

**County Planning Board Meeting June 9, 2021 at 7:00pm Virtual Meeting Click Join Meeting hyperlink below**  
 Telephone: 585-396-4455

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 <http://www.co.ontario.ny.us/index.aspx?nid=516>

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**Action Key** - Recommended referring body action: A = approve, A-M = Approve with Modification, D = disapproval

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You can forward this invitation to others.

**Linda Phillips is inviting you to a scheduled Webex meeting.**

Wednesday, June 9, 2021

7:00 PM | (UTC-04:00) Eastern Time (US & Canada) | 2 hrs 30 mins

[Join meeting](#)

<b>Cities</b>	<b>Member</b> name in bold if on local legislative, planning, or zoning board	<b>P-Present</b> <b>V – Virtual</b>	<b>A – Absent, E – Excused Absence,</b>	
Canandaigua	Christen Smith		E	
Geneva	Paul Passavant	P		
<b>Towns</b>				
Bristol	AJ Magnan	P		
Canadice	<b>Stephen Groet PB</b>		E	
Canandaigua	David Wink	V		
East Bloomfield	<b>Mike Woodruff PB</b>	V		
Farmington	Patti Wirth		E	
Geneva	Steven High	P		
Gorham	<b>Jack Dailey PB</b>	V		
Hopewell	Bill Namestnik	P		
Manchester	Sue Kell	V		
Naples	Vacant	-----	-----	-----
Phelps	<b>Glen Wilkes ZBA</b>	P		
Richmond	<b>Leonard Wildman PB</b>	V		
Seneca	Vacant	-----	-----	-----
South Bristol	<b>Bessie Tyrrell PB</b>	V		
Victor	Marty Avila		E	
West Bloomfield	<b>Vacant</b>	-----	-----	-----
<b>Alternate Member</b>				

**Call To Order/Roll Call:** Chair Wildman called the 6/9/21 CPB meeting to order at 7:00 and requested Ms. Holley to do roll call. Ms. Holley presented roll call and reported that there were (6) members present virtually and (5) members physically at 20 Ontario Street, meeting the quorum requirement.

**Guests:** Bill O'Hanlon/Leonard's Express; Bill Young/Will-O-Crest Farm; Megan Webster & Tucker Kautz/OCSWCD, TA Will-O-Crest Farms; Jeff Morrell/Morrell Builders; Rich Teade/Marathon Engineers, Morrell Builders; Stacy Bartl/RGE; and the following members of the public interested in Will-O-Crest Farm referral: Amie DeVito, Lawrence Farnsworth, Wilson Farnsworth, Sandy Hood, James Kenny, Beverly Santelli, Frank Santelli and Matt Worden.

<b>104 - 2021</b>	<b>Town of Phelps</b>	<b>Town Board</b>	<b>Text Amendment - Class: 2</b>
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**Applicant:** Town of Phelps

**Brief Description:** Amendment to subdivision regulations of the Town of Phelps to void final subdivision approval if final plans are not recorded within 62 days of such approval and imposing a fee for resigning of such voided plans.

**Comments**

1. Consider specifying that date of signing by the PB Chair is the date of approval and that the recording occur in the Office of the Ontario County Clerk
2. The Town may also want to require applicant to provide a copy of the signed and/or signed and recorded subdivision plan for the CEO's records.

<b>Board Motion:</b> To retain referral 104-2021 as a class 2 and return it to the local board with a recommendation of approval. <b>Motion made by:</b> AJ Magnan <b>Seconded by:</b> Mike Woodruff <b>Vote:</b> 11 in favor, 0 opposed, 0 abstentions <b>Motion carried.</b>
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<b>105 - 2021</b>	<b>Town of Phelps</b>	<b>Town Board</b>	<b>Text Amendment - Class: 2</b>
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**Applicant:** Town of Phelps

**Brief Description:** Text amendment to the Town of Phelps zoning code to define recreational vehicle and regulate occupancy of such vehicles when parked or stored on property in the Town

<b>Board Motion:</b> To retain referral 105-2021 as a class 2 and return it to the local board with a recommendation of approval. <b>Motion made by:</b> Mike Woodruff <b>Seconded by:</b> AJ Magnan <b>Vote:</b> 11 in favor, 0 opposed, 0 abstentions <b>Motion carried.</b>
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<b>106 - 2021</b>	<b>Town of Phelps</b>	<b>Planning Board</b>	<b>Site Plan - Class: 1</b>
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**Applicant:** Dinu, Bogdan

**Property Owner:** Allen, Mark S.

**Representative:** Centola, Christopher

**Tax Map Parcel No:** 35.00-1-21.110

**Brief Description:** Site plan for development of 5 MW solar facility at 2138 SR 96 opposite the Midlakes Central School District campus in the Town of Phelps.

<https://www.co.ontario.ny.us/DocumentCenter/View/29242/site-plan--landscaping-Ontario-4-Plan-Set-sealed>

<https://www.co.ontario.ny.us/DocumentCenter/View/29241/9-CESIR-Ontario-4---17126---5-MW-PV-REVO-As-Sent>

The proposed solar facility will occupy 16 acres of a 59 acre site. The parcel was recently subdivided into a 56 acre project site and a 1.7 acre site for the existing auto repair use. The 56 acre lot includes the existing access driveway. The portion of the project site not developed for solar is a NYSDEC regulated wetland/wetland buffer area. The proposed 11,800 panels will be mounted on helix screw supports with a depth of 8-10'. The panels use a single access tracking system. The site plan also shows the proposed stabilized construction entrance, 24' main gate, 20' access drive, and temporary

concrete washout and topsoil stockpile located just north of the end of the existing access driveway.

OnCor indicates the property is not part of Ontario County Agricultural District #1 and is not constrained by floodplains or steep slopes. The EAF indicates approximately 13 acres of on-site wetland area and that 55% of the site soils are poorly drained. The EAF also indicates .7 acres of forest clearing, conversion of .5 acres from meadow, and conversion of 15 of 23 acres of highly productive agricultural soils. The cover letter characterized tree clearance as .5 acres and .1 acre of impervious surface for the concrete equipment pad. The EAF also indicates construction hours of operation will be 7 am to 11 pm 7 days per week.

Five new utility poles with 170' of overhang electric wire are anticipated along the existing access driveway. The applicant will install a new 20' pervious gravel access road extensions and hammerhead turnaround from the end of the existing access road to the proposed construction staging and equipment pad area. The site plan shows runoff from the equipment pad area will flow through vegetated filter strips before joining overall site stormwater sheet flow. The landscape plan shows planting of 12 screening evergreens along 2 places along the southern fence line in areas not screened by retained existing vegetation.

The lease indicates the owner will retain use of approximately 4 acres including an existing building at the front of the 59 acre property and an existing access road to this area for an auto repair business. The Operation and Maintenance Plan outlines facility components subject to daily remote monitoring and troubleshooting and those subject to visual or drone inspection and testing quarterly, annually, or every 10 years. The Decommissioning Plan estimates decommissioning costs at \$194,000 and commits to 3 percent annual inflation adjustment and review of estimate every 5 years or revision if facility is repowered or its life is extended beyond the 35 years projected. The Decommissioning Plan commits to removing foundations to 4' below ground and conduit to 2' below grade and de-compaction if required.

