

ONTARIO COUNTY PLANNING BOARD

Wednesday, January 14, 2026, Time: 7:00 PM

<https://ontariocountyny.webex.com>

Meeting number (access code): 2343 871 0760

Meeting password: naMT52j8ZHe

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

Nominating Committee Chair Stephen High called the Wednesday, January 14, 2026 Ontario County Planning Board meeting to order at 7:03 PM.

2. Roll Call

Upon roll call, the following members were:

Present:

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

Present Not Voting:

Thomas Kugris

Absent:

Jack Dailey

Excused:

Tammy Worden

Present (Voting): 14, Present (Not Voting): 1, Absent: 1, Excused: 1

Guests: None

3. Nominating Committee

Nominating Committee Chair Stephen High presented the 2026 slate. The Nominating Committee nominated:

- Paul Passavant - Chair
- AJ Magnan - Vice Chair
- Ryan Wilmer - Water Resources Council representative

Motion made by: Chris Mergler to approve the Nominating Committee slate, **seconded by:** Leonard Wildman. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

4. County Planning Board Annual report

The 2025 Ontario County Planning Board Annual Report was presented by Kyle Ritts (Planner). The Board recommended revisions to the 2025 Annual Report. Revisions are to:

- Section 2 County Planning Board Membership, Staffing, and Meeting Format (pg. 6) - add information indicating that Ruth Cahn was appointed to the Ad Hoc Housing Committee in 2025.
- Section 5 CPB Referral Activity (Referral Type - pg. 8) - clarify trends/statistics of text and map amendments referred to the CPB.
- Section 7 Areas of Review (pg. 12) - clarify that the County Planning Board *does not make recommendations regarding architectural review*.
- Section 8 Trends, Innovations, and Concerns (The Application of the Public Utility Variance Standard to Renewable Energy Projects in New York - pg. 13) and Executive Summary- clarify that "those planning housing developments of 10 or more units or other developments with significant new energy use to notify RG&E or NYSEG" *early in the development process*.
- Section 8 Trends, Innovations, and Concerns (On-going CPB-Ontario County Planning Department - Local Municipal Collaboration - pg. 14) - Add/clarify status of the *Ontario County Access Management, Complete Streets, and Resiliency Study*.
- Section 8 Trends, Innovations, and Concerns (On-going CPB-Ontario County Planning Department - Local Municipal Collaboration - pg. 14) - Include information on status of the County's progress on hiring a staff to support addressing housing needs in the County.
- Section 8 Trends, Innovations, and Concerns (Best Practices for Siting, Reviewing, & Regulating Large Scale Solar Energy and Other Renewable Energy Systems - pg. 15) - add a recommendation that local municipalities should consider having decommissioning plans in place when approving a large-scale solar energy or renewable energy project.
- Minor grammar and spelling corrections.

Board Motion: To Approve the 2025 County Planning Board Annual Report (pending revisions mentioned above) with comments to submit to PEQ and BOS. **Motion made by:** A.J. Magnan, **seconded by:** Dan Crowley. **Vote:** Yes 14, No 0, Abstained 0. **The Motion** passed.

5. Approval of Minutes:

Stephen High motioned to approve the minutes of the December 10, 2026. The motion was seconded by Ryan Wilmer. The motion passed.

6. Old Business:

PLEASE BE AWARE OF A RECENT SCAM THAT IS GOING AROUND. THERE ARE NO FEES FOR COUNTY PLANNING BOARD REVIEW. YOU SHOULD NEVER RECEIVE AN INVOICE FROM THE ONTARIO COUNTY PLANNING BOARD.

7. New Business:

8. Town of Bristol

1-2026 (Class 1) Site Plan for a 560 SF commercial building addition - at 4511 Egypt Road.

Municipality: Town of Bristol
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property 123.00-2-31.100
Information
(Address & ID):

Description & Review Comments:

The subject parcel is 24.7 acres. Disturbance is estimated at 2,000 SF. The addition occurs over 270 ft. from the nearest property line. The addition will be added to the north side of the existing operator's building. Roof drains to splash blocks are proposed.

