

ONTARIO COUNTY PLANNING BOARD

Wednesday, August 12, 2026, Time: 7:00 PM

Join from the meeting link

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Meeting number (access code): 2343 871 0760

Meeting password: naMT52j8ZHe

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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, August 12, 2026, 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

Lisa Grefrath

Stephen High

Ed Kaiser

Thomas Kugris

Paul Lambiase

A.J. Magnan

Chris Mergler

Paul Passavant

Leonard Wildman

Ryan Wilmer

Tammy Worden

Present Not Voting:

Jack Dailey

Absent:

None

Excused:

Ted Liddell

Jamie Purdy

Present (Voting): 14, Present (Not Voting): 1, Absent: 0, Excused: 2

Guests:

Bob McFadden, Even Gefell, and Michelle Jungermann (111-2026)

Jess & Philip Fischer (118-2026)

3. Approval of Minutes:

Paul Lambiase motioned to approve the County Planning Board's July 8, 2026 meeting. The motion was seconded by Dan Crowley. The motion passed.

4. 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.

5. New Business:

6. Town of Farmington

111-2026 (Class 1) Preliminary Site Plan to construct a 3,815 SF single-story financial institution and related site plan improvements – at 0000 State Route 332.

Municipality: Town of Farmington

Referring Board: Planning Board

Application Type: Site Plan

Class: Class 1

Property 41.12-1-96.111

Information

(Address & ID):

Description & Review Comments:

The project consists of the development of an approximately 1.07±-acre parcel that was previously subdivided from a 5.88-acre parent parcel during Phase 1 of the project, which included the construction of Farmington Dental. The applicant is proposing to construct a 3,815-square-foot banking facility with two drive-up lanes and a community room. The proposed improvements include, but are not limited to, parking, utility infrastructure, landscaping, site lighting, and stormwater management.

The existing site is currently undeveloped, with no existing building structures. Existing public utilities exist within the project limits to service the proposed site. Construction will be completed in a single phase, take an estimated 8 months and with an estimated 0.86+/- acres to be physically disturbed.

The development of the parcel will include two access points to the existing private drive at the western edge of the proposed building, which connects to Farmbrook Drive. The western access

point will be a two-way entrance/exit, while the eastern access will be one-way (exit only) lanes. No new ingress or egress access points are proposed to NYS Route 332 or Farmbrook Drive. Proposed parking includes 19 spaces, 1 of which is ADA accessible. A 5-ft.-wide sidewalk and crosswalk is proposed along the western edge of the parcel (along Farmbrook Drive).

An 8" watermain currently exists onsite which was constructed as part of Phase I to service the Farmbrook Dentist Office, which provides the opportunity for connection with the water main (owned and operated by the Town of Farmington). The project is served by public sanitary sewers. The project will connect (via an existing stub) to a 8-inch diameter sanitary sewer dedicated to the Town of Farmington that exists along the northern portion of the site, which conveys sewer flows to the public sanitary sewer on Farmbrook drive. Stormwater will be directed to an onsite storm water system that connects to the existing town drainage system. The grading scheme proposed was developed to match previously proposed drainage patterns, and drainage areas to discharge points.

The proposed site lighting is to be (Dark-Sky Compliant, downlit) LED and is being provided along the internal access driveways & queuing areas, parking areas, entrance areas, ATM location and pedestrian routes. Overall, in addition to the 4 existing light poles on the property along the access drive, 7 additional light poles are proposed throughout the parking lot, as well as 4 downlit canopy lights at the drive-thru. Lighting is designed to minimize point source visibility and light trespass. Electricity will be provided via a proposed connection to the existing overhead utility line. Natural gas will be provided via a proposed connection to the existing line.

An 8 ft. high wooden fence and a line of 10+ ft. pine trees lie between the proposed building and residential parcels to the east. 10 deciduous trees (4 Freeman Maple, 2 Sargents Cherry, 4 American Hornbeam) are proposed to line the front of the building and along the roadsides (SR 332 and Farmbrook Drive). A variety of 61 shrubs are to be planted on the parcel, as well as a mix of grasses, perennials, and ground covers.

According to Oncor:

- The subject parcel has commercial (vacant) land use. Surrounding parcels all have commercial land use, except for the town homes on the adjacent parcels to the east.
- Parcel is zoned RB (Restricted Business) and MTOD (Major Thoroughfare Overlay District).
- The land disturbed is mowed lawn.
- Soil disturbed is Odessa Silt Loam (hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D).
- The slope disturbed is gentle to none (0-9% gradient), sloping downhill east to west.

The applicant representatives were present for the 8/12/2026 County Planning Board meeting and provided the following additional information:

- There is a shared driveway access agreement with the subject parcel and the adjacent parcel to the south (Farmington Dental).
- Snow storage is proposed within the green space immediately south of the proposed building, between the proposed building and the existing Farmington Dental building. Additional snow storage is proposed within the green space west of the parking area, between the proposed building and SR 332.

Comment

1. The referring Board should ensure the applicant has communicated with the Fire Marshall / Farmington Volunteer Fire Association to ensure the parking and drive-thru area has adequate spacing for emergency vehicle access.

CRC Comment

1. Where will snow removal/storage be located? This area should be clearly delineated and labeled on the site plan to demonstrate that adequate space has been provided for winter maintenance operations.

Board Motion: To retain referral 111-2026 as a class 1 and return to the local board with comments.

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

Attachments:

1. Aerial
2. Site Plan
3. Utility Plan
4. Grading Plan
5. Landscape & Lighting Plans
6. Plan Set
7. Renderings
8. Survey
9. LOI
10. SEAF
11. Engineers Report (296 Pages)
12. Lighting Calcs
13. DRAFT Resolution
14. NYSPRHP Letter

112.0-2026 (Class 1 / Incomplete) Area Variance and Preliminary Subdivision
Approval to subdivide a 6.5-acre parcel into two vacant lots (Lot 3-A: 2.0-acres; Lot 3-B: 4.5-acres) at 0000 Kyte Road. The area variance is for Lot 3-B to have a frontage of 107 ft. when a minimum of 300 ft. is required. 112.0-2026 is related to the area variance, and 112.1-2026 is for the preliminary subdivision.

Municipality: Town of Farmington
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1 / INCOMPLETE
Property Information (Address & ID): 31.00-1-61.300

Description & Review Comments:

There is no disturbance proposed for this project. The parcel is in the A-80 (Agricultural) zoning district. According to Town Code Chapter 144 Subdivision of Land, Article II Procedure and Applications, Section 144-12A(20) Preliminary plan checklist - *“Where required by New York State Department of Health regulations, [the preliminary subdivision plan shall show or be accompanied by] the proposed locations, sizes, and design of individual septic tanks and associated leach fields. Regardless of such regulations the locations and results of tests conducted to determine soil percolation capabilities and deep soil profiles must be provided. At least one potential septic disposal site must be tested for each individual lot unless such lot is to be annexed to an existing parcel or unless public sanitary sewer is to be provided.”* The referring municipality indicated that these requirements have not yet been met.

According to Oncor:

- The subject and surrounding parcels are in the Ontario County Agricultural District.
- The subject and surrounding parcel land use is residential. I-90 runs adjacent to the northern parcel line.

