

ONTARIO COUNTY PLANNING BOARD

Wednesday, November 12, 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, November 12, 2025, Ontario County Planning Board meeting to order at 7:01 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

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

Present Not Voting:

None

Absent:

Jack Dailey

Present (Voting): 18, Present (Not Voting): 0, Absent: 1, Excused 0

Guests: Ryan Destro (BME Associates) - 184-2025 & 185-2025

3. Approval of Minutes:

Edward (Ted) Liddell motioned to approve the minutes of the October 8, 2025. The motion was seconded by Tammy Worden. The motion passed.

4. Old Business:

5. New Business:

6. City of Canandaigua

174.0-2025 (Class 1) Special Use Permit and Site Plan to demolish the existing building (Denny's) and construct a drive-thru-only coffee stand at 160 Eastern Boulevard. 174.0-2025 is related to the Special Use Permit, and 174.1-2025 is for the Site Plan.	
Municipality:	City of Canandaigua
Referring Board:	Planning Commission
Application Type:	Special Use Permit
Class:	Class 1
Property Information (Address & ID):	84.18-1-37

Description & Review Comments:

The subject parcel is 1.65 acres. Disturbance is estimated at 0.74 acres. The existing structure will be demolished and replaced with a 510 SF prefabricated drive-thru coffee stand with a 338 SF remote cooler/storage structure, canopies, dumpster enclosure and associated site improvements.

A portable restroom will be placed on the parcel - the referring board mentioned that this is temporary during construction. The site will continue to have two access points off of the private road paralleling Routes 5&20 to the south. 22 parking spaces (plus 21 existing) are proposed, 1 of which is ADA accessible with a curb ramp. Sidewalks, drive-thru lane, and parking area is to be reconfigured. Existing light poles along the western side and rear of the proposed building are to remain, and one new light pole is proposed. The redeveloped site will utilize existing drainage patterns/structures. Water and Sanitary Sewer service will be removed and replaced. Energy is provided from a buried electric line. Inlets directed to storm lines discharge water into the lagoon. Four trees and 20 shrubs are proposed along the east and west sides of the building. Trees in the rear (north side) of the parcel are to remain if not deemed undersized.

According to Oncor:

- The subject and surrounding parcels have predominately commercial land use. Recreational land use (Lagoon Park / Roseland Water Park) lies on the adjacent parcel to the north.
- Just north of the parcel lies FEMA Q3 Floodplains and a National Wetland (Lagoon Park).
- Development is within the 500-Year (and 100-Year) Draft FEMA Flood Zone.

- Subject parcel has little to no slope (0-3% gradient).

Comments

1. The Site Plan should show the extent of FEMA Floodzones.
2. Protection of water features and water quality is a stated goal of the CPB. It should be ensured that the dumpster and portable restroom be contained/secured (especially during heavy rain events).
3. How will trash and waste be removed? Will there be a dumpster service?
4. Are 40+ parking spaces necessary? Could an additional impervious surface be removed?

Attachments:

1. Aerials
2. Site Plan
3. Overall Plan
4. Landscape Plan
5. Grading Plan
6. Utility Plan
7. Plan Set
8. Planning Commission Application
9. SEAF

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

174.1-2025 (Class 1) Special Use Permit and Site Plan to demolish the existing building (Denny's) and construct a drive-thru-only coffee stand at 160 Eastern Boulevard. 174.0-2025 is related to the Special Use Permit, and 174.1-2025 is for the Site Plan.

Municipality:	City of Canandaigua
Referring Board:	Planning Commission
Application	Site Plan
Type:	
Class:	Class 1
Property	84.18-1-37
Information	
(Address & ID):	

Description & Review Comments:

See 174.0-2025.

Attachments:

None

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

7. City Geneva

175-2025 (Class 1) Site Plan to tear down the existing science building (Eaton Hall) and construct a new 41,067 SF building (FISH Center for Sciences) with associated improvements — at Hobart and William Smith Colleges.

Municipality: City Geneva
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property 104.19-2-1.110
Information
(Address & ID):

Description & Review Comments:

The proposed building is on the southern portion of the parcel, below the “Hobart Quadrangle” lawn, just north of Saint Clair Street and west of South Main Street. Proposed disturbance from the project is 1.7 acres. Grading (removing up to 4 ft.) is to occur on the north-east corner of the proposed building. Development of the new science center will include the construction of sidewalks, utilities, landscaping and walkway lighting associated with the construction of the science center. Demolition (other than the building) includes the removal of: existing concrete structures (stairs and sidewalks), a wooden deck, wood shed, multiple trees, and landscaped areas. All utilities (water, sanitary, stormwater management, gas, electricity) are to be removed and replaced.

Outside the new 11,530 SF science center is proposed:

- New 6 ft.-wide concrete sidewalks connecting to other parts of the campus.
- New Utility connections (to existing services) — water, sanitary, stormwater management, gas, electricity.
- Additional lighting (walkways and parking area).
- A bioretention area will be added on the adjacent parcel to the west, just east of Odell’s Pond (TM# 104.19-1-21.100) also belonging to Hobart and William Smith.
- The landscaping plan includes thirteen trees and 309 shrubs/perennials surrounding the new building. Remaining disturbed areas will be seeded.

According to OnCor:

- Land disturbed has little to no slope (0-3% gradient).

- The proposed building is surrounded by land/buildings owned by Hobart & William Smith.

Attachments:

1. Aerial
2. Site Plan
3. Landscape Plan
4. Utility Plan
5. Grading Plan
6. Full Plans
7. Elevations
8. LOI
9. PB App
10. SEAF

CPB Comments

1. Proper containment and disposal of materials during demolition should be ensured.
2. What is the reasoning for the placement of the proposed stormwater management facility, particularly its substantial distance from the principal structure? The applicant should evaluate whether the facility can be situated closer to the proposed building footprint.

Board Motion: To retain referral 175-2025 as a class 1 and return to the local board with comments.

Motion made by: Stephen High, **seconded by:** Roslyn Grammer. **Vote:** Yes 17, No 0, Abstained 1 (Paul Passavant). **The motion:** Passed.

176-2025 (Class 1) Special Use Permit for the construction of a new three-story (plus basement/garage) multifamily residential building containing 64 affordable apartments, with associated improvements — at 595 South Exchange Street.

Municipality: City Geneva
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 104.12-2-23.11

Description & Review Comments:

The subject parcel is 0.85 acres and disturbance is proposed at 0.70 acres. Trees along South Exchange Street are to be removed. The proposed action involves the construction of a new three-story (plus basement/garage) multifamily residential building. The building reaches a maximum height of 135 feet. The project will provide approximately 64 affordable apartment units financed through New York State Homes and Community Renewal (NYSHCR) programs, along with unit-related amenities, on-site parking, landscaping, and other site improvements.

38 parking spots (6 ADA Accessible parking spots) are in the basement garage. Within the garage are: stairs, a lobby with an elevator, storage space, bike space, and utility space. The eastern side

of the building has basement (garage) level access while the western side (along South Exchange St.) has 1st floor access with an adjacent outdoor public parking aisle. A proposed access easement off of Franklin St. to the west going into the eastern side of the building (into the garage/basement) is proposed.

There is a dumpster area and fenced-in playground on the northeast side of the building.

Storm inlets, pipes, and roof drains are proposed to direct water into the storm drain. The building will connect to the existing sewer and watermain, and connect to a transformer for electricity.

According to Oncor:

- Surrounding land use is predominately commercial except for a day care center on the adjacent parcel to the east.
- Steep to extremely steep slopes (16–60% gradient) lie along the entirety of the western edge of the parcel. The majority of the parcel ranges from gentle to no slope (0–9% gradient). The hills slope downward from west to east.
- Existing land cover is the mowed lawn and parking area.

Comments

1. Increases in impervious surfaces lead to increased runoff and pollution. The applicant is encouraged to maximize greenspace wherever possible.
2. Is the existing stormwater management facility sufficient to retain and treat run-off from an additional impervious area?
3. Are there any landscaping plans? Will the trees be removed or be replaced?
4. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36' doorways, and access to a bathroom?
5. Are 38 parking spots sufficient for 64 apartments?

Attachments:

1. Aerial
2. Site Plan
3. Concept Plan
4. Grading and Utility Plans
5. 3D Renderings
6. Layout & Elevations
7. Plan Set
8. PB App
9. SEAF

CPB Comments

1. The Board recommends that the applicant consider relocating the dumpsters to a location farther from the playground area to reduce potential impacts related to safety, aesthetics, and odor.
2. Is there adequate space for firetruck/emergency vehicle turnaround at the access drive and parking area?
3. Is the lighted sign on the rear of the building necessary?

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the

local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

8. Town of Canandaigua

177.0-2025 (Class 1) Special Use Permit and Site Plan to construct and operate a 120-ft. (w/ 4 ft. lightning rod) wireless telecommunications facility and associated improvements - at 0000 County Road 8. 177.0-2025 is related to the Special Use Permit, 177.1-2025 is for the Site Plan.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 56.00-2-33.312

Description & Review Comments:

The project was previously referred to in the November 2024 meeting as 208.0-2024 and 208.1-2024 for a special use permit and site plan to construct a wireless telecommunications facility of the same height/size. The primary difference is that the newly referred project places the proposed facility further south (on the same parcel).