According to Oncor:

- The subject parcel has a “public service” use. The property has a natural gas storage business. Surrounding land use is primarily residential, with agricultural uses existing to the east.
- The subject parcel is surrounded by successional northern hardwood forest and a conifer plantation.
- The area disturbed slopes downhill west to east. Steep slopes exist just east of the addition, sloping towards an existing pond on the property. A drainage swale exists and directs water to the pond.
- Soil disturbed is Opark Silt Loam: hydric, moderately high permeability, high erodibility, prime farmland if drained, and is in hydrologic soil group D.
- The pond (and the stream that runs across the front of the property) is a part of the National Wetland Inventory.
- The adjacent parcel to the east, and the parcel across the street (Egypt Rd.) to the west is in

the Ontario County Agricultural District #1.

Comment

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

Attachments:

1. Aerials
2. Site Plan
3. Sketch
4. PB App

Board Motion: To retain referrals 1-2026 , 6-2026, 13-2026, and 14-2026 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Jamie Purdy. **Vote:** Yes 14, No 0, Abstained 0. **The motion** Passed.

9. Town of Canandaigua

2-2026 (Exempt) Site Plan for the tear-down and re-build of a single-family dwelling - at 3385 County Road 16.

Municipality:	Town of Canandaigua
Referring Board:	Planning Board
Application Type:	Site Plan
Class:	Exempt
Property Information (Address & ID):	98.09-1-28.000

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals
2. Plan Set
3. PB App
4. SEAF
5. Shoreline Guidelines
6. ZLD

10. Town of Farmington

3-2026 (Exempt) Subdivision of a 116-acre parcel into two, creating Lot 1 (87.4 acres) and Lot 2 (28.6-acres) acres - at 4995 Rushmore Road.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Subdivision
Class: Exempt
Property 19.00-1-1.000
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

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

11. Town of Gorham

4-2026 (Exempt) Subdivision of a 1-acre parcel into two 0.5-acre parcels - at 4187 State Route 364.

Municipality: Town of Gorham
Referring Board: Planning Board
Application Type: Subdivision
Class: Exempt
Property 127.11-1-6.100
Information
(Address & ID):

Description & Review Comments:

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

Attachments:

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

4. SEAF
5. DOT Letter

5-2026 (Exempt) Site Plan approval to add a second floor to an existing single-family home, and converting the existing deck into a screened-in porch and deck - at 3932 State Route 364.

Municipality: Town of Gorham
Referring Board: Planning Board
Application Type: Site Plan
Class: Exempt
Property Information (Address & ID): 113.15-1-19.100

Description & Review Comments:

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

Attachments:

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

6-2026 (Class 1) Final Subdivision of two lots (totaling 5.8 acres) into six — at 4750 & 4753 Deer Run in the Deer Run Subdivision.

Municipality: Town of Gorham
Referring Board: Planning Board
Application Type: Subdivision
Class: Class 1
Property Information (Address & ID): 144.15-1-15.100 & 144.15-1-26.100

Description & Review Comments:

The project is for final subdivision of Phase II of the Deer Run Subdivision. Phase II consists of 4750 and 4753 Deer Run (both to be subdivided into a total of six lots), in addition to 4743 Deer Run (will not be subdivided). The total sum of the acreage of the lots is 7.8 acres, with 7 proposed homes, resulting in a proposed housing density of 0.90 units/acre.

The project proposes clearing and grubbing of existing vegetation within the Phase 2 development area, limited to the defined limits of disturbance (estimated at 5.8-acres). Conservation of remaining trees is proposed. No tree plantings are proposed. Topsoil will be stripped and

stockpiled for reuse, followed by bulk earthwork including cut and fill operations to establish proposed lot elevations, roadway profiles, and drainage patterns. Grading is designed to support future residential construction while ensuring drainage away from building flows towards the proposed stormwater infrastructure.