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

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

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

CRC Comment

1. Prior to the signing and filing of the Final Plat, the applicant must demonstrate full compliance with all NYS and local Department of Health requirements, and obtain all necessary septic system permits.

CPB Comments

1. Protection of water quality is a stated goal of the Ontario County Planning Board. The Board 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.

2. Per NYS public health law, soil percolation tests are required to be completed for the proposed parcels in accordance with NYSDOH standards (Appendix 75-A) to establish site suitability and evaluate impacts on water quality and public health and safety. These tests must be completed and considered before preliminary subdivision approval.

Board Motion: To return referrals 112.0-2026, 112.1-2026, and 113-2026 to the local board as incomplete with comments.

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

Attachments:

1. Aerial
2. Subdiv Plat
3. LOI
4. SEAF
5. PRNL Cover Letter
6. Resolution

112.1-2026 (Class 1 / Incomplete) Area Variance and Preliminary Subdivision Approval to subdivide a 6.5-acre parcel into two vacant lots (Lot 3-A: 2.0-acres; Lot 3-B: 4.5-acres) at 0000 Kyte Road. The area variance is for Lot 3-B to have a frontage of 107 ft. when a minimum of 300 ft. is required. 112.0-2026 is related to the area variance, and 112.1-2026 is for the preliminary subdivision.

Municipality:	Town of Farmington
Referring Board:	Planning Board
Application Type:	Subdivision
Class:	Class 1 (INCOMPLETE)
Property Information (Address & ID):	31.00-1-61.300

Description & Review Comments:

See 112.0-2026.

Board Motion: To return referrals 112.0-2026, 112.1-2026, and 113-2026 to the local board as incomplete with comments

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

Attachments:

None

113-2026 (Class 1 / Incomplete) Preliminary Subdivision Approval to subdivide a 6.8-acre parcel into three vacant lots (Lot 4-A: 2.0-acres; Lot 4-B: 2.1-acres; Lot 4-C: 2.7-acres) at 0000 Kyte Road.

Municipality: Town of Farmington

Referring Board: Planning Board

Application Type: Subdivision

Class: Class 1 (INCOMPLETE)

Property 31.00-1-61.400

Information

(Address & ID):

Description & Review Comments:

There is no disturbance proposed for this project. The parcel is in the A-80 (Agricultural) zoning district. According to Town Code Chapter 144 Subdivision of Land, Article II Procedure and Applications, Section 144-12A(20) Preliminary plan checklist - *“Where required by New York State Department of Health regulations, [the preliminary subdivision plan shall show or be accompanied by] the proposed locations, sizes, and design of individual septic tanks and associated leach fields. Regardless of such regulations, the locations and results of tests conducted to determine soil percolation capabilities and deep soil profiles must be provided. At least one potential septic disposal site must be tested for each individual lot unless such lot is to be annexed to an existing parcel or unless public sanitary sewer is to be provided.”* The referring municipality indicated that these requirements have not yet been met.

According to Oncor:

- The subject and surrounding parcels (except for the residential parcels mostly to the south) are in the Ontario County Agricultural District.
- The subject and surrounding parcel land use is residential.

CRC Comment

1. Prior to the signing and filing of the Final Plat, the applicant must demonstrate full compliance with all NYS and local Department of Health requirements, and obtain all necessary septic system permits.

CPB Comments

1. Protection of water quality is a stated goal of the Ontario County Planning Board. The Board 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.
2. Per NYS public health law, soil percolation tests are required to be completed for the proposed parcels in accordance with NYSDOH standards (Appendix 75-A) to establish site suitability and evaluate impacts on water quality and public health and safety. These tests must be completed and considered before preliminary subdivision approval.

Board Motion: To return referrals 112.0-2026, 112.1-2026, and 113-2026 to the local board as incomplete with comments

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

Attachments:

1. Aerials
2. Subdiv Plat
3. SEAF
4. Resolution

114-2026 (Class 1) Preliminary Site Plan Approval for a proposed 3,585 SF building addition, parking lot expansion, and associated improvements at 6228 Collett Road West.

Municipality: Town of Farmington
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property 29.00-1-4.000
Information
(Address & ID):

Description & Review Comments:

This parcel was referred to in February 2026 as 22-2026, “Area Variance for the absence of sidewalks when "sidewalks are to be provided along all sites fronting along any state and county highways" in the MTOD (Major Thoroughfare Overlay District) — at 6228 Collett Road West.” It was considered a Class 1 (not deemed to have county-wide / intermunicipal impact), so no recommendation was given. The Town of Farmington Zoning Board of Appeals (ZBA) granted the area variance for no sidewalks along SR332 – as the Town’s sidewalk/trail/bike master plan does not call for a sidewalk along 332. However, the Town of Farmington denied (with conditions) the area variance for not having sidewalks along Collett Road West – as it is an area identified for the Town’s future pedestrian network. Conditions included: (1) give the Town a 15-foot easement for a future sidewalk from Collett Rd. West to Plastermill Rd. (along the western parcel edge), (2) add an easement reference to the final site plan, (3) must obtain final site plan approval granting zoning compliance, and (4) a building permit. The project has now been referred for preliminary site plan approval.

The subject parcel is 6.6 acres. Disturbance is estimated to be roughly 0.9 acres. The parcel is occupied by Ruston Paving (commercial use). The proposed addition will include a shop and office space. The 6 ft. high chain link fence is to be extended around the gravel vehicle yard expansion area – which is to be used for outside storage. Employee parking is to be expanded – adding 21 spots and striping an existing parking area with 21 spots. There are also 10 existing customer parking spots (1 ADA accessible).

A new water line and conduit fixture for the addition is proposed. The building has an existing septic connection and connection to overhead electricity. There is no landscaping proposed.

However, the parcel is wooded on the eastern edge of the parcel. Two pole-mounted and two building LED (dark sky compliant) light fixtures are to be added to the existing light fixtures (5 pole-mounted, 4 building) to illuminate the yard and building.

According to Oncor:

- Surrounding land use is predominantly commercial, except for the residential developments to the north (Saratoga Crossing) and south (Collett Woods).
- The parcel is zoned GI (General Industrial) and is in the Major Thoroughfare Overlay District (MTOD).
- Slope disturbed is primarily gentle to none (0–9% gradient). Soil disturbed is Palmyra gravelly loam (not hydric, high permeability, medium erodibility, it is an area of prime farmland, and is in hydrologic soil group B).

Comment

1. Protection of water quality is a stated goal of the Ontario County Planning Board. Accordingly, the applicant should ensure that any oil, fuels, or other automotive fluids associated with vehicle maintenance or servicing are properly handled, stored, and disposed of in a manner that prevents contamination of surface water and groundwater, and is consistent with applicable environmental regulations and best management practices.

CRC Comment

1. Minimizing impacts to water quantity is a stated goal of the Ontario County Planning Board. Given the proposed increase in impervious surface, the adequacy of the proposed stormwater management measures should be evaluated. Any proposed stormwater management facilities or measures should be clearly identified and depicted on the site plan.

Board Motion: To retain referrals 114-2026, 119.0-2026, 120-2026, and 122-2026 as class 1s and return them to the local boards with comments.