Subject Parcel is 76.6 acres. Disturbance is estimated at 0.98 acres. The facility will consist of a 120 ft. monopole (with proposed 4’ lightning rod and FAA obstruction lighting) that will support the Verizon Wireless antenna array at 115 ft. AGL, and two future carriers below. Ground-based improvements include outdoor equipment cabinets on an 11’ x 12.5’ concrete slab with an ice canopy over it, a cable bridge, 10 ft. H-frame, a 50-kW diesel generator on a 4’ x 8’ concrete slab, all enclosed by a 36’ x 76’ (7 ft. tall) chain link fence with a 1 ft. barbed wire top. The compound, generator, proposed tower, wireless telecommunications equipment, transformer, and meter board are all to be located within the 80’ x 125’ leased area. Access to the site will utilize a proposed 12 ft. wide gravel driveway (via a proposed 30 ft. wide access and utilities easement) off of County Road 8 to the proposed tower location. The 124 ft. radius fall zone lies within the parcel on an existing agricultural field.

Proposed landscaping includes 12 “Green Giant Western Arborvitae” evergreen trees (10 ft. height minimum) that are to be planted. All areas disturbed by the project will receive topsoil and will be seeded with a lawn-hydroseed mix. The contractor is responsible for maintaining all plant materials and newly established lawn areas until the work is accepted by the owner.

According to OnCor:

- The subject parcel and surrounding parcels are in Ontario County Agricultural District #1.

- Subject parcel land use is agricultural. Parcels surrounding the tower site are primarily residential, with some agricultural to the east.
- The land cover of the project site is an agricultural field.
- A National (NWI) wetland lies in the center of the parcel, where the farm pond is located (>1,000 ft. from the proposed tower site).
- The project area has little to no slope (0–3% gradient).
- Soil disturbed is:
- Odessa Silty Clay Loam — partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D.
- Ovid Silt Loam – partially hydric, moderately high permeability, high erodibility, is prime farmland if drained, and is in hydrologic soil group C/D.

A removal cost estimate was provided — \$130,000 in total (removal cost + Erosion Control / Permanent Seeding).

Relevant November 2024 Staff Comments

1. Who is responsible for maintaining/replacing evergreen trees after completion of the work?
2. The referring Board should consider requiring increased landscaping along the access drive to County Road 8 in order to visually buffer the tower site from adjacent residential uses and to maintain the rural/agricultural community character of sparsely developed areas.
3. The proposed project should repair field tile drainage during installation.
4. Has the applicant submitted structural analysis documenting the ability of the tower to support the proposed equipment?
5. Will the flash beacon be rotating? What color?
6. The referring Board should ensure that an end of use / decommissioning estimate is reviewed annually for inflation / cost increases.

Comment

1. Is there a decommissioning plan / agreement? Is there an agreement to remove the proposed wireless telecommunications facility and related improvements if the facility becomes obsolete, damaged beyond use, or ceases to be used for its intended purpose?

OCDPW Comment

1. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way (driveway/access) and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <http://www.co.ontario.ny.us/1260/Highway-Work-Permits>
2. Applicant shall not move or relocate any signs (intersection warning sign) in the County ROW, this will be relocated at the time of the permit application submission.

Attachments:

1. Aerial
2. Overall Plan
3. Compound Plan
4. Grading Plan

5. Landscape Plan
6. Elevations
7. Plan Set
8. Photosimulation Report
9. Surety
10. Removal estimate
11. Old 2024 Plan Set
12. Ag Data Statement
13. Letter to Verizon
14. Submittal Letter
15. FEAF
16. Tower Distances

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

177.1-2025 (Class 1) Special Use Permit and Site Plan to construct and operate a 120-ft. (w/ 4 ft. lightning rod) wireless telecommunications facility and associated improvements - at 0000 County Road 8. 177.0-2025 is related to the Special Use Permit, 177.1-2025 is for the Site Plan.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Application	Site Plan
Type:	
Class:	Class 1
Property	56.00-2-33.312
Information	
(Address & ID):	

Description & Review Comments:

See 177.0-2025.

Attachments:

None

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0,

Abstained 0. **The motion** Passed.

178-2025 (Technical Review) Update to the Town of Canandaigua's Uptown Form-Based Code.

Municipality: Town of Canandaigua
Referring Board: Town Board
Application Type: Technical Review
Class: Technical Review
Property Information (Address & ID): N/A

Description & Review Comments:

The proposed amendments are intended to speed up the review process by allowing more site modifications to be approved administratively, to allow more modifications to the existing sites/buildings without triggering compliance with form-based code provisions, and to exclude the Town Board from the review process. The amendment removes maximum setbacks and build-to zones. The amendment also changes allowable exterior materials and species requirements for landscaping,

Comments

1. Consider aligning sketch plan and site plan submission requirements and review criteria for Form Based Code and proposed modifications in other zoning districts.
2. Changing the map on pg. 4 of the code to alter the boundary of the SR 332 and Mixed Use Development subareas to reflect desired standards for Uptown Landing will also require a zoning map amendment and changes to the map in Section V and VI.
3. Consider whether to eliminate the map on pg. 4, 88 and/or 94 in the text to avoid the potential for conflict with the official zoning map.
4. Does the code text make clear whether FBC subareas are shown on the zoning map?
5. Use caution regarding statements of the same or similar standards in multiple locations to avoid future inconsistencies.
6. Avoid multiple similar definitions by cross-referencing and use terms defined.
7. Include consideration of bicycle and pedestrian accommodations in site plan review criteria.
8. Specify the many uses of landscaping to provide desirable street scape, foundation plantings, sign and parking area landscaping, and use of landscaping to screen and buffer use from adjacent uses and/or the public ROW.
9. Additional editorial comments were communicated directly to the referring body.

Attachments:

1. Uptown Canandaigua Form-Based Code Draft

179.0-2025 (Class 1) Area Variance and Site Plan to construct a new single-family dwelling at 6165 Knapp Road. The area variance is for a proposed 0 ft. side setback for the driveway when a minimum of 10 ft. is required. 179.0-2025 is related to the Area

Variance, 179.1-2025 is for the Site Plan.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	125.00-1-68.110

Description & Review Comments:

The total acreage of the site is 3.4-acres and the total area to be physically disturbed is 0.38-acres. Water service will come from the proposed drilled well and wastewater will be treated by a proposed septic system to the rear/west of the parcel. 4" footer and roof drains are to discharge stormwater from the home to a rip-rap splash pad. Overhead electricity is proposed. Access to the site is from a proposed paved driveway (reason for area variance) that will come off of an existing private driveway running just south of the parcel.

According to Oncor:

- Surrounding parcels are residential.
- Soil is Darien silt loam, somewhat poorly drained, hydric, moderately high permeability, high erodibility, is farmland of statewide importance, and is in hydrologic soil group C/D.
- The parcel is mostly moderate (10-15%) to gentle slope (4-9%) with some steep slope (16-30%) in the northwest portion of the parcel.
- Successional Northern Hardwoods buffer the site from adjacent residential parcels. The area to be disturbed is successional old field and shrubland.

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

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

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

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

that there are alternatives available to the applicant which would not require a variance. See the submitted ZBA application for the applicants' response to the test questions.

Comment

- 1. Is there adequate space for emergency vehicle turnaround?

OCSWCD Comments

- 1. Show proposed well and setback to the proposed leach area.
- 2. Show deep hole and perc test data.
- 3. Will the berm (created to bury header pipe from septic tank to distribution box/leach area) be able to be mowed?

Attachments:

- 1. Aerial
- 2. Site Plan
- 3. Site Plan w CEO Notes
- 4. Test Questions
- 5. SEAF
- 6. Warranty Deed
- 7. PB App
- 8. ZBA App
- 9. ZLD

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025,183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

179.1-2025 (Exempt) Area Variance and Site Plan to construct a new single-family dwelling - at 6165 Knapp Road. The area variance is for a proposed 0 ft. side setback for the driveway when a minimum of 10 ft. is required. 179.0-2025 is related to the Area Variance, 179.1-2025 is for the Site Plan.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Site Plan
Type:
Class: Exempt
Property 125.00-1-68.110
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals

180-2025 (Exempt) Site Plan to construct a new single-family residence at 2050 Brickyard Road.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 55.00-1-23.110

Description & Review Comments:

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

OCSWCD Comments

1. Does the barn have water plumbed into it?
2. A conventional leach system is proposed for a 3-bedroom house, in clay, with a garbage grinder at 1 minute below the percolation rate threshold for an alternative leach system.
3. Less than the required 50% expansion area is shown for the proposed leach area.
4. 448' of leach is proposed. Dosing is required for greater than 500' of leach.

Attachments:

1. List of Exempt Referrals
2. Site Plan
3. Full Plans
4. PB App
5. SEAF

181.0-2025 (Class 1) Area Variances (2) and Site Plan for the construction of a new 432 SF addition to an existing single-family dwelling – at 3516 Sandy Beach Drive. Area Variances are for: (1) lot coverage of 41.1% when no greater than 30% is permitted, and (2) a front setback of 42.1 ft. when a minimum of 55 ft. is required. 181.0-2025 is related to the front setback area variance (Class 1), 181.1-2025 is related to the lot coverage area variance (AR2), and 181.2-2025 is for the site plan.

