

ONTARIO COUNTY PLANNING BOARD

Wednesday, October 8, 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, October 8, 2025, Ontario County Planning Board meeting to order at 7:01 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Burch Craig

Dan Crowley

Lisa Grefrath

Stephen High

Ed Kaiser

Paul Lambaise

Edward (Ted) Liddell

A.J. Magnan

Chris Mergler (arrived @ 7:09 PM)

Paul Passavant

Jamie Purdy

Ryan Wilmer

Tammy Worden

Present Not Voting:

Jack Dailey

Excused:

Terri Brown, Ruth Cahn, Roslyn Grammer, Bessie Tyrrell, Leonard Wildman, Mike Woodruff

Present (Voting): 13, Present (Not Voting): 1, Absent: 0, Excused: 6

Guests:

Ryan Destro (BME Associates) - 158-2025

3. Approval of Minutes:

A.J. Magnan motioned to approve the minutes of the September 10, 2025 County Planning Board meeting. The motion was seconded by Tammy Worden. The motion passed.

4. Old Business:

5. New Business:

6. Town of Canadice

157-2025 (Class 2/A) Comprehensive Plan Update for the Town of Canadice.

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

Description & Review Comments:

The 2024-2025 Town of Canadice Comprehensive plan is an update to the last Comprehensive Plan adopted in 2015. This plan serves as the primary strategic document for the town's long-term development and growth, including updated population, economic, and social trends. The plan's goals attempt to balance the community's desire for natural resource and character protection with increasing economic and recreational pressures. A major component of this plan was public engagement throughout the process, and goals for sustained communication following plan adoption.

Key goals and priorities are:

- Maintain existing rural character and natural resources
- Enhanced communication to promote civic engagement
- Managing land use and development, particularly related to issues of STR, renewable energy, and solid waste sanitation
- Enhanced community services through partnerships with local, county and state grants and agreements
- Regular review and structured implementation

Key themes of the Comprehensive Plan include:

- **Natural Resource Protection:** Continued emphasis on safeguarding wetlands, steep slopes, woodlands, and lake water quality. Expanded recognition of state-owned conservation lands (Hemlock–Canadice State Forest, Harriet Hollister Spencer Park) as both assets and limits to development.
- **Public Engagement:** Stronger outreach than in 2015, including mailed surveys (21% response rate), online tools, youth engagement through schools, and open-house meetings. Resident concerns focused on governance, cost control, community identity, and environmental stewardship.
- **Demographics & Housing:** Population growth has remained flat, but the average age is increasing. Housing units have grown only slightly (about 1,166 in 2020). Housing values

have risen significantly since 2000, though growth is slower than nearby towns. The number of year-round occupied dwellings increased slightly, but vacancy rates remain high due to seasonal homes. Homeownership grew, while rentals declined. Job growth within the Town will occur at a much slower rate than in the more developed communities in the county and region.

- **Development Assumptions:** The plan anticipates limited new growth due to soil constraints, steep slopes, and lack of sewer/water. It expects Canadice to remain reliant on surrounding towns for jobs, shopping, schools, and services.
- **Technology & Communication:** In 2015, residents reported poor internet and phone service and relied heavily on newspapers and mail for information. By 2025, broadband and cell coverage are better, and communication strategies now emphasize digital engagement.

Implementation action items (6) for the Plan include:

- Develop a Communication Plan to assist residents' need for timely, accurate and up-to-date information including a communication plan should be a guide for disseminating information, fostering engagement, and building trust with residents. Effective communication helps to ensure transparency, builds community support, and facilitates the delivery of government services. Continue using the website for passive communication of information.
- Act as an Advocate for:
 - Canadice and Hemlock Lakes to ensure continued protection of the environment and watershed;
 - Use of Ontario County Soil & Water resources;
 - Inspection of Septic System when property changes hands.
- Continue to explore the expansion of public utilities including water, sewer, and high-speed internet service.
- Continue coordination with both the public and private sectors to improve recreation and park resources.
- Participate in state and county agricultural planning and support activities to help manage established agricultural areas in the best mutual interest of the individual property owners and the Town.
- Participate in the NYS Open Space Plan as long as payments in lieu of taxes are made to the Town to compensate for shifts in the tax base.

Comment

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

Attachments:

1. DRAFT Canadice Comp Plan 2024-2025 for CPB Review

Board Motion: To retain referral 157-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Paul Lambiase, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 13, No 0, Abstained 1. Abstain: Burch Craig. **The motion:** Passed.

7. Town of Canandaigua

158-2025 (Class 1) Area Variance for the proposed lots of a future 42-lot subdivision to have a minimum area of 20,000 SF when a minimum of 1.0 acre (43,560 SF) is required – at 0000 County Road 16.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 97.04-1-6.121
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 44.1 acres. The majority of the lots proposed are just above 20,000 SF.

There are a few outliers that reach 25,000 SF+. A stormwater management facility is proposed on the southeast corner of the subdivision. Access to the subdivision is proposed to extend off of Aston Place (which connects to CR16). Proposed lot dimensions include: minimum lot width of 70 ft., front setback of 30 ft., rear and side setbacks of 15 ft., a maximum building height of 35 ft., and maximum building coverage on lot of 20%. Roughly 17 acres are to be conserved space.

According to Oncor:

- The surrounding parcels are all residential.
- The adjacent parcel along the northeast corner of the subject parcel is Ontario County Agriculture District #1.
- There is a stream that runs along the eastern boundary of the parcel. A national wetland buffers the stream.
- Existing land cover is primarily forested (successional northern hardwoods).
- The slope is primarily gentle (4–9% gradient), with steep slopes on the southwest corner of the parcel (16–30% 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.

The applicant representative was present for the 10/8/2025 CPB Meeting and provided additional comments:

- Any home built exceeding 30 homes will have sprinklers.
- The indicated easement on the plans (along CR16) will go to the owner of the adjacent parcel to the south.
- The area variance request is meant to save more green space. Clustering of homes requires less disturbance, utility area, roads, etc.
- Whether or not an HOA will be in place is TBD for open space.
- Per the maintenance agreement, an easement to the Town of Canandaigua will be provided to the SWMF.
- Development will be phased, 1.5-2 years is the goal.
- The developer has reached out and all indications are that RG&E/NYSEG has sufficient electric capacity for the proposed subdivision.
- The SWMF is outside the 100 ft. buffer of the National Wetland / stream along the eastern border of the parcel.

