

ONTARIO COUNTY PLANNING BOARDReferrals for Review at the: **Coordinated Review Committee Meeting –Tuesday April 11, 2023, at 3:30pm****County Planning Board Meeting –April 12, 2023 at 7:00pm 20 Ontario St., Canandaigua**

Telephone: 585-396-4455

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47 -2023

Town of Gorham Zoning Board of Appeals

Class: AR 2

Type: Area Variance

Applicant: Kiki France-Perry

Property Owner: Jaime Burns-France & Katherine France

Tax Map Parcel #: 154.12-1-50.000

Brief Description: Area variance for a 224 SF boat shed with a side setback of 5.4' when 15' is required, at 5208 Long Point Road, in the Town of Gorham.

<https://ontariocountyny.gov/DocumentCenter/View/37986/47-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/37987/47-2023-Existing-Conditions>

Area variance for a 224 SF boat shed with a side setback of 5.4' when 15' is required at 5208 Long Point Road in the Town of Gorham. Parcel is along the eastern lakeshore, split by Long Point Road, just west of CR 11. The two existing sheds on the property are to be replaced with this proposed structure. The new shed will be 22.2' from the mean high-water line, and 3.7' from the existing deck.

According to OnCor, the proposed shed is within the FEMA 100-Year flood zone. The area of the proposed work may be in moderate to steep slope zones (10-30% gradient). All of the soil on the parcel is classified as Cayuga Silt loam with 15 to 25 percent slopes. Soil is not hydric, permeability is moderately high, erodibility is very high, it is not prime farmland, and the hydrologic soil group is C/D. Surrounding land uses (and subject parcel) are all residential.

Comments:

- 1) Is there a plan showing proposed work? How much work will be done in steep slope area? Will there be erosion controls? Any special precautions since it is so close to the lake?
- 2) Says 2 sheds will be removed? I only see one existing
- 3) Plans indicate that the boat shed is only 3.7' from deck? Are there any fire code (building separation) violations here?

48 -2023

Town of Phelps Planning Board

Class: I

Type: Site Plan

Applicant: Irish Carbonic & Propane

Property Owner: William Riker

Representative: Jason McCormick

Tax Map Parcel #: 77.00-2-102.200

Brief Description: Site Plan for a 30,000 gallon skid-mounted propane tank and associated improvements for the retail sale of propane located on a newly subdivided 2.3 acre parcel on SR 14 in the Town of Phelps.

<https://ontariocountyny.gov/DocumentCenter/View/37988/48-2023-Aerials>

<https://ontariocountyny.gov/DocumentCenter/View/37989/48-2023-Propane-Site-Plan>

<https://ontariocountyny.gov/DocumentCenter/View/37990/48-2023-Propane-tax-map-update>

Site Plan for a 30,000-gallon skid-mounted propane tank and associated improvements for the retail sale of propane located on a newly-subdivided 2.3-acre parcel at the northwest corner of Skuse Road and SR 14 in the Town of Phelps. The plans also indicate a new proposed septic system with area for 100% expansion and an 8' high perimeter fence surrounding the parcel. Adjacent to existing 960 SF metal building there is a proposed parking area with four spaces (one ADA compliant) with space for additional parking spots if needed. There is a proposed 3'x4' fence-mounted sign as well. There are no proposed changes to the existing driveway or gravel area. A utility easement is located on the

northern edge of the parcel. Surrounding parcels are mostly vacant, and one large rural residential parcel. According to OnCor, the parcel in question has little to no slope (0-3%) and no wetlands/floodplains indicated. The soil is 100% Elnora loamy fine sand: it is not hydric, has high permeability and erodibility, is an area of prime farmland, in hydrologic soil group B.

Comments:

- 1) With the addition of parking spaces (increased impermeable surface), will there be any proposed stormwater management?
- 2) Is there any proposed screening along the 8' high fence? Any proposed vegetation?

49 -2023

Town of Victor Planning Board

Class: 1

Type: *Site Plan*

Applicant: *Progressive Machine & Design LLC*

Property Owner: *Rowley Real Estate Prop LLC*

Tax Map Parcel #: *15.00-2-34.211*

Brief Description: *Site Plan for 16,800 SF addition to the east side of the existing 73,000 SF building used for the assembly of automation equipment at 727 Rowley Road in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/37991/49-2023-Aerials>

<https://ontariocountyny.gov/DocumentCenter/View/37992/49-2023-single-page-Site-Plan>

Site Plan for 16,800 SF addition to the east side of the existing 73,000 SF building used for the assembly of automation equipment. There is a proposed building height of 25' above finished floor. Drive in doors (12' x 12') will be installed on both ends of the addition. The parcel is on the east side of Rowley Road and south of I-90. Parcel is used for manufacturing/product assembly for automation equipment and is zoned commercial-light industrial, and falls within the Route 96/251 Corridor Overlay District. Surrounding parcels are zoned commercial or commercial-light industrial. Access to the site is currently provided by 2 curb cuts off of Rowley Road.

Construction of the addition will eliminate the majority of the rear parking lot. New spaces will be constructed along the east side of the existing parking lot just north of the addition. The proposed parking plan will reduce the capacity to 146 spaces (currently 180 spaces when code requires 273 spaces).

Four trees are to be removed and replaced with new. There will be a net increase in impervious area of 3,500 SF.

There are no new proposed stormwater management facilities, as site will continue to use existing three onsite infiltration/detention facilities. There is a 25' wide drainage easement to the Town of Victor on the easternmost edge of the parcel.