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

Attachments:

1. Aerials
2. Site Plan
3. Lighting Plan
4. Plan Set
5. LOI
6. SEAF
7. Resolution

115-2026 (Class 2 / A) Local Law amending the Town of Farmington's zoning code section 165-58 Accessory Structures, 165–10 Definitions, Schedule I (Lot area, bulk, and coverage requirements), and deleting Schedule A (Stormwater Management Practices Acceptable for Water Quality).

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

Description & Review Comments:

The Town Board established a 6-month moratorium on accessory structures within the Town of Farmington in April 2026. The local law was referred to the County Planning Board in May as 53-2026 (Class 2) and was recommended for approval. The intent of the Town Board was to temporarily suspend the approval of accessory structures that do not comply with the existing definitions and regulations in effect at the time, and to only allow for Building Permits to be issued for accessory structures that do not involve the granting of any area variances pending at the time of adoption and enactment of the local law. The purpose of this moratorium was to enable the Town of Farmington to have sufficient time to review the Town's existing zoning law. The moratorium is to end in October 2026. The referred local law amends the accessory structure zoning code (165-58), the Schedule I table, and deletes Schedule A (Stormwater Management Practices Acceptable for Water Quality).

The proposed local law reorganizes and expands §165-58 (Accessory Structures) the code section. The existing code contains seven relatively brief provisions addressing accessory structure location, height, size, garages, manufactured home parks, and lighting. The proposed amendment rewrites the section in its entirety and creates a detailed framework that distinguishes between residential, commercial/industrial, and agricultural accessory structures, establishes separate regulations for each, and consolidates dimensional standards into a new Table 58-1.

The new regulations retain the general requirement that accessory structures be located in the rear yard, but expand the dimensional standards by creating district-specific requirements for maximum size, height, lot coverage, and side and rear setbacks. The proposal also increases the maximum permitted size of residential accessory structures in the RS-25, RR-80, and A-80 districts from 300 square feet to 500 square feet, while establishing significantly larger allowances (1,200 – 2,000 SF) for business and industrial districts.

The amendment introduces new standards that tie the number and size of permitted accessory structures to the lot area. Smaller residential lots remain limited to one accessory structure, while progressively larger lots may accommodate additional accessory structures and larger detached garages. Residential properties exceeding five acres may have up to three accessory structures or two detached garages, while active agricultural operations receive separate provisions allowing much larger accessory buildings and multiple agricultural structures on larger parcels.

Additional design and operational standards are also added. The proposal requires residential accessory structures to match or complement the appearance of the principal dwelling, authorizes landscaping where appropriate, updates private garage and carport standards, and continues lighting requirements. It also establishes entirely new regulations governing portable moving storage units, including permit duration and placement requirements, and creates standards for permanent storage containers, including limitations on size, number, setbacks, and

prohibited uses.

Beyond §165-58, the local law adds several new definitions, including accessory residential, commercial, and agricultural structures, detached private garages, pole barns, portable moving storage units, and storage containers and updates the Town's Lot Area and Coverage Requirements schedule to reference the new accessory structure standards and add provisions for additional zoning districts.

The proposal also removes the Town's Stormwater Management Practices schedule from the zoning code. Following discussion with the Town's Planning Director, it was indicated that this provision was removed to avoid conflicts between local regulations and applicable NYSDEC requirements. The applicant will be subject to and shall comply with the applicable NYSDEC regulations regarding stormwater management.

Comments

1. Section B states that accessory structures within Town Law §278 Cluster Developments are subject to the dimensional criteria in Table 58-1 unless otherwise specified by the Planning Board, and Section N again references Table 58-1 for maximum height. However, Table 58-1 does not include a row for TL §278 Cluster Development. The Town Board should consider clarifying whether the underlying zoning district standards apply, whether Planning Board-approved subdivision standards control, or whether the Cluster Development row should be added to Table 58-1.
2. The Town Board should consider clarifying the term “maximum yard” in Table 58-1 to a more easily recognizable term (ex: lot coverage).
3. Section R provides that landscaping “may be requested” and is subject to CEO approval prior to issuance of a Certificate of Compliance. The Town Board should consider identifying the circumstances under which landscaping may be required or providing objective criteria to promote consistent administration.
4. The Town Board may wish to define a “neutral exterior finish.”
5. The proposed local law deletes Chapter 165, Attachment 3 (Stormwater Management Practices Acceptable for Water Quality). The Town Board may wish to clarify in the legislative record whether the attachment is being removed because it has been superseded by other applicable stormwater regulations or is otherwise no longer necessary.

CRC Comment

1. The referring Board may wish to clarify which types of improvements or structures, such as generators, fences, ground-mounted solar installations, and similar features, are considered accessory structures under the proposed regulations. Clarification of what does and does not qualify as an accessory structure would help ensure consistent interpretation and application of the regulations.

CPB Comment

1. The County Planning Board commends the Town of Farmington for its prompt and thorough review and revision of the municipal code provisions governing accessory structures. The Town took a thoughtful and rational approach to addressing areas of ambiguity, including the use of appropriate sliding-scale criteria for residential, commercial/industrial, and agricultural uses. The revised definitions are clear, resulting

in regulations that are more consistent, understandable, and practical to administer.

Board Motion: To retain referral 115-2026 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Ryan Wilmer, **seconded by:** Chris Mergler. **Vote:** Yes 15, No 0, Abstained 0. **The motion:** Passed.

Attachments:

1. DRAFT LL
2. LOI
3. Previous LL

7. Town of Geneva

116-2026 (Class 1 / Incomplete) Site Plan Amendment for a proposed project consisting of: 3 manufactured homes, a pavilion, restroom facility, 4 storage buildings, and associated improvements — at 0000 and 4188 State Route 14.

Municipality: Town of Geneva
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1 (INCOMPLETE)
Property Information (Address & ID): 133.00-1-17.110; 133.00-1-18.112

Description & Review Comments:

The project was referred to in February 2022 as 19-2022 (Class 2) for a “*Map amendment to create a PUD at 4182 Route 14 in the Town of Geneva. Planned uses for the 59-acre property include 3 homes, a silvo-pasture farm, a farm stand that is near Big aLIce Brewery, and a glamping area.*” The Ontario County Planning Board (CPB) recommended approval, and the Town Board granted approval of the project. The project was then referred in May 2026 (70-2026) for a site plan amendment to the previously approved PUD (Class 1 – not deemed to have countywide/intermunicipal impact, no recommendation given).

The applicant submitted a new site plan showing the yurts in their (eventual) desired location and re-arranging the driveway to the three proposed homes. The yurts are shown to be located on the adjacent parcel to the south (TM# 133.00-1-18.121 and is zoned Residential 1. According to the Town's zoning code, yurts are not explicitly listed as a permitted use in the standard residential zoning districts. The new site plan (dated 6/30/2026) was approved by the Town of Geneva Town Board and has now been referred to the County Planning Board. The amended site plan is subject to review and approval by the Town's Planning Board.

The Code Enforcement Officer mentioned that the yurts that are shown on the site plan are NOT part of the PUD and are not being reviewed for approval at this time. In May 2026, the Code Enforcement Officer mentioned that the Yurts will require NYSDOH approval. The submitted

(most recent) site plan indicates the proposed access drive to serve the residences requires NYSDOT approval before construction.