OCDPW Comments

1. Applicant's engineer shall provide Ontario County DPW with a copy of the SWPPP as soon as it is completed.
2. More comments to be provided when more details become available.

CRC Comments

1. Has the applicant received confirmation from NYSEG that capacity will be available for full build out? In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.

<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>

https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024

2. The referring Board should consider a subdivision layout that offers opportunities for connection to neighboring subdivisions / nearby roads.

3. Are the units going to be sprinkled? Per the 2025 Fire Code of New York State (NYD107), if a development exceeds 30 one- or two-family dwellings, there shall be two separate and approved fire apparatus access roads — unless the units have an approved automatic sprinkler system.
4. Who will hold the proposed conservation easement areas? Who would be in charge of maintaining / enforcing the conservation of these lands?

Attachments:

1. Aerial
2. Sketch Plan
3. Rendering
4. Neighborhood Exhibit
5. Canandaigua Lake Viewshed Photo Exhibit
6. Existing Condition Map
7. SEAF
8. ZLD
9. ZBA App
10. LOI

Board Motion: To retain referral 158-2025 as a class 1 and return to the local board with comments.

Motion made by: Dan Crowley, **seconded by:** Tammy Worden. **Vote:** Yes 13, No 0, Abstained 0.
The motion: Passed.

159-2025 (Exempt) Site Plan for a single-family dwelling on two currently vacant parcels (to be combined) — at 0000 County Road 16.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property 140.11-1-48.200; 140.11-1-48.300
Information
(Address & ID):

Description & Review Comments:

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

OCSWCD Comments

1. Further detail is required on the erosion and sediment control plan. There is no soil stockpile, detail on bank stabilization, or detail on stabilization of the diversion channel (on the northwest portion of the disturbed area) indicated.
2. There is no detail on how roof water runoff will be managed.

OCDPW Comments

1. The applicant is required to obtain a highway work permit for any proposed work (driveway access) within a County highway right-of-way and shall pay all necessary fees & 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 proof of insurance. That includes: Proof of Liability insurance, proof of Worker's Comp insurance, and proof of Disability insurance. Certificates must be on the appropriate forms, we cannot accept the Worker's Comp or Disability certificates on the ACORD form.

Attachments:

1. Site Plan
2. Full Plans
3. Existing Conditions
4. ZLD
5. SEAF
6. PB App

160-2025 (Exempt) Site Plan to construct a new single-family home on a currently vacant parcel at 0000 State Route 21 South.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property 112.00-1-68.121
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

1. Site Plan
2. Full Plans
3. ZLD
4. Ag Data Statement
5. Layout & Elevations
6. SEAF
7. PB App

161-2025 (Exempt) Site Plan to construct a new single-family home on a currently vacant parcel at 0000 State Route 21 South.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan

Class:	Exempt
Property Information (Address & ID):	112.00-1-68.122

Description & Review Comments:

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

Attachments:

1. Site Plan
2. Full Plans
3. Layout and Elevations
4. ZLD
5. Ag Data Statement
6. SEAF
7. PB App

162-2025 (AR2) Area Variances (3) to tear down an existing pre-existing non-conforming accessory structure (shed) and replace it with a larger (60 SF) shed – at 3498 Sandy Beach Drive. The Area Variances are for: (1) lot coverage of 70.06% when no greater than 40% is permitted, (2) a 3 ft. south side setback of 3 ft. when 8 ft. is required, and (3) a 0 ft. rear (lake) setback when 15 ft. is required.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	AR2
Property Information (Address & ID):	98.15-1-51.000

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,
- variances 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 interest 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. Elevations
3. Rendering
4. Shed Aerial
5. ZLD
6. ZBA App

8. Town of Hopewell

163.0-2025 (Class 1) Area variances (2) and Subdivision to divide a 2.6-acre parcel into two parcels of 0.72-acres and 1.47-acres (remaining 0.45-acres to be annexed to TM# 99.00-2-39.000) – at 3881 Route 5 and 20. Area variances are for: (1) a 0.72-acre residential lot when 1-acre is required, and (2) a 1.47-acre commercial lot when a minimum of 2-acres is required. 163.1-2025 is regarding the subdivision portion of the referral.

Municipality: Town of Hopewell
Referring Board: Zoning Board of Appeals
Application Type: Area Variance

Class:	Class 1
Property Information (Address & ID):	99.00-2-38.100

Description & Review Comments:

The subject parcel is being divided into 3 portions. The triangular westernmost portion (0.45-acres), which currently is used to display agricultural vehicles, will be annexed to the adjacent commercial-use parcel to the south (Monroe Tractor). The remaining southern portion of the parent-parcel will be divided into two. Lot 1 (just north of proposed lot 2) is proposed at 0.71-acres and contains an existing single-family dwelling. Lot 2 contains an existing roadside farmer's market (Beacon Farm Market). A proposed new septic system is indicated in the submitted plan set. Both the home and market require septic compliance verification. All mechanicals and utilities are to be verified as well.

The subject parcel is C-2 Low Intensity Commercial Zoning District. All existing uses on the subject parcel (and soon to be subdivided parcels) are permitted: machinery and/or transportation equipment sales, single-family dwellings, and farmstands.

According to Oncor:

- All the parcels across SR 5&20 to the north are within the Ontario County Agricultural District #1.
- Subject parcel land use is currently agricultural. Surrounding land uses are primarily commercial, with a residential parcel across SR 5&20 to the northwest.
- The subject parcel has little to no slope (0–3% 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.

CRC Comment

1. Will there be an easement along the shared driveway between the home and the farmstand?

Attachments:

1. Aerial
2. Subdiv Plat
3. Full Plans
4. Project Description
5. SEAF
6. Subdiv App

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

163.1-2025 (Class 1) Area Variances (2) and Subdivision to divide a 2.6-acre parcel into two parcels of 0.72-acres and 1.47-acres (remaining 0.45-acres to be annexed to TM# 99.00-2-39.000) – at 3881 Route 5 and 20. Area Variances are for: (1) a 0.72-acre residential lot when 1-acre is required, and (2) a 1.47-acre commercial lot when a minimum of 2-acres is required. 163.0-2025 is regarding the area variance portion of the referral.