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

Class:	Class 1
Property Information (Address & ID):	98.15-1-43.100

Description & Review Comments:

The subject parcel is 0.31 acres (roughly 13,500 SF) and disturbance is estimated at 734 SF. The proposed addition will be attached to the east side of the house, facing the front yard of the property. The front setback area variance request would be an increase to pre-existing nonconformity. The home currently has a 54.1 ft. front setback and 42.1 ft. is proposed (when no less than 55 ft. is permitted). New downspouts will connect to an existing infiltration trench.

According to Oncor:

- The area of disturbance lies completely within the FEMA Q3 Floodplain and the Draft 100-Year (and 500-Year) Floodzone.
- Subject parcel has little to no slope (0-3% gradient).
- The subject and surrounding land use is residential.

Comments

1. Plans should show the extent of the existing FEMA Floodplains and Floodways on the parcel.
2. Protection of water features is a stated goal of the CPB.
3. 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.
4. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

Attachments:

1. Aerials
2. Site Plan
3. Full Plans
4. Plans w CEO Notes
5. Existing Conditions
6. Architectural Plans
7. Test Questions
8. ZLD
9. SEAF
10. Shoreline Design Guidelines
11. PB App
12. ZBA App

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

181.1-2025 (AR2) Area Variances (2) and Site Plan for the construction of a new 432 SF addition to an existing single-family dwelling – at 3516 Sandy Beach Drive. Area Variances are for: (1) lot coverage of 41.1% when no greater than 30% is permitted, and (2) a front setback of 42.1 ft. when a minimum of 55 ft. is required. 181.0-2025 is related to the front setback area variance (Class 1), 181.1-2025 is related to the lot coverage area variance (AR2), and 181.2-2025 is for the site plan.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Application	Area Variance
Type:	
Class:	AR2
Property	98.15-1-43.100
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 interest in 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

181.2-2025 (Exempt) Area Variances (2) and Site Plan for the construction of a new 432 SF addition to an existing single-family dwelling – at 3516 Sandy Beach Drive. Area Variances are for: (1) lot coverage of 41.1% when no greater than 30% is permitted, and (2) a front setback of 42.1 ft. when a minimum of 55 ft. is required. 181.0-2025 is related to the front setback area variance (Class 1), 181.1-2025 is related to the lot coverage area variance (AR2), and 181.2-2025 is for the site plan.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 98.15-1-43.100

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals

182-2025 (Class 1) Area Variances (2) to construct a 3,200 SF accessory structure (pool house/barn) at 5929 Goodale Road. Area Variances are for: (1) an accessory building to

be used as habitable space, and (2) a total combined building footprint (for all detached accessory structures on the parcel) greater than the maximum allowed of 3,200 SF.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	125.00-1-43.100

Description & Review Comments:

The subject parcel is 99.4 acres. The building will hold a year-round pool and bathroom. The Town of Canandaigua's definition of habitable floor area is, "The horizontal area of any floor of a building designed and intended for living purposes, which includes working, sleeping, eating, cooking or recreation or a combination thereof."

The proposed building is to be located just east of the existing home, and south of the pond. The submitted site plan indicates the proposed building will connect to the existing septic system currently used by the existing home. A note on the site plan also indicates proposed water (private), gas, electric, and a storm drain. A 3 ft. retaining wall is proposed along the western side of the pool house.

According to Oncor:

- The parcel includes a home and horse farm. Subject and surrounding land use is predominately residential and/or agricultural.
- Parcel land use land cover is steeply sloped forested land along the western half of the parcel (successional northern hardwoods and conifer plantation), and predominately mowed lawn and pasture on the eastern half of the parcel.
- The proposed development is 500+ ft. from the nearest property line.
- The subject and surrounding parcels are all in Ontario County Agricultural District #1.
- The pond just north of the proposed building is National Wetland.
- Soil Disturbed is primarily Mardin Channery Silt Loam: not hydric, moderately high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group D.
- The slope disturbed is gentle to steep (4–30% 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.

Attachments:

1. Aerials Project Location
2. Aerials Entire Parcel
3. Full Plans
4. Site Plan
5. Test Questions
6. ZBA App
7. ZLD

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion Passed.**

183.0-2025 (Class 1) Area Variance and Site Plan to construct a new residential building with an attached garage (barndominium) — at 3467 County Road 16. Area Variance is for a proposed building setback of 61.3 ft. from the stream when a minimum of 100 ft. is required. 183.0-2025 is related to the area variance, and 183.1-2025 is for the site plan.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 98.13-1-36.111
Information
(Address & ID):

Description & Review Comments:

Subject parcel is 4.8 acres. Utilities include: a new septic system, connection of new water service to an existing water main (Canandaigua Water Dept.) to the east, underground electric and gas service. Access to the parcel will come off of the existing private road to the south of the proposed home. In addition to keeping the existing trees on the property, 12 trees are proposed to be planted (1 River Birch, 3 Eastern Red Cedar, 3 Sugar Maple, 1 Eastern Redbud, 1 Pink

Dogwood, 1 Peegee Tree Hydrangea, 1 Black Gum, and London Plane Tree). 85 shrubs are proposed to surround the home as well.

According to Oncor:

- The subject and surrounding parcels have a residential land use.
- Land cover is mowed lawn / open field.
- A stream flowing east into Canandaigua Lake lies along the northern edge of the subject parcel. The stream is within FEMA Q3 Floodplains, the Draft 2023 100-Year Floodzone, and is in a National Wetland.
- Soil Disturbed is Cayuga Silt Loam: not hydric, has moderately high permeability, very high erodibility, is an area of prime farmland, and is hydrologic soil group C/D.
- Slope disturbed is gentle to none (0–9%).

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 stormwater management practices be implemented to mitigate additional stormwater from increased impervious surface? Protection of water features is a stated goal of the CPB. Increases in impervious surfaces lead to increased runoff and pollution.
2. 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.
3. The applicant and referring agency are strongly encouraged to involve Ontario County Soil & Water as early in the review process as possible to ensure proper design and placement of on-site septic, and stormwater and erosion control measures.

4. Will there be an easement along the shared driveway between the homes?

Attachments:

1. Aerials
2. Site Plan
3. Plan Set
4. Landscape Plan
5. Plan Set CEO Comments
6. Test Questions
7. Layout & Elevations
8. PB App
9. ZBA App
10. SEAF
11. ZLD
12. Adjacent Parcel & Existing Home to the East

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

183.1-2025 (Exempt) Area Variance and Site Plan to construct a new residential building with an attached garage (barndominium) — at 3467 County Road 16. Area Variance is for a proposed building setback of 61.3 ft. from the stream when a minimum of 100 ft. is required. 183.0-2025 is related to the area variance, and 183.1-2025 is for the site plan.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Application	Site Plan
Type:	
Class:	Exempt
Property	98.13-1-36.111
Information	
(Address & ID):	

Description & Review Comments:

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

Attachments:

None

184-2025 (Class 1) Subdivision (Preliminary Overall) for the proposed development of a 38-single-family residential lot conservation subdivision (Ashton Place South) at 0000 County Road 16. 184-2025 is related to 185-2025.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Subdivision
Class: Class 1
Property Information (Address & ID): 97.04-1-6.121

Description & Review Comments:

The project was referred in the previous month (October 2025) as 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. The Town of Canandaigua Zoning Board of Appeals granted the area variance request. Reasons included:

1. The benefit to the applicant outweighs the detriment to the neighborhood.
2. The variance request was not substantial.
3. The requested variance has the benefit of reducing lot sizes, so less land will need to be developed, less deforesting will occur and also more green space will be created surrounding the development.
4. The applicant demonstrated with photographic evidence that by both deforesting less and the placement of the development, it would not be seen from the lake, thus preserving the scenic View shed.
5. The steep slopes on the property will remain protected by granting this variance.
6. The lots removed in this plan from the original plan were in the steep slope area, so this could help reduce the potential amount of run off.

The subject parcel is 44.1 acres, and the disturbance is estimated at 30.3 acres. Subdivision is to be served by Canandaigua City Water and the Canandaigua Sewer District. Total anticipated water demand and liquid waste generation is estimated at 16,720 gallons/day each. The existing sanitary sewer exists at Aston Place. A dedicated sewer will be extended throughout the proposed development to serve the residential uses. Access to the subdivision is proposed to extend off of Aston Place (which connects to CR16). Inlets across the subdivision collect water and transport it via PVC pipe to a 12+ ft. stormwater management facility (with an aquatic bench) is proposed on the southeastern portion of the subdivision. An existing detention pond lies to the north as well. Wooded areas (successional northern hardwoods) are to be cleared as necessary for the development of the single-family lots. Wooded open space is to remain as proposed. According to the submitted Full Environmental Assessment Report submitted: impervious surface will increase by 7.7 acres, forested land will decrease by 26.5 acres, meadows/grassland will increase by 18.1 acres, and surface water features (pond area) will increase by 0.7 acres.

The applicant is proposing the following lot requirements:

- Front Setback: 30 ft.
- Side setback: 15 ft.
- Rear setback: 15 ft.
- Min. Lot area: 20,000 SF

- Min. Lot width: 70 ft.
- Maximum building coverage: <20%
- Conservation easement area: 41.7% (~18.4 acres)

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 Class C stream that runs along the eastern boundary of the parcel. A 150 ft. riparian buffer will be provided from the center of the stream. 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).
- Soil disturbed is primarily Honeoye Loam: not hydric, moderately high permeability, medium erodibility, it is an area of prime farmland, and is in hydrologic group B.