The CESIR (Coordinated Electric System Impact Review) was completed for a 4.195 MW system and that the proposed facility will connect to NYSEG substation circuit 4203302 approximately 1 mile away via a 12.47 kV Feeder line

### **Comments**

1. The existing conditions and demolition plan sheet c201 uses the same symbol for the wetland buffer area and proposed tree clearing areas. The referring body should clarify extent of tree clearing and any disturbance within the wetland buffer area.
2. The referring body should ensure the owners of these two lots executed an access easement and maintenance agreement to allow continued use of the access driveway by the existing business.
3. Views of the solar facility from the property to the west of the proposed project site are visually screened by a hedgerow that is on the adjacent property. The referring body should consider requiring some screening vegetation added on the project site along the outside of the western fence line in areas not screened by the wetland buffer area.
4. Sheet c704 indicates 1' gravel area around perimeter of concrete equipment pad. There is no detail provided for vegetated filter strips as indicated on sheet c201.
5. No cost estimate is included in the Coordinated Electrical System Impact Review (CESIR) report. The analysis was conducted on a smaller 4.195 MV system. The CESIR report identified failed conditions or needed reporting and 6 projects that would need to be completed to allow system interconnection. The referring body should document review of a revised CESIR report for the size facility proposed and signoff by the applicant on completion of needed interconnection projects.
6. The referring body should clarify whether NYS DAM guidelines for restoration of agricultural lands apply to this property and resulting de-compaction and depth of removal requirements. If restoration is required, a new location for the topsoil stock pile or reduction in panels will be needed. Is a 1V2H or 50 percent slope appropriate for a temporary soil stockpile? For a topsoil stockpile that will be seeded and retained for 35 years until needed for restoration?

### **OCSWCD Comments**

1. Ends of silt sock should be curved upslope.
2. Consider signage to identify 100' wetland buffer for resource protection.

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**107 - 2021      Town of East Bloomfield      Town Board      Text Amendment - Class: 2**

**Applicant:** Town of East Bloomfield

**Brief Description:** Text amendment to allow and regulate keeping of domestic chickens and ducks on residential lots of less than 4 acres in the Town of East Bloomfield.

<https://www.co.ontario.ny.us/DocumentCenter/View/29243/107-2021-proposed-chicken-code-2021>

**Comments**

1. What regulations apply to domestic pigeons, swine, goats, rabbits, cows, horses, other poultry, foxes, mink, sheep, skunks or any other fur bearing animal on lots less than 1 acre following repeal of existing regulations and adoption of proposed amendment?

**Board Motion:** To retain referral 107-2021 as a class 2 and return it to the local board with a recommendation of approval with comments. **Motion made by:** Paul Passavant **Seconded by:** Bill Namesnik

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**108 - 2021      Town of Geneva      Zoning Board of Appeals      Area Variance - Class: 1**

**Applicant:** Pitifer, Chas

**Tax Map Parcel No:** 90.00-1-18.140

**Brief Description:** Area variance for placement of accessory structure in front yard of residence at 218 Carter Road in the Town of Geneva.

The residence at 218 Carter Road is setback 340' from the road. The location of the proposed pole barn will be 15' from the rear of a lot at 220 Carter Road. The applicant's stated reason for locating the pole barn in the front yard is the existence of a drainage way and associated standing water after heavy rainfall to the rear and downslope of the house. According to OnCor, the lot is not located in Ontario County Agricultural District #1 nor constrained by steep slopes, wetlands, or floodplain. It appears the agricultural lands to the west may drain to the 25 acre subject site. Based on the percent slope of the property, water may pond in east-west bands with no clear drainage pathway north to south. An identifiable drainage way exists on the solar panel site to the south of the site

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**Applicant:** Marathon Engineering  
**Property Owner:** S & J Morrell  
**Tax Map Parcel No:** 97.02-1-52.100  
**Brief Description:** 97.00-2-2.100

Subdivision for 92 townhouses, 72 acres of preserved land, and a road connecting Bristol Road (SR 21) and Parrish Street in the Town of Canandaigua.  
[https://www.co.ontario.ny.us/DocumentCenter/View/29244/109\\_2021-Aerial](https://www.co.ontario.ny.us/DocumentCenter/View/29244/109_2021-Aerial)  
<https://www.co.ontario.ny.us/DocumentCenter/View/29245/109-2021-Constrained-land>  
<https://www.co.ontario.ny.us/DocumentCenter/View/29246/109-2021-overall-site-plan-only-State-Route-21-2021-05-21-Site-Plan>

This project was previously reviewed as a Technical Review in February 2021 (#12-2021). The description and comments from this review are repeated with edits to reflect clarification of constrained/preserved lands, installation of gutters along the proposed road, revised public trail alignment, and addition of a small trail parking area off SR 21 across from Miller Park. The subdivision plans also indicate soil restoration including mixing compost into subsoil and topping with 6" of top soil in all pervious disturbed areas and a landscaping plan showing planting at the front corner of each townhouse building, at the rear corner of many buildings, and in clusters in other locations.

This development site includes a 54 acre parcel at the southeast corner of Bristol Road/SR 21 and SR 21 owned by the applicant and the 41 acres north of Parrish Street from a 125 acre parcel that extend south nearly to Middle Cheshire Road. The base zoning for the 95 acre development site would allow 82 units. On April 19, 2021 the Town Board approved a density increase of 15 percent in exchange for public access to conserved lands. The resulting total allowable density is 94 units including 2 additional units allowed in the base density based on lands in the R-1-20 zoning district. The proposed subdivision continues to include 92 townhouse lots.

The Town of Canandaigua zoning requires conservation subdivision design for most subdivisions on properties with more than 10 % of parent parcel listed as priority natural resource in the Town's Natural Resource Inventory, creating more than four lots, involving a new public or private road, or reducing parent parcel road frontage by 50 percent or more. Conservation subdivisions require reserving as open space constrained lands (floodplains, wetlands, stream corridors/buffers. wood lands up to a maximum of 5 acres, land with slopes greater than 15 percent, and other undevelopable land) plus 40 percent of developable land or 48 acres for this 95 acre development site with 16.2 acres of constrained land.

Natural resources on this site include nearly 12 acres of woods including 1 acre also with steep slopes, 1.5 additional acres of slopes greater than 15 percent, the 4 acre wetland/old farm pond, and .36 acres in the stream corridor. The applicant also indicates proposed development area will not be visible from the east (lake) or from the west (Miller Park). The subdivision referral indicates 16 acres of constrained land will remain undisturbed.

The development area is not in the agricultural district, however, aerial mapping indicates much of the site has recently been cultivated and site soils are primarily prime farmland of the Honeoye loam series. The applicant has indicated preserved lands could be made available for agricultural activities; however, the road and trail alignments do not preserve large blocks of agricultural land.