Municipality: Town of Hopewell
Referring Board: Planning Board
Application Type: Subdivision
Class: Class 1
Property Information (Address & ID): 99.00-2-38.100

Description & Review Comments:

See 163.0-2025.

Attachments:

None

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

9. Town of Naples

173-2025 (Class 2/A / LATE REFERRAL) Amendment to Town Code sections 132-42.2 Commercial Wind Turbines and 132-42.4 Major Solar Collector Systems.

Municipality: Town of Naples
Referring Board: Town Board
Application Type: Text Amendment
Class: Class 2/A (LATE REFERRAL)
Property N/A
Information
(Address & ID):

Description & Review Comments:

§132-42.2 Commercial Wind Turbines

The 2025 wind energy code introduces substantial additions while also making some subtractions from the earlier framework. Additions include a new purpose and intent section linking wind energy regulation to renewable energy goals and the Joint Comprehensive Plan, along with a comprehensive set of definitions for terms such as abandonment, inoperability, fall zones, shadow flicker, prime farmland, participating versus non-participating landowners, and decommissioning. The application process is greatly expanded to require a wide range of supporting studies and plans, including visual impact assessments, noise studies with infrasound analysis, shadow flicker reports, bird migration studies, ice and blade throw reports, FAA and utility notifications, erosion and floodplain analyses, traffic route planning, emergency management planning, and a detailed decommissioning plan. Setbacks are simplified and standardized at one and a half times total height, with limited allowances for long-term waivers, while new rules require monopole towers, prohibit lattice and guy-wire-supported structures, and mandate 50-foot blade clearance. Additional safety measures are required, such as grounding, locked access, overspeed protection systems, and comprehensive fire control programs. Environmental protection requirements are broadened to include review of wildlife, vegetation, scenic views, farmland, and erosion control, while ongoing oversight is enhanced through annual permit renewals, quarterly power production reports, mandatory inspections, and wildlife monitoring. Decommissioning is reinforced with binding financial surety, periodic review of adequacy, and authority for the Town to complete removal and charge costs back to the landowner. Insurance provisions are also expanded, requiring policies naming the Town as beneficiary and indemnifying it against liability.

At the same time, certain provisions from the prior code were subtracted or replaced. The old maximum turbine height limit of 220 feet is eliminated, replaced by general clearance and design standards, allowing for taller towers subject to review. The former setback formula based on three times turbine height or two times blade/ice throw distance is replaced with a simpler one-and-a-half-times rule. Noise limits are no longer tied to ambient conditions plus six decibels and cannot be waived by neighbors, but instead are replaced with fixed absolute thresholds. Lattice towers, guy wires, and on-ground transmission lines are no longer permitted, with stricter undergrounding and monopole-only requirements. Signage rules shift from mandatory setback-area warning signs to a broader focus on safety and hazard signage at facilities, while advertising signs remain prohibited. Finally, provisions that previously exempted wind projects from bird migration studies or ice sensors have been reversed, with new requirements added for bird studies, ice and blade throw analyses, and more detailed monitoring.

§132-42.4 Major Solar Collector Systems

The 2025 solar energy code introduces extensive additions while also making several subtractions

from the earlier framework. Among the key additions is a purpose and intent section that ties solar energy regulation to renewable energy goals, the Joint Comprehensive Plan, and the protection of farmland, scenic views, and cultural and natural resources. A set of definitions has been added, clarifying technical and legal terms such as abandonment, decommissioning, facility area, glare, prime farmland, pollinator-friendly vegetation, energy storage systems, and viewsheds. Setbacks are expanded to 200 feet from all property lines, and lot coverage standards are increased to 80% overall but capped at 50% on prime farmland. New design requirements include stormwater and drainage management plans, glare assessment reports, anti-glare coatings, landscape architect-stamped screening plans, restrictions on wetlands, floodplains, and scenic viewsheds, and limitations on development in the Canandaigua Lake watershed. Ecological measures are introduced, requiring pollinator-friendly ground cover over at least 25% of project areas, habitat protection, and agricultural co-uses such as grazing or beekeeping under solar panels. Operational standards have been expanded to mandate detailed property maintenance plans, pollution prevention practices, emergency management planning with fire and EMS, and security upgrades such as fire warning systems tied to 911, Knox Boxes, and emergency access gates.

On the administrative side, the new code adds escrow accounts to cover the cost of Town-hired consultants, annual registration and inspection fees, mandatory insurance policies naming the Town as beneficiary, and stronger enforcement tools including revocation of permits and civil or criminal proceedings. Decommissioning requirements are significantly strengthened with detailed removal and restoration plans, financial surety in the form of a bond or letter of credit covering 100% of removal costs plus a 25% contingency, inflation adjustments, and annual reviews. Abandonment is now defined as a drop to 20% or less of nameplate capacity for 180 days, and the Town is explicitly authorized to step in and complete decommissioning, recovering costs through a tax lien if necessary.

Some provisions from the older code have been subtracted or replaced. The previous setback system of 75 feet from side and rear yards and 100 feet from road centerlines has been eliminated and replaced with a single 200-foot standard. The older 50% maximum lot coverage rule has been loosened to allow 80%, except on prime farmland. Requirements for simple blueprints, equipment specification sheets, and a basic operation and maintenance plan have been replaced by formalized submission requirements, including detailed engineering, environmental, and landscape reports. The prior reliance on fencing and simple signage has been expanded into broader security, screening, and safety protocols. In addition, the old decommissioning bond requirement tied to a special use permit has been replaced with a more formal surety system involving annual review, Town Board approval, and inflation adjustments.

