands exist along the southern parcel boundary.
- Parcel is downhill sloping (gentle slope; 4–9% gradient) northeast to southwest. Soil disturbed is Palmyra Gravelly Loam (Not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).
- The area disturbed is a mowed lawn. Forested area (Successional Northern Hardwoods) on adjacent lands surround the parcel.

**Attachments:**

1. Aerial
2. Site Plan
3. SEAF
4. PB App
5. General Considerations

**Board Motion:** To accept late referral 156-2025 as a late referral.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0. **The motion:** Passed.

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0. **The motion** Passed.

## 11. Town of South Bristol

**153-2025 (Class 2/A)** Chapter 170 of Zoning various sections and Chapter 170-64: Recreational Vehicles to no longer allow temporary owner use of a recreational vehicle in the Lakefront Residential zoning districts and to fix typographic errors in the existing code.

**Municipality:** Town of South Bristol  
**Referring Board:** Town Board  
**Application Type:** Text Amendment  
**Class:** Class 2 (A)  
**Property** n/a  
**Information**  
**(Address & ID):**

### Description & Review Comments:

The Town submitted two versions of potential amendments:

1. Edits the opening paragraph of section 170-64 C. Supplementary Regulations regarding Storage and Use of Recreational Vehicles to list districts where owner occupancy of a recreational vehicle on a vacant lot is allowed (LR Lake Residential not listed) and leaves unchanged the list of 4 additional standards.
2. A. Edits district use lists to include the defined term Recreational Vehicles, not the term recreation vehicles.  
B. Edits the opening paragraph of section 170–64 C. Supplementary Regulations regarding Storage and Use of Recreational Vehicles to exclude LR Lake Residential, adds a standard regarding no on-site sewage disposal on a vacant lot, increases the standards regarding setbacks to apply existing district standards (50’ front, 10’ or 20’ side, and 25’ or 30’ rear same as principal uses), and includes minor edits to other standards to clarify calendar year and remove need for CEO discretionary judgement regarding adequacy of self-contained sewage disposal system.

### Comment

1. The additional edits included in version 2 of the proposed changes make regulations easier

to understand and enforce.

**Attachments:**

1. Local Law Amending Zoning Re Recreational Vehicles
2. Local Law Amending Zoning

**Board Motion:** To retain referral 153-2025 as a class 2 and return to the local board with recommendation for approval with comments.

**Motion made by:** Paul Lambiase, **seconded by:** Chris Mergler. **Vote:** Yes 16, No 0, Abstained 0.  
**The motion:** Passed.

## 12. Town of Victor

**154-2025 (Class 2/A)** High Point Business Park PDD Amendment to reduce the number of residential units by 39 units from 294 to 255 while shifting the mix from all 3-story apartment buildings to include 71 townhouses and 100 units in a 4-story apartment building in High Point Drive sections 1 and 2. Tax ID 1.07-1-4.100.

**Municipality:** Town of Victor  
**Referring Board:** Town Board  
**Application Type:** Other  
**Class:** Class 2 (A)  
**Property** 1.07-1-4.100  
**Information**  
**(Address & ID):**

**Description & Review Comments:**

The proposed PDD amendment impacts the development of the Woods at Valentown portion of the High Point PDD. Section 1 would not change from the expired site plan approved in July 2022.

The uses proposed will continue to be accessed from private roads and the overall development plan continues to include trail development. Portions of the site were disturbed during initial construction of High Point Drive, including wetland mitigation and stream relocation.

The proposed development area is wooded; the project proposes to retain the existing tree line around the development as a buffer for adjacent use within and outside the PDD area, though the depth of on-site preserved trees appears very narrow in many places. Existing land uses include single-family homes to the east and north, the Valentown Historic District to the south, and High Pointe Business Park to the west.

The proposed amendment adds height to development in Section 2, which is located at an elevation 40' to 70' lower than sections 2 and 4 to the east and west. The submitted materials do not clearly state the elevation of the proposed 4-story building compared to the previous 3-story building or whether it is visible from existing single-family homes to allow reviewers to assess the impact.

While the proposed plan includes 39 fewer units, the proposed impervious surface coverage would

increase slightly and site development would involve clearing 4.3 additional acres as the for-sale townhouses have a larger footprint than the 3-story multifamily apartment buildings, which are not offset by the denser 4-story apartment building.

If the Town Board accepts this proposed PDD amendment, the applicant will proceed to site plan review.

The referral was reviewed by the County Planning Board in July 2017 (rezone and map amendment), June 2018 (PDD amendment), January 2019 (final site plan), and July 2022. An updated traffic study was completed with the previous PDD amendment. The applicant states, "no further traffic analysis or updated traffic study has been completed as the proposed uses will result in consistent traffic levels as originally accepted as part of the 2017 PDD amendment."

In terms of disturbance to wetlands, the submittal letter mentioned, "the wetland limits shown on the proposed preliminary development plan are consistent with the approved PDD Development plan." "It should be noted that all wetland mitigation and stream relocation measures have been completed with previous phases of development."