The plan also seeks to limit impervious surface coverage by not proposing sidewalks or on-street parking, while driveway lengths, widths, and building footprints will be determined by individual lot owners and are consistent with impervious areas observed in Phase 1 build-out. Runoff reduction is achieved by directing stormwater through sheet flow to perimeter swales for pretreatment before conveyance to an infiltration basin. Rooftop runoff will be discharged to splash blocks and swales and ultimately routed to the infiltration basin. Due to favorable soil infiltration characteristics, an infiltration basin is proposed in lieu of bioretention practices.

The plan includes the installation and extension of public utilities necessary to serve the new subdivision lots. This includes water mains with valves and fire hydrants, sanitary sewer mains and laterals, and storm sewer systems with associated structures such as manholes, inlets, and end sections. Where conflicts occur with proposed improvements, select existing utilities are shown to be removed, relocated, or adjusted. Easements to NYSEG, Seneca Gorham telephone company are proposed, and A-R Cable Services NY. Access to the development will come from Maple Avenue and Deer Run, which both connect to Main Street. An extension to Deer Run (to the west) is anticipated.

According to Oncor:

- Subject parcel(s) and surrounding land use is residential.
- The subject parcel and adjacent parcels to the south and east are in Ontario County Agricultural District #1.
- Slope of the parcels range from gentle to none (0–9% gradient).
- Soil disturbed is primarily Palmyra Gravelly Sandy Loam (not hydric, high permeability, medium erodibility, has areas of prime farmland and of statewide importance, and is in hydrologic soil group B) and Phelps Gravelly Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B/D).
- Land disturbed is predominately successional old field.

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. The applicant is recommended to coordinate with the Town of Gorham to ensure that roadway and utility improvements are constructed and tested in accordance with local standards.
4. Will Marcus Whitman 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. Has 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.
6. Preservation of natural features and protection of water quality/quantity is a stated goal of the Ontario County Planning Board, and should be ensured to the greatest extent practicable. The applicant is encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
7. At the start of each phase, the referring board is encouraged to require the applicant to adhere to the code/design standards in place at that time – not what was in place at the start of the project.

Attachments:

1. Aerial
2. Plat Map
3. Utility Plan
4. Plan Set
5. SWPPP
6. LOI
7. PB App
8. SEAF

Board Motion: To retain referrals 1-2026 , 6-2026, 13-2026, and 14–2026 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Jamie Purdy. **Vote:** Yes 14, No 0, Abstained 0. **The motion** Passed.

12. Town of Richmond

7-2026 (Exempt) Subdivision of a 90.2-acre parcel into two (Lot 1: 70.0-acres & Lot 2: 20.2-acres) — at 3972 O'Neill Road.

Municipality:	Town of Richmond
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Exempt
Property	106.00-1-14.100
Information	
(Address & ID):	

Description & Review Comments:

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

Attachments:

1. List of Exempt Referrals
2. Subdivision Plat
3. PB App
4. SEAF

8-2026 (AR1) Site Plan to operate a commercial business (Full Moon Mystics) in an existing commercial building - at 8596 Main Street.

Municipality: Town of Richmond
Referring Board: Planning Board
Application Type: Site Plan
Class: AR1
Property 136.17-1-2.120
Information
(Address & ID):

Description & Review Comments:

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

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

The final classification shall be Class 1.

Findings

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

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

Comments: from individual members and staff shall be so designated and sent to the referring agency.

Attachments:

1. Aerial
2. Survey Sketch
3. PB App

4. SEAF
5. Checklist
6. Project Summary

9-2026 (Exempt) Area Variance for a proposed third-story addition (when no greater than two-stories is permitted) to an existing single-family dwelling - at 5752 Willow Beach.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Exempt
Property Information (Address & ID): 165.17-1-8.110

Description & Review Comments:

Exempt (not within 500 ft. of anything that requires CPB review).

Attachments:

1. Sketch & Images
2. Test Questions
3. ZBA App
4. SEAF

10-2026 (AR2) Area Variance for a rear (lake) setback of 28.3 ft. (when a minimum of 50 ft. is required) for the tear-down / re-build of a home - at 5324 Picketts Cove.