Comments regarding §132-42.2 Commercial Wind Turbines

1. The code defines abandonment in Section C as when “*a large-scale solar energy system is deemed abandoned when energy production has been reduced to 20% or less of nameplate capacity for 180 days...*”. Large-scale solar energy systems should be replaced with commercial wind turbines.
2. Section N(6) refers to the Town of Henrietta. Replace with Town of Naples.
3. The enforceable noise standard is clear for dB(A) but not for infrasound or tonal noise.
4. The code alternates between “commercial wind turbine,” “commercial wind energy conversion system (WECS),” and “commercial wind energy facility.” Terms should be consolidated to avoid confusion.
5. The referring board should consider having a maximum height requirement (cap).

Comments regarding §132-42.4 Major Solar Collector Systems

1. Section F(3) references “*all component parts of the tower or antenna (including guy wires or enclosures).*” This looks to be a part of a telecommunications code section. This should be removed.
2. The code alternates between “large-scale solar energy system,” “solar PV system,” and “major solar collector system”. Terms should be consolidated to avoid confusion.

CRC Comment

1. The Town of Naples is commended for the timely review and refinement of its Zoning Code.

Attachments:

1. Code Commercial Wind Turbines
2. Code Major Solar Collectory Systems
3. SEQR Review

Board Motion: To accept late referrals 170-2025, 171-2025, 172.0-2025, 172.1-2025, and 173-2025 as late referral(s).

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

Board Motion: To retain referral 173-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** A.J. Magnan. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

10. Town of Phelps

171-2025 (Class 2/A / LATE REFERRAL) Text Amendment to replace the definition for "Barnyard" and add a definition for "Pasture" in Section 82-2 Definitions in the Town of Phelps zoning code.

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

Description & Review Comments:

The definitions for barnyard and pasture are as follows:

- Barnyard — A fenced area inhabited by livestock where vegetation is not maintained immediately adjacent to a livestock structure. Commonly known as a stockyard.

- The former definition for barnyard was "A fenced area inhabited by livestock where vegetation is not maintained." The new definition specifies the location of the barnyard.
- Pasture - Pasture is a field where livestock such as horses and cattle can graze, or feed. Pasture can also refer to the grasses or other plants that grow in a pasture.
 - This added definition helps differentiate between barnyard and pasture.

CRC Comment

1. The referring Board should consider a definition for pasture that includes a reference to a fenced-in area. Looking at the Town Code, there does not seem to be a requirement for the fencing of pastures currently.

Attachments:

1. Local Law

Board Motion: To accept late referrals 170-2025, 171-2025, 172.0-2025, 172.1-2025, and 173-2025 as late referral(s).

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

Board Motion: To retain referral 171-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Chris Mergler, **seconded by:** A.J. Magnan. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

172.0-2025 (Class 1 / LATE REFERRAL) Special Use Permit and Site Plan for the redevelopment of a former Boy Scout Camp (Camp Dittmer) into a private campground with 51 RV camp sites, a variety of boutique camping options, a new bathhouse, renovated bathhouses and cabins, a trailer dump station, new water, new sanitary sewer, and stormwater infrastructure and associated gravel roadways and accommodations. The project is located at 2212 Toll Road. 172.1-2025 is regarding the site plan portion of the referral.

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

Description & Review Comments:

The project was previously referred to the August 2025 County Planning Board meeting as 133.0-2025 and 133.1-2025. It was also referred to as a 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 has been reduced significantly, removing development from the western half of the site (former proposed RV camp site area), and reconfiguring the eastern peninsula's layout.

Since last at the County Planning Board, a NYSDEC Jurisdictional Determination request was submitted by the applicant. The NYSDEC Central Office issued a Positive Parcel Jurisdictional Determination (JD) for the parcel, and it is included in the submitted documents (titled NYSDEC Jurisdictional Request).

The subject parcel is 307.2-acres and disturbance for the project is proposed at 30-acres. It is noted that site disturbance is not anticipated within floodplain limits. The site plan also explicitly states that under no circumstance may earth disturbance occur within jurisdictional wetland boundaries. 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. 7.74-acres of impervious surface will result from this project. Additional landcover changes include: a gain of 4.55 acres of roads/buildings/other paved or impervious surfaces, a gain of 3.8-acres of forested area, and a loss of 8.4-acres of meadows/grassland/shrub land. Wetland acreage is to remain the same. 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 and reconfigured.
- 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.
- Remove the top of the existing sanitary structure. Crush bottom and backfill with compacted granular fill material. Remove in its entirety if it may interfere with new construction.

The project is anticipated to be phased into 2 phases over a time period of roughly 1.5 years. The project is anticipated to be phased to include Hobbit Houses, renovation of existing structures, 31 RV Sites as part of Phase 1 on the eastern side of the site, followed by expansion to the north in Phase 2 that includes 20 additional RV sites, a new bathhouse and associated wastewater treatment systems.

Site access comes off of two entrances in 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 8,460 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 8,460 gallons/day and will be treated by a private on-site sanitary wastewater treatment system broken down into five segments across the site with eight onsite wastewater treatment practices for each of the five segments. A combination of pressure distribution absorption beds, gravity absorption trenches, and pressure distribution mound systems will be used. The treated water will then be discharged into the ground. Roadside swales and culverts will be used to convey runoff to multiple stormwater management facilities across the site. Stormwater runoff will primarily be directed via sheet flow over vegetated filter strips and riparian buffers, with stormwater management bioretention basins placed throughout the site 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 310 kVA. Phase 1 is planned to utilize existing available NYSEG capacity of 137kVA. Full build-out will require a new upgrade. Phase 1 will utilize the existing available capacity from NYSEG? Pole-mounted underground electric service to the existing utility pole will serve the site. 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. Traffic and way-finding sign installation. A trailer dump station is proposed near the entrance of the parcel. It will be connected to a 15' x 90' absorption bed with pressure distribution. A fill station is located here as well. The administration area and parking lot lie just north of the entrance off of 2212 Toll Rd. It also includes 2 eV charging stations and 2 ADA accessible spaces.
- What is considered the RV Camping Area is just north of the administrative area. It contains a trading post (former administrative building) and an existing pavilion. Also indicated are 23 full service (electric, water, sanitary) back in RV campsites, and 7 (including one ADA accessible) RV camp sites (water and sanitary only).
- Trash and recycling dumpsters will be provided north of the RV Camping area, located at the middle of the western peninsula. This is considered the cabin and RV camping area. This area also includes: the wedding venue (former dining hall) and bridal suite (former "brownsea" building), existing craft barn, three renovated cabins and a renovated bunkhouse, an existing bathhouse (to remain), gravel roadway, and associated parking areas. There are two proposed full-service (electric, water, & sanitary) back in RV campsites, and 11 future full-service back in RV campsites (one of which will be ADA accessible) in this area. There are also 4 proposed glamping tents.
- Further north ("peninsula point"), it includes: an existing lighthouse (to remain), an existing boathouse (to remain), four proposed glamping tents, 2 proposed "bunkies", and a renovated bunkhouse. A gravel roadway connects all areas from the entrance to the peninsula point.
- The northeast shore (across the lake to the east) area of the parcel to be developed is to contain: the three proposed hobbit homes, an existing pumphouse (to remain), and existing chapel (to remain), parking areas, and a gravel roadway with two access points off of Toll Road.
- The bridge connecting the east side of the parcel to the west will have a gravel surface. There is nothing in the submitted materials indicating plans for the area at this time.

