

ONTARIO COUNTY PLANNING BOARD

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

<https://ontariocountyny.webex.com>

Meeting number (access code): 2333 038 1864

Meeting Password: fNp2k8RGg98

Join by phone: 1-408-418-9388

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, December 10, 2025, Ontario County Planning Board meeting to order at 7:02 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

Ruth Cahn
Burch Craig
Dan Crowley
Roslyn Grammer
Stephen High
Ed Kaiser
Paul Lambiase
Edward (Ted) Liddell
Chris Mergler
Paul Passavant
Jamie Purdy
Leonard Wildman
Ryan Wilmer

Present Not Voting:

Jack Dailey
Thomas Kugris

Absent: None

Excused:

Lisa Grefrath, A.J. Magnan, Tammy Worden, Mike Woodruff

Present (Voting): 13, Present (Not Voting): 2, Absent: 0, Excused: 4

Guests: Trevor Haut (209.0-2025 and 209.1-2025); Rob Brenner (210.0-2025 and 210.1-2025)

3. Approval of Minutes:

Burch Craig motioned to approve the minutes of the November 12, 2025. The motion was seconded by Stephen High. The motion passed.

4. New Business:

Planning Dept. Staff Announcements:

- Please make sure all mileage forms are returned by January 1, 2026.
- We will now be offering Webex for the public to attend virtually. Meetings will be recorded and published with the agenda. Board members will still need to attend to count for quorum. Please still notify us in advance if you are unable to attend a meeting in person. Onataio County Local Law 1–2022 contains Ontario County Board video conferencing policies.
- An updated list of training Opportunities can be found on the County web page titled "Training Opportunities" or at the end of CRC/CPB Agendas and Minutes.
- The 2026 County Planning Board (CPB) Calendar has been created and will be posted by the end of the day Monday 12/15/2025 by 5:00 PM. The referral deadline for the January 2026 CPB meeting is 1/2/2026. The CRC Meeting is Tuesday 1/13/2026 at 3:30 PM (20 Ontario St., Canandaigua, NY - 2nd Floor, Planning Dept., Conference Room 209). The CPB Meeting is Wednesday 1/14/2026 at 7:00 PM (74 Ontario St., Canandaigua, NY - 2nd Floor, Board of Supervisors Meeting Room).

5. City of Canandaigua

203-2025 (Class 2 / D) Use Variance to operate a carryout restaurant (Refresh Smoothie Bar) — at 32 North Main Street.	
Municipality:	City of Canandaigua
Referring Board:	Zoning Board of Appeals
Application Type:	Use Variance
Class:	Class 2 / D
Property Information (Address & ID):	84.09-1-84

Description & Review Comments:

The building space was referred for a use variance in May 2024 as 108-2024 to “*redevelop the former (currently vacant) YMCA property to allow for uses not currently permitted within the R-I (Residential - Institutional) zoning district, at 32 North Main St., in the City of Canandaigua. Proposed uses include: event space, brewery, restaurant, and office space*”. At the May 14th County Planning Board meeting, the Board recommended disapproval. Board comments included:

1. Application materials do not satisfy the use variance requirements outlined by Town Law

Section 267 B2 and New York State Zoning Laws. Specifically, subsection 1 of code section 267B2 (above). Financial evidence, “dollar and cents proof,” demonstrating the applicant cannot realize a reasonable return is required to be submitted.

2. The local municipal body authorization is to grant the minimum variance to achieve a reasonable rate of return based on dollars and cents evidence.
3. The City should consider legislation as a means of accomplishing this project. Possibly by entertaining a zoning amendment to the PUD or mixed-use zoning.

The City of Canandaigua Zoning Board of Appeals granted the use variance for the brewery, event space, steakhouse and offices in 2024. The project is now currently referred for a use variance to operate a carryout restaurant (Refresh Smoothie Bar) within the lower level of the former YMCA/post office. This would be a use in addition to the previously approved uses. City Code Section §850-30C (Uses permitted with a special use permit in the RI Residential/Institutional Zoning District):

1. Public utility uses exclusive of office buildings, maintenance yards and equipment storage yards.
2. Home occupations.
3. Residential conversions.
4. Appropriate public and semipublic uses, including uses of an institutional, education, recreational, religious or cultural nature.
5. Business, professional and governmental offices.
6. Mortuaries.
7. Social halls, clubs, lodges, and fraternal organizations, excluding those operated for a profit.
8. Tourist homes/bed-and-breakfast.
9. Day-care centers.
10. Private event centers with guest accommodations.

Surrounding land use varies. An active railroad borders the subject parcel to the west. A primary travel corridor (State Route 332; North Main St.) borders the subject parcel to the east. Predominately residential (and some commercial along North Main St.) parcels lie to the north, and Atwater Park is just south. The post office building is a National Register Historic site.

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

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

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

Relevant May 2024 CRC Comment

1. The referring applicant is reminded that no restriction on public use of the sidewalk and recessed parking along the south side of Atwater Street is allowed due to the reverted clause in the deed of the public square property to Ontario County.
2. Is there an alternative option to a use variance in order to obtain the desired outcome?

Maybe a special use permit? City Code Section §850-30C says specially permitted uses in RI include offices and private event centers; It is less clear if breweries and restaurants would be specially permitted.

3. The city may want to consider rezoning the parcel, extending the C-2B (Central Business – Side Streets) Zoning District from the west to include this parcel. Rezoning the parcel would require a local law to be drafted by the City Council and signed by the City Clerk. City Code Section §850-38 (C-2 Central Business District) indicates that office and banquet space are permitted uses. The restaurant and breweries are Specially Permitted Uses in the C-2 zoning district.

Attachments:

1. Aerial
2. Building Layout
3. Test Question Responses
4. ZBA App

CPB Comments

1. The County Planning Board (CPB) recommends that the Zoning Board of Appeals adheres to the applicable local planning and zoning standards currently in effect. The CPB reiterates the Coordinated Review Committee's (CRCs) May 2024 Comments #2 and #3, urging the City to evaluate alternative methods for allowing the use, particularly those that are less permanent in nature than a use variance.
2. The Board noted that the approval of use variances may have the effect of diminishing the local Zoning Board of Appeals' ability to deny similar requests in the future and could establish a precedent for subsequent applications.
3. The Board requests clarification regarding the scope of the proposed use variance. Specifically, whether a use variance, if granted, would apply to the entire property located at 32 North Main Street or be limited to a specific tenant space or use. The Board also inquired whether future renovations or the consolidation of spaces could occur under a previously approved use variance, and sought clarification on how such situations would be administered and enforced.
4. According to the City of Canandaigua Zoning Code, the use of "carry-out restaurant" encompasses a broad variety of restaurant types. In the future, can any type of carry-out business operate in this space if the use variance is granted?

Board Motion: To retain referral 203-2025 as a Class 2 and return to the local board with the recommendation of disapproval with comments. Based on consideration of the referral, review comments and findings included herein, there is the potential for significant adverse county-wide and/or inter-municipal impacts.

Findings

1. Application materials do not satisfy the use variance requirements outlined by Town Law Section 267 B2 and New York State Zoning Laws. Specifically, subsection 1 of code section 167 B2 (above). Financial evidence, "dollar and cents proof," demonstrating the applicant cannot realize a reasonable return is required to be submitted.
2. Applicant does not demonstrate that the hardship was not self-created (subsection 4 of code section 167 B2).
3. If any one or more of the four use variances factors is not proven. State law requires that the

ZBA must deny the variance.

Motion made by: Dan Crowley, **seconded by:** Chris Mergler. **Vote:** Yes 13, No 0, Abstained 1 (Ryan Wilmer). **The motion:** Passed.

6. Town of Bristol

204-2025 (Class 1) Area variance to subdivide a parcel bisected by State Route 64 into two lots (Lot 1: 13.89-acres; Lot 2: 2.04-acres) — at 5260 State Route 64. The area variance is for the proposed eastern lot to have a frontage of 146.9 ft. when a minimum of 200 ft. is required.

Municipality: Town of Bristol
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 152.00-1-67.100
Information
(Address & ID):

Description & Review Comments:

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 documents for the applicants' response to the test questions.

Attachments:

1. Aerial
2. Subdiv Plat
3. Test Questions
4. ZBA Minutes
5. ZBA App

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

7. Town of Canandaigua

205.0-2025 (Class 1) Area Variances (3) and Site Plan for the tear-down / re-build of a single-family dwelling at 3975 County Road 16. 205.0-2025 (Class 1) is in regard to the front setback area variance (11.5 ft. proposed when a minimum of 50 ft. is required), 205.1-2025 (AR2) is regarding the building coverage (34.5% proposed when no greater than 25% is permitted) and the rear/lake setback area variances (6.2 ft. proposed when a minimum of 30 ft. is required), and 205.2-2025 (Exempt) 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): 113.17-1-5.000

Description & Review Comments:

The subject parcel is 0.14 acres, with approximately 0.12 acres of physical disturbance proposed. The project involves the tear-down and rebuild of a single-family dwelling with revised site access and associated improvements, including retaining walls and a sanitary manhole pump station. According to the Official Town of Canandaigua Zoning Map, the parcel lies within the RLD (Residential Lake District). The redevelopment will increase pre-existing non-conforming front and rear setbacks, requiring area variances from the Zoning Board of Appeals, and the proposed building coverage will also require a variance. The site is located within the FEMA Q3 Floodplain and the Draft 2023 FEMA 100- and 500-Year Flood Zones, and portions of the property fall within the Steep Slope Protection Area. Surrounding land uses are residential, with land cover consisting mostly of maintained lawn. Slopes on the parcel range from 4% to 60%, and the soils to be disturbed are Cayuga Silt Loam (non-hydric, moderately high permeability, very high erodibility, hydrologic soil group C/D, not prime farmland). The applicant states that the variances are being requested to address current drainage and wastewater issues on the parcel; the site currently relies

only on holding tanks and does not have an active wastewater system.