According to OnCor proposed work is in area with little to gentle slope (0-9%), and there are no wetlands or flood zones on or near the parcel. The soil is 100% Ontario gravelly loam – not hydric, moderately high permeability, medium erodibility, is in hydrologic soil group C, and is a farmland of statewide importance.

Comments:

1. Should there be additional vegetation/buffering?
2. Is a new parking variance required?

50 -2023

Town of Victor Zoning Board of Appeals

Class: *AR 1*

Type: *Area Variance*

Applicant: *Rob Krutchen*

Property Owner: *Astrea LLC*

Tax Map Parcel #: 15.00-1-11.100

Brief Description: *Area variance to install an 18 SF LED light box window sign and two (2) 11.5' windless flag signs near the intersection of SR 251 and SR 96 at 7263 SR 96 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/37992/49-2023-single-page-Site-Plan>

Application is for an area variance for signage for a Cash-for-gold business in the Town of Victor. The location is 82 ft. from SR 96 (a 45-mph zone). Application materials indicate trees and a stream block the view of existing signage for northbound traffic. The property lies within the commercial zoning district and the Route 96/251 overlay district. There is a martial arts business in the same building as well, with a 45 SF existing sign. Proposed signage includes one (1) 18 SF light box window sign and two (2) 11.5' windless flag signs. The area variances pertain to type, location, and content of sign. Illuminated window signs, other than a single 2 ft. sign saying "OPEN" are not allowed in the Town of Victor. The proposed sign advertises the business, saying "We buy gold/coins/jewelry". In addition, the long-term use of temporary (windless) signs in the Town of Victor are prohibited. Applicant is proposing to use windless signs long term. There may be a need for additional area variances as well – distance of windless sign from the road, and hours of operation of the LED sign (further information is required). The windless flags are to be displayed Monday through Saturday, during the hours of operation (10 am – 4 pm).

Comments:

- 1) What is the letter height of proposed signage??

51 -2023 Town of Victor Zoning Board of Appeals Class: 1

Type: *Area Variance*

Applicant: *Valvoline Instant Oil Change*

Property Owner: *7503 Main Street, LLC*

Tax Map Parcel #: *6.00-1-27.110*

Brief Description: *Area variance to operate on the hours of 9:00 am to 5:00 pm on Sunday's for a Valvoline Instant Oil Change business on the corner CR 42 and SR 96 at 7503 CR 42 in the Town of Victor.*

<https://ontariocountyny.gov/DocumentCenter/View/37994/51-2023-Aerial-Valvoline>

Application is for an area variance to allow hours of operation from 9:00 am to 5:00 pm on Sundays for a proposed Valvoline Instant Oil Change station in the Town of Victor. Site currently contains a vacant Denny's restaurant to be demolished, and Valvoline building is to be constructed on the parcel. The property lies in the commercial zoning district as well as the Route 96/251 Corridor Overlay District. Town code prohibits hours of operation on Sunday for motor vehicle repair businesses in the commercial district.

Comments:

- 1) The applicant shall indicate hours of operation for Monday – Saturday to verify the scope of the variance only pertains to Sundays.

52 -2023 Town of South Bristol Town Board Class: 2

Type: *Text Amendment*

Applicant: *Town of South Bristol*

Brief Description: *Zoning Law amendment to add definitions and regulations for battery energy*

storage systems and special event venues, to transfer authorization for special use permits from the ZBA to the PB, and to remove the I Industrial floating district in the Town of South Bristol.

https://ontariocountyny.gov/DocumentCenter/View/38024/52-2023-LL---New-Zoning-Law_FINAL-002

https://ontariocountyny.gov/DocumentCenter/View/38026/52-2023-use-table--LL---New-Zoning-Law_Schedule

<https://ontariocountyny.gov/DocumentCenter/View/38025/52-2023-s-bristol-existing-bulk-170a-District-Regulations>

No changes are proposed to existing bulk standards.

Comments

1. CPB applaud the Town of South Bristol for continuing to maintain up-to-date zoning regulations.
2. Moving authority for special use permits from the Zoning Board of Appeals to the Planning Board will provide more consistent direction to applicants about how to accommodate special uses as the site plan and special use permit review will be completed together. This arrangement should also shorten review timeframes which is desirable for applicants and board members.
3. Directed that Short-Term Rental regulations should be moved outside the zoning code as the Town's zoning authority does not include regulation based on owner/renter occupancy, while the Town's general health and safety authority can be used to regulate such businesses.
4. Staff has provided detailed comments to the Town on the following topics:
 - a. Use caution regarding statement of same or similar standards in multiple locations to avoid future inconsistencies.
 - b. Avoid multiple similar definitions by cross referencing and use terms defined.
 - c. Avoid delegation of discretion to CEO as such action eliminates such person's personal immunity from liability.
 - d. Ensure zoning code and map use consistent district names and abbreviations and that all overlay districts are mentioned in zoning code.
 - e. Include additional cross references to development related code chapters such as steep slopes/standards for soil erosion and sediment control, logging, and flood damage prevention.
 - f. Align definition of farm/agricultural activities with the definition in NYS Ag and Market Law 25 AA which includes commercial horse stables and timber lots.
 - g. Aligning code language to account for mixed residential/commercial districts.
 - h. Consider requiring applicant to post planning/zoning application pending sign instead of vague requirement for mail notification beyond adjacent property owners. Must consider the capacity of applicants and/or town to post and take down signs.
 - i. For ease of code administration, consider aligning abandonment and removal timeframes for towers, solar, and signs.
 - j. Avoid vagueness in regulating fill/obstruction of scenic views.
 - k. Carefully consider repealer and other language to avoid resetting timeframes provided to accommodate transition to past new regulations.
 - l. Include consideration of bicycle and pedestrian accommodations in site plan review criteria.
 - m. Specify the many uses of landscaping to provide desirable street scape, foundation plantings, sign and parking area landscaping, and use of landscaping to screen and buffer use from adjacent uses and/or the public ROW.