According to OnCor:

- A majority of surrounding parcels are in Ontario County Agricultural District #1.

- The parcel contains FEMA Q3 Floodplains, the 2023 Draft 100-Year Flood Zones, the 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).

Relevant August 2025 Staff Comments

1. Is there adequate space for emergency vehicle turnaround to all sites on the property?
2. Will there be onsite staff?
3. Will there be kayaking or motorized boats on the lake?
4. 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.
5. The spillway may need some work. Are there any improvement plans for this area?
6. Are there any renovation plans for the existing pump station on the northern portion of the parcel?

Relevant August 2025 OCSWCD Comments

1. Silt fence should be installed per NYSDEC Blue Book specs with at least 10 ft. from the toe of the slope (ex: C-303 shows silt fence placed mid-slope on the 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. 90-degree bends prior to septic tanks could cause plugs.
4. Code enforcement review may be required.
5. A Department of Health review may be required.

Comments

1. Has the applicant received confirmation from NYSEG that capacity will be available for full build out? In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning developments with significant new energy use to notify RG&E

or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.

<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>

https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024

2. What (and when) is the anticipated peak energy usage?
3. Are the plans for future development on the western portion of the site?
4. Existing floodplains and floodzones need to be included in the site plan.

Attachments:

1. Aerial
2. Full Plans
3. August 2025 Previous Plans
4. NYSDEC Jurisdictional Request
5. SWPPP
6. FEAF

Board Motion: To accept late referrals 170-2025, 171-2025, 172.0-2025, 172.1-2025, and 173-2025 as late referral(s).

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

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0. **The motion** Passed.

172.1-2025 (Class 1 / LATE REFERRAL) Special Use Permit and Site Plan for the redevelopment of a former Boy Scout Camp (Camp Dittmer) into a private campground with 51 RV camp sites, a variety of boutique camping options, a new bathhouse, renovated bathhouses and cabins, a trailer dump station, new water, new sanitary sewer, and stormwater infrastructure and associated gravel roadways and accommodations. The project is located at 2212 Toll Road. 172.0-2025 is regarding the special use permit portion of the referral.

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

Description & Review Comments:

See 172.0-2025.

Attachments:

None

Board Motion: To accept late referrals 170-2025, 171-2025, 172.0-2025, 172.1-2025, and 173-2025 as late referral(s).

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

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0. **The motion** Passed.

11. Town of Richmond

164.0-2025 (Class 1) Area Variances (2) related to the expansion and renovation of an existing single-family residence – at 5353 County Road 36. The first area variance is for a front setback less than 20 ft. required minimum. 164.1-2025 is regarding the rear/lake setback area variance portion of the referral.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 149.19-1-14.000
Information
(Address & ID):

Description & Review Comments:

According to Oncor:

- The subject and surrounding parcels all have residential land use. The parcel lies on the western shore of Honeoye Lake.
- A stream lies just north of the subject parcel. FEMA Q3 Floodplains, DRAFT 2023 FEMA Flood Zones, and National Wetland area surrounds the stream and runs along the northern edge of the subject parcel.
- Slope varies throughout the parcel, with some areas of little to no slope (0–3% gradient), and some areas with steep slopes (16–30% gradient).

The referring official submitted additional information on the rear/lake setback — "The proposed setbacks on the lakeside are essentially the same as the existing structure. The house structure will move back 10' (away from the lake), but that 10' will be a ground level patio with a 2nd floor deck above. Currently, the northeast corner of the house is approximately 55 ft. from the water line. Currently, the southeast corner of the house is approximately 45 ft. from the water line."

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. Will any proposed work occur in the Floodplain or Flood zone?
2. The size/degree of the requested front and rear (lake) setbacks are unclear. At minimum, a sketch or detailed description should be provided in order to adequately review the project.

CRC Comment

1. Per State Law, the referring Board must consider the five area variance test questions when determining whether to approve or deny an area variance request. The applicant must show that the benefit they stand to receive from the variance will outweigh any burden to health, safety and welfare that may be suffered by the community.

Attachments:

1. Aerial
2. Zoning Schedule
3. ZBA App

CPB Comment

1. The Ontario County Planning Board is unable to adequately review the referral as the proposed front setback (degree of area variance) is not provided.

Board Motion: To return referral 164.0-2025 to the local board as Incomplete with comments.

Motion made by: Paul Passavant, **seconded by:** Tammy Worden. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

164.1-2025 (AR2) Area Variances (2) related to the expansion and renovation of an existing single-family residence – at 5353 County Road 36. The second area variance is for a rear/lake setback less than the 50 ft. minimum requirement. 164.0-2025 is regarding the front setback area variance portion of the referral.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property Information (Address & ID): 149.19-1-14.000

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,
- 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 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 interest in the 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 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

165-2025 (Exempt) Area Variance to erect a four ft. high wire fence in the front yard when no greater than three ft. is permitted – at 5400 County Road 37.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property 149.00-1-55.000
Information
(Address & ID):

Description & Review Comments:

Exempt (See exemption #3 of Appendix B of the OCPB Bylaws).