The proposed development includes 92 townhouses in two- and three- unit building along 3,750 lf of public road with sidewalks on one side connecting Parrish Street and Bristol Road east of SR 21. Lot sizes range from 3,000 to 3,800 SF. There are 3 stormwater management facilities shown and a grass surface public trail from opposite Miller Park connecting

to a loop trail around the wetland pond with connections to the new road east of the stream crossing and just north of Parrish Street. On the west side of the stream, the trail extends north of the new road toward the stormwater ponds. Since the Technical Review, the applicant has revised the public trail location and added a small trail access point with asphalt parking on the east side of SR 21. The stormwater management ponds meet NYSDEC requirements for detention of 100 year storm and Town of Canandaigua requirements for water quality treatment measures to reduce phosphorus content of outflow.

The subdivision referral includes an agricultural data statement identifying 3 farm operations within 500' of the subject property. Though the site contains high quality agricultural soils, the project area is not in the Town's Strategic Farmland Protection Area.

The subdivision referral includes a letter from a traffic engineer documenting that the proposed roadway intersections meet stopping and sight distance requirements and site generated traffic will not alter the level of service on the area roadway network.

### **Comments**

1. CPB appreciates incorporation of Age Friendly design principles including single story design, no step entry, 36" doorways, and ADA accessible bathroom.
2. Will sufficient vegetation remain adjacent to homes at 3135 and 3137 Bristol Road?
3. What portion of the 72 acres of preserved open space will be undisturbed natural areas?
4. The developer should map existing agricultural drainage infrastructure to ensure any facilities damaged during construction are restored to maintain viability of nearby agricultural lands.
5. The referring body may want to consult with area agricultural operators/land leases to determine whether portions of the preserved land could be made available for continued agricultural use.
6. Based on the site notes, but not the constrained land analysis, it appears the 11.95 acres of woodlot on the constrained land map includes the 4.29 acres of protected wetland. Neither the constrained land map nor the subdivision plan identifies the Town's 100' stream setback regulation.
7. The grading plan for section 1 includes grading to create a swale that is shown outside the limit of disturbance. It is also unclear why the rear of lots #9 to #19 have steep 3H:1V slopes requiring stabilization when a more gradual slope to the swale could easily be accommodated.
8. Are soil stockpile locations needed for each section?
9. Will construction crew continue to use the staging area and concrete washout area in Section 1 during construction of sections 2 and 3?
10. The referring body may want additional detail regarding the number of plants, which plantings are trees or shrubs, and the size and species to be used.

### **CLCSD Comments**

1. We have received Preliminary Overall Plans and a Preliminary Engineers Report for the project. The developer has conducted the required flow study to analyze impacts to the downstream sewer and appurtenances and to determine if adequate capacity exists for the proposed project. We are awaiting the engineer's flow study report.
2. The submitted plans and report are in the queue for review and comments will be provided to the developer's engineer upon completion of said review. We have had discussions with the developer and his engineer since January, and they are aware that the development will require the creation of a sewer district extension. The district extension process may coincide with the development of plans as well as project construction.

### **OCSWCD Comments on Subdivision Plan and SWPPP**

1. Ends of silt fence should be curved upslope.
2. Ends of silt fence sections should overlap to fully capture runoff.
3. Placement of some silt fence is within the boundaries of the proposed townhomes as indicated on the plans. Silt fence should be placed so as not to be destroyed during construction.

4. No details provided regarding stream crossing. Recommend an open bottom pipe or bridge to allow for nature crossing and reduced habitat fragmentation.

**Board Motion:** To retain referral 109-2021 as a class 1 and return it to the local board with comments

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 15 in favor, 0 opposed, 0 abstentions **Motion carried.**

**110 - 2021      Town of Canandaigua      Planning Board      Site Plan - Class: Exempt**

**Applicant:** Design Works Architecture

**Property Owner:** Campbell, Paul & Linda

**Tax Map Parcel No:** 140.11-1-12.000

**Brief Description:** Site Plan for demolition of existing seasonal residence and replacement with a year round home at 4681 N. Menteth Drive in the Town of Canandaigua.

**111 – 2021 & 111.1-2021      Town of Canandaigua      Planning Board      Subdivision & Site Plan - Class: Exempt**

**Applicant:** Grove Engineering

**Property Owner:** Brocklebank, Tyler & Melinda

**Tax Map Parcel No:** 69.00-1-41.100

**Brief Description:** Subdivision of 2 acre lot from 35 acres parcel and site plan for development of a residence at 2504 Cooley Road in the Town of Canandaigua.

**112 - 2021      Town of Canandaigua      Planning Board      Site Plan - Class: 1**

**Applicant:** Kunes, Casey

**Property Owner:** Ontario County Agricultural Society

**Tax Map Parcel No:** 84.00-1-12.000

**Brief Description:** Site plan for 3,200 SF pole barn at 2820 CR 10 in the Town of Canandaigua to house poultry during the Ontario County Fair.

The proposed poultry house will have 3' containment walls and they will be open from to the 10' eaves. The top soil that will be removed from the building site will be loaded and moved to an existing soil stock pile located near the track and used as needed for onsite maintenance.

<https://www.co.ontario.ny.us/DocumentCenter/View/29247/112-2021-County-Road-10-2820-2021-05-12-Site-Plan>

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**113 – 2021 & 113.1-2021      Town of Canandaigua      Planning Board      Subdivision & Site Plan - Class: Exempt**

**Applicant:** Venezia Associates

**Property Owner:** FLAH Properties

**Tax Map Parcel No:** 70.06-1-76.100

**Brief Description:** Subdivision of 10.5 acre lot at the southwest corner of Thomas Road and Sommers Drive into a 3 acre development site seeking site plan approval, a 6.8 acre lot, and approximately .8 acres encumbered by Tennessee Gas Pipeline easement to be annexed to the adjacent frontage lot.



<b>114 - 2021</b>	<b>Town of Canandaigua</b>	<b>Planning Board</b>	<b>Area Variance - Class: Exempt</b>
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**Applicant:** Smith, Thomas  
**Property Owner:** Smith, Thomas & Quinn  
**Tax Map Parcel No:** 113.09-3-9.110  
**Brief Description:** Area variance for 10'x10' shed on a .6 acre lot at 3850 CR 16 in the Town of Canandaigua. Variances for 12' side setback and 15' rear setback.