Improvements include:

- 3 manufactured homes.
- Individual parking for manufactured homes, and a 23-space (2 ADA Accessible) parking area.
- Pavilion.
- Restroom facilities.
- Storage Buildings.
- Two ponds
- Swales throughout the property with check dams to convey stormwater runoff from existing ponds/infiltration trench to the existing swale.
- Stormwater infiltration trench (just west of proposed homes).

The primary changes since the CPB last saw this in May 2026 include:

- A relocated (additional / separate) access driveway now coming off of SR14 instead of the existing access road is now proposed to serve the three proposed manufactured homes. Each home has two 10' x 20' parking spaces. According to Oncor, the proposed new access driveway will be roughly 250 ft. from the existing driveways to the north and south.
- The yurts and restroom facility have been relocated from TM# 133.00-1-17.110 (4188 SR14) to parcel TM# 133.00-1-18.121 (4200 SR14), closer to SR14.
- Removed the 23-space parking area previously proposed.

The subject parcel is currently all farmed. Adjacent land uses include, Bayview Heights, a suburban density residential subdivision to the south, White Springs Brook and agricultural fields to the west, vacant forested land and several 1.5-to-7-acre residential lots to the north, and vacant land, 2 residential lots of less than 1 acre, Big aLICE Brewing and White Springs Winery along SR 14 in front of the property to the east. The subject PUD parcels are north of Big aLICE Brewing along State Route 14.

According to Oncor, the parcel addressed 4188 State Route 14 is in OC Agricultural District #1, as well as the adjacent parcel to the west across White Springs Brook. The NWI indicates a potential federal wetland and NYSDEC informational wetland along White Springs Brook along the west property boundary. There is also an area of 16–30 percent steep slope in the south-west corner of the site. The majority of the site has a gentle slope (4–9% gradient) down towards Seneca Lake to the east.

Relevant February 2022 Staff/Board Comments

1. In developing the silvo-pasture farm and management plan, care should be taken to select species, breed, and type of animals and size of herd able to make use of planned trees in a rotational grazing pattern without trampling existing vegetation and creating risk for erosion.
2. Given the narrow lot frontage and existing driveway density, it is desirable to identify a shared access point with White Springs Winery and/or Big aLICE Brewing.
3. Does the applicant anticipate wholesale or retail sale of mushrooms and milk or meat livestock products produced on the farm? What number of vehicle trips and parking will the farm business entail?

4. The referring body should consider requiring retention of vegetative buffers along the property perimeter to protect the agricultural activities from adjacent residential uses.
5. What are the sizes of the proposed structures?
6. What is the size, use, water source, and outflow location of the farm ponds?
7. This segment of SR 14 appears to be developing the mix of residential and commercial uses anticipated in the Town Center Mixed Use district. The referring body should consider how to safely accommodate bicycle and pedestrian travel between residential uses along the lake and in Bayview Heights, and commercial uses such as restaurants/breweries/wineries, potential farm stand, etc. from the City line to Turk Road.
8. The applicant and/or Town Board needs to specifically outline thresholds for impervious surfaces; frequency, size, and type of special events; and other development parameters typically included in zoning district regulations.

Relevant May 2026 Staff Comment

1. Protection of water features (water quality and quantity) is a stated goal of the CPB. Proper containment and disposal of animal waste needs to be ensured in order to protect the water quality of the nearby water features (pond, stream, groundwater).

Relevant May 2026 OCSWCD Comment

1. Due to the poor soils, expense, hydraulic loading, and location/proximity to Seneca Lake, hooking to an existing sewer is highly recommended.

Relevant May 2026 OCSWCD Comment

1. The existing driveway is recommended to be upgraded to meet minor commercial standards via a highway work permit. It is ultimately the Town's responsibility to require this upgrade since there's already an established driveway at this location. DOT won't get involved unless the development begins causing traffic safety issues in the ROW.
2. The proposed swale connections appear to be on private property. I highly recommend keeping it that way, because any direct drainage connections in the ROW will require a drainage study, highway work permit, and an annual use & occupancy permit which carries a fee.
3. Any utility connections in the ROW will require a highway work permit.

Relevant May 2026 CRC Comments

1. Based on the submitted site plan, the existing driveway appears to encroach upon or be located directly adjacent to the northern property line with the Big aLiCe Brewing parcel (Tax Map No. 133.00-1-18.111). The applicant should clarify whether any portion of the driveway is proposed outside the subject parcel boundaries and, if so, whether an area variance, easement, or lot line adjustment will be required.
2. The Board strongly recommends that, prior to the commencement of any site work, the applicant obtains confirmation from the Town of Geneva Water and Sewer Department and New York State Electric & Gas that adequate utility service can be provided to the site.
3. The application should clarify the proposed fire protection measures for the development. Specifically, the applicant should indicate whether a fire hydrant is proposed and whether the onsite ponds will provide an adequate and acceptable water

- source for fire suppression purposes, subject to review by the applicable fire authorities.
4. Additional information should be provided regarding the proposed restroom facilities, including whether showers are proposed, the number of toilets to be installed, and whether the structure will be connected to public water supply and sanitary sewer systems. The Board recommends that these details be confirmed prior to any project approvals.
 5. The nature and scope of the proposed animal and agricultural activities are not clearly described in the application materials. The applicant should provide additional detail regarding these operations so that their consistency with local zoning and operational standards can be fully evaluated before approvals are granted.
 6. Any yurt units intended for transient occupancy should comply with all applicable provisions of the Town of Geneva Short-Term Rental regulations, including permitting, safety, and operational requirements.
 7. The Board recommends that the applicant provide a general project timeline, including anticipated phases of construction and estimated completion dates.
 8. Community character is a stated goal of the Ontario County Planning Board. The referring board should consider requiring a landscaping buffer between the proposed uses, and the adjacent residential parcel to the south and brewery to the north.

OCSWCD Comment

1. More detail is required for plan review. No detail is given for drainage and existing stormwater management. Placement of proposed yurts may interfere or be impacted by current drainage structures. Details on restroom facilities are required for additional comment.

NYSDOT Comment

1. The driveways serving the single-family houses and turnaround by the ponds will need separate highway work permits and should conform to the geometric standards for minor commercial driveways as outlined in NYSDOT's *Policy and Standards for the Design of Entrances to State Highways* and Standard Sheet 608-03. The additional driveway on the same parcel seems okay since the usage is different and traffic volume is low. Sight distance looks good. The recommended spacing of 300–500 feet for minor commercial driveways seems not to be achieved in this design but doesn't appear to be a concern because the volume of traffic is low.

CRC Comments

1. Per NYS General Municipal Law, Article 12-B, Sections 239-m and 239-n – municipalities are legally mandated to refer this application to the County Planning Board for review prior to taking any final local action. By law, the municipal board cannot make a final ruling or vote on this matter until the County Planning Board has either issued its official recommendation or the statutory 30-day review period has expired. Any local ruling made prior to satisfying this referral requirement may expose the municipality to legal risk and potential procedural challenges.
2. The County Planning Board reiterates the OCSWCD most recent comment. More detail is needed on the plans for site plan review. There is no detail on stormwater management, driveway distances, wetland locations, building size, and more.
3. According to Oncor, there may be DEC Informational Wetlands which would require a Jurisdictional Determination request from the DEC. The Jurisdictional requirements must be met before approval is granted. If there are existing wetlands on the property

they must be shown on the site plan.