Area Variances Requested:

- Front setback variance: Required 50 ft; proposed 11.5 ft; variance requested 38.5 ft. This increases the degree of nonconformity by 6.4 ft.
- Rear (lake) setback variance: Required 30 ft; proposed 6.2 ft; variance requested 23.8 ft. This increases the degree of nonconformity by 1.4 ft.
- Building coverage variance: Required 25%; proposed 34.5%; variance requested 9.5%. Previous coverage was 21.88%.

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 documents for the applicants' response to the test questions.

Comments

1. Demolition debris should be recycled when feasible or disposed of properly.
2. Canandaigua Lake is considered a historic/cultural landscape; additional vegetative buffering or screening should be considered to preserve community character.
3. 2023 preliminary FEMA floodplain extents should be shown on the site plan to document flood risk awareness.
4. The referring board is encouraged to grant only the minimum variances necessary for

reasonable use of the lot.

Attachments:

1. Aerial
2. Site Plan
3. Plan Set
4. Setback Test Questions
5. Coverage Test Questions
6. Elevations
7. Topo Survey
8. Survey
9. Submittal Letter
10. ZBA App
11. PB App
12. Soil Erosion App
13. SEAF
14. NYSDEC Letter
15. ZLD
16. Retaining Wall Specs
17. Site Photos (58 images)
18. Steep Slopes Law Compliance Letter
19. Shoreline Development Guidelines Compliance Letter

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

205.1-2025 (AR2) Area variance (3) and the Site Plan for the tear-down / re-build of a single-family dwelling at 3975 County Road 16. 205.0-2025 (Class 1) is in regard to the front setback area variance (11.5 ft. proposed when a minimum of 50 ft. is required), 205.1-2025 (AR2) is in regard to the building coverage (34.5% proposed when no greater than 25% is permitted) and the rear/lake setback area variances (6.2 ft. proposed when a minimum of 30 ft. is required), and 205.2-2025 (Exempt) is for the site plan.

Municipality:	Town of Canandaigua
Referring Board:	Zoning Board of Appeals
Application	Area Variance
Type:	
Class:	AR2
Property	113.17-1-5.000
Information	
(Address & ID):	

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

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

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

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

205.2-2025 (Exempt) Area Variances (3) and the Site Plan for the tear-down / re-build of a single-family dwelling at 3975 County Road 16. 205.0-2025 (Class 1) is in regard to the front setback area variance (11.5 ft. proposed when a minimum of 50 ft. is required), 205.1-2025 (AR2) is in regard to the building coverage (34.5% proposed when no greater than 25% is permitted) and the rear/lake setback area variances (6.2 ft. proposed when a minimum of 30 ft. is required), and 205.2-2025 (Exempt) is for the site plan.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 113.17-1-5.000

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals

206-2025 (AR1) Installation of a 90 SF wall-mounted tenant identification sign at 3225 State Route 364.

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

Description & Review Comments:

Policy AR-7: Signs

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

Ontario County.

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

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

Final Classification: Class 1

Findings

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

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

Attachments:

- 1. Aerial
- 2. Design Specs
- 3. PB App
- 4. Statement of Operations
- 5. Waiver Request
- 6. ZLD

207-2025 (Exempt) Area Variance for the installation of a fence 30 ft from the mean high-water mark when a minimum of 100 ft. is required — at 3670 County Road 16.

Municipality: Town of Canandaigua
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property 113.05-1-10.000
Information
(Address & ID):

Description & Review Comments:

Exempt (See exemption #'s 1 and 3 of Appendix B of the OCPB Bylaws).

Attachments:

- 1. List of Exempt Referrals
- 2. Sketch
- 3. Survey
- 4. Neighbor Emails
- 5. ZLD

6. Description of Existing Conditions
7. Public Works Email
8. Response to Shoreline Development Guidelines
9. Supporting Photos 1
10. Supporting Photos 2
11. ZBA App

208.0-2025 (Class 1) Area Variance and Subdivision of a roughly 108.6-acre parcel into three (Lot 1: 84.7-acres, Lot 2: 14.7-acres; Lot 3: 9.2-acres) - at 6265 Grimble Road. 208.0-2025 is related to the area variance (for a proposed lot width of 70 ft. when a minimum of 200 ft. is required - for Lot 2 on the provided subdivision plat) and 208.1-2025 is for the subdivision.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Area Variance
Class: Class 1
Property 96.00-1-1.120
Information
(Address & ID):

Description & Review Comments:

The subject parcel lies along the eastern border of the Town of Canandaigua / East Bloomfield municipal boundary. The 108.6-acre parcel lot is bisected by Grimble Rd. A previous lot line adjustment (adding land from 6265) to 6269 Grimble Rd., resulted in the portion of 6265 Grimble Rd. (south of Grimble Rd.) being divided into two parcels. This resulted in two parcels that are over 2.5 times longer than they are wide, and one parcel whose road frontage is below the required 200 ft. for the AR-2 zoning district.

A waiver has been requested for relief from Town Code Section 174-19E Lot Size and Arrangement, “*Residential lots greater than three acres shall not have lot depths greater than 2 1/2 times the lot width.*” According to Town Code Section 220-65L Waivers, “*The Planning Board is hereby empowered to waive, when reasonable, any requirements or improvements for the approval, approval with modifications or disapproval of site plans submitted for its approval identified in the Site Design and Development Criteria. Any such waiver, which shall be subject to appropriate conditions, may be exercised in the event any such requirements or improvements are found not to be requisite in the interest of public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan.*”

An area variance is required for the lot width (road frontage) of the westernmost parcel (south of Grimble Rd.) to be 70 ft. when a minimum of 200 ft. is required.

According to Oncor:

- The subject and surrounding parcels are in Ontario County Agricultural District #1.
- Subject land use is rural residential/agricultural. Surrounding land use is predominately rural, residential/agricultural or agricultural. A private forest use lies in the parcel directly

south.

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 documents for the applicants' response to the test questions.

Comment

1. According to Ontario County Real Property Tax Services (RPTS), the initial lot line adjustment between 6265 and 6269 has not yet been filed. The referring board should ensure that the approved lot line changes are submitted to RPTS for proper recordation.

Attachments:

1. Aerial
2. Subdiv Plat
3. Test Questions
4. ZBA App
5. PB App
6. Waiver Request
7. SEAF
8. ZLD

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

three (Lot 1: 84.7-acres, Lot 2: 14.7-acres; Lot 3: 9.2-acres) - at 6265 Grimble Road. 208.0-2025 is related to the area variance (for a proposed lot width of 70 ft. when a minimum of 200 ft. is required - for Lot 2 on the provided subdivision plat) and 208.1-2025 is for the subdivision.

Municipality: Town of Canandaigua
Referring Board: Planning Board
Application Type: Subdivision
Class: AR1
Property Information (Address & ID): 96.00-1-1.120

Description & Review Comments:

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

The intent of this policy is to

1. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
2. Address impacts on ground and surface waters.

Final Classification: Class 1

Findings

1. As of 2005, 69% of the parcels in Ontario County were classified as one or two-family residential. Between 2000 and 2005, 2,018 residential parcels were added to the County's tax rolls (Ontario Co. Real Property Tax Annual Report).
2. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

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

Attachments:

1. List of Exempt Referrals

8. Town of Farmington

209.0-2025 (Class 2 / A) Local Law amending Chapter 165, Article III (Establishment and Designation of Districts) and Section 165-12 (Zoning Map) for the rezoning of land for the Farmington Meadows Incentive Zoning Project. 209.0-2025 is related to the text amendment portion, 209.1-2025 is for the map amendment.

Municipality: Town of Farmington

Referring Board:	Town Board
Application Type:	Text Amendment
Class:	Class 2 / A
Property Information (Address & ID):	41.07-1-28.210 & 41.07-1-28.300

Description & Review Comments:

The subject parcels total 65.1 acres. Development is estimated to disturb roughly 63.0 acres. It is estimated that the project will: create 22.6-acres of impervious surface and 3.0-acres of water features (ponds), and will remove roughly 18.2-acres of forested land and 7.5-acres of meadows/grasslands/brushland. The project site is bounded by CR-41 and existing buildings to the north, Quentenshire Dr. to the east, single family homes to the south, and NY-332 to the west. The project site currently consists of undeveloped land. Land uses in the vicinity of the project site include residential, retail, and service uses. The current zoning of the parcels is PD and MTOD.

According to Oncor, the slope is predominately gentle to none (0–9%), and soils are predominately Odesa silty clay loam (prime farmland if drained), Odesa silt loam (prime farmland if drained), and Farmington loam (farmland of statewide importance).

The proposed development will occur in two phases, consists of constructing:

- 230 rental townhomes in 2-story buildings
- 47 Single-Family Homes
- 150 unit 4-story senior living building
- Five Commercial Pad Sites
 - Two (2) Quick Service Restaurants (±3,300 sf each)
 - Two (2) Office/Commercial Buildings (±12,000 sf each)
 - A gas station with a ±5,500 sf convenience store
- Two (2) self-storage buildings (±5,120 sf each)
- Internal roadways with sidewalk on one side.

As proposed, there will be a home density ratio of 6.55 units/acre (427 units / 65.1-acres = 6.55 units/acre).