Municipality: Town of Richmond
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property Information (Address & ID): 150.17-1-52.00

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

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

- variances pertaining to lot coverage or,

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

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

Final Classification: 2

Findings:

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

Final Recommendation: Denial

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. Sketch
3. Layout & Elevations
4. Test Questions
5. ZBA App
6. SEAF

13. Town of Seneca

16.0-2026 (Class 2 / A) 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. 16.0-2026 is associated with the special use permit and 16.1-2026 is for the Site Plan.

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

Description & Review Comments:

Please note that this and its related referral (16.0-2026 & 16.1-2026) were labeled as 221.0-2025 and 221.1-2025 in this month's CRC Agenda. The referral number has been corrected/updated to reflect its review in 2026.

The project was referred to the Ontario County Planning Board (CPB) in February 2025 as 23.0-2025 and 23.1-2025 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) and elevated 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 the 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; and
 - 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 referral was submitted to the Ontario County Planning Board in December 2025 (as 221.0-2025 and 221.1-2025). It was voted incomplete, pending additional information to be presented by the applicant (per the applicant's request). An incomplete vote requires the project to be reviewed at the following (this month's meeting).

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 since February 2025 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. 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. Oncor indicates that the parcel is served by the Stanley Fire Department.

The applicant's representative was present for the 1/13/2026 CRC Meeting and provided the following additional information:

- Wetlands were delineated by NYSDEC. There is no Federal Wetland (National Wetland Inventory) on the property. There are Federal Wetlands / NYSDEC jurisdictional wetlands on the adjacent parcel to the west. Proposed work will not disturb any land within the 100 ft. required buffer zone.
- It is the applicant's understanding that the septic system serving the building on the adjacent parcel to the west has been pumped and removed.
- A NYSDEC Preliminary Pollution Prevention plan has been completed.
- In terms of the Stormwater Management Facilities (SWMFs):
 - The SWMF will be manually monitored for spills, as needed.
 - The smaller SWMF (to the west) is a treatment cell. Any spill goes here first. The SWMF is lined and has bioretention media, so potential spills will not reach the groundwater.
 - The smaller SWMF will be pumped if needed, if there is a spill, or it is too full.
 - If there is a spill, contaminated water will be pumped from SWMF and properly disposed of offsite.
 - The smaller SWMF connects to the larger SWMF via an underdrain. Water will be treated before it goes from the small SWMF to the large.
 - The larger SWMF (to the east) has been oversized to account for the increase in frequency of intense storm events. The applicant representative mentions it is even oversized for both Phase I and Phase II, as proposed.
- A dry-hydrant is proposed for emergencies. They have been in contact with the Fire Chief for the area.
- There will be five fuel tanks in total: two 10,000-gallon tanks, and three 5,000-7,000-gallon tanks.
- A guardrail will be installed on the upper (west) side. The tanks will be fenced in. This is a "fully-contained" facility.
- The fueling area is pitched so no fuel spills will leave the containment area (or bioretention pond). The top of the path (along the west side of the fueling area) is elevated 9 ft., so the tanks can be gravity filled. The fueling area is pitched (recessed 2 to 3 ft.). The pitched area can contain up to 75,000 gallons.
- The lower fill station area (for commercial vehicle and road diesel truck fueling) will have a canopy. The remaining fueling areas will not.

- Lights will be dark sky compliant.

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.

December 2025 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.

December 2025 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.

January 2026 CRC Comment

1. The referring board should consider setting hours of operations limits. Particularly in terms of noise (and the time it is occurring) should be considered, and how it affects the adjacent residential parcel to the east.

Attachments:

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

CPB Comments

1. The County Planning Board recommends that the referring board consider including, as a condition of approval, a requirement that the applicant regularly inspect and maintain the

containment area to ensure it is functioning as designed. The installation of a sump alarm is also recommended to provide early notification of any system failure / containment concerns.

2. The County Planning Board recommends that the requirements for adequate containment capacity be clearly defined and demonstrated, specifically with respect to the relative total cubic-foot volume of all five tanks.