4. The County Planning Board reiterates their May 2026 comment. The site plan should identify the distance between the proposed driveway and the nearest existing driveways to the north and to the south (the adjacent residential parcel). This information is needed to determine whether the proposed access complies with applicable New York State Department of Transportation driveway spacing standards, which generally require a separation distance of approximately 300 to 500 feet, depending on roadway classification and operating conditions.
5. Additional details need to be provided regarding school bus pick-up for children living in the proposed homes. Will there be a pick-up shelter/area? How will this be handled given the 55-mph speed limit on State Route 14?
6. The limited detail in the plans suggests that this may still be a preliminary site plan. Please clarify whether this referral is for preliminary or final site plan approval. Or, is this only an additional PUD amendment, with final site plan approval to be requested later if the amendment is approved?

CPB Comments

1. Additional information is needed on the Site Plan to adequately evaluate the proposed action, including: (a) the distance between the proposed driveway and the existing driveways serving the adjacent parcels to the north and south; (b) proposed grading and drainage; (c) proposed utility locations and connections for the new buildings; and (d) the location of any NYSDEC-regulated and/or federally regulated wetlands on the property. If no such wetlands are present, the basis for that determination should be documented.
2. The plans should clearly and consistently reflect only the work and approvals being proposed as part of the current application. As submitted, it is unclear what is currently being proposed versus what may constitute prior or future phases or versions of the project.
3. It is unclear what approvals or actions have already been taken by the Town Board and where the application currently stands in the local approval process. The record appears to indicate that the Town Board may have taken action prior to referral to the County Planning Board. To the extent the application is subject to referral under NYS General Municipal Law § 239-m, the required County Planning Board referral must occur prior to final local action.
4. It is unclear whether the current referral is for final site plan approval of all proposed structures or whether separate site plan approvals will be required for any portion of the project in the future.

Board Motion: To elevate referral 116-2026 to a class 2 as it has been deemed to have county-wide or intermunicipal impacts. Reasoning includes (per CPB Bylaws):

1. State Route 14 is considered a primary travel corridor and protection of these corridors is an issue of county-wide importance. The Board has an interest in protecting and enhancing the safety and operation of Ontario County's many transportation resources. This referral has the potential for intermunicipal and countywide impacts on transportation resources as it has the potential to impact the presence, safety and operation of roads and other bicycle and pedestrian infrastructure on a primary travel corridor.
2. Seneca Lake is a public drinking water supply for approximately 100,000 people. The lake is a renowned lake trout fishery and supports many other agricultural, recreational, and tourism activities. The Board 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. Due to the PUD's proximity to Seneca Lake, this referral has the potential for inter-municipal or countywide impacts.

Motion made by: Ryan Wilmer, **seconded by:** Tammy Worden. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To return referral 116-2026 to the local board as incomplete with comments.

Motion made by: Ryan Wilmer, **seconded by:** Dan Crowley. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

Attachments:

1. Aerial
2. Current Site Plan
3. May 2026 Plans
4. Original Plans
5. PB App
6. May 2026 LOI
7. Resolution

117-2026 (AR2) Area variance for a 1,108 SF home addition with a (north) side setback of 7.5 ft. when a minimum of 12.5 ft. is required — at 5391 Kashong Point.

Municipality:	Town of Geneva
Referring Board:	Zoning Board of Appeals
Application Type:	Area Variance
Class:	AR2
Property	161.20-1-30.100
Information	
(Address & ID):	

Description & Review Comments:

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

Part B Development of Lakefront Parcels.

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

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

The CPB's role of reviewing and making recommendations on countywide development has

provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts on water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address the over development of lakefront lots and support the clearly stated interest 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. Runoff from lakefront development is more likely to impact water quality.
4. 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.
5. Protection of community character, as it relates to tourism, is a goal of the CPB.
6. 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.
7. 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. Existing Conditions
4. Test Questions
5. Elevations
6. Layout
7. ZBA App
8. LOI

118-2026 (Class 2 / D) Use Variance for a proposed accessory dwelling unit at 540 County Road 6.

Municipality: Town of Geneva
Referring Board: Zoning Board of Appeals
Application Type: Use Variance
Class: Class 2 / D
Property: 103.00-3-7.000

**Information
(Address & ID):**

Description & Review Comments:

The parcel is located in the General Business zoning district. Single-family dwellings are not permitted in the General Business zoning district. The existing home on the property is a pre-existing non-conformity. According to the County Planning Department's earliest Zoning Map record for the Town of Geneva (1982), the existing home and proposed project area has always been zoned General Business. However, the rear/western portion of the parcel (not in project area) was formerly zoned as Agriculture until rezoned to General Business sometime between 2014-2019. According to Oncor, the pre-existing non-conforming home was built in the late 1800s, and the current residents moved to the property in 2017.

Accessory Dwelling Units (ADUs) are not permitted in any zoning district.

The subject parcel is 3.7 acres. The ADU is proposed to be 250 SF. The applicant proposes to run electricity from the existing pole-barn. It is mentioned the water used for the ADU will either be from a public water line or a well. The ADU is to be located behind (just west) of the existing barn.

According to Oncor:

- The subject parcel has residential use.
- Surrounding parcels have various land uses:
 - North: Commercial (self-storage facility)
 - East: Community Services (Cornell Agricultural Experiment Station)
 - South: residential
 - West: Commercial (self-storage facility)
- Castle Creek runs along the southern boundary of the parcel.
- FEMA Q3 Floodplains and DRAFT 2026 100- and 500-Year Flood Zones exist on the property.
- A national and NYSDEC wetland lie on the parcel.

The applicant representatives were present at the 8/11/2026 CRC and 8/12/2026 CPB meetings and provided the following information:

- The applicant's representatives mentioned that they have been working with the DEC, and that a jurisdictional determination was completed, and no jurisdictional NYSDEC wetlands exist on the parcel. They also spoke with the US Army Corps of Engineers (USACOE) and mentioned that the USACOE verified that there were no wetlands on the property.
- They also own the adjacent parcel to the north (90.03-1-40.000).
- The rear/western portion of the parcel was formerly zoned Agricultural during their ownership. Their plan at the time was to build the ADU there.
- They operate a home business in the accessory structure at the front of the property (candle shop).
- There is no possibility of attaching the structure to the existing home. The buildable area is constrained by the required parcel setbacks, existing well that would need to be filled, and location of the existing septic for the home.
- The proposed ADU will have its' own septic system.

- They will adjust the size of the home to meet all applicable NYS residential code guidelines for proposed dwelling unit.

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.

Comments

1. Within/along the parcel are DEC Informational Wetlands and will require a Jurisdictional Determination request from the NYSDEC.
2. Protection of natural resources (i.e. wetlands) is a stated goal of the Ontario County Planning Board. It should be ensured that no disturbance occurs within the regulated NYSDEC 100 ft. required wetland buffers.
3. The applicant and referring agency are strongly encouraged to coordinate with the New York State Department of Environmental Conservation (NYSDEC) as early in the review process as practicable to ensure that all applicable wetland protection requirements are identified and appropriately addressed.
4. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

OCSWCD Comments

1. An incomplete septic inspection was conducted in 2017. The water was off, and the house was vacant for 20 years. Two 100-gallon septic tanks were observed, and they appeared in dire need of pumping.
 - The Town of Geneva Code Enforcement Officer has confirmed that the septic system was replaced in 2019.
2. The location and condition of the distribution box is unknown, and the leach area location and condition are unknown. The proposed addition could be above the leach area.
3. Both existing barns are within the 100' federal wetland buffer.