A clubhouse with a pool, a multipurpose athletic field, and two pavilions are also provided for use by the residents. Access to the site will be provided via three new dedicated roadways throughout the site. The first access location is along NY-332 across from Savalla Blvd. Two access scenarios were analyzed for this location: a RIRO intersection and a signalized full access intersection. The second access location is along CR-41, east of Beaver Creek Road. The third access location is along Quentenshire Dr., south of Global Point Technology USA.

The parcels are located in the Victor Central School District. Water is to be provided by the Canandaigua/Farmington Consolidated Water District. Sanitary sewer connection (along CR 41) is to be provided by the Farmington Sanitary Sewer District. Estimated volume/usage for both is 50,000 gallons/day. On-site, stormwater ponds are to be provided to mitigate stormwater from increased impervious surface. For energy needs, the applicant states, *“Recent improvements to the RG&E substations at 127 Hook Road and 168 State Street have been completed, and the utilities (RG&E and NYSEG) have announced that these facilities are being brought online. We anticipate*

that they will meet additional demand generated by the proposed project. We will coordinate with RG&E". There are a proposed 601 parking spaces to be added. Part of the proposal is to upgrade the intersection at Savalla Boulevard and SR332 to a four-way intersection. There are three proposed access roads to the parcel: one off of SR332 to the west, one off of CR41 to the north, and one off of Quentenshire Drive to the east. All proposed lighting will be cast down and dark-sky compliant.

A traffic study was conducted and determined that the existing transportation network can adequately accommodate the projected traffic volumes and will result in minor impacts to the area. The proposed project is expected to generate approximately 141 entering/176 exiting vehicle trips during the AM peak hour and 210 entering/204 exiting vehicle trips during the PM peak hour.

Incentives proposed include:

1. Allowing the development of single-family and multifamily housing.
2. Allowing all the uses typically allowed General Business (GB) zoning for the commercial properties along SR-332 and CR-41. Most of these uses are currently allowed in the existing PD zoning.
3. A reduction of driveway spacing from 400' to 130'. This is applied to the internal roads on the site and not on SR-332 or CR-41.

Amenities provided include:

1. Construction of 3,360± LF of offsite sidewalk.
 - a. 1685± LF of sidewalk along SR-332 from the site to Farmbrook Drive.
 - b. 570± LF of sidewalk along SR-332 from the site to CR-41.
 - c. 1,100± LF of sidewalk along CR41 from the site to SR-332.
2. Upgrading the future 3-way signalized intersection on SR-331 and Savalla Blvd. to a 4-way signalized intersection.
3. A new public road with sidewalks (Road A) connecting SR-332 at the intersection of Savalla Blvd. to CR-41.
 - a. Without a public road, NYSDOT would not allow a connection at a signalized intersection on a state road.
 - b. NYSDOT does not allow new driveways on SR-332 between Savalla Blvd and CR-41, so without this public road, the frontage on SR-332 would not be able to be developed.
4. A new public road with sidewalks (Road B) connecting Road A to Quentenshire Dr.
 - a. This road was originally intended to be a private road, but at the request of the Highway Superintendent, it was upgraded to a public road with a fully dedicated ROW.
5. A new public road with sidewalks (Road E) connecting Road A to Road B.
6. New 6-foot wide asphalt bike path connecting SR-332 to Quentenshire Dr.
 1. Provides better connectivity for the community and to the Auburn Trail system.
7. Approximately 3,300 LF of new water main that will be oversized to allow better flow, more redundancy, and future capacity in the water system.
 - a. This new water main will likely include a PRV to help regulate and separate the different pressure zones in the system.
8. Oversized stormwater ponds/BMPs to help alleviate current drainage issues and provide for future capacity.
9. Longer, double wide driveways for single-family homes.
 - a. This was done at the request of the PRC and the Planning Board Chair to provide

more parking and reduce the likelihood of cars being parked on the public roads and across the sidewalks.

10. \$100,000 dollars contributed to the offsite Beaver Creek Interceptor Force Main project.

The applicant's representative was present for the 12/9 Coordinated Review Committee (CRC) meeting (via webex) and provided the following additional details:

- The proposed commercial buildings along SR332 are conceptual at this time. Right now the application is only for the rezoning to IZ.
- The blue-highlighted portions of road on the submitted Phasing Plan are to be dedicated to the Town; the remainder is to remain private.
- The applicant representative mentioned that the developer has had conversations with the utility providers (RG&E and NYSEG), and it is believed there is adequate electrical capacity for the project due to recent improvements to the RG&E substations at 127 Hook Road and 168 State Street being completed.
- At this time, there have been no conversations about implementing solar or geothermal.

Comments

1. The referring Board should consider requiring that the developer provide a portion of units at costs affordable to average-sized households (families) at or below 100% of the annual 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?
3. 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 time at the start of the project.
4. Protection of community character is a stated goal of the Ontario County Planning Board. Development patterns such as preserving existing vegetation and adding landscaping with diverse species and spacing as found in nature, rounded landforms (5:1 slopes), and curving driveways that follow the landform, vegetated buffers between commercial/residential land use, and buildings with varied spacing and natural materials contribute to rural character.
5. Local Law # 10 of 2025 does not include the new zoning incentives and new site amenities for the lots.
6. The referring board is encouraged to consider how the amenities offered through incentive zoning contribute to the Town's preservation goals.
7. Is there sufficient water capacity available for this major subdivision?
8. Is there adequate space for emergency vehicle turnaround if needed?

CRC Comments

1. The Board requests clarification regarding school transportation logistics. Specifically, will Victor Central Schools provide bus service to the development, and if so, where will designated pickup locations be situated? The Board further asks whether any sheltered pickup areas are proposed, and whether sufficient space exists on-site to safely accommodate school bus traffic, including pick-up and turnaround movements.
2. The Board asks whether the applicant has considered any development-wide energy-reduction strategies, such as solar, geothermal, or high-efficiency materials and equipment? The referring Board/municipality is encouraged to evaluate the feasibility of incorporating

such measures and to consider requiring their use where appropriate.

Attachments:

1. Aerial
2. Local Law
3. TB Resolution
4. Phasing Plan
5. Map
6. Townhome Rendering
7. TB Minutes
8. Map Exhibits
9. Traffic Impact Report
10. IZ Incentives Updates
11. FEAF
12. Fish and Wildlife Reports

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 209.0-2025 and 209.1-2025 as class 2's and return to the local board with recommendation for approval with comments.

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

209.1-2025 (Class 2 / A) Local Law amending Chapter 165, Article III (Establishment and Designation of Districts) and Section 165-12 (Zoning Map) for the rezoning of land for the Farmington Meadows Incentive Zoning Project. 209.0-2025 is related to the text amendment portion, 209.1-2025 is for the map amendment.

Municipality:	Town of Farmington
Referring Board:	Town Board
Application Type:	Map Amendment
Class:	Class 2 / A
Property Information (Address & ID):	41.07-1-28.210 & 41.07-1-28.300

Description & Review Comments:

See 209.0-2025.

Attachments:

None

Board Motion: To retain referrals 209.0-2025 and 209.1-2025 as class 2's and return to the local board with recommendation for approval with comments.

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

210.0-2025 (Class 1) Area Variances (5) and Preliminary Subdivision to allow a proposed 40-lot subdivision on what is currently four parcels located along the north side of State Route 96. 210.0-2025 is related to the Area Variances and 210.1-2025 is related to the Subdivision. See the description below for the five (setback) area variances.

Municipality:	Town of Farmington
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	29.11-2-72.000; 29.11-2-73.000, 29.11-2-74.000; 29.11-2-75.000

Description & Review Comments:

The subject parcels add up to 12.5 acres. The proposed development requires approximately 11.9 acres of soil disturbance. The site is located on the north side of NYS-96, approximately 2,500' East of State Route 332 between Fairdale Glenn and Glen Carlyn Drive. The property is within the Town's R-7.2 Planned Subdivision District. Parcels range from 7,500 SF to 15,200 SF. Each home contains a driveway and 2-car garage according to the site plan. 100,419 SF of green space is proposed south of the homes along SR96.

Access to the neighborhood will be provided along a 1,300 LF 22' wide public roadway (50' R.O.W) connecting the west side of Fairdale Glenn and the north side of NYS-96. The public roadway will be fitted with concrete curb gutters and sidewalks along the north side of the road. The new subdivision will be serviced with public utility extensions. A new 8" SDR-35 PVC public sanitary sewer main is proposed to connect to the existing sanitary sewer which bisects the property. A new 8" PVC public watermain complete with fire hydrants is proposed to provide public water supply to all homes within the subdivision. A single tapping connection is proposed on the existing watermain in Fairdale Glen. Existing drainage patterns will be maintained with site runoff being directed to the South and East into the drainage ditch along NYS-96 and Town storm sewer collection in Fairdale Glenn. Stormwater will be collected in the right-of-way and treated within the frontage of the property. Treatment will consist of two sedimentation basins and a single infiltration basin designed to treat stormwater, lessen flows, and discharge on the property before flowing into the roadside ditch (green space area). All stormwater infrastructure is designed to conform to NYSDEC and Town of Farmington Requirements. The applicant mentions that

flows from the site will be reduced in the developed condition. Streetlights will line both sides of the internal roadway, and along SR96 to the south. 12 trees are proposed (9 sugar maple, 3 skyline honeylocust) to be planted along the internal roadway.

As proposed, there will be a home density ratio of 3.20 units/acre (40 units / 12.5-acres = 3.20 units/acre).