The applicant's representative was present for the 10/8/2025 County Planning Board 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.
- Whether 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.
- The developer has reached out and all indications are that RG&E/NYSEG has sufficient electrical 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.

The applicant representative was at the 11/12/2025 County Planning Board Meeting and provided additional comments:

- The original project design had 42 lots. The project now proposes 38-lots. Lot removed were mostly in the southwest corner of the parcel, due to the steep slopes. Also a lot in Phase II was removed due to the slopes / large grade transition.
- The goal is to start Phase I in April or May of 2026.
- All lots will comply with the New York State Uniform Fire Prevention and Building Code. A majority of the homes will have sprinklers, but not all.
- They have spoken with electricity providers and there is no indication that power will not be available.
- There is an HOA that will be responsible for the maintenance of the wastewater treatment system.
- Homes will range typically from 2-3 bedrooms, 2-3 car garages, and will roughly 18,000 SF - 24,000 SF.

Relevant October 2025 CRC Comments

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

Comments

1. The applicant is encouraged to install a fence surrounding the stormwater management facility.
2. The applicant is encouraged 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.
3. Waterways and the community's cultural landscape are a part of the community character, which is a key feature of creating a desirable tourist destination and maintaining quality of life for residents. The referring board should ensure the project does not negatively impact the scenic viewshed of the lake.
4. Protection of water features is a stated goal of the CPB. Increases in impervious surfaces lead to increased runoff and pollution. Runoff from lakefront development is more likely to impact water quality.
5. The applicant should provide documentation that proposed activities will not increase the quantity of stormwater flows to adjacent properties or public infrastructure, that best practices for erosion and sediment control will be in place during site disturbances, and that degradation of stormwater quality is avoided.
6. At the start of each phase, the referring board is encouraged to require the applicant to adhere to the code/design standards in place at that time – not what was in place at the start of the project.

OCDPW Comments

1. Existing condition calculations account for not only lot development on ½ acre lots, but paved surfaces as well within subarea A. Meanwhile, proposed conditions for subarea A-1 does not show any paved surfaces despite the addition of a new road to service homes. Given that, based on aerial imagery, it seems that road surfaces were considered for proposed subarea A-2 runoff from proposed subarea A-1 may be underestimated.
2. Ontario County is aware of flooding concerns at cross culverts located downstream on County Road 16. All practical measures to prevent an increase in stormwater runoff from the site should be considered.
3. The project will require a sewer extension permit from our office upon Sewer District Plan approval and subsequent approval from the City of Canandaigua and the NYSDEC. We will provide our comments directly to the engineers and will keep the town updated with the project's status.

Attachments:

1. Aerial
2. Site Plan
3. Overall Plans
4. Landscape Plan
5. Utility Plan
6. Grading Plan
7. Plan Set
8. Canandaigua Lake Viewshed Photo Exhibit
9. Town ZBA Decision
10. LOI

11. PB App
12. FEAF
13. SWPPP
14. Neighbor letter
15. Engineers Report
16. Conservation Subdivision Analysis
17. ZLD

CPB Comment

1. Will all homes have sprinklers, per the 10/21/2025 Town of Canandaigua ZBA Minutes?

Board Motion: To retain referrals 184-2025 and 185-2025 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Roslyn Grammer. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

185-2025 (Class 1) Subdivision (Final) for the proposed development of Phase I consisting of 10 single-family lots, of an overall 38-single-family residential lot conservation subdivision (Ashton Place South) - at 0000 County Road 16. 184-2025 is related to 185-2025.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Class 1
Property	97.04-1-6.121
Information	
(Address & ID):	

Description & Review Comments:

See 184-2025 for overall project details and comments.

This referral is for the final subdivision approval of the first phase of the development, consisting of ten homes. Phase I is the easternmost section of the 38-lot subdivision. It contains the stormwater management facility and access to Ashton Place.

Attachments:

1. Aerial
2. Site Plan
3. Overall Plans
4. Landscape Plan
5. Utility Plan
6. Grading Plan
7. Plan Set

8. LOI
9. FEAF
10. Engineer Report
11. SWPPP
12. ZLD
13. Neighbor Letter
14. PB App

Board Motion: To retain referrals 184-2025 and 185-2025 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Roslyn Grammer. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

9. Town of Farmington

202-2025 (Class 1 / LATE REFERRAL) Area Variance to not have sidewalks fronting along Hook Road when sidewalks are to be provided along all sites fronting on state/county highways (and other town highways) within the Major Thoroughfare Overlay District — at 5984 State Route 96.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 29.11-1-18.100 & 29.11-1-19.100

Description & Review Comments:

The project was previously referred in August 2025 as *126-2025 (Class 1) Preliminary Site Plan for the construction of a new 11,360 SF office/retail building and site improvements – at 5974 and 5984 State Route 96 (Krossber Pool and Spa) in the Town of Farmington*. The project also included a lot line adjustment, joining parcels 5974 and 5984 State Route 96. A condition of the site plan approval is that the area variance be granted.

Article IV, Section 34 J. (3) (g) (6). This section of the Town Code states, "*Sidewalks are to be provided along all sites fronting on state and county highways and other town highways within the mapped MTOD district that connect to, or contribute to, the completion of a pedestrian network in the area.*"

This property fronts along Rt 96 and Hook Road and there are existing sidewalks on State Route 96 and along the east side of Hook Road (across the street from subject property). The adopted Town of Farmington Sidewalk/Trail/Bike Lane Map does not identify the construction of a sidewalk across the property's frontage along the west side of Hook Road. Therefore, requiring the construction of a sidewalk across the frontage of this portion of the property would not connect to or contribute to any other pedestrian network in the area.

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. Previously Referred Lot Line Adjustment
3. Previously Referred Site Plan
4. Previously Referred Plan Set
5. ZBA App
6. Conditions of Approval to PB
7. FEAF Part 2
8. FEAF Part 3

Board Motion: To accept referrals 200.0-2025, 200.1-2025, 200.2-2025, 201-2025, and 202-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

10. Town of Geneva

186-2025 (Exempt) Subdivision of a 10.1-acre parcel into two (Lot 1: roughly 8.6-acres; Lot 2: roughly 1.5-acres) — at 2787 State Route 14 N.

Municipality: Town of Geneva
Referring Board: Planning Board
Application Type: Subdivision
Class: Exempt
Property Information (Address & ID): 91.00-1-25.100

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals
2. Subdiv Sketch
3. PB App

WITHDRAWN - 187-2025 (Class 2) Use Variance to use an existing barn on the property as a home occupation for a horse boarding and mobile dog grooming business — at 56 White Springs Lane.

Municipality: Town of Geneva
Referring Board: Zoning Board of Appeals
Application Type: Use Variance
Class: Class 2 / WITHDRAWN
Property Information (Address & ID): 119.05-1-10.111

Description & Review Comments:

The subject 5.2-acre parcel is in the Residential 1 zoning district. Stables (Commercial or Private) are not a permitted or specially permitted use in the Residential 1 zoning district.

The property owner mentions that the property was originally a horse farm until 2016. Then the pole barn has six attached horse stalls. The barn is surrounded by fenced in pasture. The dog grooming would occur in a mobile dog grooming unit. There is no proposed change to the land.

According to Oncor:

- Parcels to the north and south (across White Springs Lane) are in Ontario County Agricultural District #1.
- The subject parcel and surrounding land use are predominately residential, except for the large agricultural parcel surrounding the subject parcel on the north and east side.

- The pond on the western side of the parcel is in the National Wetland Inventory.

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

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

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

If one or more of the above factors is not proven, state law requires that the ZBA must deny the variance.

Comment

1. Protection of water features is a stated goal of the County Planning Board. Proper disposal of animal waste needs to be ensured.

Attachments:

1. Aerials
2. Survey
3. Relevant Code Sections
4. ZBA App
5. Test Questions

11. Town of Gorham

188-2025 (Class 1) Site Plan to construct a 3,072 SF workshop / storage building at 0000 County Road 11.

Municipality:	Town of Gorham
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property	154.00-3-49.000
Information	
(Address & ID):	

Description & Review Comments:

The subject parcel is 9.4 acres and disturbance is estimated at 30,000 SF (0.69-acres). A proposed water connection will come off of an existing main across CR11. A new sewer connection is proposed off of the existing main along CR11. Underground electric is proposed to connect to

existing utility service. Drywells at the front corners of the proposed building will help to manage the stormwater. An oil separator is proposed for the garage trench drains. Access to the building will come off of CR11 to the north via a gravel driveway. An overhead door will be on both the east and west sides of the building. The north side of the building will contain the main entrance with double doors.

According to Oncor:

- The adjacent parcel to the east is in Ontario County Agricultural District #1.
- The subject parcel is currently vacant. Surrounding land use is predominately residential or vacant.
- Land Cover is forested: Successional Red Cedar Woodland on the front half of the parcel near CR11, and Successional Northern Hardwood on the back (east) half of the parcel.
- Soil disturbed is Honeoye Loam: not hydric, has moderately high permeability, medium erodibility, is farmland of statewide importance, and is in hydrologic soil group B.
- Slope disturbed is predominately moderate (10-15% gradient).