<b>115 - 2021</b>	<b>Town of Canandaigua</b>	<b>Planning Board</b>	<b>Site Plan - Class: 1</b>
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**Applicant:** Marathon Engineering  
**Property Owner:** S & J Morrell  
**Tax Map Parcel No:** 112.19-1-20.000, 112.19-1-21.000, 112.19-1-22.000, 112.19-1-23.000, 112.19-1-24.000, 112.19-1-25.000, 112.19-1-26.000, 112.19-1-27.000, 112.19-1-28.000, 112.19-1-29.000, 112.19-1-30.000, 112.19-1-31.000, 112.19-1-32.000, 112.19-1-33.000, 112.19-1-34.000, 112.19-1-35.000, 112.19-1-36.000, 112.19-1-37.000, 112.19-1-38.000, 112.19-1-39.000, 112.19-1-40.000, 112.19-1-41.000, 112.19-1-42.000, 112.19-1-43.000, 112.19-1-70.000, 112.19-1-71.000, 112.19-1-72.000, 112.19-1-73.000, 112.19-1-74.000, 112.19-1-75.000, 112.19-1-76.000, 112.19-1-77.000,  
**Brief Description:** Site plan amendment for townhouse units on Woodvine Rise and Harvest View in section 9B and 9C of the Lakewood Meadows Subdivision in the Town of Canandaigua. Amendment for 28 units built at an elevation 1.2' to 2.3' higher than indicated on the final approved site plan. There are also 8 townhouse units built with an elevation deviation of 0.75' to 1'.  
<https://www.co.ontario.ny.us/DocumentCenter/View/29248/115-2021-St-James---Woodvine-2021-05-12-List-of-addresses>

**Board Motion:** To retain referral 115-2021 as a class 1 and return it to the local board with comments.  
**Motion made by:** Mike Woodruff **Seconded by:** Bill Namesnik  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

<b>116-2021 &amp; 116.1-2021</b>	<b>Town of Manchester</b>	<b>Planning Board &amp; Zoning Board of Appeals</b>	<b>Site Plan &amp; Area Variance Class: 1</b>
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**Applicant:** Will-O-Crest Farms LLC  
**Representative:** George PE, Stephen J.  
**Tax Map Parcel No:** 13.00-1-4.100  
**Brief Description:** Site plan and area variance for 8.85 million gallon liquid manure pond at Will-O-Crest Farms north of Thompson Road in the Town of Manchester. Variance request to allow 340' setback from rear property line when 500' is required.  
[https://www.co.ontario.ny.us/DocumentCenter/View/29249/116\\_2021-Aerial](https://www.co.ontario.ny.us/DocumentCenter/View/29249/116_2021-Aerial)  
<https://www.co.ontario.ny.us/DocumentCenter/View/29251/116-2021-2021-05-28-14-24-21>  
[https://www.co.ontario.ny.us/DocumentCenter/View/29250/116-2021-manure-pond-detail\\_2021-05-28-14-25-01](https://www.co.ontario.ny.us/DocumentCenter/View/29250/116-2021-manure-pond-detail_2021-05-28-14-25-01)

The 108 acre farm parcel where the manure pond will be located is bounded by Wayne County to the east, several homes north and south of Thompson Road to the south and west, an additional 121 acre farm parcel to the west and vacant farmland to the north. There are additional homes along the frontage of Short Road further north. The subject property and all adjacent properties are in Ontario County Agricultural District #1. Public hearing notice sent to neighboring Town of Arcadia.

The proposed pond will be located 1800' north of Thompson Road near the top of the drumlin. The pond is 340' from the rear of a 25 acre wooded residential parcel at 2754 Thompson Road when Town regulations require such facilities to be

setback 500' from any property line. The location was chosen to minimize excess cut and to maintain required 100' setback from wells and classified streams as well as topographical, visual, and odor considerations. The site plan shows a swale on the east side of the pond to direct run-off from higher elevations to the north and an electric perimeter fence. The area of the proposed pond currently sheet flows via two unnamed tributaries north to the Erie Canal.

The proposed pond has a depth of 19' and covers an area 400'x 240'. The pond will include a High Density Polyethylene liner over 1' of compacted stone and geotextile pad topped with concrete. The pond will include a central leak detection line and inspection well.

Pond maintenance includes establishment and maintenance of vegetative cover on outside of berms with immediate reseeding and removal of trees and shrubs, if needed, and minimum 3 times per year mowing; immediate removal of burrowing animals; weekly monitoring of manure elevation; monthly inspection of perimeter drains and leak detection line; and annual inspection of berms, nutrient analysis, and agitation to suspend and aid in removal of solids by applicant.

### **Comments**

1. What is the distance of the waste transfer pipe from the property line?

### **OCSWCD Comments**

1. See page 2.38 of New York State Standards and Specifications for Erosion and Sediment Control for mulching standards (2 tons/ac and then increased to 4 tons/ac for winter operations).
2. Manure ponds are a best management practice recommended by NYS Ag & Markets, NYS DEC and the US Natural Resources Conservation Service.
3. Odors (and compounds) from manure storage are exempt from NYS DEC air permit regulations. Neither NYS Ag & Markets nor Cornell Cooperative Extension has standards or published levels on air quality related to manure ponds. Penn State University has published data that indicates organic (sand) bedding such as used by Will-O-Crest does not produce elevated hydrogen sulfate levels as have been observed when gypsum bedding is used.
4. The proposed location is the preferred location in spite of the need for a variance in part because the site is underlain by impermeable dense glacial material in the drumlin which provides additional assurance of no ground water impacts.
5. The manure pond is subject to NYSDEC inspection of the facility and maintenance logs with fines levied for evidence of lack of maintenance activities.

### **CPB Comments**

1. Board member offered antidotal information about living within 1 mile of two large manure ponds while not aware of or bothered by odors, in fact, did not know ponds existed until recently.
2. In response to questions from Board members and public comments, the applicant offered the following additional information:
  - a. The proposed pond will enable the applicant to meet changing NYSDEC limits on manure spreading on snow covered, frozen, or saturated ground that necessitate additional storage. The pond will also reduce reliance on current practice of using smaller 20,000 gallons tank that are filled and emptied by tanker truck and therefore placed closer to roads and homes.
  - b. The applicant will use hoses to transport manure up to 1.5 miles from animal feeding areas to the manure storage pond and from the pond to their fields for spreading.
  - c. The role of the proposed pond in the nutrient management plan is to apply manure when it is most useful to crops; the pond may be low or empty during the summer.
  - d. The future waste transfer pipe is not part of the proposed application; if easements can be secured, a fixed transfer pipe could replace the hose transport system.
  - e. Pond aeration will be undertaken with a remote controlled jet boat, not aerial aeration to minimize odor.
  - f. Only methane digesters can accept landfill leachate, not manure storage ponds.
  - g. Applicant offered to meet with any concerned area residents.

### **Public Comments**

1. County or Town should conduct a demographic survey of health, truck traffic and property value changes within 6 miles of the pond before approving.
2. What is the frequency and who is responsible for inspection of the leak detection trench. (see project narrative)

3. Neighbors would like more information about the local review process.
4. What type of aeration will be used?
5. Will the manure pond be used for landfill leachate?