All the proposed lots are code conforming to the R-7.2 Single Family Residential Zoning District except for five lots (Lot 1, Lot 17, Lot 21, Lot, 22, & Lot 40). The area variance requests are as follows:

- Lot 1 – Fairdale Glen setback of 26' (35' min. on corner lots per code)
- Lot 17 – Rear yard setback of 23' (30' min. per code)
- Lot 21 – Setback to NYS-96 of 60' (70' min. per MTOD overlay district code)
- Lot 22 – Setback to NYS-96 of 26' (70' min. per MTOD overlay district code)
- Lot 40 – Setback to NYS-96 of 13' (70' min. per MTOD overlay district code)

According to Oncor:

- The subject parcel has a vacant commercial land use. Land use to the south (across SR96) is also vacant commercial. Land to the east and west is residential. Land to the north is commercial.
- A NYS DEC Informational wetland lies on the northwest edge of the parcel.
- Slope is gentle to none (0–9% gradient).
- Soil disturbed is a mix of:
 - Cazenovia Silt Loam – not hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D.
 - Palmyra Gravelly Loam – not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.
 - Palmyra Gravelly Sandy Loam – not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B.
- The land disturbed is an open field (successional old field).

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 documents for the applicants' response to the test questions.

The applicant's representative was present for the 12/9 Coordinated Review Committee (CRC) meeting and provided the following additional details:

- The goal is for construction to start next year in 2026.
- They have had conversations with RG&E, and they are aware of the project and confirmed they have electricity available for this development.
- The applicant noted that they have coordinated with the Town of Farmington to establish a development density that aligns with the Town's preferences, and that the density is consistent with the surrounding area.
- The area variance requests are driven by the MTOD requirements. For instance, the 70 ft. setback requirement from 96 is intended for commercial businesses. It is not practical for home setbacks.
- A proposed sewer easement to the Town runs through the center of the proposed development for an existing sewer main. Sewer connection will be established here.
- The applicant has been working with NYSDEC regarding the informational wetland on the parcel. Historically, there have been no mapped wetlands on the parcel, and they don't anticipate there will be.
- The homes are served by natural gas.
- The open space will fall under an HOA.
- The stormwater management facilities will be 3–4 ft. deep.

The applicant's representative was present for the 12/10 Ontario County Planning Board (OCPB) meeting and provided the following additional details:

- They will comply if all-electric homes are required, but the goal is to have natural gas.
- The proposed development is served by electricity from the Town of Manchester connection, and they are spoke with energy providers and are confident they will have the capacity to power these homes.
- The proposed residential density does not represent maximum build-out under the applicable zoning and reflects a dwelling unit count that has been coordinated with and agreed upon by the Town.

Comments

1. Has the applicant received confirmation from NYSEG that capacity will be available for full build out? In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.
<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>
<https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing->

[Intake-Form_2024](#)

2. Is there sufficient water capacity available for this subdivision?
3. Will any of the units be affordable to households at or below area median income? The referring Board should consider requiring that the developer provide a portion of units at costs affordable to average-sized households (families) at or below 100% of the annual median income.
4. Will Victor Central School District 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?
5. Is there adequate space for emergency vehicle turnaround if needed?
6. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.
7. Any wetlands should be shown on the plans (if applicable).
8. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lots.
9. How many of the units will be ADA compliant or visitable by providing a zero-step entry, 36" doorways, and access to a bathroom?
10. Is there sufficient water capacity available for this subdivision?

CRC Comments

1. The Board requests clarification regarding school transportation logistics. Specifically, will Victor Central Schools provide bus service to the development, and if so, where will designated pickup locations be situated? The Board further asks whether any sheltered pickup areas are proposed, and whether sufficient space exists on-site to safely accommodate school bus traffic, including pick-up and turnaround movements.
2. The Board asks whether the applicant has considered any development-wide energy-reduction strategies, such as solar, geothermal, or high-efficiency materials and equipment? The referring Board/municipality is encouraged to evaluate the feasibility of incorporating such measures and to consider requiring their use where appropriate.
3. The Board questioned the purpose of the proposed sidewalk bump-out along SR 96. Sidewalks and pedestrian pathways should maintain consistency with the surrounding community, particularly along primary travel corridors. The Board noted that preserving community character in these areas is a stated objective of the County Planning Board.

Attachments:

1. Aerial
2. Subdiv Plat
3. Site Plan
4. Grading Plan
5. Lighting and Landscaping Plan
6. Utility Plan
7. Plan Set
8. Variance Descriptions
9. LOI
10. PB App
11. ZBA App
12. SEAF

CPB Comments

1. The referring Board should consider increased landscaping within (along the internal

- roadway) and surrounding (along State Route 96 and Farmdale Glen) the residential subdivision. Maintaining community character, especially along a primary travel corridor, is a stated goal of the Ontario County Planning Board.
2. Adequate space for emergency vehicle turnaround must be ensured.

Board Motion: To retain referrals 210.0-2025 and 210.1-2025 as a class 1's and return to the local board with comments.

Motion made by: Paul Lambiase, **seconded by:** Roslyn Grammer. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

210.1-2025 (Class 1) Area Variances (5) and Preliminary Subdivision to allow a proposed 40-lot subdivision on what is currently four parcels located along the north side of State Route 96. 210.0-2025 is related to the Area Variances and 210.1-2025 is related to the Subdivision. See the description below for the five (setback) area variances.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Class 1
Property Information (Address & ID):	29.11-2-72.000; 29.11-2-73.000, 29.11-2-74.000; 29.11-2-75.000

Description & Review Comments:

See 210.0-2025.

Attachments:

None

Board Motion: To retain referrals 210.0-2025 and 210.1-2025 as a class 1's and return to the local board with comments.

Motion made by: Paul Lambiase, **seconded by:** Roslyn Grammer. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

211-2025 (Exempt) Area Variance for a pool to be located in the side yard at 6162 County Road 41.

Municipality:	Town of Farmington
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Exempt

Property Information (Address & ID):	29.18-3-63.000
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Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals
2. Sketch
3. ZBA App
4. App Letter
5. CPB Referral Form
6. Pool location

9. Town of Geneva

212-2025 (Class 1) Site Plan for the installation of a 2.47MW AC ground-mounted solar photovoltaic array system at 0000 County Road 6.

Municipality:	Town of Geneva
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 1
Property Information (Address & ID):	90.00-2-68.200

Description & Review Comments:

The Geneva Solar project, is a 2.47 MWAC ground-mounted solar energy facility planned for 2743 County Road 6, Geneva, NY on a leased $\pm$ 30.8-acre (eastern) portion of a larger agricultural parcel. The project is classified as a Major Solar Collection System under the Town of Geneva zoning code and requires Site Plan approval from the Planning Board.

Disturbance is estimated at 20.79 acres. According to the submitted Full Environmental Assessment Form (FEAF) 20.43 acres of agricultural land and 0.33 acres of meadows/grassland/brushland are to be removed due to development of the site.

The system will utilize bifacial solar panels, single-axis trackers, inverters, transformers, and underground collection lines connecting to the existing NYSEG 12.5 kV distribution line along Preemption Road. The project includes permeable 20 ft.-wide access roads (coming off of CR6), security fencing, and designated equipment pads.

Construction will follow standard erosion and sediment control practices and comply with a full Stormwater Pollution Prevention Plan (SWPPP). Once operational, the facility will be unmanned

and require minimal maintenance—primarily mowing, equipment inspection, and occasional panel cleaning or snow removal from access roads. A Decommissioning Plan with financial surety is included, ensuring the site can be restored to agricultural use at the end of the project's 25–30-year life.

The Project is not expected to have an adverse impact on the State or Federal water resources (wetlands, streams, ponds, rivers, lakes) as the Facility's operations are passive by nature. The Facility, once operable, will be unstaffed, no potable water uses or sanitary discharges are planned, and no liquid fuels are associated with the operation of the Facility. Environmental studies also indicate no expected impacts on wildlife, endangered species, or air quality. The site lies in FEMA Zone C (minimal flood risk).

A Visual Impact Assessment shows limited views from Preemption Road, and no exterior lighting is planned. The solar array is set back over 1,100 ft from the street centerline. FAA review confirms no aviation-related concerns. A noise impact study was conducted as well.

Landscaping (deciduous and evergreen trees – 84 total, and shrubs) is proposed along the western (front) boundary of the solar array. All other disturbed areas will be graded and seeded with a pollinator seed mix. The contractor shall inspect and maintain all plantings, including grasses and perennials, for the full 18-month guarantee period. Upon completion of this period, the owner shall perform annual spring trimming to manage woody growth. The prior year's growth should be cut back to a height of 2 inches before new spring growth exceeds 2 inches.

According to Oncor:

- Subject parcel and parcels to the north and south are in Ontario County Agriculture District #1.
- Subject parcel has agricultural land use. Surrounding land use is residential to the west, agricultural to the north and south, and rural vacant to the east.
- Soil disturbed is primarily Dunkirk Fine Sandy Loam (not hydric, moderately high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group C).
- Slope disturbed is gentle to none (0-9% gradient).

Comments

1. How frequently will grass be mowed?
2. The applicant should consider the use of agro-voltaics.
3. Has any investigation been done to determine if an underground tile is preexisting on the site?
4. Is the road strong enough in order to hold up against the weight of panels/trucks during installation?
5. For decommissioning of the solar array – who will remove the equipment? What is the dollar amount? Does it take inflation into account?

OCDPW Comments

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

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

2. In addition, the applicant's contractors will also be required to provide insurance per attached insurance schedule; proof of Worker's Comp & Disability insurance must be on appropriate forms; we cannot accept on ACORD form.