CRC Comments

1. Per NYS law, the referring Board must consider whether the applicants have met ALL of the four points of review for a Use Variance. Has dollars and cents proof of hardship

been submitted? Is it a self-created hardship? Is there adequate detail in the test question responses? If one or more of the above factors is not proven, state law requires that the ZBA must deny the variance.

2. Is a 250-square-foot livable area code-compliant under applicable New York State guidelines? The referring Board should ensure that the proposed ADU meets all applicable requirements of the Residential Code of New York State for a residential dwelling.
3. According to the Town's ZBA application, a "site plan showing the area in question on your property and the total area of your parcel" is required. The referring Board should ensure the provided sketch/plan meets these outlined requirements.

Board Motion: To retain referral 118-2026 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. 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:** Burch Craig. **Vote:** Yes 14, No 0, Abstained 0.
The motion: Passed.

Attachments:

1. Aerials
2. Test Questions
3. Sketch
4. LOI
5. ZBA App

8. Town of Gorham

119.0-2026 (Class 1) Area Variances (4) for the tear-down / re-build of a single-family home - at 3870 Cove Content. 119.0-2026 is for (1) a rear (east) setback area variance of 19.8 ft. when a minimum of 30 ft. is required. 119.1-2026 is for the remaining three area variances (AR2s) - for the north, south, and west (lake) setbacks.

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

Class:	Class 1
Property Information (Address & ID):	113.15-1-9.100

Description & Review Comments:

The subject parcel is 0.24 acres. Disturbance is estimated to be 0.1 acres. Lot coverage after construction will be 24.79% (maximum permitted – 25%). The existing structure has pre-existing non-conforming setbacks:

- Front / Lake (west) setback – 26.1 ft. (min. 30 ft. required).
 - Proposed – 19.8 ft.
- Side (north) setback – 6.0 ft. (min. 15 ft. required).
 - Proposed – 5 ft.
- Side (south) setback – 0.9 ft. (min. 15 ft. required).
 - Proposed – 9.8 ft.
- Rear / Road (east) setback – 11.4 ft. (min. 30 ft. required).
 - Proposed – 9.8 ft.

The lake and side setbacks (as a part of referral 119.1-2026) are subject to Administrative Review #5 – area variances pertaining to side/lake setbacks for single-family residential sites. These 3 area variances are automatically recommended for denial. 119.0-2026 is a class 1, as it does not fall under administrative review.

As proposed, the home will be served by T. Gorham water and sewer, overhead electric, and a gas connection. Storm drains connect to and direct stormwater to stormwater collection systems located north and south of the house. The driveway will be ribboned to decrease impervious cover. The detached garage will be removed.

According to Oncor:

- The subject parcel is zoned single-family residential, and is in the Floodplain and Limited Development Overlay.
- The subject and surrounding parcels are residential.
- Soil disturbed is Honeoye Loam – not hydric, moderately high permeability, medium erodibility, is farmland of statewide importance, and is in hydrologic soil group B.
- The land disturbed is mowed lawn.
- The slope disturbed is gentle (4-9% gradient), sloping downhill east to west.
- Development seems to be near/within the DRAFT 2026 FEMA 100- and 500-Year Flood Zones, and within the FEMA Q3 Floodplains.

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 if feasible or disposed of properly.
2. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
3. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Manager and Ontario County Soil and Water as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
4. Preliminary revised 100- and 500- year floodplain extents should be shown on the site plan to document the applicant's awareness of flood risk.
5. Protection of natural resources within the County, such as lakes and streams, is a stated goal of the Ontario County Planning Board. The referring Board should confirm there is zero impact on stormwater discharges after development as compared to the pre-development conditions using onsite stormwater management techniques.

Board Motion: To retain referrals 114-2026, 119.0-2026, 120-2026, and 122-2026 as class 1s and return them to the local boards with comments.

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

Attachments:

1. Aerials
2. Site Plan
3. Plan Set
4. Lot Coverage Exhibit
5. Test Questions
6. Elevations
7. ZBA App
8. SEAF
9. LOI
10. Photos of Existing Home
11. SHPO Letter

family home at 3870 Cove Content. 119.1 is for: (2) a side (north) setback of 5 ft. when a minimum of 15 ft. is required, (3) a side (south) setback of 5 ft. when a minimum of 15 ft. is required, and (4) a front / lake (west) setback of 19.8 ft. when a minimum of 30 ft. is required. 119.0-2026 is for the rear (east) setback area variance - Class 1.

Municipality: Town of Gorham
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: AR2
Property Information (Address & ID): 113.15-1-9.100

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, to support the clearly stated interests, 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. Runoff from lakefront development is more likely to impact water quality.
4. 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.
5. Protection of community character, as it relates to tourism, is a goal of the CPB.
6. 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.

7. 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

120-2026 (Class 1) Area Variances (2) for the removal of the concrete pad and proposed (seasonal) dock extension — at 3622 Acciari Drive. Area Variance is for (1) the removal of the concrete pad below the high watermark, and (2) to extend the dock up to 90 feet from the mean high water line.

Municipality: Town of Gorham
Referring Board: Zoning Board of Appeals
Application Type: Area Variance
Class: Class 1
Property 98.19-3-20.000
Information
(Address & ID):

Description & Review Comments:

The subject parcel is roughly 5,100 SF. Disturbance is estimated at around 100 SF. The concrete pad to be removed is below the mean high watermark. The area (roughly 10 ft. in length) will be returned to its natural state as a shoreline.

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 applicant is strongly encouraged to consult with the NYSDEC and U.S. Army Corps of Engineers prior to undertaking any work within Canandaigua Lake to ensure that all applicable state and federal requirements and approvals are addressed.
2. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

CPB Comment

1. The referring board should ensure that the applicant complies with all applicable requirements of the Canandaigua Lake Uniform Docking and Mooring Law (UDML).

Board Motion: To retain referrals 114-2026, 119.0-2026, 120-2026, and 122-2026 as class 1s and return them to the local boards with comments

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

Attachments:

1. Aerials
2. Survey Plan
3. Test Questions
4. ZBA App
5. SEAF

9. Town of Hopewell

121-2026 (AR1) Subdivision of a 7.9-acre parcel into 3 parcels (Lot 1–0.9-acres; Lot 2–6.0-acres; Lot 3–1.0-acres) at 3921, 3933, and 3943 Taylor Road.

Municipality: Town of Hopewell
Referring Board: Planning Board
Application Type: Subdivision
Class: AR1
Property 58.00-1-86.200
Information
(Address & ID):

Description & Review Comments:

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

The intent of this policy is to

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

Final Classification: Class 1

Finding

1. It is the position of this Board that properly designed residential subdivisions under five lots have little countywide or intermunicipal impact.

CRC Comment

1. How will the farmland located to the rear (south) of the middle parcel at 3933 Taylor Road be accessed? An access management agreement or easement should be established (and included on the survey plat) to ensure continued, unobstructed access for farm equipment and agricultural operations.