### **Relevant July 2017 NYSDOT Comment**

1. I don't see where it [the PDD] would have an impact on the State highway system, unless their traffic study shows such an increase in traffic that the signal system needs to be adjusted.

### **Comments**

1. What are slopes in areas of additional tree clearing? Tree removal on a steep slope can create cascading changes in tree cover and slope stability. Are there additional areas of the site with a proposed grade steeper than 1:4?
2. Is the existing stormwater management facility sufficient to retain and treat run-off from an additional 0.73-acres of impervious area?
3. Is the existing stormwater management facility able to meet revised NYSDEC guidelines and expected peak rainfall events?
4. Is traffic generation of large townhouse units higher than that of proposed multifamily apartments? Would this change overall site traffic generation?
5. Do proposed trails connect all residential areas to the clubhouse? To High Point Business Park?
6. How much of the provided open space/undisturbed area is under the overhead wires?
7. Are disturbance and impervious surface comparisons to the 2017 development plan or the 2022 modified site plan? The 2017 development plan showed four 21-unit apartment buildings, while the 2022 site plan shows two 42-unit buildings. What is the impact of the larger building footprint on steep slope disturbance?
8. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.

### **CRC Comments**

1. There are concerns over the high level of disturbance in steep slope areas and the proximity to the Federal wetland (and NYSDEC informational wetlands). Protection of water and natural features is a stated goal of the County Planning Board. Proper soil erosion controls

and stormwater protection need to be ensured. The appropriate agencies should be consulted during the planning and construction process (Army Corps of Engineers, NYSDEC, OCSWCD).

2. Setbacks from wetlands and streams should be provided on the plans. The building just east of the Federal Wetland looks as if it may have moved closer to the wetland. Is it still outside the required 100 ft. minimum buffer as required in Town Code 211-30A?
3. The applicant is encouraged to investigate additional means of emergency access. As currently configured, the site plan shows a long access road to multiple units with no additional point of egress. In 2019, the applicant mentioned they intend to add turning lanes at Winwood Hollow, Cedar Glen, and Embury Ridge intersections. Is this still planned?
4. Fencing around the stormwater management/retention ponds should be considered for pedestrian/child safety.
5. The project lies right on the Monroe / Ontario County line. Has Monroe County or the Town of Perinton been notified?

**Attachments:**

1. Aerial
2. Site Plan
3. Rendering
4. Full Plans
5. Previously Approved Plans
6. Elevations & Layouts
7. Application Report
8. Comparison Table
9. FEAF
10. Project Overview
11. Submittal Letter
12. SEQRA Findings
13. Survey
14. Metes and Bounds
15. PB App
16. Letter of Completeness

**Board Motion:** To retain referral 154-2025 as a class 2 and return to the local board with recommendation for approval with comments.

**Motion made by:** Dan Crowley, **seconded by:** Roslyn Grammer. **Vote:** Yes 16, No 0, Abstained 0. **The motion:** Passed.

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**155.0-2025 (AR2)** Area Variances (4 of 10) for a proposed: (1) three business use building signs when no greater than one is permitted, (2) a combined sign area of 315 SF when no greater than 128 SF is permitted, (3) a third monument sign when only one is permitted, and (4) for business use building signs to be installed on a building not connected to a parking area of public right-of-way – for a Chick-Fil-A drive-thru restaurant business at 7979 Pittsford-Victor Rd. (Eastview Mall). Additional Area Variances not subject to Administrative Review are included on 155.1-2025.

|                                                     |                         |
|-----------------------------------------------------|-------------------------|
| <b>Municipality:</b>                                | Town of Victor          |
| <b>Referring Board:</b>                             | Zoning Board of Appeals |
| <b>Application Type:</b>                            | Area Variance           |
| <b>Class:</b>                                       | AR2                     |
| <b>Property Information<br/>(Address &amp; ID):</b> | 6.00-1-12.100           |

**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 SR 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.

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 within 500' of 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 onto 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.
2. Many of the proposed letter heights are 54" to 60". As indicated on this sign company website, such letter heights meet high visibility standards when viewed from 500' to 600' and are readable at 2,200' and 2,500'. [Link to sign industry letter visibility information](#)

**Relevant March 2025 Staff Comments**

1. The submitted materials indicate that the project intends to have wall signs on all 4 sides of the proposed building (6 total). Would an area variance for number/square footage of signs be needed? The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County. Protection of the community character along these corridors is an issue of countywide importance. Excessive signage has a negative impact on community character. If applicable, the referring board should

grant the minimum variance necessary to allow identification of the business and its products.