**Board Motion:** To retain referral 116-2021 as a class 1 and return it to the local board with comments.  
**Motion made by:** Glen Wilkes **Seconded by:** David Wink  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**117 - 2021      Town of Manchester      Planning Board      Site Plan - Class: 1**

**Applicant:** O'Hanlon, Bill  
**Property Owner:** Cabbage Patch Lane LLC  
**Representative:** LaBella  
**Tax Map Parcel No:** 44.00-2-65.100

**Brief Description:** Site plan for redevelopment of 3,100' access drive and new 112,500 SF refrigerated warehouse with rail access for Leonard's Express at 20 Cabbage Patch Lane in the Town of Manchester.  
[https://www.co.ontario.ny.us/DocumentCenter/View/29252/117\\_2021-Aerial](https://www.co.ontario.ny.us/DocumentCenter/View/29252/117_2021-Aerial)  
<https://www.co.ontario.ny.us/DocumentCenter/View/29253/117-2021-color-site-2021-05-28-13-24-38>  
<https://www.co.ontario.ny.us/DocumentCenter/View/29254/117-21-Phase-2-Site-Plan>

Leonard's Express is currently using an existing 17,000 SF warehouse on the site. The warehouse was built in 3 sections from 1925 to 1930. The building was most recently occupied by Great Lakes Kraut and is located on the north side of the southern rail line. The refrigerated warehouse proposed as phase 2 of the current application will be located east of the existing building. The proposed 112,500 SF warehouse has a proposed height of 40'. This building is expected to be completed in 2023. The site is currently access by a gravel road which runs off Walters Lane from CR 13 just east of the Village of Shortsville and west of CR 19. Phase 1 of the current application is for redevelopment and paving with heavy duty asphalt of the access drive along with 30 tractor trailer parking spaces along the north-south segment of the access road. The site plan also shows the 150' buffer adjacent to residential properties. A landscaped berm is proposed to visually buffer truck headlights and trailer parking area from properties to the south and west.

The proposed project also includes underground electric service and lighting including 58 new light poles along the redeveloped roadway and in proposed and future parking areas, 3,500 lf of 8" and 10" fire service line, new water connections to the existing and proposed buildings, and a new septic system and leach field for the new warehouse. The site plan shows stormwater management facilities including piping, catch basins, and a 36,000 SF bioretention area in the Phase 2 new building area. No stormwater management facilities are proposed along the redeveloped road. The site plan indicates wetland protective fence and single or double silt fences depending on the proximity to wetland areas. The site plan shows double silt fence around the soil stockpile area and erosion mats and a downslope filter strip for erosion and sediment control.

The EAF indicates possible water district extension and relocation of the Village of Palmyra water line. It indicates phases 1 and 2 will create an additional 1.1 acres of impervious surface for a total of 2.8 acres of impervious area and not disturb any of the 3 identified wetland area. Full site build out will remove 3.6 acres of forest and add 2.7 acres of surface water. The average depth to bedrock is 6.6'

The property is zoned M-3 Rail Enabled Industrial District. This district was created to further the recommendation of the Ontario County Freight Rail Corridor Development Plan for lands in the Town of Manchester. The Ontario County Freight Corridor Development Plan identified the project site as an ideal location for rail development. The Plan narrative and development on plan pages 54 to 57 outline suitability of food processing, warehousing, distribution, and manufacturing operations and show a conceptual development plan for rail enabled and other industrial uses in this area.  
<https://www.co.ontario.ny.us/DocumentCenter/View/14856/Final-Ontario-Freight-Final-Corridor-Development-Plan-and->

## Final-Generic-Environmental-Impact-Statement

Adjacent land uses include a mobile home park to the west in the Village of Shortsville, the northern rail line owned by Finger Lakes Railroad to the north, a vacant field to the east, and scattered residential uses along CR 13 and East Main Street to the south. In addition to the two branches of through rail line that cross the site, there is a rail spur adjacent to the northern end of the proposed refrigerated warehouse.

According to OnCor, the property is in the Ontario County Agricultural District #1 and not constrained by floodplains or steep slopes. The site includes 27 acres of highly productive agricultural soil. The largest, eastern most pond is identified as a potential wetland on the NWI and the EAF identified 3 small federal wetlands of 2.1, .37, and .6 acre. Predominate soil types in the area of the access road include Odessa silt loam and Rhinebeck silty clay. The predominate soil types in the area north of the rail line proposed for construction of the refrigerated warehouse are Dunkirk fine sandy loam and Schoharie silty clay loam.

Both the traffic and geotechnical analyses are based on initial development of a 300,000 SF warehouse and a future 160,000 to 180,000 SF expansion all located south of both through rail lines. The geotechnical analysis recommends 6' of compacted fill under the concrete slab floor and a 16" granular subbase and 5" of binder and top asphalt for truck transit and parking areas.

The traffic study identified primary site access as the private road off CR 13 near CR 19. Near the existing building there is also a passenger vehicle driveway off Clark Street in the Village of Shortsville. The traffic study indicates trucks will use CR 13, CR 7, SF 96 and SR 21 to access the Thruway. There are 10 Ton weight limits are in place along Main Street and Water Street east of SR 21 in the Village of Shortsville. East Avenue north of Clark Street has a restricted 9'6" height clearance at the railroad bridge.

The traffic study projected site generated traffic based on 460,000 SF of warehouse space with 52 visitor/employee parking spaces, 89 loading dock spaces, 70 trailer parking spaces, and 11 truck parking spaces. The current site plan shows 25 employee/visitor parking spaces, 14 loading dock spaces, 42 tractor-trailer parking spaces, 28 trailer parking spaces, and 30 land banked tractor-trailer parking spaces. The traffic study anticipates 24 hour operation with 6 employees working each shift. The traffic study indicates an existing Leonard's Express 245,000 SF warehouse operation generates 33 inbound and 38 outbound trips per day. Based on trip generation at the existing Leonard's warehouse facility, full site development is projected to generate 135 total truck trips and 38 employee/visitor trips per day. The peak hour is projected to occur during an afternoon shift change coinciding with peak traffic on the adjacent roadway. Fifteen percent of truck and visitor/miscellaneous trips are projected to occur during the peak hour.

The traffic study concludes that the projected 37 additional peak hour trips or 173 daily inbound and outbound trips will nominally change volume/capacity (v/c) ratios on adjacent roadways from .25 to .27 on SR 96 westbound and from .27 to .29 on SR 96 eastbound. A v/c ratio below 0.8 is considered acceptable. County road v/c ratios will remain less than 0.20. All analyzed roadway segments except SR 96 eastbound, which will decline to an acceptable level of Service (LOS) D, will also maintain LOS of B or C.

### **Comments**

1. Ontario County supports equipping proposed warehouse building with a rail compatible loading dock.
2. The M-3 Rail Enabled Industrial zoning district 325-18.1 requires the following items not included in the referred application materials:
  - a. Verification from the railroad operator that the proposed alignment has been reviewed and approved and will provide safe and efficient access.
  - b. A landscaping plan showing landscaping across building frontages, along property boundaries and pedestrian walkways, and in employee and visitor parking areas.
  - c. An emergency response plan.

3. What type of refrigerant will be used and have the local fire departments assessed their ability to respond to a fire at a building of this nature?
4. Is it reasonable to project that a perishables warehouse will generate site traffic comparable to a non-perishables warehouse?
5. Has the applicant contacted utility companies to confirm availability of sufficient gas and electric capacity?
6. Will potable and fire flow water be provided by the Newark, Palmyra, or Manchester public water system?
7. Will any explosive be required to extend utilities as indicated given depth to bedrock?
8. The site plan should include conceptual layout of future development including the ±367,500 SF of warehouse space envisioned in the traffic and geotechnical analyses. Where is the location of required 35 percent green space as required by zoning? The site plan incorrectly identifies required green space as 30 percent.
9. The site plan documents should identify location of federal wetlands.
10. The small scale colored site plan indicates the proposed front setback is 88' when 150' is required.
11. What is the height of proposed light poles along the road?
12. The referring board should refrain from acting on this application until NYS Health Department review and approval of the proposed septic system.