Board Motion: To retain referrals 16.0-2026 and 16.1–2026 as class 2s and return to the local board with recommendation for approval with comments. **Motion made by:** Dan Crowley, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

16.1-2026 (Class 2 / A) 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. 16.0-2026 is associated with the special use permit and 16.1-2026 is for the Site Plan.

Municipality: Town of Seneca
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 2 / A
Property 103.00-1-19.120
Information
(Address & ID):

Description & Review Comments:

See 16.0-2026.

Attachments:

None

Board Motion: To retain referrals 16.0-2026 and 16.1–2026 as class 2s and return to the local board with recommendation for approval with comments. **Motion made by:** Dan Crowley, **seconded by:** Edward (Ted) Liddell. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

14. Town of Victor

11-2026 (Class 2 / D) Use variance to allow for an existing 3-unit apartment building where no greater than two-family dwellings are permitted in the R-2 zoning district - at 7659 State Route 251.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Application Type: Use Variance

Class:	Class 2 / D
Property Information	15.01-1-45.000
(Address & ID):	

Description & Review Comments:

The subject parcel is in the R-2 Zoning District. Surrounding parcels south of SR251 are zoned R-2, while parcels north of SR 251 are zoned Light Industrial. According to Town Zoning Code Section §211-20 R-2 District Regulations, permitted uses shall be those uses permitted in the R-1 District (single-family dwellings and single-family detached residential dwellings), plus the following: (1) two-family dwellings and (2) Bed-and-breakfast establishments.

The use variance proposed is for the apartment building to have three dwellings. The barn is not a part of the use variance and has been decommissioned (was previously a fourth dwelling on the parcel). See details on the barn below:

On April 22, 1985, the Town of Victor Zoning Board of Appeals passed a resolution that only a two-unit apartment is allowed in the main building and that the company named Overhead Door Company of Canandaigua (commercial use) is allowed to occupy the space in the barn (via an approved use variance). If that named company leaves the barn, the space can only be used for personal storage and not rented (business use). If a new occupant would like to use the barn for commercial use, a new use variance would have to be granted. The property owner was served an Order to Remedy with an extensive list of code violations for the barn. Whether a use variance is allowed or disallowed, the property owner will need to comply with all applicable codes and permitting requirements”.

There is no disturbance / work proposed to be done, except for what the code enforcement officer deems necessary. The applicant mentioned that they will work with the Town on remediating the code violations.

According to Oncor, surrounding land use to the south of SR 251 is residential. Surrounding land use north of SR251 are commercial (Metrea Advanced Signals and O’Connell Electric Company).

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

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

If one or more of the above factors is not proven, state law requires that the ZBA must deny the variance. The applicant provided multiple financial documents (history of purchase, nearby property information, a financial overview, and a tax assessment) to support their application.

Comments

1. Is there an alternative option to a use variance in order to obtain the desired outcome? If the Town is interested in allowing this type of use in the R-2 zoning district, the Town Board could consider amending their zoning code to update the list of allowable or specially permitted uses.
2. The Town should evaluate alternative methods for allowing the use, particularly those that are less permanent in nature than a use variance.
3. 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.

CRC Comments

1. According to the Town zoning code, it looks as if short-term rentals are a specially permitted use in all zoning districts in the Town. Could a reasonable rate of return be achieved with this use? Are there any other permitted or specially permitted uses that can obtain a reasonable rate of return?
2. Is the hardship self-created?

Attachments:

1. Aerial
2. List of Exempt Referrals
3. 1985 Use Variance
4. ZBA App
5. SEAF
6. History of Purchase
7. Tax Assessment
8. Unit 3 Details
9. Financial Overview
10. Survey
11. ZLD
12. Nearby Properties

Board Motion: To retain referral 11-2026 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. There is no "dollar and cents" evidence showing a reasonable return cannot be achieved via another permitted or specially permitted use.
3. Applicant does not demonstrate that the hardship was not self-created (subsection 4 of code section 167 B2).
4. 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: Paul Lambiase, **seconded by:** Burch Craig. **Vote:** Yes 14, No 0, Abstained 0.
The motion: Passed.

12-2026 (Exempt) Waiver request to not have a sprinkler system (as required by Town of Victor Code requirements) — at 7404 State Route 96 (Fine Arts Studio).