53 -2023

Town of Bristol Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 54-2023

Applicant & Owner: *Bristol Valley Property, LLC*

Representative: *Venezia Land Surveyors*

Tax Map Parcel #: 138.00-1-53.211

Brief Description: *Site Plan to construct a 3,840 SF commercial storage structure with associated site improvements on the west side of SR 64, at 4820 SR 64 in the Town of Bristol.*

<https://ontariocountyny.gov/DocumentCenter/View/37995/53-2023-Site-Plan-and-54-2023>

<https://ontariocountyny.gov/DocumentCenter/View/37996/53-2023-Storage-Aerial-and-54-2023>

Application is for special use permit and site plan approval to construct a 3,840 SF commercial storage structure with associated site improvements in the Town of Bristol. Proposed work requires a special use permit from the Zoning Board of Appeals because the existing commercial use is a pre-existing non-conforming use that is proposed to be expanded upon. Production/assembly/warehousing is not a principally permitted use within the AC (Agricultural Conservation) zoning district. Existing 1-story masonry building and 2 -story metal building are to remain, there is no additional parking proposed, and stormwater discharge for the building will include a roof downspout splash to surface system. Electrical for the proposed building will be from the closest building on the parcel to the east. The lot size is five (5) acres, with total land disturbance of the project to be roughly 15,000 SF.

The surrounding parcels are in the agricultural conservation zoning district, with the parcels to the north and south being In OC Agricultural District #1. Surrounding land use is predominately rural residential. According to OnCor, there are no floodplains or wetlands within 500' of the proposed work. Area of proposed work has gentle slopes of only 4-9% and is completely Guyanoga channery silt loam, fan. It has high permeability, medium erodibility, is not hydric, is an area of prime farmland importance, and is in hydrologic soil group B.

Comments:

- 1) Is there any proposed landscaping screening from the parcel to the north?
- 2) Impermeable surface is increasing, is there any additional stormwater management areas that need to be added?

54 -2023

Town of Bristol Zoning Board of Appeals

Class: 1

Type: *Special Use Permit*

Related Referrals: 53-2023

Applicant & Owner: *Bristol Valley Property, LLC*

Representative: *Venezia Land Surveyors*

Tax Map Parcel #: 138.00-1-53.211

Brief Description: *Special Use Permit for expansion of a pre-existing non-conforming (commercial storage) use in the AC zoning district on the west side of SR 64, at 4820 SR 64 in the Town of Bristol.*

See information at 53-2023.

55 -2023 Town of Manchester Planning Board
 Type: *Site Plan*

Class: *1*

Related Referrals: *56-2023; 57-2023*

Applicant: *Catalyze Holdings LLC*

Property Owner: *Schram Living Trust & Schram Family Trust*

Representative: *Brandee Nelson PE, Leed AP - Tighe & Bond*

Tax Map Parcel #: *4.00-1-31.000*

Brief Description: *Site Plan to build two ground-mounted photovoltaic solar facilities for a total of 13.52 MW on a parcel along the south side of SR 31 in the Town of Manchester.*

<https://ontariocountyny.gov/DocumentCenter/View/37999/55-2023-Newark-Solar-Aerial-and-56-57>

[7](https://ontariocountyny.gov/DocumentCenter/View/38000/55-2023-Newark-Solar-Conservation-Land-and-56-57)

<https://ontariocountyny.gov/DocumentCenter/View/38000/55-2023-Newark-Solar-Conservation-Land-and-56-57>

<https://ontariocountyny.gov/DocumentCenter/View/38001/55-2023-Newark-Solar-Site-Plan-and-56-57>

Application is for site plan and special use permit approval, along with a subdivision application to build two ground-mounted photovoltaic solar facilities for a combined 13.52 MW on a parcel in the Town of Manchester. Currently, the single 116-acre parcel is zoned as agricultural, and is vacant farmland/wooded area. Surrounding parcels are predominately residential or vacant, with a large farm located directly south. The parcel was formerly a sand and gravel mine, and was restored to open field conditions.

Parcel in question is in Ontario County agricultural district #1. The proposed solar field will occupy 48.23 acres total with a perimeter fence surrounding the panels. Parcel is proposed to be subdivided, with the solar panels being split in two sections (northern – Array 1, and southern – Array 2), one on each parcel. Proposed two (2) separate parcels with panels/associated work to meet all applicable setback and zoning requirements. Array/Parcel 1 (7.46 MW, DC) will be 57.97 acres, with the fenced in/solar area being 27.0 acres, and the coverage percentage being 46.60%. Array/Parcel 2 (6.05 MW, DC) will be 58.27 acres, with the fenced in solar area covering 22.06 acres (37.86% coverage). The total number of solar panels will total 25,012 modules. Western side of the newly subdivided parcels are to remain as farmland. EAF mentions that land disturbance will be around 51 acres. Total impervious surface area of the parcel (after the project) will be 2.49 acres, with 0.85 acres of forested area to be removed.