Comments

1. Protection of water features is a stated goal of the CPB.
2. Will vehicles be maintained onsite? Proper disposal of all waste/fluids needs to be ensured.
3. Community character is a key feature of creating a desirable tourist destination and maintaining a quality of life for residents. The referring board may want to consider requiring landscaping between the workshop/storage use and the surrounding residential parcels.

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/access) 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. Applicant's engineer must provide profiles for the proposed access drive. All driveways shall be constructed to slope away from the edge of the travel lane at a profile grade between 1.5 and 3 percent. The tangent shall connect to the ascending tangent with a sag vertical curve. The length of the sag vertical curve shall be determined by applicable design standards.
3. Please contact the Canandaigua Lake County Sewer District (CLCSD) for information on Sanitary Sewer Permitting.

Attachments:

1. Aerials
2. Site Plan
3. Plan Set
4. Floor Plans and Elevations
5. PB App
6. SEAF

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

189-2025 (Class 1) Subdivision (Preliminary Overall Subdivision Plat Approval) for an 80-lot single-family conservation subdivision (Scenic Ridge Rise) at 4035 State Route 364.

Municipality:	Town of Gorham
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Class 1
Property	113.00-1-48.200
Information	
(Address & ID):	

Description & Review Comments:

The Scenic Ridge Rise project was most recently reviewed as CPB referral 98-2024 for final subdivision approval. The 55 acre lot is still proposed for development of 80 single-family homes.

The project will continue to provide primary access off SR 364 with an emergency access path around the stormwater management facility from an access point off SR 364 north of the primary access. The roadway will continue to be 21' wide with 2.5' gutters on each side and a 5' concrete sidewalk along 1 side. The project will not include a crosswalk or sidewalk along SR 364. The project will now be developed in 2 phases.

The letter of intent identifies the following changes since the FEIS Findings, negative declaration of significant impacts, and approval of the subdivision by a previous applicant:

1. Shift the easternmost disturbance of the development 225' to the west (downhill) to limit disturbance to the forested area and potentially the visibility from Canandaigua Lake.
2. Relocation of the single-family home was proposed along the SR 364 frontage, although the site plan from 2024 indicates that changes have already been made.
3. Providing residential sprinklers in all 80 homes to provide compliance with the NYS Uniform code as it relates to a single point of access.

According to Oncon, the lands to the south and east of the property are in Ontario County Agricultural District #1. According to the Engineers Report, the maximum site slope is 7 % which occurs near SR 364 and at the eastern end of the site, which is no longer proposed for disturbance.

The plans identify lot parameters as follows:
minimum lot size is 9,600 SF

minimum lot width 60', 70' at front setback
minimum depth 150'
minimum front setback 25'
minimum side setback 8'
maximum lot coverage 40 percent

The revised FEAF identified the area of disturbance at 41 acres. Proposed site modifications will result in loss of 35 acres of forest and replacement with 24 acres of lawn, 10 acres of impervious area, and 1 acre of surface water.

November 2025 Comments

1. Reviewing the Letter of Intent and the October 10, 2025, SEQR compliance letter does not provide information on whether the proposed project continues to include the following project elements proposed in 2024 and mentioned in the Findings excerpts in the 10/10/25 SEQR compliance letter.
 - a. Will the developer offer a model with no net energy use?
 - b. Will the developer document the sale of 4 of 80 proposed units to households earning less than the county median income or contribute \$50,000 to the Town's Affordable Housing Fund?
2. Does the proposed project meet the requirements of the 2025 NYS uniform code and the 2024 NYS stormwater design manual?
3. The referring body should request a limit of disturbance line on the plans.
4. The proposed plan includes substantially less landscaping along north and south property lines. What is the impact of this change on adjacent properties and on the uptake of site stormwater?
5. The referring body may want to clarify the allowable minimum lot size. The FEAF says 9,500 SF, the plan summary says 9,600 SF, and the smallest lot appears to be 9,800 SF.
6. FEAF D2b on p. 4 regarding water resources is not completed.
7. The revised FEAF indicates 41 acres will be disturbed and that 20 acres of forest will remain. How is the applicant re-establishing 7 acres of forest?
8. Will the conserved open space include any trails?
9. The referring body should confirm acreage to be owned by HOA, allowable uses of such land, and operational conditions. The referring body requires 30 percent permanent open space, excluding stormwater management facilities, and has additionally requested the HOA prohibit inground swimming pools and shrubs over 4' and directs placement of sheds or other accessory structures 5' to 15' from the rear lot line. These last two conditions were intended to avoid impacts on the views of other property owners. The previous plan materials also included details on HOA responsibilities for mowing, landscaping maintenance, and forest management in conjunction with a horticultural specialist.
10. What is the height of the proposed streetlights? Lamp heights of 14' to 15' are more suitable in a pedestrian scale environment.

Previous Relevant Comments

1. Where will guests park? Is on-street parking allowed?
2. The applicant was commended for inclusion of advanced phosphorus treatment in the stormwater management system, and CPB recommended both construction drawings and HOA documents call for the use of no phosphorus fertilizer in all site restoration and maintenance activities.

OCDPW Comment

1. The project will require a sewer extension permit from our office upon Sewer District Plan approval and subsequent approval from the City of Canandaigua and the NYSDEC. We will provide our comments directly to the engineers and will keep the town updated with the project's status.

Attachments:

1. Aerial
2. Overall Plan
3. Subdiv Plan
4. Utility Plan
5. Grading Plan
6. Landscaping Plan
7. Plan Set
8. LOI
9. FEAF
10. Engineers Report
11. Prelim Sub App
12. SEQRA Consistency Review

CPB Comment

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

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

12. Town of Naples

190-2025 (Class 2 / A) Local Law Amending Chapter 132 (Zoning) of the Code of the Town of Naples Regarding Certain Energy Systems.

Municipality: Town of Naples
Referring Board: Town Board

Application Type:	Text Amendment
Class:	Class 2 / A
Property	N/A
Information	
(Address & ID):	

Description & Review Comments:

Amendments to these sections were referred in the previous month as 173-2025 (Class 2) - the County Planning Board recommended approval. The code sections have been re-referred, with corrections addressing the staff comments in the October CPB Minutes. These corrections included minor copy/paste errors, as well as consolidating definitions for Commercial Wind Energy Conversion Systems and Large-Scale Solar Energy Systems.

The purpose of updating Chapter 132 of the Naples Town Code is to modernize regulations for renewable energy systems – specifically large-scale solar and wind energy facilities – in alignment with the Town & Village Joint Comprehensive Plan.

Some of the key objectives of the project include:

- Promoting renewable energy use while protecting health, safety, and community character
- Establishing clear permitting and environmental standards for energy systems,
- Protecting farmland, scenic viewsheds, and natural resources.
- Ensuring responsible project decommissioning and financial accountability.

Overall highlights of the project include removing outdated terms (ex: Major Solar Collector System, Commercial Wind Turbine) and adding/clarifying some definitions (Ground-Mounted Solar Systems, Solar Panel, Solar Equipment, Wind Energy Conversion System, etc.). Zoning district adjustments also occurred — removing energy system references from several zoning districts, and allowing renewable energy projects only in the Agricultural (Ag) zoning district by special use permit and site plan review.

Highlights in terms of Commercial Wind Energy Conversion Systems (WECS) Section 132-42.2 include:

- Special Use Permit, Site Plan Approval, and SEQR review required.
- Minimum setback of 1.5× turbine height from buildings, property lines, and power lines.
- Noise: Max 45 dB(A) at property boundary.
- Overspeed controls, underground wiring, fencing, signage, fire controls are required.
- Bird/bat impact studies, erosion control, and visual impact assessments are required.
- A decommissioning plan with a bond/surety, and site restoration are required.
- Annual Renewal & Inspection is mandatory by a licensed engineer.
- Insurance & Indemnification required.

Highlights in terms of Large-Scale Solar Energy Systems Section 132-42.4 include:

- Allowed only in Agricultural District via Special Use Permit.
- 200 ft. required setback from property lines.
- Max height of 15 ft.

- Lot Coverage: Up to 80% (50% on prime farmland).
- Requirements for anti-glare panels, vegetative buffers, and a screening plan by landscape architect.
- Development restrictions in wetlands, flood zones, scenic areas, and Canandaigua Lake Watershed.
- Agricultural Standards:
 - Pollinator-friendly ground cover required.
 - Encourages dual uses (e.g., sheep grazing, apiaries).
 - Soil health monitoring and coordination with Ontario County SWCD.
- Decommissioning: Full removal within 180 days of abandonment; bond/surety with 25% contingency.
- Required fencing, Knox Box access, emergency management plan, signage.
- Allows for PILOT and Host Community Benefit Agreements.

Comments

1. Some sections in 132-42.2 reference “commercial wind turbines” and some use the term “commercial wind energy conversion system”. The referring board may want to consider consolidating the terms for clarity/uniformity.
2. The Town of Naples is commended for their diligent review and refinement of its zoning code.

Attachments:

1. Local Law Amending Zoning Re Energy Systems

Board Motion: To retain referral 190-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Chris Mergler. **Vote:** Yes 18, No 0, Abstained 0.
The motion: Passed.

13. Town of Phelps

191.0-2025 (Class 1) Special Use Permit and Site Plan for a 30-unit multifamily housing development – at 0000 State Route 96. 191.0-2025 is related to the Special Use Permit, and 191.1-2025 is for the Site Plan.