Attachments:

1. Aerial
2. Site Plan
3. Driveway Plan
4. Landscape Plan
5. Grading & Drainage Plan
6. Plan Set
7. Project Booklet
8. PB App
9. FEAF
10. Ag Data
11. SWPPP
12. FEMA FIRM
13. Wetland Delineation Report

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

213-2025 (AR2) Area variances for proposed signage include: (1) three building-mounted business signs when no greater than two are permitted, (2) 149 SF total of building-mounted business signs when no greater than 101 SF is permitted, and (3) a 120 SF pylon sign when no greater than 75 SF is permitted - at 3615 Berry Fields Road.

Municipality: Town of Geneva
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property 103.00-3-45.130
Information
(Address & ID):

Description & Review Comments:

Policy AR-7: Signs

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

- A. All applications for signs located on property adjoining primary travel corridors that do not

comply with local limits on size and/ or number.

Final classification: Class 2

Findings:

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

Final Recommendation – Denial

Comments

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

Attachments:

- 1. Aerial
- 2. Reference Map
- 3. Sign Locations
- 4. Street View
- 5. Specs and Elevations
- 6. Test Questions
- 7. LOI
- 8. ZBA App

10. Town of Gorham

214-2025 (AR2) Area Variances for lot coverage of 37.1% (when no greater than 25% is permitted) and a south side setback of 13 ft. (when a minimum of 15 ft. is required) for construction of a 1,345 SF addition to an existing home - at 4918 County Road 11.

Municipality: Town of Gorham
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property 141.17-1-2.000
Information
(Address & ID):

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

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

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

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

Comment

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

Attachments:

1. Aerials
2. Plans
3. Elevations
4. Test Questions

5. ZBA App
6. SEAF

11. Town of Hopewell

215-2025 (Class 2 / A) Adoption of Local Law regulating the land application of sewage sludge in the Town of Hopewell.

Municipality: Town of Hopewell
Referring Board: Town Board
Application Type: Local Law other than zoning map or text amendment
Class: Class 2 / A
Property N/A
Information
(Address & ID):

Description & Review Comments:

Local Law # 3 outlines the authority, reasons, and purpose of the law prohibiting land application of sewage sludge within 1,000 ft. of any potable water well and on any land with soils rated as very limited or somewhat limited in suitability for such land application of sewage sludge. The local law also outlines penalties for violation and authorization for code enforcement and law enforcement officers to issue a cease and desist order to halt such activity.

CRC Comment

1. Is the majority of the town within land with soils rated as very limited or somewhat limited? How much of the town land will no longer be eligible for this kind of fertilizer application?

Attachments:

1. LL 3 of 2025
2. FEAF

Board Motion: To retain referral 215-2025 as a class 2 and return to the local board with recommendation for approval with comments.

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

216-2025 (Class 2 / A) Adoption of Local Law amending the Zoning Ordinance of the Town of Hopewell to establish a prohibition on the construction, operation, and maintenance of commercial sewage sludge composting facilities.

Municipality: Town of Hopewell
Referring Board: Town Board

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

Description & Review Comments:

The Local Law also adds definitions for farm operation, sewage sludge, and commercial sewage sludge composting facility. The prohibition on commercial sewage sludge composting facilities applies to all zoning districts.

Comments

1. The Hopewell Town Code section 103 has a definition for agricultural or farm operation. The code should include only one definition for farm operation; either the existing definition should be deleted as part of this local law or this local law should be revised to remove the definition of farm operation. To avoid this problem in the future, the Town Board should also consider a cross-reference, so those looking under A or F will be directed to the definition of agricultural or farm operation.
2. The Hopewell Code section 503 includes a section on prohibited uses. The Town Board should consider amending the list in section 503 rather than adding section 722 as proposed. The Town Board may also want to revise the zoning amendment to address duplicate text regarding prohibition of mining activities in section 503 and 711.

Attachments:

1. LL 4 of 2025
2. FEAF

Board Motion: To retain referral 216-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

12. Town of Lima (Livingston County)

217.0-2025 (Exempt) Local Law to amend the zoning map and portions of the zoning ordinance (Chapter 250) to create a General Business Overlay zoning district. 217.0-2025 is related to the text amendment and 217.1-2025 is for the map amendment.

Municipality:	Town of Lima (Livingston County)
Referring Board:	Town Board
Application Type:	Text Amendment
Class:	Exempt
Property Information (Address & ID):	N/A

Description & Review Comments:

Exempt (not within Ontario County).

Attachments:

1. Public Hearing Notice
2. Local Law

217.1-2025 (Exempt) Local Law to amend the zoning map and portions of the zoning ordinance (Chapter 250) to create a General Business Overlay zoning district. 217.0-2025 is related to the text amendment and 217.1-2025 is for the map amendment.

Municipality: Town of Lima (Livingston County)
Referring Board: Town Board
Application Type: Map Amendment
Class: Exempt
Property Information (Address & ID): N/A

Description & Review Comments:

Exempt (not within Ontario County).

Attachments:

None

13. Town of Richmond

218-2025 (Exempt) Area variance for an accessory structure (pavilion) with a floor area greater than the maximum permitted 200 SF — at 9038 State Route 20A.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property Information (Address & ID): 135.00-1-55.200

Description & Review Comments:

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

Attachments:

- 1. List of Exempt Referrals
- 2. Test Questions
- 3. ZBA App
- 4. SEAF

219-2025 (Exempt) Lot Combination to combine two parcels (TM#'s: 134.00-1-28.110 and 134.00-1-28.200), totaling 13.4 acres — at 0000 and 4886 Canadice Lake Road.

Municipality: Town of Richmond
Referring Board: Planning Board
Application Type: Other
Class: Exempt
Property Information (Address & ID): 134.00-1-28.110 & 134.00-1-28.200

Description & Review Comments:

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

Attachments:

- 1. List of Exempt Referrals
- 2. Plat
- 3. Authorization to Merge
- 4. Subdiv App
- 5. SEAF
- 6. Ag Data

220-2025 (Exempt) Lot-Line Adjustment adding land from two parcels (TM#'s: 135.00-2-8.110 and 135.00-2-9.110) to an existing parcel (TM# 165.00-2-9.211) on Main Street.

Municipality: Town of Richmond
Referring Board: Planning Board
Application Type: Other
Class: Exempt
Property Information (Address & ID): 135.00-2-8.110, 135.00-2-9.110, and 135.00-2-9.211

Description & Review Comments:

There is no net addition or subtraction of parcels - exempt.

Attachments:

1. Aerial
2. Plat
3. Subdiv App
4. SEAF
5. Relevant Code Sections

228-2025 (Class 2 / LATE REFERRAL / A) Local Law to amend the zoning law of the Town of Richmond.

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

Description & Review Comments:

Changes to zoning code section 200-18 G Commercial / Light Industrial include:

- Insertion of additional permitted uses:
 - Attached dwellings, group dwellings, multiple-unit dwellings, single-unit dwellings, two-unit dwellings, and apartment dwellings.
- Insertion of additional permitted accessory uses:
 - Private garages, sheds and other minor ancillary structures, and home occupations.
- Repealing of residential dwellings as a prohibited use.

Current allowed and specially permitted uses under zoning code section 200-18G Commercial / Light Industrial include:

- Permitted: Professional Office Buildings, Executive Offices, Research and Development Laboratories, Agricultural, Production and Assembly Operations, Public Buildings, Membership Clubs, and any other use deemed by the ZBA to complement a permitted use deemed to be of the same general nature of uses permitted in the district.
- Specially Permitted Uses: Large-Scale Retail Stores, Structures consisting of units intended for stores or shops which conduct retail sales or personal services, restaurants, factory outlet stores operated in conjunction with a permitted use, gasoline filling stations with or without repair services, hotels and motels, warehouse and trucking terminals, essential services, commercial broadcast and commercial personal wireless towers and antennas, and large-scale solar energy systems.

CRC Comments

1. The Board noted that the protection of community character is a stated goal of the Ontario County Planning Board. Concerns were raised regarding the proximity of residential uses

- to large-scale commercial operations, and the Board recommended that appropriate controls be implemented to mitigate potential conflicts.
2. The Board recommended that the referring Board consider designating residential uses within the G Commercial/Light Industrial district as a specially permitted use, rather than as a general permitted use.

Attachments:

1. Local Law Draft
2. Current Code

CPB Comment

1. Per State statute - any proposed changes to zoning must be in conformance with the current Comprehensive Plan.

Board Motion: To accept referral 228-2025 as a late referral.

Motion made by: Paul Lambiase, **seconded by:** Burch Craig. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referral 228-2025 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Paul Lambiase, **seconded by:** Leonard Wildman. **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed.

14. Town of Seneca

221.0-2025 (Class 2 / I) Special Use Permit and Site Plan to construct and operate a fuel (oil and gasoline product) storage and distribution facility – at 0000 SR 5&20 in the Town of Seneca. 221.0-2025 is associated with the special use permit and 221.1-2025 is for the Site Plan.