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Application Type: Other
Class: Exempt
Property Information (Address & ID): 15.00-2-27.000

Description & Review Comments:

Exempt (not within the County Planning Board's area of review — see CPB Bylaws).

Attachments:

1. ZBA App
2. Coversheet
3. LOI
4. ZLD

13-2026 (Class 1) Area Variance for construction of impervious surface (single-family home and driveway) within 100 ft. of a wetland — at 0000 Benson Road.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property Information (Address & ID): 6.01-1-29.300

Description & Review Comments:

The subject parcel is 17.6 acres. Disturbance is estimated at 0.8 acres. The proposed house is 73 ft. from the wetland and the driveway is 57 ft. from the wetland. The applicant mentions that “moving the house further up the hill to be 100’ from the wetland would require much greater earth moving and removing many more trees.” There is an existing-cleared access path, which is where the driveway will be put in.

The proposed home will connect to the public watermain, and a private septic system will be

installed. Underground gas and electricity will be provided. Downspouts on the home will discharge rain water to splash blocks.

According to Oncor:

- Subject land use is to be residential (currently rural vacant). Surrounding land uses are predominately residential, with the parcel across the street to the east (Benson Rd.) being rural vacant.
- The adjacent parcel across Benson Rd. to the east is in Ontario County Agricultural District #1.
- NYSDEC Informational Wetlands and National Wetlands exist on the parcel.
- Land disturbed is Appalachian-Oak Hickory Forest.
- The slope disturbed is steep to extremely steep (16–60% gradient).
- Soil disturbed is primarily Arkport Loamy Fine Sand: not hydric, high permeability, high erodibility, is not prime farmland, and is in hydrologic soil group A.

Comments

1. Protection of water features is a stated goal of the CPB. Disturbance to wetland areas should be minimized to the maximum extent practicable.
2. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.
3. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.

OCSWCD Comments

1. The house and leach area appear in or close to the 100 ft. federal wetland buffer.
2. The water line setback to the leach area is 10 ft. or less.
3. It appears that the leach area will be in an area >15% slope.
4. Is cut/fill the best option for the proposed leach area?

Attachments:

1. Aerials
2. Site Plan
3. Full Plans
4. LOI & Test Questions
5. ZBA App
6. SEAF

CPB Comment

1. Protection of water quality/quantity is a stated goal of the Ontario County Planning Board. The applicant is suggested to consider a pervious surface (ex: gravel) when installing the driveway.

Board Motion: To retain referrals 1-2026 , 6-2026, 13-2026, and 14–2026 as class 1s and return

them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Jamie Purdy. **Vote:** Yes 14, No 0, Abstained 0. **The motion Passed.**

14-2026 (Class 1) Area Variance for construction of impervious surface (single-family home and driveway) within 100 ft. of a wetland — at 0000 Baker Road.

Municipality: Town of Victor
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 1.02-1-31.200
Information
(Address & ID):

Description & Review Comments:

Subject parcel is 1.9 acres. Disturbance was estimated at 0.7 acres. The proposed house is 61 ft. from the wetland and the driveway is 62 ft. from the wetland. The applicant mentions that “moving the house further up the hill to be 100’ from the wetland would require much greater earth moving and removing many more trees.”

The proposed home will connect to the public watermain, and a private septic system will be installed. Underground gas and electricity will be provided. Downspouts on the home will discharge rain water to splash blocks.

According to Oncor:

- Subject land use is to be residential (currently residential vacant). Surrounding land uses are predominately residential, with the adjacent parcel to the south being agricultural (field crops).
- The adjacent parcel directly south is in Ontario County Agricultural District #1.
- NYSDEC Informational Wetlands exist on the parcel.
- Land disturbed is Southern Successional Hardwoods.
- The slope disturbed is steep (16–30% gradient).
- Soil disturbed is primarily Palmyra and Howard soils: not hydric, high permeability, medium erodibility, is not prime farmland, and is in hydrologic soil group B.