In terms of screening, the northern property line (SR 31) is screened by vegetation. The panels are also screened from Field St. (West) by terrain. Panels are visible from east along Gurnee Rd. An access road will run north-south, dividing both newly formed parcels in two. The road will run from State Route 31 on the north, to a farm access road (parallels Short Road) to the south. Gravel access road will contain a fire apparatus and equipment turnaround area for each parcel/solar field, maintenance access points, along with an equipment pad and double swing gate for both. In order to create the access along SR 31, trees need to be cleared and the old gate will be disposed of. There are some proposed trees along the southeastern edge of the property for screening. Grading along the northern entrance to be improved. There are proposed swales and culverts along the access road and entrances.

According to OnCor, area of proposed work has little to gentle slope of 0-3%. There is a national wetland indicated along the southeastern edge of the parcel (near proposed work). There is a mix of 20 different soil types. The predominant two soil types are Ontario fine sandy loam with 3-8% slopes and Phelps gravelly silt loam with 0-3% slopes.

Ontario fine sandy loam is not hydric, has moderately high permeability and medium erodibility, is an area of prime farmland, and is hydrologic soil group C. Phelps gravelly silt loam is not hydric, has high permeability and medium erodibility, is an area of prime farmland, and is in hydrologic soil group B/D.

Comments

- 1) Not much screening to the south along the farm road. Does there need to be any? Or screening from the existing farm?
- 2) The applicant will be responsible to pay agricultural district penalty for conversion of land from agricultural use.
- 3) Why are panels on high productive class 1-4 ag soils while areas to remain in ag use are less productive soils?

56 -2023 Town of Manchester Planning Board Class: 1
Type: *Special Use Permit*

Related Referrals: 55-2023; 57-2023

Applicant: *Catalyze Holdings LLC*

Property Owner: *Schram Living Trust & Schram Family Trust*

Representative: *Brandee Nelson PE, Leed AP - Tighe & Bond*

Tax Map Parcel #: 4.00-1-31.000

Brief Description: *Special use permit for two ground-mounted photovoltaic solar facilities for a total of 13.52 MW on a parcel along the south side of SR 31 in the Town of Manchester.*

See information at 55-2023.

57 -2023 Town of Manchester Planning Board Class: 1
Type: *Subdivision*

Related Referrals: 55-2023; 56-2023

Applicant: *Catalyze Holdings LLC*

Property Owner: *Schram Living Trust & Schram Family Trust*

Representative: *Brandee Nelson PE, Leed AP - Tighe & Bond*

Tax Map Parcel #: 4.00-1-31.000

Brief Description: *Subdivision for two ground-mounted photovoltaic solar facilities for a total of 13.52 MW on a parcel along the south side of SR 31 in the Town of Manchester.*

See information at 55-2023.

58 -2023 Town of Farmington Zoning Board of Appeals Class: 1
Type: *Area Variance*

Related Referrals: 59-2023

Applicant: *Fowler Family Trust*

Tax Map Parcel #: 29.13-1-5.100; 29.13-1-5.200

Brief Description: *Area variance for lot width of 30' when 125' is required for a soon-to-be*

subdivided parcel along Pheasants Crossing in the Town of Farmington.

<https://ontariocountyny.gov/DocumentCenter/View/38002/58-2023-Subdivision-Aerial-and-59-2023>

<https://ontariocountyny.gov/DocumentCenter/View/38003/58-2023-Subdivision-Plan-and-59-2023>

Applicant is requesting an area variance and a technical review for a proposed subdivision of two (2) lots into three (3) at Pheasant Crossing in the Town of Farmington. Technical review involves two code interpretations; (1) whether Town of Farmington Town Code, Chapter 165, allows or prohibits flag lots other than on the turning circle of a cul-de-sac, and (2) whether the proposed subdivision is constituted as a flag lot under Town Code §165-10. An area variance is required for the middle parcel (Parcel B in subdivision plan) for having a lot frontage of 30' when 125' is required in the Residential-Suburban Zoning District (RS-25).

The existing parcels 29.13-1-5.100 (north-most) and 29.13-1-5.200 (south-most) are 7.91 and 4.18 acres respectively. They are the only remaining undeveloped lots in the cul-de-sac. The rest of the surrounding parcels have residential use, with vacant land behind (west). There are some steep to extremely steep slopes (16-60%) on the eastern and western edges of the parcels. The western (rear) side of the parcel slopes down into Mud Creek (floodzone). Proposed Parcel A will be roughly 280,000 SF with a lot width of 135', and Parcel C will be roughly 150,000 SF with 135' lot width as well. Parcel B is proposed to be 150,000 SF and 30' wide lot frontage width, requiring the area variance. Other than lot width for Parcel B, newly formed parcels would adhere to the required setbacks.

Fluvaquents-Udifluvents Complex (roughly 50%)

0-3 %

Not Prime Farmland

Permeability: high **Erodibility:** low

Hydrological Group A/D **Partially Hydric**

Palmyra and Howard Soils (roughly 28%)

25-45%

Not Prime Farmland

Permeability: high **Erodibility:** med

Hydrological Group B **Not Hydric**

Palmyra Gravelly Sand Loam (roughly 12%)

0-3 %

Prime Farmland

Permeability: high **Erodibility:** med

Hydrological Group B **Not Hydric**

Comments

1. The referring bodies in considering the reasonableness of the lot width area variance and the resubdivision of these two lots into three lots should consider what conditions or changes are required to avoid steep slope disturbance in conjunction with development of any principal and accessory uses.

59 -2023

Town of Farmington Zoning Board of Appeals

Class: n/a

Type: *Technical Review*

Related Referrals: 58-2023

Applicant: *Fowler Family Trust*

Tax Map Parcel #: 29.13-1-5.100; 29.13-1-5.200

Brief Description: *Technical review if flag lots are prohibited other than on turning circle of cul-de-sac and whether proposed subdivision is constituted as a "flag lot" under Code §165-10 at Pheasant Crossing and adjacent parcel to south in the Town of Farmington.*

See information at 58-2023.