Attachments:

1. Aerial
2. Subdiv Plat
3. SEAF

10. Town of Naples

124-2026 (Class 2 / LATE REFERRAL / A) Local Law to implement a 6-month moratorium related to the accepting, processing and/or approval of applications for short-term rental facilities within the Town of Naples.

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

Description & Review Comments:

The submitted resolution mentions:

- There is presently a potential proliferation of short-term rental facilities in the Town of Naples.
- The Town of Naples has no local law or ordinance to regulate the quantity or quality of short-term rental facilities in the Town.
- The issue has arisen of whether there is a need for regulation of the quantity and quality of short-term rental facilities in the Town.
- To facilitate the Town's review of the need for regulations to control the potential proliferation of short-term rental facilities, the Town Board has completed a draft proposed Local Law establishing a six-month moratorium on the submission, processing and approval of applications for short-term rental facilities.
- The Town Board determines that it is in the best interests of the residents and property owners of the Town of Naples to consider development and adoption of regulations to control the quantity and quality of short-term rental facilities within the Town of Naples and that pending such regulations being developed and adopting a moratorium of six (6) months on acceptance of, consideration of or approval of applications with respect to short-term rental facilities be enacted.

The submitted local law mentions:

- As used throughout the Local Law, the phrase "short-term Rental Facility" means a structure containing sleeping rooms or areas, as well as a bathroom facility, that is offered for rent for compensation for fewer than thirty (30) consecutive nights without any meals served or provided by the owner or any agent of the owner. The term "short-term Rental" does not include "Boardinghouse" as that term is defined in the Zoning Chapter of the Code of the Town of Naples.
- The purpose of the Local Law is to enable the Town of Naples to prevent the proliferation of short-term rental facilities and to pause the processing and approval of any applications for short-term rental facilities within the Town of Naples for a reasonable time period, pending the Town Board's completion of a study of short-term rentals and possible adoption of regulations controlling short-term rental facilities in the Town of Naples.
- The Town Board finds that the following concerns must be considered with respect to the conversion of residences to short-term rental facilities in the Town of Naples and the possible adoption of regulations limiting such conversions:
 - The Town Board anticipates examining how the Town could protect itself from unchecked conversion of residences into short-term rental facilities by adoption of appropriate regulations.
 - The conversion of existing residences to short-term rentals may have a detrimental impact on the availability of permanent residences in the Naples community.
 - The proliferation of short-term rental facilities in the Town of Naples may have an adverse affect upon real estate values in the Town of Naples and impact real property tax assessments.
 - It is necessary to have a balance between tourist accommodations in the Naples community and the availability of housing for the residents of the Naples community.
 - That proliferation of short-term rental facilities, without addressing the above factors, may have a permanent, significant and substantial impact on the nature and quality of life in the Town of Naples and on the health, safety, general welfare and comfort of its residents.

- To preserve the resources and character of the Town of Naples, to consider further the concerns of the residents and property owners of the Town of Naples, and to address further the needs of those residents and property owners, the Town of Naples finds that it requires time to study the impacts, effects and potential regulation of the conversion of residential property to short-term rental facilities in the Town of Naples.
- The Town Board hereby finds that a moratorium of six (6) months duration, coupled with a hardship waiver procedure and mechanism for persons seeking short-term rental facilities within the Town of Naples, will achieve the balancing of interests between the public need to safeguard the resources and character of the Town of Naples, the health, safety and general welfare of its residents, and the rights of individual property owners, persons or businesses engaging in the short-term rental facility business during such period.

Comment

1. The Town is encouraged to consult with the County Planning Department for information and reference materials regarding recently adopted short-term rental (STR) local laws in other municipalities throughout the County.

CRC Comments

1. The County Planning Board encourages the referring Board to consider whether a six-month moratorium will provide sufficient time to adequately review and revise the applicable local law. The Board would also appreciate receiving updates regarding the Town's progress in evaluating and amending the relevant code provisions during the moratorium period.
2. What activities or development is the proposed moratorium intended to pause or regulate if the Town does not currently have regulations governing short-term rentals? In the meantime, how will STRs be regulated / the moratorium enforced?

Board Motion: To accept 124-2026 as a late referral.

Motion made by: Leonard Wildman, **seconded by:** Stephen High. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

Board Motion: To retain referral 124-2026 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: Dan Crowley, **seconded by:** Leonard Wildman. **Vote:** Yes 14, No 0, Abstained 0. **The motion:** Passed.

Attachments:

1. Resolution
2. Local Law

11. Town of Victor

122-2026 (Class 1) Site Plan to construct a 15,200 SF one-story addition to an existing (industrial / warehouse) building for a total of 40,200 SF at 820 Canning Parkway.

Municipality: Town of Victor
Referring Board: Planning Board
Application Type: Site Plan
Class: Class 1
Property Information (Address & ID): 14.02-1-5.112

Description & Review Comments:

The subject parcel is 2.5 acres. Disturbance is estimated at 0.8 acres. The proposed building addition will expand their existing facility to provide additional space for production and storage. The building addition is proposed on the west and north sides of the existing structure and would expand the facility by approximately 61% by adding $\pm 15,200$ SF of new floor space to the existing facility, bringing the total floor space to approximately 40,200 SF. The existing structure and proposed addition are both one-story. Two loading docks are proposed to face the Canning Parkway (east).

As part of the building addition, minor site improvements are necessary. These improvements include parking lot modifications, revised grading around the proposed addition, downspout collection piping, building lighting, and landscaping.

No changes to the existing access location or entrance from Canning Parkway are proposed. The parking areas will be expanded to provide 40 total parking spaces (including 2 ADA Accessible) for the facility per client needs. Four new parking spaces will be installed within the front parking setback. However, they will be consistent with the existing parking spaces along the front to remain (approximately $\pm 53'$ from the right-of-way). The applicant is requesting the Planning Board reduce the front parking setback to allow for these new parking spaces to be constructed.

No modifications are proposed to the existing water service from the public water main system along Canning Parkway. There is an existing fire hydrant located at the north-east corner of the intersection of Canning Parkway and Rae Boulevard, just east of the property, which is approximately 400' from the existing building and provides adequate hose coverage for the building. No modifications are proposed to the existing private sanitary sewer main or connection to the public sewer system.

Coverage under the NYSDEC General Stormwater Permit (GP-0-25-001) or post-construction stormwater controls are not required to be given that the disturbance area is less than 1.0 acre. Site-specific erosion control measures have been included as part of the site plans.

A new drywell is proposed along the north side of the existing facility. The drywell will receive runoff from most of the building's expansion roof and has been sized to accommodate a 10-year storm event in conjunction with the existing drywell to remain north of the building addition. Remaining stormwater will flow off-site to the north and south, consistent with existing conditions.

Existing building-mounted lights will be relocated along the new eastern facade of the proposed

addition to illuminate the truck receiving area. Emergency lighting will be provided at the building entrances. Five trees are proposed along the northern parcel boundary near the addition. Plantings consist of three White Pines and two Red Oaks.

The new addition will be constructed of a combination of stone, siding, and exposed concrete foundations to match the existing building's exterior. Areas disturbed will be seeded.

According to Oncor:

- The subject parcel is zoned Light Industrial.
- The subject parcel has an industrial land use. Surrounding parcels have industrial or commercial land use.
- Disturbance is to mowed lawn.
- Slope disturbed is gentle to none (0–9% gradient).
- Soil disturbed is Palmyra Gravelly Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B).