**OCSWCD Comments on Site Plan and SWPPP**

1. Ensure that concrete truck washout facility is placed far enough from wetland.
2. Lacking details on bio-retention facility.

**CPB Comments**

1. What retained vegetation or landscaping is provided within the 150' setback to screen residential uses in Shortsville and along CR 13 from truck headlights and large buildings?

**Board Motion:** To retain referral 117-2021 as a class 1 and return it to the local board with comments.

**Motion made by:** David Wink **Seconded by:** Bill Namesnik

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

<b>118 - 2021</b>	<b>Village of Manchester</b>	<b>Village Board</b>	<b>Map Amendment - Class: 2</b>
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**Applicant::** Village of Manchester

**Tax Map Parcel No:** 44.05-1-14.000

**Brief Description:** Map amendment to change the zoning of a .24 acre lot on Lehigh Avenue between South Main Street and Gilligan Drive in the Village of Manchester from R-1 to C-1.

[https://www.co.ontario.ny.us/DocumentCenter/View/29255/118\\_2021-Aerial](https://www.co.ontario.ny.us/DocumentCenter/View/29255/118_2021-Aerial)

The subject property is a vacant lot located at the northwest corner of SR 21/South Main Street and Lehigh Avenue near the southern boundary of the Village of Manchester. The west side of South Main Street in the area is zoned R-1 Residential with 9 homes on the north side of Lehigh Avenue, 5 homes along SR 21 between Water Street and Lehigh Avenue and along the south side of Lehigh Avenue, another 2 homes on the west side of SR 21 north of the subject site, and the school campus located outside the village with frontage on the south side of Lehigh Avenue and the west wide of SR 21. There is a 9 acre property at the northeast corner of South Main Street/SR 21 and Water Street that is zoned C-1 Commercial and developed with a grocery store and other neighborhood retail uses.

The Village of Manchester completed a Comprehensive Plan in 2005. The Plan notes that "inexpensive commercially zoned land outside of the Village center has contributed greatly to the decline of the downtown business district" and "a strategy is also needed to stimulate redevelopment of the numerous vacant buildings throughout the village." Plan recommendations related to Main Street report "the public opinion survey showed a clear desire for reinvestment and revitalization of the downtown business district" and "one of the high priority goals of this plan is to limit internal competition for commercial development and create a scenario in which the various commercial areas complement and

strengthen each other.” The Plan does not specifically address appropriate zoning or land use at the southern village boundary.

According to OnCor, the lot and surrounding properties are not constrained by wetlands or floodplain. The area to the north has steep slopes along the road frontage.

**Comments**

1. In considering this re-zoning request, the referring body should carefully consider the impact of allowing any use listed in the C-1 district at this location on remaining residential properties west of SR 21 and the downtown business district.

**CPB Comments**

1. While not recommending denial, CPB encourages the local board to carefully consider possible unintended consequences of extending C-1 zoning to this site, especially impacts to existing residential areas along SR 21 and Lehigh Avenue. CPB also reminds the local board that rezoning this site to C-1 could result in development of any permitted or specially permitted use allowed in the C-1 district.

**Board Motion:** To retain referral 118-2021 as a class 2 and return it to the local board with recommendation of approval with comments.

**Motion made by:** Mike Woodruff **Seconded by:** Jack Dailey

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

Referral	Municipality	Referring Board	Application Type - Class
119 – 2021 & 119.1-2021	Village of Manchester	Planning Board	Site Plan & Special Use Permit - Class: 1

**Applicant:** Howland, Carol

**Property Owner:** RGE

**Representative:** Steblein, Mary

**Tax Map Parcel No:** 32.18-1-21.100

**Brief Description:** Site plan and special use permit for building updated electric substation on newly acquired lot adjacent to the existing substation at 70 South Avenue in the Village of Manchester.

<https://www.co.ontario.ny.us/DocumentCenter/View/29256/119-21-Site-Plan>

RGE has acquired land and demolished a residence to allow construction of a new substation behind the existing substation. The new substation will include a 1,600 SF control house, transformer, lighting, and fencing. Full cut off perimeter and building lighting will be installed. An 8’ fence topped with 1’ of barbed wire will ensure site security. A wooden privacy fence is proposed to screen views to the site from the adjacent residence to the north. The disturbed area of the 2.2 acre site is .92 acres. The applicant will also install new sidewalk along the combined property’s South Street frontage. Location of lighting, fencing, and sidewalk are not indicated on the overall village site plan.

Adjacent land uses includes residential land to the north and west, Finger Lake Railway to the south, and the existing substation to the east along the South Street frontage. According to OnCor, the site is not constrained by floodplain, wetland, or steep slopes.

**Comments**

1. The village site plan should indicate the location of the proposed security and privacy fencing, perimeter lighting, and sidewalk.
2. What is the height of the perimeter lighting?
3. Will all existing substation equipment at the east end of the combined lot be removed?

4. Will any streetscape plantings be installed along the sidewalk? Will any existing or proposed vegetation screen views to the new sub-station from the road?
5. The referred materials no not appear to indicate use of any green infrastructure or other infrastructure to manage stormwater quality or quantity.

**OCSWCD Comments**

1. Erosion and Sediment Control plans not provided, unable to make comment.
2. Will roof water be directed to underground drain tile?

**Board Motion:** To retain referrals 119-2021 and 119.1-2021 as class 1 and return them to the local board with comments. **Motion made by:** Glen Wilkes **Seconded by:** Len Wildman  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**120 - 2021      Town of Farmington      Planning Board      Subdivision - Class: Exempt**

**Applicant:** Coule, Gardner  
**Property Owner:** Soule, Gardner & Sally  
**Tax Map Parcel No:** 8.00-1-62.100, 8.00-1-62.200  
**Brief Description:** Resubdivision of 2 developed residential lots to change ownership of wetland pond and surrounding floodplain and split road frontage at 416/417 Cline Road in the Town of Farmington.

**121 - 2021      Town of Farmington      Planning Board      Special Use Per - Class: 1**

**Applicant:** Marchenese, Robert  
**Representative:** Braggs, Matthew  
**Tax Map Parcel No:** 29.00-1-57.000  
**Brief Description:** Special use permit for existing car wash under new ownership at northwest corner of SR 96 and Mertensia Road in the Town of Farmington.

<https://www.co.ontario.ny.us/DocumentCenter/View/29257/121-21-Site-Plan>

The preliminary site plan for this project was previously reviewed in May 2021 as referral 92-2021. This referral is for a special use permit since there is no documentation of granting a special use permit for the original car wash built in 1987. The referral includes a revised overall site plan that shows the access point relocated to the north out of the intersection queuing area and aligned with the access to Meyers RVs.