Comments

1. Protection of water features is a stated goal of the CPB. Disturbance to wetland areas should be minimized to the maximum extent practicable.
2. Within the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.
3. The applicant and referring agency are strongly encouraged to involve the Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and placement of on-site septic.

OCSWCD Comments

1. It appears that the leach area will be in an area >15% slope.
2. Generally, all leach lines (even proposed expansion) should be the same length.

Attachments:

1. Aerials
2. Site Plan
3. Full Plans
4. LOI & Test Questions
5. ZBA App
6. SEAF

CPB Comment

1. Protection of water quality/quantity is a stated goal of the Ontario County Planning Board. The applicant is suggested to consider a pervious surface (ex: gravel) when installing the driveway.

Board Motion: To retain referrals 1-2026 , 6-2026, 13-2026, and 14–2026 as class 1s and return them to the local boards with comments.

Motion made by: A.J. Magnan, **seconded by:** Jamie Purdy. **Vote:** Yes 14, No 0, Abstained 0. **The motion** Passed.

15. Village of Naples

15-2026 (Class 2 / D) Text Amendment to Village Code section 385-9B General Regulations for Preservation of Natural Features in the Village of Naples.

Municipality: Village of Naples

Referring Board: Village Board

Application Type: Text Amendment

Class: Class 2 / D

Property N/A

Information

(Address & ID):

Description & Review Comments:

The amended section revises the standards governing development near streams and watercourses:

1. Stream / Watercourse Setback
 - Existing Code: Prohibited structures within *100 feet of the bed of a stream* carrying water an average of six months per year, with several public and private access-related exceptions.

- Amended Code: Prohibits structures within *50 feet of the top of the bank of a watercourse*, measured to the closest point of the proposed structure.
- 2. Allowed Exceptions
 - Existing Code: Allowed a range of additional exceptions, including private bridges, fords, drainage structures, and embankments necessary for access, subject to findings that no material adverse impact would occur.
 - Amended Code: Limits exceptions to *public bridges, public waterworks, and other municipal public utility facilities*.
- 3. Definitions Added
 - Existing Code: Contained no specific definitions related to streams or banks.
 - Amended Code: Adds detailed definitions for:
 - Top of bank
 - Bed of watercourse
 - Bank of watercourse
 - Watercourse
- 4. Removal of Other Natural Feature Protections

The following provisions present in the existing code were *removed in the amended* section:

- Prohibitions on off-site use of stripped or excavated topsoil.
- Restrictions on earth movement or fill that adversely affect other properties.
- Encouragement of retaining natural features such as trees, brooks, drainage channels, and views.

OCSCWD Comment

1. The Ontario County Soil and Water District (OCSWCD) has major concerns with the text amendment to the Naples Village Code reducing stream setback from 100 ft. to 50 ft. Plans that do not meet the current setback requirement of 100 ft. should have a review process to determine whether there are concerns regarding proximity to the waterway, including flooding, stream bank erosion or structural integrity of buildings. Setback requirements are put in place to protect homeowners. Project designs that adequately address waterways within plans have the option for a variance to be granted where appropriate. The OCSWCD spends considerable time and resources on properties where development occurred without adequate consideration for waterways.

Comments

1. The amended code defines “top of bank” but does not specify how it is to be identified in the field or who determines its location. The referring Board may wish to consider requiring verification by a licensed professional (e.g., engineer, surveyor, or environmental professional) to ensure a consistent and enforceable application.
2. The reduction from a 100-foot setback measured from the stream bed to a 50-foot setback measured from the top of the bank represents a substantial change in environmental protection. The Board may wish to consider whether the reduced setback adequately protects water quality & quantity – which is a stated goal in the Ontario County Planning Board Bylaws.
3. The amended section regulates structures but does not address grading, filling, or vegetation removal within the setback area. The Board may wish to consider whether

additional standards are needed to regulate land disturbance within the buffer to prevent erosion, sedimentation, or downstream impacts.

4. The deletion of provisions related to topsoil removal, earth movement affecting neighboring properties, and encouragement of retaining natural features narrows the scope of environmental protection. The Board may wish to consider whether these provisions should be retained elsewhere in the code or reintroduced in modified form.