OCDPW Comment

1. No comments or concerns as long as the proposed fence does not encroach into the County Road 37 Right-Of-Way.

Attachments:

1. Sketch
2. ZBA App

166-2025 (Class 1) Area variances (2) to construct a 288 SF detached garage one ft. from the rear and side (north) property line when a minimum of ten ft. is required – at 20 Briggs Street.

Municipality: Town of Richmond

Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	165.20-1-27.000

Description & Review Comments:

The subject 0.18-acre parcel is located on the southwest corner of the Briggs St., County Road 36 intersection. Dimensions of the barn are 12' x 24'. It will be placed in the southwest corner of the parcel. The barn will not have utilities (sewer, water, electricity).

According to Oncor:

- The subject and surrounding parcels are residential.
- The slope is gentle (4-9% gradient).

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

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

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

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

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

Attachments:

1. Aerial
2. Zoning Schedule
3. ZBA App
4. SEAF

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

167-2025 (Exempt) Area Variance for a proposed 4,400 SF pole barn when the allowed maximum floor area for an accessory structure is 200 SF – at 9330 Big Tree Road.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property Information (Address & ID): 134.00-1-52.210

Description & Review Comments:

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

Attachments:

1. Sketch
2. ZBA App
3. SEAF

CPB Comments

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.

12. Town of Victor

168.0-2025 (Class 1) Final Subdivision and Site Plan Approval for a proposed 156-unit multiple-family residential development comprised of three four-story 52-unit buildings – at 200 Victor Heights Parkway. 168.1-2025 is regarding the site plan portion of the referral.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Subdivision
Class: Class 1
Property Information (Address & ID): 15.00-2-14.210

Description & Review Comments:

The project was previously referred to in October 2024 as 190-2024 for a Map Amendment, changing the zoning of the parcel to PDD. The plans for 168-2025 are almost identical to those proposed in 2024, just with additional detail on the site plan.

The proposed development is to be located on the north side of Victor Heights Pkwy, which is to the north of Victor Mendon Rd. (SR 251) and 0.5 miles west of Pittsford Victor Rd. (SR96) / Victor Mendon Rd. intersection. Auburn Trail runs along the northern parcel boundary, with Lehigh Crossing Park just north of the trail. The Finger Lakes Community College (FLCC) Victor Campus Center (200 Victor Heights Parkway) is currently located on the 20.8-acre parent parcel – just south of the proposed development. Just east of the parcel lies a daycare center, while adjacent parcels to the west are healthcare uses (Kidney Care, Chiropractic Wellness Center).

As a part of the project, the existing parcel will be subdivided into two parcels. The subject parcel was previously zoned Light Industrial with an application for rezoning the parcel to a Planned Unit Development District, approved in January 2025. 14.2-acres will be subdivided from the parent parcel (northern, undeveloped section). FLCC occupies the remaining 6.6 acres (southern, roadside to SR251 section) which will remain zoned Light Industrial.

The development will include a maintenance building and amenities such as: a clubhouse, pool, grill area/pavilion, a 2,400 SF dog park, and a 1,600 SF leasing & amenity space. The three four-story apartment buildings will each have an 18,000 SF footprint and contain 52 apartments. The development will have four access points off of Victor Mendon Road. There is also a proposed concrete sidewalk connecting to the Auburn Trail to the north, as well as between the apartment buildings and one along Victor Heights Pkwy to the south. There are 293 proposed parking spaces, of which 72 will be in a garage/garage bay, and 19 are ADA-compliant spaces (5 inside garage bay of an apartment building, 14 outside). Disturbance is estimated at 7.7 acres. Some clearing of trees along the northeast property line is anticipated; landscaping will be added to supplement. According to the submitted Full Environmental Assessment Form (FEAF), in total, 1.1 acres of forest will be removed, 4 acres of meadows/grasslands/brushlands are to be removed, 1 acre of wetland will be removed, 1.1 acres of grassland is to be added, and 4.8-acres of impervious surface is to be added.

Wetlands, traffic, and archaeology for the project were previously documented and reviewed by the Town during the PDD process, at which time a negative declaration under SEQRA was issued. Three wetlands were delineated on the parcel, two non-jurisdictional and one jurisdictional. The jurisdictional wetland (4.9-acres) will not be impacted by any development. The two non-jurisdictional wetland areas will be developed, with their lands being used for construction of the Lehigh Place apartments and associated parking. Additionally, a 0.26-acre portion of the 100 ft. buffer zone of a NYS wetland lies on the northern portion of the parcel, but will not be impacted by any development.

Proposed drainage will be accomplished through upgrading the existing stormwater management facility (SWMF) on-site, with the use of swales and drainage improvements utilizing green infrastructure including bioretention practices, dry detention, and a wet pond for large storm events to reduce flows and provide runoff reduction similar to the existing site conditions. Trench drains in the parking areas direct water to the SWMFs. The existing SWMF is located just east of the proposed development. A dry extended detention basin and three bioretention facilities lie to the north and west of the proposed work. The stormwater system will be fully designed to comply with all channel protection volume (1-year storm event), overbank flood control (10-year storm event), and extreme flood (100-year storm event) design requirements.

There is an 8" diameter watermain located along Victor Heights Parkway owned by Monroe County Water Authority (MCWA). This watermain will be tapped and a new private watermain extended on-site. A master meter and backflow will be provided internally in the apartment building. There is an estimated water demand/usage of 29,700 gallons/day (from Monroe County

Water Authority).

An existing 8" sanitary sewer runs along Victor Heights Parkway. An 8" sanitary sewer network will be installed throughout the Lehigh Place site to service the development, to be dedicated to the Town. The proposed sewer will discharge via gravity to the existing public sewer along Victor Heights Parkway. The on-site sanitary sewer system will collect flow from all proposed apartment buildings by gravity sewer. There is an estimated liquid waste generation of 29,700 gallons/day (Victor Consolidated Sewer District).