Municipality:	Town of Phelps
Referring Board:	Zoning Board of Appeals
Application Type:	Special Use Permit
Class:	Class 1
Property	47.00-1-12.200
Information	
(Address & ID):	

Description & Review Comments:

Subject parcel is 3.05 acres. Application materials indicate that existing forested land will be cleared to make way for the building. Trees will remain between the proposed apartment complex and surrounding residential parcels.

Application materials indicate this is a single-level design. Units will have 2–3 bedrooms, 2 bathrooms, and a small private patio. 3-bedroom units would have 2 parking spaces, while 2-bedroom units would have 1 space – for a total of 42 spaces. 2-bedroom units are proposed to have approximately 1,022 SF of living space, and 3-bedroom approximately 1,134 SF. Stormwater is proposed to drain to cubs which will lead water into a permeable retention space in front of the property. Undeveloped land will have grass. Access to the apartment is off of State Route 96 to the north. Sidewalks and streetlamps are proposed within the development.

According to Oncor:

- The subject parcel is within and surrounded by parcels in Ontario County Agricultural District #1.
- Land use to the east and west is residential. Across State Route 96 (to the north) is agricultural land. A commercial property also lies south of the parcel.
- Slope disturbed is primarily little to none (0–3% gradient).
- Soil disturbed is primarily Lima Loam: hydric, moderately high permeability, high erodibility. It is an area of prime farmland, and is in hydrologic group B/D.

Comments

1. Will any of the units be affordable to households at or below area median income?
2. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36' doorways, and access to a bathroom?

Attachments:

1. Aerial
2. Full Plans
3. Site Plan
4. Landscape Plan
5. Survey
6. Project Description
7. Project Significance
8. PB App
9. SEAF
10. Ag Data

CPB Comments

1. Has there been any consideration for the accomodation of guest parking?
2. Will there be green space or a playground / area for children to play?
3. Is there adequate space for emergency vehicle turnaround?
4. Will Midlakes schools provide bus pickups for the development? Will the bus be able to access the development? Is there adequate and a safe space for school bus pick-up?

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025,

192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

191.1-2025 (Class 1) Special Use Permit and Site Plan for a 30-unit multifamily housing development – at 0000 State Route 96. 191.0-2025 is related to the Special Use Permit, and 191.1-2025 is for the Site Plan.	
Municipality:	Town of Phelps
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	47.00-1-12.200

Description & Review Comments:
See 191.0-2025.

Attachments:
None

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025,183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

192-2025 (Class 1) Site Plan for the construction of a 10,368 SF commercial building (containing a storefront, offices, and a warehouse) for the sale of truck parts and associated improvements — at 2296 State Route 14.	
Municipality:	Town of Phelps
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	63.00-2-46.000

Description & Review Comments:
The subject parcel is 10.5 acres, and 0.9 acres of disturbance is proposed. The building layout

shows a warehouse, restrooms, offices, additional space, and a second-floor storage area. The maximum height of the barn is 32'8". Customers/clients enter through the double doors on the east side (front) of the building. Three overhead doors are on the south side of the building.

The proposed project includes the building construction and all necessary site work (access drive, parking areas, public water/fire service, new onsite septic, gas service, underground electric service and stormwater management facilities). The remaining undeveloped land will either continue to be used for farming or a vegetative cover will be established and maintained. Stormwater runoff will be directed into a infiltration trench. Overflow from the trench will be directed to the infiltration trench which drains into an existing ditch. Six parking spaces are proposed on the front of the building (one of which is ADA Accessible).

According to Oncor:

- The adjacent parcel to the west is in Ontario County Agricultural District #1.
- Surrounding land use is primarily residential.
- A National Wetland and NYSDEC Informational Wetland lie to the west and south of the proposed work. The applicant mentions no work will occur within 100 ft. of wetlands.
- Slope disturbed is primarily little to none (0–3% gradient).
- Soil disturbed is Elnora, loamy fine sand, not hydric, has high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group B.

Comments

1. Will any vehicle be stored outside? Will vehicles be maintained onsite? Proper disposal of all waste/fluids needs to be ensured.
2. Community character is a key feature of creating a desirable tourist destination and maintaining a quality of life for residents. The referring board may want to consider requiring landscaping between the commercial use and surrounding residential parcels.

OCSWCD Comments

1. Great improvement from the existing, non-functioning system inspected by this office on 3-26-24.
2. Be sure that the existing septic tank (and possible seepage pit) are properly pumped, cleaned and abandoned per NYSDOH standards.

Attachments:

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

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025,

192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0.
The motion Passed.

14. Town of Richmond

193-2025 (Exempt) Lot combination of two parcels (TM#'s: 150.05-1-80.100 and 150.38-1-1.000) — at 0000 & 8522 West Buckingham Street.	
Municipality:	Town of Richmond
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Exempt
Property	150.05-1-80.100 & 150.38-1-1.000
Information	
(Address & ID):	

Description & Review Comments:
Not within 500 ft. of anything requiring County Planning Board review

- Attachments:**
- 1. Survey w Proposed Lot Combination
 - 2. Site Location
 - 3. PB App
 - 4. SEAF
 - 5. Contract

194-2025 (Exempt) Subdivision of a 27-acre lot into two (Lot 1: 22-acres; Lot 2: 5-acres) — at 9235 County Road 15.	
Municipality:	Town of Richmond
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Exempt
Property	120.00-1-17.100
Information	
(Address & ID):	

Description & Review Comments:
Exempt (See exemption #11 of Appendix B of the OCPB Bylaws).

- Attachments:**
- 1. List of Exempt Referrals

2. PB App
3. SEAF
4. Ag Data Statement
5. Relevant Code

195-2025 (Exempt) Site Plan to use the lower level of the building as a restaurant (pizza shop) — at 8970 Main Street.

Municipality: Town of Richmond
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 135.14-1-16.000

Description & Review Comments:

Exempt (See exemption #12 of Appendix B of the OCPB Bylaws).

Attachments:

1. List of Exempt Referrals
2. PB App
3. SEAF

200.0-2025 (Class 1 / LATE REFERRAL) Area Variance, Special Use Permit, and Site Plan for a proposed large-scale solar energy system with setback(s) of 40 ft. when a minimum of 200 ft. is required – at 0000 State Route 20 A and 8894 Main Street. 200.0-2025 is regarding the Area Variance, 200.1-2025 is for the Special Use Permit, and 200.2-2025 is for the Site Plan.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1 (LATE REFERRAL)
Property Information (Address & ID): 135.00-2-57.100 & 135.00-2-57.210

Description & Review Comments:

The project was previously referred in September 2024 as 168-2024 (Class 1 – no recommendation) for an area variance for a proposed setback of 40 ft. when a minimum of 200 ft. is required. No site plan was provided at the time. The proposed property is located along County Road 37 in the Town of Richmond, Ontario County, New York. The project site is located to the west of an existing 4.0 MW AC solar array (Sherman Solar I). The proposed solar array is 1.875 MW AC. The project site will be leased to the owners of the solar array, Sherman Solar I, LLC and Sherman Solar II, LLC.

The Application maintains a 200' setback to Residential/Agricultural and Business zoning districts. The area variance request is for reduced setbacks along the shared property line with the existing solar project and other lots in the Commercial/Light Industrial zoning district.

The subject parcel is 32.1-acres and disturbance is estimated at 26.5-acres. There is no proposed grading. The proposed development will create approximately 0.01 acres of impervious surface. The development will include the installation of approximately 22.6 acres of solar panels, which will be installed with driven post foundations.

The improvements to the site will also include a pervious gravel access road, chain link perimeter fence, vegetative screening, electrical equipment pads and electric utility connection. The proposed project does not require water or sewer connections. 109 white spruce trees are proposed to be located along the western side of the parcel, providing a visual buffer between the solar array and the homes/businesses along CR37. A 7 ft. high fence will be installed surrounding the array.

A connection to the existing National Grid substation will be provided to facilitate the distribution of the solar-generated electricity. This will be accomplished by providing underground and overhead electric lines from the solar array to the existing utility service. A substation exists just west of the parcel at the CR37/SR20A intersection. The proposed project will provide a pervious gravel access off of County Road 37 to the west.

The majority of the project site is currently inactive agricultural fields previously mowed for hay. The site can be broken into four (4) separate drainage areas. Drainage Area 1 flows to the northwest towards neighboring properties and eventually draining into the roadside swale along County Road 37 towards a pond at the corner of CR-37 and Dugan Road. Drainage Area 2 flows to the south and enters a delineated wetland area. Any portion of property south of the wetlands will have no proposed development. Drainage Area 3 flows easterly and enters a swale in the existing solar array which drains to the north towards a ditch lined with cattails and east towards a delineated wetland area. Drainage Area 4 consists of the remaining portion of the existing solar field which all flows to the east towards wooded area and delineated wetlands. The entire site drains into Honeoye Creek, which is approximately 4,000 feet to the east of the site. It is anticipated that the hydrology of the site will not be significantly altered by the proposed development.

The site mainly consists of silt loam soil types having a hydraulic soil group classification of Type D. These soils are typically made up of fine-grained material that has a low infiltration rate. A copy of the soil map is included in Appendix A and a full soil report can be found in Appendix H.