60 -2023

Town of Geneva Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 61-2023

Applicant: *Geneva CSG 1*

Property Owner: *FLX core Group LLC*

Tax Map Parcel #: *103.00-3-18.321*

Brief Description: *Site plan for 1 of 2 adjacent community solar projects on an agricultural property on CR 6, 2,400 'north of SR 20 in the Town of Geneva. This project is 13 MWdc/10MWac in capacity.*

<https://ontariocountyny.gov/DocumentCenter/View/38005/60-2023-CSG-1-Solar-Site-Plan>

<https://ontariocountyny.gov/DocumentCenter/View/38004/60-2023-CSG-1-Solar-Grading>

<https://ontariocountyny.gov/DocumentCenter/View/38006/60-2023-CSG-Solar-Aerial-and-61-2023>

CSG 1 is proposed on a 48 acre. This parcel contains 42 acres of prime farmland. - CSG 2 is proposed on a 68 acre parcel south of CSG 1. The access road to CGS 1 runs north off the access road to CGS 2 approximately ____ from CR 6. There are drainage swales along both sides of 1,500' feet of the access road on CSG 1. There is a 100' wide RGE utility easement running east-west along the boundary between the properties; 60' is on CSG 1 and 40' is on CSG 2. Access roads on both sites are listed as 16' wide. CSG 1 is bordered by office/commercial uses along the CR 6 frontage and a single family home and rural residential property along the eastern property boundary.

Existing land use adjacent to CSG 2 includes offices, a bar, and a multifamily use along CR 6 frontage, Townside Apartments to the south, and other commercial uses along SR 5/US 20 to the south of the rear portion of the side. CSG 1 will involve creation of 9 acres of impervious surface. Landscaping is proposed on CGS 1 between proposed access road and northern property line closest to CR 6. No landscaping proposed along eastern property boundary adjacent to existing residence. Based on the photo simulations, it appears that proposed landscaping will partially screen views to the panels from the private access drive.

CGS 2 includes landscaping proposed adjacent to Townside Apartment. Based on photo simulation 17, it appears that proposed landscaping will partially screen views to the security fence and panels from the private access drive to Townside.

Application materials include a wetland delineation report that identifies the potential for a 0.4 acre Army Corp of Engineers regulated wetland with a pond in the northeast corner of CGS 1. This area is not proposed for disturbance. The wetland report also identified 3,190 lf of drainage ditches along the boundary between the two parcels and extending south across CSG 2. The wetland report did not identify the stream shown in OnCor near the western property boundaries as a relatively permanent waterway subject to ACOE regulation, and did not mention evidence or lack of evidence of an intermittent or ephemeral stream.

According to OnCor, most of both sites have slopes less than 10 percent, with a narrow north-south oriented band of 10 to 15 percent slope across the rear third of the property. OnCOR indicates a stream near the west property boundaries, though it is not indicated in the Wetland Delineation Report. Both properties are in OC Agricultural District #1 and have received agricultural exemptions. Both properties are planted with fruit trees previously connected to Red Jacket Orchards.

Comments

1. Does lot 103.00-3-18.321 site of CSG 1 have any existing access rights to CR 6? Prior to allowing subdivision of this lot, the referring body should review a proposed access easement and a maintenance agreement to allocate cost for plowing and road repairs among lot owners.
2. Is there existing vegetation on the CSG 1 lot to buffer the adjacent residential use (103.00-3-20.100) without installation of landscape screening? The applicant's photo location map indicates screen vegetation, though it is not shown on the 2021 aerial available at OnCOR. Only vegetation that the applicant controls and intends to maintain provides long term screening.
3. Wetland delineation report references 93 acre project site, while the combined acreage of the two project sites is 116 acres. The referring board should clarify. The EAF indicates the project area for CSG is 125 acres.
4. What is the intended use of the property not devoted to solar panels along the southern CSG 2 property boundary?
5. Is the vegetation that screens views to panels from Townside apartments (photo location 9 and 10) and Lennox Road (Photo location 11) on the applicant's property? Only vegetation that the applicant controls and intends to maintain provides long term screening.
6. The applicant will be responsible to pay agricultural district penalty for conversion of land from agricultural use.
7. Is drainage ditch A connected to other lands further west that are to remain in OC Agricultural District #1? If so it is important to maintain existing field drainage to protect the viability of this farmland.
8. The coordinated Electric System Interconnection Review (CESIR) analysis is based on 4.8 MW, not 5 MW as currently proposed.
9. What, if any, grading changes are proposed outside of the access road construction?
10. What area erosion and sediment control practices and/or stormwater management practices are necessary to address potential impacts of converting this site from an orchard to a solar array vegetated with short grasses.

61 -2023 Town of Geneva Planning Board
 Type: *Site Plan*

Class: *1*

Related Referrals: *60-2023*

Applicant: *Geneva CSG 2*

Property Owner: *FLS Core Group, LLC*

Tax Map Parcel #: *103.00-3-26.1201*

Brief Description: *Site plan for 1 of 2 adjacent community solar projects on an agricultural property on CR 6, 2,400 ' north of SR 20 in the Town of Geneva. This project is Site plan for 1 of 2 adjacent community solar projects on an agricultural property on CR 6, 2,400 'north of SR 20 in the Town of Geneva. This project is 13 MWdc/10MWac in capacity.*

- <https://ontariocountyny.gov/DocumentCenter/View/38006/60-2023-CSG-Solar-Aerial-and-61-2023>
- <https://ontariocountyny.gov/DocumentCenter/View/38007/61-2023-CSG-Solar-2-Grading>
- <https://ontariocountyny.gov/DocumentCenter/View/38008/61-2023-CSG-Solar-2-Site-Plan>

See information at 60-2023.