Municipality: Town of Seneca
Referring Board: Zoning Board of Appeals
Application Type: Special Use Permit
Class: Class 2 / I
Property 103.00-1-19.120
Information
(Address & ID):

Description & Review Comments:

The project was referred to the Ontario County Planning Board (CPB) in February 2025 as 23.0-2025 and 203.1-2025 for a Special Use Permit and Site Plan for the same project. The referrals were originally deemed Class 1 (no countywide or intermunicipal significance, no recommendation given) to a Class 2 (considered to have countywide or intermunicipal

significance, recommendation given). The referrals were then both recommended for denial. Stated in the February 2025 CPB minutes, findings (reasoning) for the denial include:

1. The proposed plan does not appropriately protect water resources of the Seneca Lake watershed. More specifically:
 - a. the location of fuel loading and unloading activities is outside the containment system.
 - b. The unknown location of drainage tile and septic leach field makes it difficult and expensive to ensure protection of downstream water resources.
 - c. The proposed pond area is all hydric soil and the depth of groundwater will most likely be less than the proposed excavation. In any event, use of infiltration practice requires a percolation test to determine the likely rate of infiltration of native soils or need for imported soil. Percolation testing would also be needed for the bio-retention area.
 - d. without a completed wetland delineation, the extent of the disturbance to the wetlands is unknown and there appears to be no protection of the wetland area from potential spills at the gravity unloading truck access.
 - e. without catch basins or an oil separator in the fuel loading and dispensing areas, it is unclear how potential spills will be prevented from entering the proposed stormwater management system.

The site plan has since been revised, taking into account the Staff, CPB, and Ontario County Soil and Water Conservation District (OCSWCD) comments made in the February 2025 CPB Minutes.

The applicant has since submitted a response letter to the Staff/CPB/OCSWCD comments – see provided “Applicant Response to CPB” document. The May 2025 Staff/CPB/OCSWCD comments are listed at the end of this summary.

The addition of the 4 storage/office buildings, truck wash building, and parking area (115 spaces indicated) is conceptual only. This would require future approvals. Major updates to the site plan include:

- The location of the existing drainage tile and the existing drainage tile to be removed is now shown.
- Wetlands were delineated by NYSDEC and removed from the site plan. No disturbance to wetlands is to occur.
- Limits of disturbance are now shown (5.5 acres).
- Canopy with gutter drain for fuel pump area.
- A landscaping plan is now included.
- A NYSDOT entrance plan is now included.

The subject 10.9-acre parcel is in the C-2 (General Business) Zoning District. Fueling facility is considered an essential service – which is a specially permitted use in the C-2 Zoning District in the Town of Seneca. The site is currently vacant and not farmed, and is located between a commercial building to the west and a residential home to the east. Across the street (to the north) lies a commercial use as well – Martin’s Overhead Door Service. All adjacent parcels to the south are residential or vacant. The subject parcel (and adjacent parcels to the east and west) are not within the Ontario County Agricultural District #1, but all other surrounding parcels are. The

Town of Geneva municipal boundary lies 640 meters to the east. There are both federal and NYSDEC regulated wetlands on the west side of the project. The NYSDEC mapping shows that the wetland exists 80–200 feet off the western boundary of this site. The federal wetland mapping shows a wetland that encroaches on to the site approximately 50 feet along the western property line. A wetland delineation was conducted by the NYSDEC, and it appears that the NYSDEC mapping is more accurate and federal wetland mapping is off by an order of magnitude.

This project consists of the development of a fuel storage and distribution facility and will occupy approximately 5-acres of the 10.9-acre site. It is to be a setback of 100+ ft. and will not be visible from the road. The fuel storage and distribution facility will host 5 fuel storage tanks ranging from 20,000 gallons to 15,000 gallons. The intent is to store and distribute heating oil, off-road diesel, on-road diesel as well as gasoline products. The new tanks will comply with NYSDEC standards and specifications for pollution control as well as state standards for public safety. The tanks will be located inside a concrete containment structure with retaining walls on 4 sides. The site is designed with a delivery truck route being elevated above the tanks for gravity unloading. The lower side of the tanks will have dispensing equipment to fill both commercial fuel delivery vehicles as well and a dispensing area to fill on-road diesel trucks. The on-road diesel vehicle fueling stations will be located outside this area and will be accessible 24 hours a day, 7 days a week with key card access to operate the fuel dispensers. The site is designed with a new commercial site entrance off the NYSDOT highway and a driveway approximately 450 feet long. The driveway will have space for truck and trailer parking. The end of the driveway will have an emergency vehicle turn around and a dry fire hydrant will be located near the fueling facility.

The site will drain into a series of stormwater management areas. Stormwater from the fuel loading and unloading areas will be diverted to the containment area around the fuel storage tanks. This will then drain by a manually operated pump system to discharge to a bioretention facility to provide treatment of water quality prior to discharging to a large pond on the east side of the property. The NYSDEC Spill Prevention Plan requires inspection of stormwater in containment areas prior to discharge to the stormwater management facility. The main stormwater pond on the east side of the driveway provides additional water quality treatment and detention as required by NYSDEC SPDES permit for construction activities. This pond also provides a water source for fire fighting. An underground electrical service will be installed to a transformer near the fuel facility. A 2" water service will be installed for future development as well as a water source for construction and normal facility maintenance.

According to OnCor, the parcel has little to no slope (0–3% gradient) and soils are predominately Canandaigua Mucky Silt Loam (very poorly drained, all hydric, moderately high permeability, very high erodibility, is not prime farmland, and is in hydrologic soil group C/D). Elevation is to be increased to roughly 9 ft. along the western side of the proposed facility, sloping down towards the east.

February 2025 Staff Comments

1. Will there be any employees? Will there be any parking?
2. What is the expected number of customers per day? How much additional traffic will be generated?
3. The referring Board should consider additional landscaping along the 10 ft. elevation drop along the west side of the parcel in order to further deter vehicles from accidentally going over the edge.
4. The Referring Board should consider requiring some sort of landscaping/physical buffer to the east (along the driveway) to provide safety/privacy for residents on the adjacent

residential parcel.

5. Is the proposed lighting contained on-site? Is it dark sky compliant?
6. Will significant noise be generated by the trucks / associated activities?

February 2025 CPB Comment

1. The applicants need to speak with the fire chief with jurisdiction over the area to determine the fire-fighting ability/capacity for the site (and use).

February 2025 OCSWCD Comments

1. OCSWCD has been to this site multiple times on drainage concerns and issues. There is drainage tile throughout the parcel, with septic in the northern portion. Due to the proposed (fuel storage/distribution) use, the amount of existing underground drainage hydrologically connected to the road ditch and wetland is of major concern.
2. The proposed settling trap / pond area is all hydric soil and the depth of groundwater will most likely be less than the proposed excavation.
3. Before any design is approved, percolation tests should be performed on any area proposed for stormwater management.
4. All underground drainage should be disconnected from areas of stormwater management and fuel containment structures.
5. Limits of disturbance appear to overlap with designated wetland areas and a wetland delineation may be required.
6. The created slope may require additional topsoil or imported materials for seed/grass establishment.

OCSWCD Comment

1. The updated plans seem to address most of the tile drainage issues, though the “old” tile main line just east of the existing building, on the very north end of the parcel, is pretty deep and outlets to an un-determined location to the north...when I was out there last, the contractor had not located where that line actually ended up at.... As part of this development project, It should be determined where that old tile line outlets for monitoring purposes. (It may even go under the road as that was common on very old systems)

I may be missing something, but I do not see anywhere that the updated plans address the potential “septic” or “drywell” infiltration area that serves the west building and is directly under the proposed access area to this parcel. I have it circled clearly in the picture below, and I was out there for drainage issues when it was being installed. There are at least 5 trenches and 4 of them are located on the parcel that is proposed for site development, and within the designed access area. This needs to be addressed.

CRC Comments

1. Protection of water quality/quantity is a stated goal of the Ontario County Planning Board:
 - a. The Board reiterated the concerns previously raised by OCSWCD regarding the elevation of the groundwater relative to the proposed excavation for the settling trap/pond area, noting potential risks for groundwater contamination.

- b. The Board reiterated its concerns regarding fuel spill containment along the slope immediately west of the fuel tank area, noting the associated risk of contamination to nearby Castle Creek.
2. Regarding the future Phase II development to the rear/south of the parcel (as indicated in the submitted concept plan):
 - a. Does the Town have any legislation in place that prevents a business operation out of a location designated as mini-storage?
 - b. The Board emphasized that adequate containment measures must be implemented to prevent potential wastewater and fuel/oil discharges from the proposed truck wash area.
 - c. Are 115 parking spaces necessary?
 - d. Are the offices planned to have plumbing? Septic? This needs to be indicated on the plans once an application for Phase II is submitted.

Attachments:

1. Aerial
2. Colored Rendering
3. Applicant Response to CPB
4. Plan Set
5. Site Plan
6. Utility Plan
7. Grading Plan
8. Plan Set
9. Site Plan
10. Utility Plan
11. Grading Plan
12. Colored Rendering
13. Feb 2025 (old) Plan Set
14. LOI
15. PB App
16. ZBA App
17. FEAF
18. Drainage Exhibit
19. Containment storage calcs
20. NYSPRHP No Impact Letter
21. SWPPP
22. Spill Plan
23. OCSWCD Image

CPB Comment

1. The applicant's representative requested that the project review be tabled until the January 2026 meeting due to an inability to attend the December 2025 meeting and ongoing coordination with the client/owner on project details. The Board noted that the application has been deemed incomplete and is required to return for review at the January meeting, with any updates or additional information to be submitted at that time.

Board Motion: To return referrals 221.0-2025 and 221.1-2025 to the local board as incomplete with comments.

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

221.1-2025 (Class 2 / I) Special Use Permit and Site Plan to construct and operate a fuel (oil and gasoline product) storage and distribution facility – at 0000 SR 5&20 in the Town of Seneca. 221.0-2025 is associated with the special use permit and 221.1-2025 is for the Site Plan.	
Municipality:	Town of Seneca
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Class 2 / I
Property Information (Address & ID):	103.00-1-19.120

Description & Review Comments:

See 221.0-2025.