According to Oncor:

- Subject Parcel is 32.1 acres. The adjacent parcel (to the east – 8894 Main St.) with an existing solar energy system is 45.7 acres.
- The parcel has gentle to no slope (0–9%).
- A national wetland lies on the southernmost tip of the subject parcel (along Main St.). This area is to remain undisturbed.
- Surrounding land uses include: an existing solar energy system on the adjacent parcel to the east, predominately commercial uses to the south (SR 20A), vacant and residential to the west (along CR37), and a mix of commercial and community service (church) to the north.

Decommissioning may be triggered as a result of the following conditions:

- The land lease expires or is terminated;
- Town Special Use Permit or Site Plan approval is revoked; or
- The Project does not produce energy for sale for a period of greater than 365 days;
- The project is damaged and will not be repaired or replaced.

The Project will provide written notice to the Town code enforcement officer within 30 days of the above decommissioning triggers. All such removal and decommissioning shall occur within 12 months of the aforementioned Project decommissioning triggers. If the Project or landowner does not decommission the Project as required by the Town's zoning ordinance, local laws or rules and regulations, the Town is permitted to utilize the decommissioning financial security to decommission the Project. The decommissioning funds will be an irrevocable financial security bond or other form acceptable to the Town. The Town will be designated as the financial security beneficiary and the amount of security will be 110% of the estimated decommissioning costs unless otherwise approved by the Town Board. Decommissioning cost starting at year 1 after construction is \$146,346. The financial security shall provide for a 2% annual increase to compensate for the cost of inflation or any other anticipated increase in decommissioning costs.

Relevant 2024 Comments

1. Could the two lots be combined? Would this eliminate the need for variance along shared property lines with existing solar projects?
2. Will the project use access to an existing solar facility for construction and maintenance activities?

Comments

1. How frequently will grass cover be maintained? Will it be mowed or will animal grazing (sheep) be utilized?
2. The applicant should consider the use of agro-voltaics.
3. Will there be any additional battery energy storage on-site?
4. Has a glare study been completed? How visible is the array from nearby properties and the road (CR37 and SR 20A)?
5. The referring board should consider requiring a landscaping agreement as a condition of approval in order to ensure vegetation and landscaping continues to be maintained after development.
6. Has any investigation been done to determine if an underground tile is preexisting on site?

Attachments:

1. Aerial
2. Site Plan
3. Landscape Plan
4. Grading and Utility Plan
5. Plan Set
6. Test Questions
7. Submittal Letter
8. LOI
9. PB App
10. ZBA App SUP
11. ZBA App Variance

12. Lease Agreement Emails
13. Equipment Data Sheets
14. NYSDOT Response
15. 201-2025 Delin letter
16. Habitat Survey
17. 201-2025 SWPPP
18. 201-2025 FEAF Part 1
19. 201-2025 FEAF Part 2
20. 201-2025 FEAF Part 3
21. Sherman I Decommissioning Plan
22. Sherman II Decommissioning Plan

Board Motion: To accept referrals 200.0-2025, 200.1-2025, 200.2-2025, 201-2025, and 202-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

200.1-2025 (Class 1 / LATE REFERRAL) Area Variance, Special Use Permit, and Site Plan for a proposed large-scale solar energy system with setback(s) of 40 ft. when a minimum of 200 ft. is required – at 0000 State Route 20 A and 8894 Main Street. 200.0-2025 is regarding the Area Variance, 200.1-2025 is for the Special Use Permit, and 200.2-2025 is for the Site Plan.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Special Use Permit
Class: Class 1 (LATE REFERRAL)
Property Information (Address & ID): 135.00-2-57.100 & 135.00-2-57.210

Description & Review Comments:
 See 200.0-2025.

Attachments:
 None

Board Motion: To accept referrals 200.0-2025, 200.1-2025, 200.2-2025, 201-2025, and 202-

2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

200.2-2025 (Class 1 / LATE REFERRAL) Area Variance, Special Use Permit, and Site Plan for a proposed large-scale solar energy system with setback(s) of 40 ft. when a minimum of 200 ft. is required – at 0000 State Route 20 A and 8894 Main Street. 200.0-2025 is in regard to the Area Variance, 200.1-2025 is for the Special Use Permit, and 200.2-2025 is for the Site Plan.

Municipality:	Town of Richmond
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1 (LATE REFERRAL)
Property Information (Address & ID):	135.00-2-57.100 & 135.00-2-57.210

Description & Review Comments:

See 200.0-2025.

Attachments:

None

Board Motion: To accept referrals 200.0-2025, 200.1-2025, 200.2-2025, 201-2025, and 202-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referrals 174.0-2025, 174.1-2025, 176-2025, 177.0-2025, 177.1-2025, 179.0-2025, 181.0-2025, 182-2025, 183.0-2025, 188-2025, 189-2025, 191.0-2025, 191.1-2025, 192-2025, 200.0-2025, 200.1-2025, 200.2-2025, and 202-2025 as class 1s and return them to the local boards with comments.

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion** Passed.

15. Town of South Bristol

196.0-2025 (Class 1) Special Use Permit and Site Plan Approval for: (1) a lot with two principle uses, (2) a fabrication/assembly use, and (3) a single-family use – at 6256 State Route 64. 196.0-2025 is related to the Special Use Permits, and 196.1-2025 is for the Site Plans.

Municipality: Town of South Bristol
Referring Board: Planning Board
Application Type: Special Use Permit
Class: Class 1
Property Information (Address & ID): 184.00-1-43.220

Description & Review Comments:

The subject parcel is 2 acres. The owner wants to convert the small pole barn behind the main building (glass fabrication company) into a single-family dwelling. The parcel has split zoning, with the glass business and proposed dwelling structure within the Light Commercial zoning district (and the rear/west half in the 1-Acre Residential zoning district).

According to Town Code Section:

- 170-14C, “unless otherwise specifically permitted, no more than one principal use, excluding customary agricultural uses, shall be permitted on any lot, except by special use permit.”
- 170-17D(2), “fabrication or assembly of products,” is a specially permitted use in the Light Commercial District.
- 170-22F(24), “all special uses in all commercial districts are subject to site plan approval.”

The water supply for the residence is from a drilled well, and will be relocated to the structure. A new septic system is proposed to the west (front) of the parcel near SR64. Disturbance from the utility installation is estimated at 0.2-acres.

According to Oncor:

- Parcels to the east and across SR64 are in Ontario County Agricultural District #1.
- Surrounding land use is predominately residential.

Attachments:

1. Aerials
2. Site Plan
3. Plan Set
4. Relevant Code Section 170-14 C
5. Relevant Code Section 170-17 D. (2) & (9)
6. Relevant Code Section 170-22 F. (24)
7. Relevant Code Section 170-94

8. PB App - 2 uses
9. PB App - Fabrication and Assembly
10. PB App - Single Family Dwelling
11. Ag Data Statement
12. SEAF
13. Cdga Lake Wtshd Inspector Correspondence
14. NYSHPO Email

Board Motion: To retain referral 196.0-2025 and 196.1-2025 as a class 1s and return to the local board with comments.

Motion made by: Chris Mergler, **seconded by:** Roslyn Grammer. **Vote:** Yes 17, No 0, Abstained 1 (Dan Crowley). **The motion:** Passed.

196.1-2025 (Class 1) Special Use Permit and Site Plan Approval for: (1) a lot with two principle uses, (2) a fabrication/assembly use, and (3) a single-family use – at 6256 State Route 64. 196.0-2025 is related to the Special Use Permits, and 196.1-2025 is for the Site Plans.

Municipality: Town of South Bristol
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 184.00-1-43.220

Description & Review Comments:

See 196.0-2025.

Attachments:

None

Board Motion: To retain referral 196.0-2025 and 196.1-2025 as a class 1s and return to the local board with comments.

Motion made by: Chris Mergler, **seconded by:** Roslyn Grammer. **Vote:** Yes 17, No 0, Abstained 1 (Dan Crowley). **The motion:** Passed.

16. Town of Victor

197-2025 (Class 2 / A) Local Law to Establish Commercial Center (CC) Zoning District in the Town of Victor. 197-2025 is related to 198-2025.

Municipality: Town of Victor

Referring Board:	Town Board
Application Type:	Local Law other than zoning map or text amendment
Class:	Class 2 / A
Property Information (Address & ID):	6.00-1-12.100; 6.00-1-12.500; 6.00-1-11.000; 6.00-1-10.200; 6.00-1-12.600; 6.00-1-12.700; 6.00-1-9.000; .00-1-12.400

Description & Review Comments:

The purpose of this Local Law is to establish a new zoning district, similar in many ways to the existing Commercial Zoning District but more appropriate for designation on large sites encompassing multiple acres that are both developed and utilized in a coordinated manner. Highlights include:

- The addition of the definition for “Anchor Tenant” into 211-12B.
- Addition of the Commercial Center (CC) to the list of mapped zoning districts in the Town.
- Addition of the CC district into the commercial district regulations Section 211-22.
- Addition of 211-22 D Additional Sign Regulations for Commercial Center (CC) district.
- Addition of language in Section 211-27C allowing Mixed-Use Overlay Districts to be established over the CC district.
- Establishing CC as the underlying zoning district for the Eastview Mall Mixed-Use overlay district.
- Establishment of a zoning schedule for the CC zoning district.