The Town of Farmington zoning district allow car washes in the General Business zoning district and requires car wash entrance to be located 100' from any street intersection and to provide 15 reservoir spaces for a single wash lane and 10 spaces for each additional lane to a maximum of 40 spaces. The single track car wash provides more 25 reservoir spaces.

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.  
**Motion made by:** David Wink **Seconded by:** Mike Woodruff  
**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**122 - 2021      Town of Victor      Planning Board      Subdivision - Class: AR 1**

**Applicant:** Dehollander Designs, INC  
**Tax Map Parcel No:** 16.00-1-2.120  
**Brief Description:** Subdivision of 8.8 acre parcel on Aldridge Road in the Town of Victor into 5 building lots ranging in size from .8 to 5 acres. The homes will be accessed off 2 shared common driveways.

<https://www.co.ontario.ny.us/DocumentCenter/View/29258/122-21-Subdivision>

**OCSWCD Comments**

1. Note that intermittent stream identified on plans is a regulated class C stream.
2. Erosion and sediment control practices not indicated on plans.
3. No detail provided regarding storm water management facility.

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<b>123 - 2021</b>	<b>Town of South Bristol</b>	<b>Town Board</b>	<b>Text Amendment - Class: 2</b>
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**Applicant:** Town of South Bristol

**Brief Description:** Text amendment to the South Bristol Town Code to remove all references to imprisonment, eliminate mention of misdemeanors, and adjust the amount of the fine for certain violations.

**Board Motion:** To retain referral 123-2021 as a class 2 and return it to the local board with a recommendation of approval. **Motion made by:** Mike Woodruff **Seconded by:** David Wink

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**



**Applicant:** Geneva American Legion

**Representative:** Chrisantha Construction

**Tax Map Parcel No:** 103.00-1-15.210

**Brief Description:** Site plan for 5,300 SF pole barn and 27,300 SF of impervious driveway on 4.7 acre property on the south side of SR 5/US 20 800' west of Berryfields Road for American Legion Post.  
<https://www.co.ontario.ny.us/DocumentCenter/View/29259/124-2021-1-page-site-plan-American-Legion->

The proposed building and parking area will disturb 1.7 acres of the 4.7 acre site. The access is in the center of the property with building and paved parking to the west of the driveway. Paved parking is proposed along the road, in front of the building, and to the rear of the building. Grass overflow parking is to the east of the access driveway. The site plan also shows an infiltration trench under the overflow parking and along the south and west perimeter of the disturbed area. The landscape plan shows a dozen trees of 4 varieties along the street frontage and the building corners.

The site is zoned C-2 Commercial. Adjacent land uses include commercial land or use to the north, east, and west and agricultural use to the south. According to OnCor, the site is not constrained by wetlands, steep slopes, or floodplain.

### Comments

1. Will the Town and City of Geneva accept waste from public sewer connection at this site?
2. The landscape plan does not include a key for tree and shrub symbols and quantity/species table don't match.
3. Is lighting proposed for the flags?

### OCSWCD Comments

1. Down spout detail shows connection to storm sewer. Based on site plans it appears that down spouts are tied to 4 foot wide infiltration trench.
  - a. Will outlet protection be provided in areas where downspouts connect to infiltration trench?
2. Consider moving infiltration trench on east side further east to separate from grass overflow parking.
3. Erosion and Sediment Control details not provided on plans.

### CPB Comments

1. Referring body to consider requiring majority of site parking to be located to the side or behind the proposed building,
2. Referring body should review elevations and materials of proposed building and sign to ensure both reflect the character and quality desirable in this primary tourism corridor. As outlined in the CPB By-laws, general character elements suitable for retaining rural character include 2 story buildings/facades with quality building materials and pitched roofs; requiring landscaped open space (60% per lot outside villages) with preserved or planted vegetation around foundations, in parking areas with 20 or more spaces, along frontage (1 tree per 30') and as a buffer between residential and non-residential districts; and building with traditional proportions between building height and width (typical proposed 1:3 discouraged, typical existing 1:1.5 -desired) and windows proportions.
3. Is Legion proposing an outdoor pavilion, memorial, or gathering space at this location?

**Board Motion:** To retain referral 124-2021 as a class 2 and return it to the local board with a recommendation of approval with comments. **Motion made by:** Steve High **Seconded by:** AJ Magnan

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**Applicant:** BLW Properties of Victor LLC

**Tax Map Parcel No:** 15.00-2-29.111

**Brief Description:** Three area variances for new office/parts/showroom building for Wilkins RV at 7447 SR 96 in the Town of Victor. Variances to allow development closer than 100' to a NYSDEC wetland, 13.7' and 4.5' front parking setbacks when 80' is required, and fencing nearer to the road than the principal structure to exceed 2' in height.

[https://www.co.ontario.ny.us/DocumentCenter/View/29262/58\\_21-Aerial](https://www.co.ontario.ny.us/DocumentCenter/View/29262/58_21-Aerial)

[https://www.co.ontario.ny.us/DocumentCenter/View/29260/58\\_21-Site-Plan](https://www.co.ontario.ny.us/DocumentCenter/View/29260/58_21-Site-Plan)

<https://www.co.ontario.ny.us/DocumentCenter/View/29261/125-2021-changes-in-wetland-buffer-disturbance>

In April 2021 CPB reviewed a site plan for this project as referral 58-2021. Based on the Town code review letter, the applicant will revise the site plan to meet ADA parking, light spill, and drive aisles width requirements and edit details to response to town concerns. The code review letter also identified the need for the 3 variances that are the subject of this referral. The site plan included with the variance application has been revised; however, the nature of revisions is not readily apparent. The following paragraph provides additional context related to the requested variances.

The site has an existing 50' front setback variance from SR 96. The proposed front setback would be 13' 6". The site was developed before Omnitech Place was built, in part with land from this property. The resulting pre-existing, non-conforming setback to Omnitech Place is 4.5'. With regard to the variance for development activities within the 100' wetland buffer, the application materials indicate 89 SF of building area will be located in the wetland buffer and 11,200 SF of parking area will be replaced by stormwater treatment areas and lawn. The disturbance in the wetland buffer area will require a NYSDEC permit. With regard to the fence variance, the applicant proposes a 6' decorative aluminum fence along the SR 96 frontage. The application materials indicate SR 96 is 3-4' higher than the land at the base of the fence.

The following paragraphs repeat project description and comments from the previous referral.

The existing showroom and access connections to SR 96 are located in the northeast portion of the 24 acre site. The existing service building is located in the center of the site. The site plan application indicates 8.3 acres in the project area and a 7.9 acre disturbed area. Site disturbance will include new showroom attached to south end of existing service building, new employee and customer parking, paving existing RV display area, new stormwater management facility in the southwest corner of the site and new fencing of the display area. Following site redevelopment, the site will include 5.8 acres for display of 221 RVs, an acre of employer/customer parking (81 spaces), and nearly 16 acres wetland/wetland buffer/open space including an acre of foundation and frontage landscaping.

The existing stormwater system drains to the on-site wetland. The new stormwater system will provide treatment of the expanded parking area, but not the newly paved display area.

The RV display area security fence will be a painted aluminum fence along SR 96 and a chain link fence along Omnitech Place, the access driveway, and the rear of the site. A decorative fence detail is included with the site plan.