CRC Comment

1. Does the adoption of this code change require a SEQR determination other than unlisted?

Attachments:

1. Code Amendment
2. Current Code Section
3. Buffer Map Visual

CPB Comment

1. The County Planning Board recommends that the Town consider retaining its existing zoning standards and continue to evaluate area variance requests on a case-by-case basis. The Zoning Board of Appeals has an established and adequate review process to ensure individualized consideration of such requests.

Board Motion: To retain referral 15-2026 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. The Board has an interest in reducing stormwater quality and quantity impacts on downstream properties. The Board also has an interest in protecting the integrity of Ontario County's natural resources such as its lakes, streams, forests and other natural areas as many of these resources cross municipal boundaries, impact tourism and resident perception of quality of life, and contribute to the local economy. Degradation of these resources can have inter-municipal or countywide impacts, for example:
 - wetlands filter waters that drain into lakes or infiltrate into aquifers used for municipal wells
 - filling floodplain areas, and often other site disturbances, increase downstream flood risk
 - insufficient storm water management practices can negatively impact water quality, tourism, and agriculture
2. The lakes, streams, forests and other natural resources play an important role in the agriculture and tourism sectors of the Finger Lakes regional economy. It is County policy to ensure use of best practices for minimizing water quality and quantity impacts.
3. Protection of County and State habitat (i.e. trout streams) is in the best interest of the Municipality/County/State.
4. Appropriate land uses are an important element of water resource and habitat protection.

5. The County Planning Board reiterates the Ontario County Soil and Water Conservation District (OCSWCD) comment.

Motion made by: Chris Mergler, **seconded by:** Ed Kaiser. **Vote:** Yes 14, No 0, Abstained 1. Abstain: Paul Lambiase. **The motion:** Passed.

16. Privilege of the Floor

Planning Department Staff Provided the following updates/information:

- Reminder of the meetings now being viewable via Webex and review of videoconferencing regulations.
- Request for Board members to fill out and return their conflict of interest forms to Erin Holley (Senior Clerk).
- Review of Board member responsibilities.

17. 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.
- **January 22, 2026; 2:00 PM - 3:30 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](#)
- 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.](#)
- SESSION 1: Environmentally Speaking — The Nuts and Bolts of SEQR
 - **Thursday, January 22, 2026 – 6:00 PM – 7:00 PM; (Remote)**
- SESSION 2: From Big to Small — The Big Picture — Developing and Implementing Comprehensive Plans
 - **Thursday, February 26, 2026–6:00 PM - 7:00 PM; (Remote)**
- SESSION 3: Getting it Together — The Basics of Running a Meeting and the Open Meetings Law
 - **Thursday, March 26, 2026–6:00 PM - 7:00 PM; (Remote)**
- SESSION 4: Soaking Up The Sun — Solar and Battery Storage and the Local Review Process

- **Thursday, April 23, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 5: Water, Water Everywhere — The Impact of Wetlands on Development
 - **Thursday, May 28, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 6: Zoning Board Basics — Roles of the Zoning Board in Community Development
 - **Thursday, June 25, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 7: Growing Intentionally — The Role of Local Leadership in Attracting Investment and Economic Development
 - **Thursday, July 23, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 8: A Storm is Brewing — How Development Review Addresses Stormwater Management and Water Quality
 - **Thursday, September 24, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 9: Funding Your Priorities — Developing and Managing Competitive Grant Applications
 - **Thursday, October 22, 2026—6:00 PM - 7:00 PM; (Remote)**
- SESSION 10: Santa's Naughty and Nice List — The Best and Worst of 2023
 - **Thursday, December 17, 2026—6:00 PM - 7:00 PM; (Remote)**

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

18. Adjournment:

Board motion to: Adjourn. **Motion made by:** Leonard Wildman, **seconded by:** Dan Crowley, **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed. The Ontario County Planning Board meeting was adjourned at 8:24 PM.

Draft

General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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

Draft

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

Incomplete Applications

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

Reporting back to the CPB

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

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

Administrative Reviews

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

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