In addition, the applicant submitted the following statement regarding the reasoning for the establishment of a CC zoning district:

- The dimensional requirements and limitations applicable in the Town Zoning Code to large commercial sites are proving to be an impediment to such sites remaining vital and adapting to changing market conditions and trends. The code presently imposes the same dimensional requirements (e.g., minimum lot size, minimum setbacks, maximum height, and others) upon all commercial sites, whether they might be small sites less than an acre in size or larger sites (not zoned PDD) more than 100 acres in extent.
- The local law would amend the zoning to CC is intended to be used for large-scale commercial sites. The uses allowed in the new CC zone would be the same as those presently allowed in the existing “Commercial” or “C” zone, but the dimensional requirements would be different and more appropriate to a large site. Further, anchor sites at Eastview Mall that have limited visibility from, and are greater than 1,500 feet from, NYS Route 96 would be afforded an opportunity to advertise at the Route 96 right-of-way and within the Eastview Mall site.

Attachments:

1. Aerial
2. Draft LL Amend Ch 211 to Establish Commercial Center Zoning District
3. SEAF

CPB Comment

1. The referring board should consider limiting the number and size of signs allowed.

Board Motion: To retain referrals 197-2025 and 198-2025 as class 2s and return to the local board

with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Leonard Wildman. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

198-2025 (Class 2 / A) Local Law to Amend the Zoning Map to designate Eastview Mall as being within the Commercial Center (CC) Zoning District in the Town of Victor. 197-2025 is related to 198-2025.

Municipality:	Town of Victor
Referring Board:	Town Board
Application Type:	Map Amendment
Class:	Class 2 / A
Property Information (Address & ID):	6.00-1-12.100; 6.00-1-12.500; 6.00-1-11.000; 6.00-1-10.200; 6.00-1-12.600; 6.00-1-12.700; 6.00-1-9.000; .00-1-12.400

Description & Review Comments:

The purpose of this Local Law is to recognize the relatively larger scale of the Eastview Mall commercial site and to make it subject to more appropriate dimensional and related requirements by changing its zoning district and underlying base zone designation from C Commercial to CC Commercial Center.

Currently, the parcels below are within the Commercial (C) zoning district. The Official Amended Zoning Map shall be amended to depict the Eastview Mall site, comprised of approximately 181 acres, as depicted on the attached map and consisting of the eight contiguous parcels identified by the following tax map numbers, street addresses and acreages, as being within a CC Commercial Center zoning district and underlying base zone:

1. Tax Map No. 6.00-1-12.100, 100 – 1020 Eastview Mall Drive, 89.59 acres.
2. Tax Map No. 6.00-1-12.500, 70 Eastview Mall Drive, 14.1 acres.
3. Tax Map No. 6.00-1-11.000, 100 Eastview Mall Drive, 15.9 acres.
4. Tax Map No. 6.00-1-10.200, 300 Eastview Mall Drive, 8.4 acres.
5. Tax Map No. 6.00-1-12.600, 700 Eastview Mall Drive, 8.4 acres.
6. Tax Map No. 6.00-1-12.700, 70 Eastview Mall Drive, 10.8 acres.
7. Tax Map No. 6.00-1-9.000, 70 Eastview Mall Drive, 13.7 acres.
8. Tax Map No. 6.00-1-12.400, 50-52 Eastview Mall Drive, 20.1 acres.

It should be noted that the Mixed-Use Overlay (MUO) applied to the Eastview Mall site in 2019 would remain in effect. The MUO provides greater flexibility relative to the types and mix of uses that may occupy existing buildings but does not affect dimensional requirements for new buildings, additions, or renovations as these are governed by the underlying base zone (which Local Law “II” would change from “C” to “CC”).

Attachments:

1. Aerial
2. Draft LL Amend Ch 211 Amend Zoning Map to Designate EVM
3. SEAF

Board Motion: To retain referrals 197-2025 and 198-2025 as class 2s and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Leonard Wildman. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed

201-2025 (Exempt / LATE REFERRAL) Area Variance for a cannabis retail dispensary located closer than the minimum required 1,500 ft. from an existing dispensary (measured from property line to property line) – at 100-1020 Eastview Mall Drive.	
Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Exempt (LATE REFERRAL)
Property Information (Address & ID):	6.00-1-12.100

Description & Review Comments:
Exempt (See exemption #1 of Appendix B of the OCPB Bylaws).

- Attachments:**
- 1. Test Questions
 - 2. Eastview Mall Lease Plan
 - 3. Eastview Mall Layout
 - 4. Distances Image
 - 5. ZBA App
 - 6. SEAF

Board Motion: To accept referrals 200.0-2025, 200.1-2025, 200.2-2025, 201-2025, and 202-2025 as late referral(s).

Motion made by: Stephen High, **seconded by:** Mike Woodruff. **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed.

17. Village of Manchester

199-2025 (AR1) — Site Plan for the interior renovation of an existing restaurant building at 4123 State Route 96	
Municipality:	Village of Manchester
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	AR1

Description & Review Comments:

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

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

Final classification shall be Class 1

Findings

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

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

Attachments:

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

18. Privilege of the Floor

- Holiday Party Announcement — Wednesday, December 10, 2025, before the CPB Meeting for members (6:00 PM - 7:00 PM) please bring a dish to pass.
- Presentation from Ontario County Planning Director (Tom Harvey) at 6:00 PM regarding the recent BOS resolution on electric service:
 - There was a request from the Uptown Landing development team to discuss issue-mid June 2025, holding meetings with Senator Helming, Governor Hochul, and the utility companies.
 - An update on the Ontario County energy capacity was presented to the Board of Supervisors July 2025.
 - Per the Ontario County Housing needs assessment (finalized in 2022), the projected number of net new housing units required by 2025 was 1,493. Per the 2025 Tax Roll, the actual number of dwelling units constructed from 1/1/2020 – 5/31/2025 is 1,346. From 2025-2030 it is projected 998 net new housing units will be needed. From 2030-2035, it is projected 516 net new houses will be needed. And from 2035-2040, 267 net

new houses will be needed.

- The Pro-Housing Communities Program provides a certification program for local governments that are taking action to support housing growth to address the housing shortage throughout the State.
- In the Finger Lakes Region, 64 communities submitted letters of intent and 50 of which were certified as Pro-Housing Communities. In Ontario County 13 communities submitted letter of intent and 11 were certified. 22% of Finger Lakes region Pro-Housing letters of intent submitted are from Ontario County and 20% of certified communities are from Ontario County. Ontario County participants include: the Town and Village of Naples, the Town and Village of Phelps, the Town and City of Canandaigua, the Town and City of Geneva, the Town of Richmond, the Town and Village of Victor, the Town of Farmington, and the Town of East Bloomfield.
- Many municipalities have embraced housing and applied for fundings. The County has received \$17M in past year for housing development grants. As projects advanced toward goal line / break ground, energy companies became a roadblock, for the first time conveying there was not enough power in the grid. A few developers came to Economic Development because of the ongoing County housing effort and commitment to look for help. Realized this is broader, countywide concern, the County started researching.
- According to a study conducted by the National Association of Home Builders for a 171-unit development in Perinton, NY (2022) – cumulative revenue outpaced cumulative cost of a typical home sale by \$138,900 in New York State.
- According to NYSEG, 46% of NYSEG and 45% of RG&E substation transformers are constrained within their service areas. Ontario County is the 5th fastest growing population in the state. RG&E's Canandaigua division, has seen a 55% increase in load request from 2022 to 2024.
- Right now, the County only has information on Farmington, Victor, and Canandaigua – the known development. The county is still collecting additional information from developers and NYSEG/RG&E. The Town of Victor has 724 proposed units to be constructed, while 447 are in the approval pipeline. The Town of Canandaigua Uptown Development consists of 1,000+ proposed units, 680+ have been approved, and all 1,000+ units are on permanent hold due to energy costs - \$10 -15 Million. The Town of Farmington has 888 proposed units, 588 in the approval pipeline, and 186 units on permanent hold due to energy costs – \$3.5 - 4.5 million. To date, Geneva development has not been met with similar energy capacity concerns. Will continue to monitor both City of Geneva and V. of Phelps development(s).
- Action items:
 1. Continue working with NYS Public Service Commission (PSC) representatives on short term solutions.
 2. T. of Canandaigua and V. of Phelps applying for Pro Housing Infrastructure CFA.
 3. Partner with Ontario County Chamber to meet with developers.
 4. Collect similar housing development information from all municipalities.
 5. Continue to work with PSC, state representatives, and utilities to gather accurate, thorough, and timely information
- In 2025, the Board of Supervisors passes a resolution (Res. No. 526-2025) “urging improved electrical infrastructure for residential and economic development in Ontario County”.

19. Upcoming Trainings:

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

MRB Group / Hancock Estabrook Municipal Bootcamp

- [Click here for link.](#)
- **Thursday, November 20, 2025 – 6:00 PM – 7:00 PM;** (Remote).
 - SPECIAL: SOAKING UP THE SUN - SOLAR AND BATTERY STORAGE AND THE LOCAL REVIEW PROCESS
- **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

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 training. 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 Blasdel; 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

20. Adjournment:

Board motion to: Adjourn. **Motion made by:** Mike Woodruff, seconded by Tammy Worden, **Vote:** Yes 18, No 0, Abstained 0. **The motion:** Passed. The Ontario County Planning Board meeting was adjourned at 8:04 PM.

General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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