62 -2023 Town of Farmington Planning Board
Type: *Special Use Permit*

Class: 1

Related Referrals: 63-2023

Applicant & Owner: *Noelle Porreta*

Tax Map Parcel #: *31.00-1-20.13*

Brief Description: *Special use permit for home based business equipment storage at 4484 State Street in the Town of Farmington.*

<https://ontariocountyny.gov/DocumentCenter/View/38009/62-2023-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38010/62-2023-Site-Plan>

The special use permit standards for Major Home Occupations limit such use to 50 percent of an accessory building not larger than the principal dwelling on the property

The existing house is 1,368 SF. The existing pole barn 18,640 SF.

According to OnCor, existing land uses include the Village of Manchester water supply to the west, a Niagara Mohawk power corporation property and agricultural land to the north,, Niagara Mohawk and RG& E properties to the east, a large rural residential property, and Old Castle property across State Street to the south.

Comments

1. Does the property have a special use permit for a pre-existing, non-conforming major home occupation? If not an area variance for operation of a major home occupation in the existing building may be required.
2. Any special use permit or site plan approval should provide clear direction regarding allowability of outdoor storage, location and extent of storage area, and applicable setback and screen requirements.

63 -2023 Town of Seneca Planning Board
Type: *Special Use Permit*

Class: 1

Related Referrals: 41-2023; 64-2023

Applicant & Owner: *Joshua Douglas*

Tax Map Parcel #: *132.00-1-50.000*

Brief Description: *Special Use Permit to use three (3) 384 SF single-bedroom cabins and one construct (1) 80 SF bathroom structure to be used for a short-term rental home occupation on a residential parcel at 4286 SR14A in the Town of Seneca.*

<https://ontariocountyny.gov/DocumentCenter/View/38010/62-2023-Site-Plan>

<https://ontariocountyny.gov/DocumentCenter/View/38012/63-2023-Site-Plan-and-64-2023>

This project was previously reviewed as 41-2023 in March 2023 and determined to be incomplete. The following provides Town/applicant responses to previous comments

March 2023 Comments

1. The referring body should refrain from action on the site plan and special use permit application until after amendment of zoning district regulations. The Town of Seneca should avoid authorizing a wide range of non-farm commercial uses in the Agricultural district. The Planning Board has provided an interpretation that this use falls under home occupation use retails sales, requiring a special use permit.
2. Zoning/special use regulations for camping cabins should address buffering/limiting land use conflicts; water/waste

water system; access; and differentiate such use from year-round residential housing. The property has municipal water. An independent septic system is to be installed to serve the bathroom for the cabins. A natural buffer of trees surrounds the cabin area. The Planning Board will likely require additional screening to minimize impact of the new access drive to the cabins on adjacent use.

3. What are provisions for cabin generated solid waste disposal? The Town will require a dumpster.
4. The Town of Seneca Town Board may want to consider whether to add a code chapter regulating short term rental businesses.

NYSDOT Comments

1. The proposed driveway should be a minimum of 5’ from the property line with the property line extended out to the road. The site plan shows the proposed driveway taper crossing the property line.

March CPB Comments

1. In response to Board comments the applicant offered the following additional information. The three buildings proposed for use as short-term rentals are existing storage buildings.
2. In drafting appropriate definition and special use permit standards for the proposed use the Seneca Town Board should consider adequacy of emergency access, public water and private septic system, lighting, and parking
3. The buildings may require alterations to meet residential occupancy requirements.

April Comments

1. Town Law 267-b authorizes a Zoning Board of Appeals to interpret zoning and to review a zoning code interpretation of the CEO. NYS Statute does not authorize Planning Boards to provide zoning interpretations.

64 -2023 Town of Seneca Zoning Board of Appeals Class: 1
 Type: *Area Variance*

Related Referrals: 41-2023; 63-2023

Applicant & Owner: *Joshua Douglas*

Tax Map Parcel #: *132.00-1-50.000*

Brief Description: *Area Variance to allow 4 accessory structures for a short-term rental home occupation when code only allows for 1 on a residential parcel at 4286 SR14A in the Town of Seneca.*

See information at 63-2023.

65 -2023 Village of Bloomfield Planning Board Class: 1
 Type: *Special Use Permit*

Related Referrals: 66-2023

Applicant: *Cheap Charlies Real Estate, LLC*

Property Owner: *Dwayne Newstead*

Tax Map Parcel #: *68.13-1-74.110*

Brief Description: *Site Plan and Special Use Permit for tent to be used for outdoor dining and music and to expand covered-patio space from 480 SF to 960 SF at 8 Elm St., just north of Main St. in the Village of Bloomfield.*

<https://ontariocountyny.gov/DocumentCenter/View/38013/65-2023-Cheap-Charlies-Aerial-and-66-2023>

<https://ontariocountyny.gov/DocumentCenter/View/38014/65-2023-Cheap-Charlies-Site-Plan-and-66-2023>

Application for Site Plan and Special Use Permit for Cheap Charlie’s Restaurant in the Village of Bloomfield for the expansion of the covered patio area. A special use permit (for any use not enclosed within a building) was granted to the previous property owner in 2010. Special Use Permit renewal is required upon new ownership of the parcel, and if the special use is to be expanded upon. Applicant proposes to double the tent-covered patio area from 480 SF to 960 SF (expansion of special use), to be used for dining and music. Tent is fire resistant, and is protected with bollards spaced 6’ apart to protect the area from risk of contact with any automobiles. A 90’x60’ green-area east of the parking lot is proposed to be roped off for cornhole. A 6’ wide, roped, walking path is proposed from the patio to the cornhole area.