Attachments:

None

Board Motion: To return referrals 221.0-2025 and 221.1-2025 to the local board as incomplete with comments.

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

15. Town of Victor

222-2025 (Class 1) Area Variances (2) to conduct a dog boarding business on less than two acres and to construct a fence forward of the front line of the principle structure — at 7275 State Route 96.	
Municipality:	Town of Victor
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	Class 1
Property Information (Address & ID):	15.00-1-10.100

Description & Review Comments:

The applicant is requesting two area variances for a dog boarding business at 7275 State Route 96, Victor, NY, located in the Commercial – Light Industrial zoning district. The variances requested are to allow operation of the business on a parcel smaller than the minimum two-acre requirement and to construct a chain-link fence approximately 150 linear feet with three gates forward of the front line of the principal structure to enclose outdoor dog activity areas. The applicant mentions in the submitted area variance test questions that this building will be used for dog daycare and training (not overnight stay). No physical disturbance or new building construction is proposed. Surrounding parcels are primarily commercial or light industrial, with nearby residential uses separated by existing buildings and vegetated buffers.

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 documents for the applicants' response to the test questions.

Comments

1. The referring body should consider granting the minimum variance necessary.
2. Proper disposal of pet waste should be ensured.
3. Additional details on operational characteristics such as number of dogs, employees, and hours of operation would be helpful for review.
4. The fence placement and design should be evaluated for screening, aesthetics, and safety.

CRC Comments

1. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.
2. Protection of water features is a stated goal of the County Planning Board. Proper disposal of animal waste needs to be ensured.
3. The Board emphasized that the preservation of community character, particularly along primary travel corridors, should be a key consideration in the design and review of

developments in these areas.

4. The Board noted that the facility should provide adequate space to accommodate the proposed number of dogs, ensuring animal welfare and compliance with applicable standards.
5. Any outdoor play area should have grass cover.

Attachments:

1. Aerial
2. Floor Plan
3. Fence Plan
4. Test Questions
5. ZBA App
6. SEAF
7. Project Description
8. Lease Letter

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

223.0-2025 (Class 2 / A) Local Law adding TM# 6.00-1-12.400 to the Eastview Mall MUO (Mixed-Use Overlay) District - at 50-52 Eastview Mall Drive. 223.0-2025 is related to the text amendment portion, 223.1-2025 is for the map amendment.

Municipality:	Town of Victor
Referring Board:	Town Board
Application Type:	Text Amendment
Class:	Class 2 / A
Property	6.00-1-12.400
Information	
(Address & ID):	

Description & Review Comments:

The purpose of this Local Law is to provide additional flexibility within and around the Eastview Mall site for authorization of a mix of multiple principal residential, recreational, commercial and/or light industrial uses without departing from the spirit and intent of these zoning regulations and in the absence of a plan for development.

The Eastview Mall Mixed Use Overlay District consists of approximately 160.9 acres and multiple contiguous parcels identified by the following tax map numbers, street addresses and acreages:

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, 20.16 acres (to be added).

The underlying base zoning district is commercial. The subject and surrounding parcels have a commercial land use. For a site within the Eastview Mall Mixed Use Overlay District, in addition to uses listed as a permitted use or as a special permit use within the underlying base zone, the mix of uses to be made of sites within the overlay district shall include other permitted uses and special permit uses identified in a Mixed-Use Plan for the site(s) approved by a resolution of the Town Board. Mixed-Use Overlay Districts are overlay districts designated for a compatible mix of uses in one or more of the following categories: residential, commercial, light industrial, recreational.

Attachments:

1. Local Law
2. Map

Board Motion: To retain referrals 223.0-2025 and 223.1-2025 as class 2's and return to the local board with recommendation for approval with comments.

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

223.1-2025 (Class 2 / A) Local Law adding TM# 6.00-1-12.400 to the Eastview Mall MUO (Mixed-Use Overlay) District — at 50-52 Eastview Mall Drive. 223.0-2025 is related to the text amendment portion, 223.1-2025 is for the map amendment.

Municipality:	Town of Victor
Referring Board:	Town Board
Application Type:	Map Amendment
Class:	Class 2 / A
Property Information (Address & ID):	6.00-1-12.400

Description & Review Comments:

See 223.0-2025.

Attachments:

None

Board Motion: To retain referrals 223.0-2025 and 223.1-2025 as class 2's and return to the local board with recommendation for approval with comments.

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

16. Town of West Bloomfield

224.0-2025 (Exempt) Subdivision of a 66.8-acre parcel into two (Lot 1: 6.0-acres; Lot 2: 60.8-acres) — at 8592 County Road 14. A Site Plan (224.1-2025) is associated with this referral for the construction of a proposed single-family dwelling.

Municipality: Town of West Bloomfield
Referring Board: Planning Board
Application Type: Subdivision
Class: Exempt
Property Information (Address & ID): 51.00-1-17.120

Description & Review Comments:

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

OCSWCD Comments

- 1. Show setback from existing leach area to proposed (downhill) new well.
- 2. Show location of existing well.
- 3. Is water plumbed into the barn?
- 4. Will there be a water softener, and where will it discharge?

Attachments:

- 1. List of Exempt Referrals
- 2. Site Plan
- 3. Plan Set
- 4. Subdiv Plan
- 5. Subdiv App
- 6. Site Plan App
- 7. SEAF
- 8. Subdiv Completeness Letter
- 9. Site Plan Completeness Letter
- 10. Draft Planning Board Minutes 11-5-2025
- 11. Owner Authorization

224.1-2025 (Exempt) Site Plan for the construction of a proposed single-family dwelling at 8592 County Road 14. This project is associated with 224.0-2025 (subdivision).

Municipality: Town of West Bloomfield
Referring Board: Planning Board
Application Site Plan

Type:	
Class:	Exempt
Property	51.00-1-17.120
Information	
(Address & ID):	

Description & Review Comments:

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

Attachments:

None

225-2025 (Exempt) Site Plan Application for the construction of a proposed single-family home at 1860 Hickory Lane (formerly 0000 State Route 65).

Municipality:	Town of West Bloomfield
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Exempt
Property	50.02-2-51.100
Information	
(Address & ID):	

Description & Review Comments:

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

OCSWCD Comments

1. Odessa silt is poorly drained.
2. Will the septic tank and pump station be concrete?
3. Show deep hole and percolation test locations and information.

Attachments:

1. List of Exempt Referrals
2. Site Plan
3. Plan Set
4. Tax Map
5. Submittal Letter
6. PB App
7. SEAF
8. Ag Data
9. Draft Planning Board Minutes - 11.5.25
10. Completeness Letter

17. Village of Victor

226-2025 (Exempt) Subdivision of a 24.8-acre parcel (TM# 27.08-1-1.111) into two parcels (Lot 1: 10.8-acres and Lot 2: 14-acres). The proposed subdivision is occurring along the north side of Rawson Road along the Victor Town/Village municipal boundary.

Municipality: Village of Victor
Referring Board: Planning Board
Application Type: Subdivision
Class: Exempt
Property Information (Address & ID): 15.00-1-61.110; 27.08-1-1.111; 27.08-1-1.121

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals
2. Subdiv Plat
3. LOI
4. PB App

227-2025 (Class 1) Final Subdivision approval to subdivide five parcels into a total of 15 single-family lots — involving multiple parcels on Church Street.

Municipality: Village of Victor
Referring Board: Planning Board
Application Type: Subdivision
Class: Class 1
Property Information (Address & ID): 16.18-3-1.100, 16.18-3-1.200, 16.18-3-2.000, 16.18-3-50.000, 16.18-3-51.000

Description & Review Comments:

The existing property consists of ±5.9 acres and is zoned R-2. Thirteen (13) of these lots will be accessed by a proposed dedicated road to Church Street, which aligns with Hillcrest Drive and ends in a cul-de-sac. Two of the remaining lots will be accessed from Church Street. A sidewalk will be constructed along the south side of the proposed road, and on the east side of Church Street, ending at the East Parkway intersection. Lots range from roughly 11,000 SF to 17,588 SF.

The water supply for this project will be served with water supplied by the Village of Victor. A new 8" CL- 52 DIP watermain will be extended from the existing 6" asbestos-cement watermain located at the proposed dedicated road entrance. The proposed single-family homes fronting Church Street located in the southwest corner of the project site will be served by individual

services connected to the existing 6” watermain along Church Street. The total average daily water demand is estimated to be 5,250 gallons per day at the rate of 350 gpd/house for the 15 single-family homes, with a maximum daily water demand of 10,500 gpd. The development will have hydrants.

The development will be served by a public sanitary sewer that will be installed throughout the subdivision along the dedicated road. The sanitary sewer flows will be conveyed to the sanitary sewer to be constructed within an easement along the northern boundary of Harlan Fisher Park and ultimately to the existing Village pump station located on Lynaugh Road. The estimated demand for the development within the Village is calculated to be 5,250 gpd with 350 gpd/house for 15 single-family houses.

Stormwater runoff associated with the proposed project will be treated during and after construction to meet New York State Department of Environment Conservation (NYSDEC) water quality and quantity requirements. One permanent stormwater management facility will be constructed to capture runoff from the developed areas of the property at controlled rates.

Trees along Church St. are to be removed. 37 (12 White Fir, 6 Hackberry, 3 London Planetree, 6 Black Hills Spruce, 5 Swamp White Oak, and 5 Red Oak) Trees and 12 shrubs are to be planted for landscaping along the roadways and between the proposed development and residences to the south. All areas not paved will be seeded. Three streetlights are proposed within the new roadway.