Proposed landscaping includes 70 trees and over 300 shrubs and grass plantings to be planted throughout the parcel, with a concentration being located along Victor Heights Pkwy to the south. An existing tree line will buffer the proposed apartments from the Auburn Trail/Lehigh Crossing Park to the north, and from the businesses to the west. A combination of building and pole-mounted lights will be installed to illuminate the building entrances and parking area, 44 fixtures in total. Electricity will be provided via a connection to overhead electric running along Auburn Trail to the north.

According to Oncor:

- National Wetlands lie on the subject parcel (SMWF locations). NYSDEC Jurisdictional and Informational wetlands lie along the northern boundary of the parcel.
- Slope disturbed is gentle to none (0–9% slope).
- Soil disturbed is primarily Phelps Gravelly Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in the hydrologic soil group B/D) and Lamson Mucky Fine Sandy Loam (hydric, high permeability, high erodibility, is not prime farmland, and is in the hydrologic soil group B/D).
- The land disturbed is primarily a successional old field.

Relevant October 2024 Comments

1. Is there proper road space for school buses and emergency vehicle turnaround?
2. Who will maintain the landscaping? How frequently will it be maintained?

Relevant October 2024 CRC Comments

1. The applicant should be aware that, according to the FLCC Masterplan, the FLCC Victor campus is set to end its lease (and close) in 2028.
2. Submitted Plans indicate the proposed dog park is to be located adjacent to the stormwater management facility. Could this be relocated to a safer location?
3. Is parking sufficient for the building near the pool area? Will parking spaces be assigned? Guests / residents from the two western buildings may use these spots when visiting the pool and other community spaces.
4. Are there any plans for an outdoor play area / recreation space?

Comments

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

2. Will any of the units be affordable to households at or below the area median income?
3. Has the applicant received confirmation from NYSEG that capacity will be available for full build out? In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.
<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>
https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024
4. Has the applicant confirmed with the Monroe County Water Authority that adequate water supply will be available?
5. Will proposed lighting be dark sky compliant?
6. The referring Board should consider requiring fencing around existing and proposed stormwater management facilities for child/resident safety.
7. Will Victor Central School District have bus pick-ups within the development? Where will student pick-up occur?
8. How will trash be handled? Will a dumpster/trash removal service be used?

OCSWCD Comments

1. There is concern for outlet stabilization of drainage features on the northern property boundary directed to the trail, including an overflow pipe from the dry extended detention basin and bioretention areas.
2. Concrete washout must be located 100ft from storm drain inlets, drainage sales, etc. per NYSDEC requirements.
3. Location of soil stockpile should be indicated.

CRC Comments

1. How will snow removal be dealt with? Will there be a plow service contracted?
2. The referring board should consider requiring the installation of crosswalks across Victor Heights Parkway to the FLCC property.
3. The referring board should consider requiring eV charging stations to be installed to serve the apartments' residents.

Attachments:

1. Aerial
2. Subdivision Plans
3. Site Plan
4. Layout Plan
5. Grading Plan
6. Landscaping Plan
7. Full Plans
8. LOI
9. Final Subdiv App
10. Site Plan App
11. FEAF
12. Engineers Report
13. SWPPP

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

168.1-2025 (Class 1) Final Subdivision and Site Plan Approval for a proposed 156-unit multiple-family residential development comprised of three four-story 52-unit buildings – at 200 Victor Heights Parkway. 168.0-2025 is regarding the subdivision portion of the referral.

Municipality: Town of Victor
Referring Board: Planning Board
Application Site Plan
Type:
Class: Class 1
Property 15.00-2-14.210
Information
(Address & ID):

Description & Review Comments:

See 168.0-2025

Attachments:

None

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

170-2025 (Class 1 / LATE REFERRAL) Site Plan for proposed renovations and a 280 SF addition to an existing structure at 7404 Pittsford Victor Road.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1 (LATE REFERRAL)
Property 15.00-2-27.000
Information
(Address & ID):

Description & Review Comments:

Site Plan Application for the adaptive reuse and restoration of the existing residential structure at 7404 Pittsford Victor Road into a commercial art studio and gallery facility. The subject parcel is 0.9 acres, disturbance is proposed at 0.48 acres to be disturbed out of a total acreage of 0.859. The

project includes a modest 280 square foot single-story addition to the east side of the building, to accommodate expanded gallery space and support functions. Partial demolition of the existing garage structure will create space for a new second-story deck (361 square feet).

The existing structure has a 97.5 ft. front yard setback (80 ft. minimum requirement). Side yard setbacks of 18.1 ft. (5 ft. minimum requirement), and the proposed improvements maintain a 93.2 ft. rear yard setback (60 ft. minimum requirement). The project results in a building coverage of 4.5%.

The property already benefits from municipal water and sewer connections, with an adequate lot size (37,402.8 square feet) and frontage (162 feet) that exceed minimum requirements. A reconfigured parking area with (10) clearly delineated spaces will provide adequate visitor parking for gallery patrons. The existing driveway access from Pittsford Victor Road will be maintained and enhanced with improved asphalt surfaces and defined circulation patterns. 10 ft. pole LED light fixtures will provide appropriate illumination for evening gallery events. Landscape improvements include the installation of 13 Northpole Arborvitae (*Thuja occidentalis* 'Art Boe') to provide natural screening. Additional perennial and annual landscaped areas will be planted. The applicant mentions that existing drainage patterns will be maintained and enhanced through strategic regrading of the existing drainage swale, and a 125-foot section of 12-inch HDPE pipe will be installed as well as riprap outlet protection.

According to Oncor:

- The subject and surrounding parcels are commercial, with the exception of 3 residential parcels to the east across Rowley Rd.
- Steep Slopes (16–30% gradient) exist on the eastern half of the subject parcel.

Comments

1. Will lighting be dark sky compliant?
2. How many employees/patrons per day? Will parking space be adequate?
3. Is there enough space for emergency vehicle access /circulation?
4. What are the hours of operation?
5. Where will hdpe pipe and rip rap be installed? Stormwater management should be indicated on plans.

Attachments:

1. Aerial
2. Site Plan
3. Full Plans
4. Survey Plat
5. Site Plan Application
6. Letter of Intent
7. SEAF

Board Motion: To accept late referrals 170-2025, 171-2025, 172.0-2025, 172.1-2025, and 173-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Paul Lambiase. **Vote:** Yes 12, No 0, Abstained

0. **The motion:** Passed.