The property and homes fronting on Elm Street are in the Community commercial/Village Center zoning districts. To the north and west is Holcomb Village Apartments, zoning Multiple-family;. Lots along East Main Street are zoned R-1-15.

Scope of deck/path disturbance is contained in what is currently the parking lot area. According to OnCor, there is little to no slope on the parcel (0-3%). The only soil type is Lakemont silty clay loam (0-3% slope, partially hydric, moderately low permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group D. The parcel is in the village just north of Main St., and the surrounding land use is commercial and residential.

Comments:

- 1) Does the cornhole area replace what appears to be an existing outdoor volleyball court?
- 2) Cornhole area is removed (rear of parcel) from the rest of the activities. The rear of the property abuts to neighboring residential parcels. Will proposed activities/hours of operation involve additional lighting, louder sound system? Would additional screening be needed, any proposed landscaping?
- 2) Cornhole area is in green space. Will there be any disturbance in this area or will boards lie on the grass?

66 -2023

Village of Bloomfield Planning Board

Class: 1

Type: *Site Plan*

Related Referrals: 65-2023

Applicant: *Cheap Charlies Real Estate, LLC*

Property Owner: *Dwayne Newstead*

Tax Map Parcel #: *68.13-1-74.110*

Brief Description: *Site Plan and Special Use Permit for tent to be used for outdoor dining and music and to expand covered-patio space from 480 SF to 960 SF at 8 Elm St., just north of Main St. in the Village of Bloomfield.*

See information at 65-2023.

67 - 2023 City of Geneva Planning Board Class: 1

Type: *Subdivision*

Applicant & Owner: *City of Geneva*

Representative: *BME Associates*

Tax Map Parcel #: *104.12-2-23.300; 104.12-2-24.000; 104.12-2-23.100*

Brief Description: *Subdivision to combine three (3) city-owned lots into one (1) lot along the east side of South Exchange St. between Elizabeth Blackwell Rd. & Seneca St. ,*

<https://ontariocountyny.gov/DocumentCenter/View/38015/67-2023-Geneva-Subdivision-Aerial>

Subdivision application by the City of Geneva to combine three (3) lots into one (1) lot with .88 acres and 340' of frontage for future development. Proposed subdivision is two blocks directly west of the pier/Finger Lakes Welcome Center. The lots are currently vacant with surrounding lots predominantly in commercial use. Slopes are none to gentle (0-9%), with some steep slopes (16-30%) along the front/lakeside of the parcels. The only soil type is Lakemont silty clay loam (0-3% slope, partially hydric, moderately low permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group.

68 - 2023 Town of Hopewell Planning Board Class: 1

Type: *Site Plan*

Applicant: *NYSEA*

Property Owner: *Marks Engineering*

Tax Map Parcel #: *99.00-2-9.100*

Brief Description: *Site Plan application for 3,536 SF addition to existing pole barn, and for the installation of a 15-row 5,600 SF grandstand at 3349 Gehan Rd, north of 5&20 in the Town of Hopewell.*

<https://ontariocountyny.gov/DocumentCenter/View/38016/68-2023-Steam-Engine-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/38017/68-2023-Steam-Engine-Site-Plan>

Site Plan for NY Steam Engine Association to build a 3,536 SF addition to an existing pole barn and to install a 15-row, 5,600 SF grandstand. Area of work is 100% Angola silt loam (0-3% slope, moderately high permeability, high erodibility, prime farmland if drained, and in hydrologic soil group D). There are wetlands located on the rear (east) side of the parcel. Parcel is surrounded by agricultural and vacant land, and subject parcel/surrounding parcels are all in the ag district. Surrounding uses are agricultural or vacant. There is a pipeline easement along the rear edge of the property (southeast).

Comments:

How tall is the grandstand? Do you need additional parking? Stormwater management? Screening

69 - 2023 Town of Seneca Planning Board Class: 1

Type: *Special Use Permit*

Related Referrals: *40-2023; 70-2023*

Applicant: *Steve Hullings*

Tax Map Parcel #: *146.00-1-32.110*

Brief Description: *Special use permit and area variance to repurpose existing vacant storage buildings and barn on new parcel at 4694 Redman Road opposite Turnbull road in the Town of Seneca into a wedding/event center.*

<https://ontariocountyny.gov/DocumentCenter/View/38018/69-2023-4694-redman-rd-maps>

<https://ontariocountyny.gov/DocumentCenter/View/38019/69-2023-Aerials-and-70>

<https://ontariocountyny.gov/DocumentCenter/View/38020/69-2023-Sound-Study-Silos-of-Seneca>

This project was previously reviewed as 40-2023 in March 2023. OCPD staff have confirmed the filing of subdivision creating the 5 acre lot shown in the site plan. The newly created lot is 146.00-1-34.111.

The project has applied for area variances for the following project elements:

1. Add 960 SF deck on the rear of an existing barn to be used in conjunction with the event center home occupation. The variance is required because the existing barn exceeds the home occupation accessory building size limit of 2,500 SF
2. Allow conduct of the home business in outdoor areas including gazebo, outdoor wedding ceremony area, and use of rear patio/courtyard and deck. A variance is required because the special use permit standards for home occupation require all activities of the home occupation to be conducted in an enclosed building.
3. Allow vehicle trips leaving the site until 10:30 pm. A variance is required because special use permit standards require vehicle trips associated with home occupations to occur only between 7 am and 9 pm.