Board Motion: To retain referrals 114-2026, 119.0-2026, 120-2026, and 122-2026 as class 1s and return them to the local boards with comments

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

Attachments:

1. Aerial
2. Site Plan
3. Utility & Grading Plan
4. Landscape & Lighting Plan
5. Plan Set
6. Layout & Elevations
7. LOI
8. SEAF
9. PB App

12. Town of West Bloomfield

123-2026 (Class 2 / A) Local Law to implement a 6-month moratorium related to applications for site plan approval and special use permits in the AG Agricultural zoning district in the Town of West Bloomfield.

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

Description & Review Comments:

The moratorium was passed at the July 2026 Town Board meeting with a unanimous vote (supermajority achieved).

The Town Board finds that the Town Code regulations relating to the permitted uses subject to site plan review (Town Code Section 140.10) and permitted special uses (Town Code Section 140.11) in the AG Agricultural District are in need of review and, if needed, updating. Therefore, the Town Board will conduct an evaluation for the purpose of considering possible amendments to Sections 140.10 and 140.11.

The Town Board has determined that a moratorium is necessary to prevent the acceptance, review, and approval of any applications related to site plan approval or special use permits for property in the AG Agricultural District in order to afford the Town adequate time to study and determine what, if any, changes to the permitted uses requiring site plan review, and/or what uses are subject to a special use permit, should be considered for property in the AG Agricultural District.

The moratorium will not include any pending applications for site plan approval or the issuance of special use permits that are currently pending as of the effective date of this local law.

Permitted uses that are in the AG District are subject to site plan review, include:

- Adult family day-care homes.
- Family and group family day-care homes.
- Places of worship.
- Public and semi-public facilities

Specially permitted uses in the Ag District include:

- Airstrips.
- Bed-and-breakfasts.
- Camping grounds.
- Essential services.
- Golf courses.
- Home occupations, high-intensity.
- Kennels.
- Stables or riding academies where animals are rented or leased.
- Wireless communications facilities/tower in accordance with § 140-109.
- Any use or business not specifically mentioned in this chapter which, in the opinion of the Planning Board, is similar in nature and scale to a use or business permitted within the AG District listed above.

Comment

1. Per NYS General Municipal Law, Article 12-B, Sections 239-m and 239-n – municipalities are legally mandated to refer this application to the County Planning Board for review prior to taking any final local action. By law, the municipal board cannot make a final ruling or vote on this matter until the County Planning Board has either issued its official recommendation or the statutory 30-day review period has expired. Any local ruling made prior to satisfying this referral requirement may expose

the municipality to legal risk and potential procedural challenges.

CRC Comments

1. The County Planning Board strongly recommends that the Town Board conduct an additional public hearing to adopt the proposed moratorium, following referral to the County Planning Board, to help ensure compliance with the procedural requirements of New York State General Municipal Law.
2. The Town's AG-zoned districts comprise approximately three-quarters of the Town's land area. There are concerns that the proposed moratorium could unnecessarily delay or impede development within the Town. The referring Board should ensure the moratorium process is completed as expeditiously and comprehensively as possible, with careful consideration of its potential impact on future development.
3. The County Planning Board encourages the referring Board to consider whether a six-month moratorium will provide sufficient time to adequately review and revise the applicable local law. The Board would also appreciate receiving updates regarding the Town's progress in evaluating and amending the relevant code provisions during the moratorium period.

Board Motion: To retain referral 123-2026 as a class 2 and return to the local board with recommendation for approval with comments.

Motion made by: A.J. Magnan, **seconded by:** Ryan Wilmer. **Vote:** Yes 14, No 0, Abstained 1 (Ruth Cahn). **The motion:** Passed.

Attachments:

1. Local Law
2. Existing Code

13. Privilege of the Floor

- Planning Department Updates
 - New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) announcement – 336 South Main St., Geneva, NY was nominated to the National and State Registers of Historic Places. It will be considered at the next NYSOPRHP meeting on September 9, 2026.
 - CPB Denial recommendation follow-ups.
 - Training announcements / updates.

14. Upcoming Trainings:

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

Monroe County Land Use Decision-Making Program

- Fall 2026 Program: SEQRA and Site Plan Review
 - More details to come!

Livingston County Upcoming Trainings

- [See link to register](#)
- **Housing 360^o– From Policy to Practice**
- **1 Murray Hill Drive, Building 1 Conference Center, Mount Morris, NY**
 - Session 4: What Affordability Means: A Toolkit for Communities, Wednesday, August 19, 2026–6:00 PM–7:30 PM
 - Session 5: Housing-Friendly Zoning Wednesday, October 14, 2026–6:00 PM–7:30 PM
 - Session 6: How to Improve Property Maintenance, Wednesday, December 16, 2026–6:00 PM–7:30 PM
- **Let's Plan! 2026: Land Use Training Series**
 - Session 3: Freshwater Wetlands Regulation Training
 - Tuesday, September 8, 2026–6:00 PM–8:00 PM — Little Lakes Community Center, 4705 S Main St., Gymnasium, Hemlock, NY
 - Session 4: SEQR - Resources & Tools
 - Tuesday, December 8, 2026–6:00 PM–8:00 PM; Government Center, 6 Court St., Room 205/208, Geneseo, NY

Estabrook Municipal Bootcamp

- [See link to register](#)
- **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 Division of Local Government Services YouTube Training Page

- [See link](#)
- Topics include: Farmland Protection & Agricultural Viability, Floodplain Regulation for Local Board Review, and introductory webinars for new planning and zoning board members.
- The courses are 1–2 hours each. Send an email/screenshot of training to the County Planning Department for credit.

NYS DOS Regional onsite & Online interactive courses

- [See link](#)
- Includes a statewide schedule of NYS DOS onsite local government trainings.

- Includes links to online interactive courses and previously recorded webinars. Recorded webinars include:
 - Essentials for Planning and Zoning Board Staff
 - Zoning Board of Appeals Overview
 - Planning Board Overview
 - Zoning Basics for Enforcement Officials and Board Members
 - State Environmental Quality Review Act (SEQRA) Basics
 - Floodplain Regulation for Local Review Boards
 - Farmland Protection & Agricultural Viability

NYS DOS Recorded Webinars

- [See 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 training is free (If your municipality is a member)

- [See 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

15. Upcoming Meetings and Important Dates

The next Coordinated Review Committee will be on September 8, 2026, at 20 Ontario St. (2nd Floor, Room 229), Canandaigua, NY at 3:30 PM. The next associated Ontario County Planning Board meeting will be on September 9, 2026, at 74 Ontario St. (2nd Floor, Room 218 - Sessions Room), Canandaigua, NY at 7:00 PM.

16. Adjournment:

Board motion to: Adjourn. **Motion made by:** Paul Lambiase, **seconded by:** Tammy Worden, **Vote:** Yes 14, No 0, Abstained 0. The motion Passed. The August 12th Ontario County Planning

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Board meeting was adjourned at 8:45 PM.

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General Information

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

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

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

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

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

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

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

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

General Summary of CPB Review Responsibilities

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

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

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

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

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

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

General Procedures

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

Legal Obligations for Referring Agencies

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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)