### **Relevant March 2025 CRC Comments**

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

### **Relevant March 2025 CPB Comments**

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

### **Attachments:**

1. Aerial
2. Signage Plan
3. Submittal Letter
4. ZBA App
5. List of Variances
6. FEAF
7. 2007 ZBA Approval
8. Renderings
9. Full Submittal Packet
10. March 2025 Full Plans
11. March 2025 Site Plan

open space to 34.3 where a minimum of 35% is required, (6) a fence forward of the front line of the principle building, (7) accessory structure (meal-delivery canopy) forward of the front line of the principle building, (8) a refuse enclosure forward of the front line of the principle building, (9) for the use of a floodlight to illuminate an American flag, and (10) for a monument sign 31 ft. from pavement edge of State Route 96 when a minimum of 35 ft. is required - for a Chick-Fil-A drive-thru restaurant business at 7979 Pittsford-Victor Rd. (Eastview Mall). Additional Area Variances subject to Administrative Review are included on 155.0-2025.

**Municipality:** Town of Victor  
**Referring Board:** Zoning Board of Appeals  
**Application Type:** Area Variance  
**Class:** Class 1  
**Property Information (Address & ID):** 6.00-1-12.100

**Description & Review Comments:**

The project also requires a sprinkler waiver for the drive-thru canopy.

**Comments**

1. Is the proposed flagpole lighting type dark sky compliant and in keeping with the Eastview Mall character?
2. Has NYSDOT reviewed and commented on the SR 96 setback and the size of the sign in this location?

**Attachments:**

None

**Board Motion:** To retain referrals 142.0-2025, 144.0-2025, 145-2025, 147-2025, 151.0-2025, 155.1-2025, and 156-2025 as class 1s and return them to the local boards with comments.

**Motion made by:** Stephen High, **seconded by:** Tammy Worden. **Vote:** Yes 16, No 0, Abstained 0. **The motion** Passed.

**13. Privilege of the Floor**

Planning Staff — Update on training hours required and received in 2025, and mileage reimbursement.

**14. Upcoming Trainings:**

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

**NYSDOS in-person training on 3 topics: adopting and amending zoning, affordable housing, SEQR – Short EAF**

- Oct 1 from 4 to 8:45pm; Seneca County Health & Senior Services (HSS) Auditorium; 2465

Bonadent Drive, Waterloo, NY 13165

**Deploying Safe Lithium-ion Energy Storage in your community — hosted by the New York State Interagency Fire Safety Working Group (from May 7, 2025)**

- Topics include: critical safety considerations, regulatory updates, best practices in the field, and recommendations for local actions. [See presentation slides](#)

**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; [Click here for link](#)**

- 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.

**Monroe County Land Use Decision-Making Training; [Click here for link](#)**

- Fall and Spring 4.5-hour sessions 4 to 8:30 pm, with dinner at Monroe County Community College in Henrietta for a \$50 fee.

**Genesee Finger Lakes Regional Planning Council; [Click here for link](#)**

- Fall and Spring 5.5-hour full day sessions with continental breakfast and lunch for a fee of \$70. In the spring, they will be held on the westside of the region, most recently Genesee Community College, Batavia. In the fall they will be held on the eastside of the region, most recently Wayne-Finger Lakes BOCES in Newark.
- The next workshop is Friday, October 24, 2025, from 9 am to 4 pm at the Wayne-Finger Lakes BOCES conference center in Newark.

**NYS DOS Regional On-Site Trainings; [Click here for link](#)**

- Statewide schedule of NYS DOS on-site local government trainings. Typically, updated in August and November/December.

**NYS DOS On-Line Interactive Courses; [Click here for link](#)**

- Includes links to online interactive courses.

**NYS DOS Recorded Webinars;** [Click here for link](#)

- Use this 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.

**New York Conference of Mayors trainings are free (If your municipality is a member);** [Click here for link](#)

- The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities.
- 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 ZBA'S 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

**New York Planning Federation trainings are free** (if your municipality is a member)

- Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email [nypf@nypf.org](mailto:nypf@nypf.org)
- 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

## 15. Adjournment:

**Board motion to:** Adjourn. **Motion made by:** A.J. Magnan, **seconded by:** Tammy Worden, **Vote:** Yes 16, No 0, Abstained 0. **The motion:** Passed. The September 10th, Ontario County Planning Board meeting was adjourned at 08:47 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.<br>Class 2 Denial                                                       | Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.                                                                                                                   |
| AR Policy 5 B.<br>Class 2 Denial                                                       | Applications involving one single-family residential site adjoining a lake that requires an area variance                                                                                                                                  |
| AR Policy 5 C.                                                                         | All other applications involving a site plan for one single-family residence.                                                                                                                                                              |
| AR Policy 6                                                                            | Single-family residential subdivisions under five lots.                                                                                                                                                                                    |
| AR Policy 7 A.<br>Class 2 Denial                                                       | Variances for signs along major designated travel corridors.                                                                                                                                                                               |
| AR Policy 7 B.                                                                         | Applications involving conforming signs along major travel corridors.                                                                                                                                                                      |
| AR Policy 8                                                                            | Co-location of telecommunications equipment & accessory structures on existing towers and sites (Applications that require a special use permit or for new towers or increasing the height of an existing tower require full Board review) |