The concept plan indicates a 25,935 SF parking area with 2,162 cubic feet of fill, vegetation between the parking area and Redman Road to minimize sound dispersion and screen views, and an 8,008 SF retention pond with 24,024 cubic feet of storage.

According to OnCor, the property and all adjacent properties are in Ontario County Agricultural District #1. The property is not constrained by floodplains or steep slopes. The southern end of the site contains a NYSDEC regulated wetland associated with a stream and woodlot.

March 2023 Comments and additional information provided by the town.

1. The referring body should refrain from action on the site plan and special use permit application until after amendment of zoning district regulations. The Town of Seneca should avoid authorizing a wide range of non-farm commercial uses in the Agricultural district. Town staff has indicated the Planning Board provided an interpretation to the applicant before purchase of the property that the proposed use in an allowable home business requiring a special use permit under the General Retail Sales use. The Planning Board also considered this use similar in scope and nature to a winery, distillery, or brewery which are allowable stand alone uses with a special use permit.
2. Zoning regulations for event center should address not only buffering/limiting land use conflicts and water/waste water system as outlined above but also noise impacts of live and/or amplified music. The site has municipal water. The existing on-site septic system has been pumped and inspected for use for cleaning and bar purposes. Portable restrooms will be provided for event guests and staff. No on-site food preparation will occur.

Additionally the applicant is documenting potential sound impacts. The applicant and CEO did a trial. With music playing at 111 db and the barn doors open, the sound at the public road was approximately 65 to 72 db while sound pressure levels 10' from the property line of the nearest residence were 47 to 52 db. The applicant is working with a sound engineer to ensure identification and mitigation of potential noise impacts.

3. Submitted materials indicate the venue will accommodate up to 150 guests. What provisions are being made to provide potable water and waste-water disposal for that number of people? See response to 2 above.
4. Does the proposed parking area represent an increase in impervious cover? If so, the water quality and water

quantity impacts should be minimized through incorporation of green infrastructure impact. The parking area will be crushed stone, which is considered permeable. The applicant has removed 4 existing structures/concrete pads totally approximately 18,000 SF while the size of the proposed parking area and new sidewalk is 17,000 to 18,000 SF. The applicant is preparing a survey to document no net change in impervious surface. Additionally, the applicant has plans to dig a pond to capture run-off. The applicant is working with the neighbor/former owner to secure an easement for a pond outlet that would drain to a creek to the west.

5. What is the intended use of the remainder of the 20-acre property? To retain on-site and adjacent properties as viable farmland, a landscaped buffer and/or berm should be established to protect the proposed activities from the dust, noise, and smells of agricultural operations. Applicant has purchased 5 acre homestead lot.

March 2023 CPB Comments

1. The referring body may want to consult with other municipalities regarding the adequacy of their event center regulations for area venues such as Lincoln Hill Farms (operating in Gorham), Point of the Bluff, breweries along Seneca Lake, and Chateau Oliva (proposed in Gorham) when drafting event center zoning definition and special use permit standards. The town is looking at other municipal regulations for comparable size event venues.
2. It may be appropriate to consider a temporary special use permit and to require any future owner to reapply with revised operations plan. The Town will likely consider a 12 month renewable special use permit to address operational issues.
3. In response to CPB questions, applicant and Board members offered the following additional information
 - a. The farm homestead with 3 residences was subdivided from the agricultural land in September. OC Real Property Tax confirmed recording of the subdivision. The new 5.1-acre parcel is lot 146.00-1-34.111.
 - b. The ZBA may require an area variance for the size of the proposed home business.
4. Event center is not on the list of specially permitted home businesses allowed in the Agricultural districts. Further staff review of Town of Seneca Zoning Law definitions and general standards for home businesses identified the following additional areas of non-compliance with existing regulations: See response to March 2023 Comment #1
 - a. The definition of accessory use or structure requires it to be subordinate to the principal building or use in area, extent, and purpose. Under the former agricultural use, the farm/ 3,200 SF barn might have been the principal use and the single-family home(s) accessory uses. The Town needs to consider what is the principal and the accessory use at this time. The applicant indicated the ZBA suggested an area variance may be required for the size of the home business.
 - b.C. (2) only 1 accessory building allowed to be used in the home business.
 - c. C. (3) contradicts C (2) as it uses the phrase accessory buildings and restricts total aggregate size of accessory buildings constructed for a home business to 2,500 SF. Since no buildings are to be constructed for this use, this 2,500 SF limit may not apply, however, any interpretation by the CEO/ZBA should take into consideration this statement of intent re scale of accessory home businesses.
 - d.C. (5) Home businesses shall be limited to a maximum of 3 non-resident employees. Seems likely more than 3 non-resident employees will be required for events of 150 people. Applicant will have 3 non-family employees. DJ and Catering staff will be employed by wedding party.
 - e. F. Home businesses may include only those uses permitted or specially permitted within the zoning district in which the property is situated. T. Seneca Zoning Law section 13.0 lists 4 types of allowable home businesses in the Agricultural district. An event center would not fall under any of the uses listed. See response to March 2023 Comment #1 regarding Planning Board interpretation of use as allowable retail sales home occupation and similar to allowable stand alone winery, distillery, or brewery.
- H. No vehicle trips generated by the home business shall be permitted between 9 pm and 7 am. It seems unlikely the event center will host only weddings that conclude before 9 pm. Applicant applying for variance to allow trips until 10:30 pm.