According to Oncor:

- Subject parcels are primarily residential or vacant residential. One exception is a parcel to the east which is recreational – Harlan Fisher Park.
- Soil disturbed is primarily Arkport fine sandy loam (not hydric, high permeability, high erodibility, is an area of prime farmland, and is in hydrologic soil group A) and Collamer silt loam (not hydric, moderately high permeability, very high erodibility, is an area of prime farmland, and is in hydrologic soil group C/D).
- Slope disturbed is primarily gentle to none (0–9% gradient).
- Land disturbed is a mix of mowed lawn and successional northern hardwoods on the eastern portion of the proposed development. A conifer plantation and successional shrubland lie on the southern border of the parcel.

Comments

1. Has the applicant received confirmation from NYSEG that capacity will be available for full build out? In 2024, utility providers began notifying developers of electric and gas delivery capacity limitations. Local municipal building and zoning staff are requested to encourage those planning developments with significant new energy use to notify RG&E or NYSEG as appropriate. See utility provider (RG&E and NYSEG) intake form below.
<https://www.ontariocountyny.gov/DocumentCenter/View/47729/NYSEG-RGE-Eco-Dev-Intake-Form2020-rev1>
https://www.ontariocountyny.gov/DocumentCenter/View/47728/NYSEG-RGE-Housing-Intake-Form_2024
2. Will Victor Central School District 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?
3. Is there adequate space for emergency vehicle turnaround if needed?
 4. Is there sufficient water capacity available for this subdivision?

OCDPW Comment

1. If the existing “County Road 9” sign is in the way of anything during construction, please contact us and we can relocate it.

CRC Comments

1. Is Lot 1 build-able given its current configuration?
2. Is there adequate space for emergency vehicle turnaround if needed?
3. The Board requests clarification regarding school transportation logistics. Specifically, will Victor Central Schools provide bus service to the development, and if so, where will designated pickup locations be situated? The Board further asks whether any sheltered pickup areas are proposed, and whether sufficient space exists on-site to safely accommodate school bus traffic, including pick-up and turnaround movements.
4. The Board asks whether the applicant has considered any development-wide energy-reduction strategies, such as solar, geothermal, or high-efficiency materials and equipment? The referring Board/municipality is encouraged to evaluate the feasibility of incorporating such measures and to consider requiring their use where appropriate.
5. Are the lots intended to be building lots only, or is there a dedicated development planned?

Attachments:

1. Aerial
2. Subdiv Plat
3. Grading Plan
4. Landscape Plan
5. Final Subdiv Plan Set
6. Submittal Letter
7. PB App
8. Engineer's Report

Board Motion: To retain referrals 204-2025, 205.0-2025, 208.0-2025, 212-2025, 222-2025, and 227-2025 as class 1s and return them to the local boards with comments.

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

18. Privilege of the Floor

None

19. Upcoming Trainings:

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

NYS DOS Division of Local Government Services - 2025/2026 Winter Webinar Series (Remote)

- [See link to register.](#) Click on individual meeting dates within the link to register.

- **December 15, 2025; 6:00 PM - 8:00 PM**
 - SEQRA Basics
- **December 22, 2025; 6:00 PM - 8:00 PM**
 - Zoning Basics for Enforcement Officials and Board Members
 - Zoning Basics for Enforcement Officials and Board Members
- **January 5, 2026; 6:00 PM - 8:00 PM**
 - Planning Board Overview
 - Planning Board Overview
- **January 12, 2026; 6:00 PM - 8:00 PM**
 - Zoning Board of Appeals Overview
 - Zoning Board of Appeals Overview
- **January 22, 2026; 6:00 PM - 8:00 PM**
 - Essentials for Planning and Zoning Board Staff
 - Essentials for Planning and Zoning Board Staff

LOCATE Finger Lakes Energy Infrastructure Summit

- [click here for link](#)
- **Monday, December 1, 2025 - 10:00 AM - 3:00 PM;** Vandervort Room, Scandling Center, Hobart & William Smith Colleges, 300 Pultney Street, Geneva, NY 14456
- Topics include: Challenges to job development in the Finger Lakes because of the electric grid, the status of the electric grid serving the Finger Lakes region, what steps are necessary to modernize and upgrade the energy grid throughout the Finger Lakes region, and New York State policy action items needed to upgrade energy distribution in the finger lakes region.

MRB Group / Hancock Estabrook Municipal Bootcamp

- [Click here for link.](#)
- **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 trainings. Typically, updated in August and November/December.

NYS DOS On-Line Interactive Courses

- [Click here for link](#)
- Includes links to online interactive courses.

NYS DOS Recorded Webinars

- [Click here for link](#)
- Use this link to access recorded webinars, including Introductory courses on Planning and Zoning Boards. The courses are 1–2 hours each. You may choose to complete a final quiz on each topic. Print the quiz to provide documentation of course completion. You may need to disable your browser's pop-up blocker to access links in the training.

New York Conference of Mayors trainings are free (If your municipality is a member)

- [Click here for link](#)
- The NY Conference of Mayors also offers virtual and recorded webinars for member villages and cities.
- Recorded webinars include:
 - ACCESSING FEDERAL FUNDING FROM FEMA (recorded 7-29-20); Speakers: Robert T. Kennedy, Mayor of the Village of Freeport and NYCOM President; J. Andrew Martin, CFM, Public Assistance Section Chief, NYS Division of Homeland Security and Emergency Services; Janet Plarr, Village Administrator, Village of Blasdell; and Donna Lyudmer, Village of Saltaire
 - ADOPTING LOCAL LAWS AND CONDUCTING REFERENDA (recorded 6-24-21) | Speaker: Rebecca Ruscito, NYCOM Counsel
 - ARPA FUNDING: OVERVIEW OF ALLOWABLE USES AND OTHER REQUIREMENTS (recorded 8-3-21) | Speakers: Peter Baynes, NYCOM Executive Director and Barbara VanEpps, NYCOM Deputy Executive Director
 - CELL TOWERS AND WIRELESS REGULATIONS AND A CASE LAW UPDATE (recorded 12-15-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel
 - CONDUCT MEETINGS NOW AND DOWN THE ROAD: NAVIGATING THE FUTURE OF MEETINGS AND HEARINGS AS COVID NUMBERS DROP (recorded 3-18-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel and Rebecca Ruscito, NYCOM Counsel
 - ETHICS FOR ZBA AND PLANNING BOARD PROCEEDINGS (recorded 12-9-21) | Speaker: Wade Beltramo, NYCOM General Counsel
 - FAIR HOUSING CONSIDERATIONS FOR MUNICIPALITIES (recorded 12-16-21) | Speakers: Charles Grieco, Bond, Schoeneck & King; Moderator: Wade Beltramo, NYCOM General Counsel
 - GRANTS TRAIN IS AT THE STATION: GET READY FOR THE RIDE AHEAD! (recorded 5-6-21) | Speaker: Jim Thatcher, Manager, Community Development, C.T. Male Associates
 - LAWYERS AND ETHICS FOR ZBA'S AND PLANNING BOARDS (recorded 12-10-20) | Speaker: Wade Beltramo, NYCOM General Counsel
 - NEW YORK'S MARIJUANA LEGALIZATION: WHAT DOES IT MEAN FOR LOCAL GOVERNMENTS? (recorded 4-15-21) | Speakers: Wade Beltramo, NYCOM General Counsel; John Mancini, NYCOM Counsel; Rebecca Ruscito, NYCOM Counsel

- PLANNING AND ZONING HOT TOPICS AND CASE LAW UPDATE (recorded 12-14-21) | Speakers: Terry Rice, Partner, Law Office of Terry Rice; Moderator: Wade Beltramo, NYCOM General Counsel
- REGULATING CANNABIS OPERATIONS (recorded 12-7-21) | Speakers: Wade Beltramo, NYCOM General Counsel; Corey Auerbach, Barclay Damon, LLP
- SOLAR PANELS, LARGE SCALE ENERGY GENERATION SITING, AND LOCAL ZONING (recorded 12-17-20) | Speakers: Wade Beltramo, NYCOM General Counsel and Rebecca Ruscito, NYCOM Counsel

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

- Call or e-mail with membership number or to pay and participate as a non-member. 518-512-5270 or email nypf@nypf.org
- Recorded Webinars Include:
 - The Essentials of Planning and Zoning
 - Introduction to Planning, Zoning, and Land Use
 - Everything You've Ever Wanted to Know About Preparing a Comprehensive Plan
 - Understanding and Applying SEQRA (NY State Environmental Quality Review Act)
 - The What, Why, and How of Site Plan Review
 - Common Mistakes and Mishaps in Site Plan Review
 - Meeting Process and Communication
 - Enhancing Transparency and Effectiveness in Planning Proceedings
 - Innovations and Best Practices for Planning/Zoning Boards
 - Engaging Diverse Communities and Dealing with Difficult People
 - Working with Elected Officials and Understanding Everyone's Role in Planning
 - The Open Meetings Law for Zoning and Planning Boards, Part II
 - Working with Developers to Foster Investment in the Community
 - Communication, the Media and Social Media
 - Open Government and Planning and Zoning Decision-Making

20. Adjournment:

Board motion to: Adjourn. **Motion made by:** Leonard Wildman, **seconded by** Ryan Wilmer, **Vote:** Yes 13, No 0, Abstained 0. **The motion:** Passed. The Ontario County Planning Board meeting was adjourned at 8:31 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)