Board Motion: To retain referrals 163.0-2025, 163.1-2025, 166-2025, 168.0-2025, 168.1-2025, 170-2025, 172.0-2025, and 172.1-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Jamie Purdy. **Vote:** Yes 13, No 0, Abstained 0.
The motion Passed.

13. Village of Rushville

169.0-2025 (Class 2/A) Comprehensive update of the Village of Rushville's Zoning Code and amendments to the Zoning Map. 169.1-2025 is regarding the map amendment portion of the referral.

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

Description & Review Comments:

Comprehensive update of Articles I to XXI of Local Law 2-2011 as amended by Local Law 2-2013 with Articles I - XX including amendments to definitions; district purpose, permitted and specially permitted uses, and dimensional standards; standards for specific uses; signs; erosion and sediment control, general administration and enforcement, and Zoning Board of Appeals.

Proposed regulations also include changes to off-street parking and loading, new articles consolidating standards for landscaping/screening and outdoor lighting, and consolidation of site plan and special use permit standards in an article dealing with the Planning Board. The proposed local law also includes changes to standards for nonconforming uses, and clarification of the amendment process, and changes to the zoning map to change a commercial district with underutilized food processing buildings and vacant land to a mixed-use district and renaming of 3 other existing zoning districts to reflect existing and desired character.

Comment

1. The Village of Rushville is commended for the timely review and refinement of its zoning map and zoning code.

Attachments:

1. Proposed Zoning Map
2. Previous Zoning Map
3. Proposed Zoning Code
4. Previous Zoning Code
5. FEAF

Board Motion: To retain referral 169.0-2025 and 169.1-2025 as class 2s and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Tammy Worden. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

169.1-2025 (Class 2/A) Comprehensive update of the Village of Rushville's Zoning Code and amendments to the Zoning Map. 169.0-2025 is regarding a text amendment portion of the referral.

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

Description & Review Comments:

See 169.0-2025.

Attachments:

None

Board Motion: To retain referral 169.0-2025 and 169.1-2025 as class 2s and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Tammy Worden. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

14. Privilege of the Floor

Ontario County Planning staff made the following announcements:

- THE NOVEMBER 11, 2025 (3:30 PM) CRC MEETING IS CANCELLED (VETERANS DAY). The County Planning Board (CPB) meeting on November 12, 2025 (7:00 PM) will be held as scheduled.
- Tom Harvey (Planning Director) and Ryan Davis (Economic Developer) will be presenting before the November 12, 2025 CPB from 6:00 PM to 7:00 PM regarding about the recent BOS resolution on electric service. CPB members can get training credits if they attend.
- Each year, a Nominating Committee (comprised of three members) is chosen to consider, recommend and submit a slate of officers to the Ontario County Planning Board in January 2026 (Chair, Vice Chair, Representative for the Ontario County Planning Board at the Water Resources Council meetings). Stephen High will be stepping down from his position as Vice Chair. Stephen High will chair the nominating committee. Chris Mergler and Ryan Wilmer volunteered to be a part of the Nominating Committee as well.
 - Ryan Wilmer expressed interest in being the Representative for the Ontario County Planning Board at the Water Resources Council meetings (replacing Roslyn Grammar).
- The County is looking for Board members interested in being a part of the complete streets / access management steering committee.

- Ryan Wilmer (as well as Ruth Cahn in a previous meeting) volunteered.
- County staff provided updates on the Town of Farmington's Comprehensive Plan 2023-2024 Maintenance Report and Amendments to the appendix of the plan document.
 - The Town of Farmington is commended for their review of their Comprehensive Plan, and for sharing their findings with the CPB. The CPB encourages other municipalities to do the same.
- County staff provided updates on the Town of Geneva's recent approval (by supermajority) of two separate area variances (regarding two separate referrals), that the Ontario County Planning Board voted/recommended for denial. This is in relation to referral numbers 130-2025 (AR2; signage area) and 149-2025 (AR2; lake setback).
 - The CPB commends (and appreciates) the Town of Geneva sending updates on Class 2 decisions. The CPB encourages other municipalities to do the same.

15. Upcoming Trainings:

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

MRB Group / Hancock Estabrook Municipal Bootcamp

- **Thursday, October 23, 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, December 18, 2025 – 6:00 PM – 7:00 PM;**(Remote)
 - SESSION 10: SANTA’S NAUGHTY and NICE LIST— THE BEST AND WORST OF 2025

Monroe County Land Use Decision-Making Training

- **Tuesday, October 21, 2025, from 4:00 PM to 8:30 PM** at Monroe Community College - 1000 E Henrietta Rd., Rochester, NY 14623
- Cost: \$50 (meal included) — Fee waivers and financial aid are available for eligible participants.
- [Click here for link](#). Registration deadline is Friday, October 10, 2025, or until all seats are filled.

Genesee Finger Lakes Regional Planning Council

- **Friday, October 24, 2025, from 8:30 AM to 4:00 PM** at Wayne-Finger Lakes BOCES Conference Center in Newark — 437 Vienna St., Newark, NY 14513.
- \$60 per person until October 15, 2025, at midnight, or \$75 per person after October 15, until October 22, when registration closes. All registration includes continental breakfast, coffee, and lunch.
- [Click here for link](#)
- Topics Include:
 - Resources for Scam and Identity Theft Protection
 - AI and Local Government
 - Land Use and SEQRA Case Law Update

- Creating Vibrant Public Spaces: Placemaking Strategies for Streetscapes, Downtowns, and Parks
- Climate Smart Communities Showcase
- Conesus Lake Watershed Management Plan — 20 Years of Partnership and Success
- Public Meeting & Hearings
- Spot Zoning

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

- [For more info: https://www.senecacountyny.gov/gov/admin/planning/](https://www.senecacountyny.gov/gov/admin/planning/)

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](#)

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
- 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

16. Adjournment:

Board motion to: Adjourn. **Motion made by:** Tammy Worden, **seconded by** Paul Lambaise, **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed. The October 8th, Ontario County Planning Board meeting was adjourned at 8:19 PM.

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General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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