The site plan shows landscaping including a  $\pm$  15' area planted with prairie grass seed mix and 11 gray birch trees planted in pairs along the SR 96 frontage and foundation landscaping with shrubs, grasses and perennials along the south and east sides of the new building. Prairie grass seed mix is also indicated in the wetland buffer along the south edge of the parking area, in rain garden #2, and in a narrow strip along Omnitech Place

The proposed site plan locates 5 RV pick up parking spaces, 19 employee parking spaces, 14 additional parking spaces, 2 rain gardens, 31 RV display spaces, the western side of the display area fencing and a small portion of the proposed building in the 100' wetland buffer area.

The Town of Victor code requires 80' parking setbacks along SR 96 and Omnitech Place; proposed setbacks are 13.6' along

SR 96 and 4.5' along Omnitech Place. The site plan also indicates a 14.6' proposed building front setback; though no frontage building is shown.

According to OnCor, a portion of the existing RV display area and service building are in a NYSDEC wetland area/wetland buffer area. OnCor also shows a stream through the wetland area along the western portion of the site and east through the site in the vicinity of the existing building and southern access drive. There are no floodplains or steep slope areas on the site.

### Comments

1. How many acres of wetland are on the site and what is existing and proposed area of wetland/wetland buffer area disturbance?
2. What is the area of new impervious surface? It appears the proposed building and parking at the south end of the site are connected to the stormwater management facility while much of the existing pervious gravel display area to become paved impervious area is only subject to treatment of a filter strip and small rain garden before draining to the wetland without benefit of any wetland buffer area.
3. It is desirable to consolidate the 2 existing driveways and move access further from the SR 96 intersection with Omnitech Place. Does the proposed driveway location meet the Town code Chapter 55 access point offset spacing standards for the existing driveway on the opposite side of the street?
4. The site plan shows the location of the silt fence but not a limit of disturbance line.
5. Is the proposed landscaping inside or outside the fence line?
6. Are the 9'x18' customer parking spaces sized to accommodate vehicles necessary to pull typical RVs?
7. Site plan site data indicates RV display spaces are 10' x 40' when site plan notes indicate they are 15'x 40'.
8. To protect the visual character of SR 96, the decorative aluminum fence should extend along Omni Tech Place at least as far as the first stormwater inlet.
9. There are existing sidewalks along much of the SR 96 frontage and consideration should be given to requiring a continuous sidewalk along the SR 96 frontage.

### OCSWCD Comments

1. Current placement of concrete truck washout is too close to stream and not adequately sized. See page 2.24 of the New York State Blue Book for sizing and setback requirements for concrete truck washouts
2. Filter strip detail is not provided.
3. Have specific plants been identified for rain gardens?
4. Location of soil stockpiles has not been identified.
5. SWPPP not provided, unable to make comments on sequencing and phasing.

### CPB Comments

1. All demolition debris should be recycled if possible or disposed of in permitted facility.
2. All lighting should be noted as dark sky compliant.

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed 0 abstentions **Motion carried.**

**126 - 2021      Town of Geneva      Zoning Board of Appeals      Area Variance - Class: 1**

**Applicant:** Meghan Finnerty, Justin Rodgers

**Property Owner:** same

**Tax Map Parcel No:** 119.00-1-59.200

**Brief Description:** Area variance for locating 216 SF shed adjacent to driveway and in front of house at 4108 Braewood Lane in the Town of Geneva.

**Comments**

How far is house from Braewood Lane? How far from road is proposed shed location?

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**127 - 2021      Town of Hopewell      Zoning Board of Appeals      Area Variance - Class: 1**

**Applicant:** Castle, Bridget

**Tax Map Parcel No:** 58.00-2-32.000

**Brief Description:** Area variance for alteration of pre-existing non-conforming residence at 3944 SR 488 in the Town of Hopewell. Variances for replacement front deck within 38' of road and new rear deck 61' from road when 75' front setback is required.

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**128 - 2021      Town of Hopewell      Zoning Board of Appeals      Area Variance - Class: 1**

**Applicant:** Wright, Erica

**Tax Map Parcel No:** 72-1-18.000

**Brief Description:** Area variance for placement of heating, ventilation, and air-conditioning equipment 25' from the south property line when 30' side setback is required at Finger Lakes Extrusion, 2437 SR 21 in the Town of Hopewell.

**Board Motion:** To retain referrals 106-2021, 108-2021, 112-2021, 121-2021, 125-2021, 126-2021, 127-2021, and 128-2021 as class 1s and return them to the local boards with comments.

**Motion made by:** David Wink **Seconded by:** Mike Woodruff

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

**Applicant:** Town Board

**Brief Description:** Moratorium on Conservation Easements and Solar Energy Systems in the Town of Manchester.

<https://www.co.ontario.ny.us/DocumentCenter/View/29329/129-2021-Cons-Ease-and-Solar-Farm-Moratorium-LL>

**Comment**

1. Is the intent of this local law to place a moratorium on both major and minor/accessory solar energy systems? This would restrict ability of homes and business to install solar energy systems covering less than 4,000 SF and not intended to produce excess energy for sale to a public utility.

**Board Motion:** To accept referral 129-2021 as late referral. **Motion made by:** Mike Woodruff **Seconded by:** Jack Dailey

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried**

**Board Motion:** To retain referral 129-2021 as a class 2 and return it to the local board with a recommendation of approval with comments.

**Motion made by:** Mike Woodruff **Seconded by:** Jack Dailey

**Vote:** 11 in favor, 0 opposed, 0 abstentions **Motion carried.**

## General Information

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

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

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

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

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

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

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

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

## General Summary of CPB Review Responsibilities

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

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

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

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

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

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

**General Procedures**

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

**Legal Obligations for Referring Agencies**

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

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

**Incomplete Applications**

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

**Reporting back to the CPB**

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

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

**Administrative Reviews**

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

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

- Clearing House Reviews – None
- Ad Hoc Committee report – postponed to 6:30 on Wed. July 12, 2021

- Upcoming Training –

**June 22, 2021 from 7 to 9 pm**

**Rockland County Planning & Zoning Workshop: Spot Zone or Grant Illegal Use Variance**

To register: <https://meetny.webex.com/meetny/k2/j.php?MTID=tffc44adba569384db7484e24fe776081>

**Scenic Resource Protection in the Hudson River Valley Webinar**

Tuesday, June 15, 1:00-2:15pm - [Register here](#)

**Center for Creative Land Recycling**

July 13 from 2-3 pm: History of Creative Placemaking in the United States part 1

July 27 from 2-3 pm: History of Creative Placemaking in the United States part 2

- Other info to share – CPB sends best regards to Steve Groet as he recovers from surgery and to Sue Boardman upon her resignation.
- Privilege of the Floor-none

**Adjournment:** Being no further business for discussion, Chair Wildman requested a motion to adjourn 6/9/21 County Planning Board meeting. ***Motion to adjourn made by David Wink, seconded by Glen Wilkes. Motion carried.*** June 9, 2021 CPB meeting adjourned at 10 PM.