

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the:

**Coordinated Review Committee Meeting –October 8, 2019 at 3:30pm**  
**County Planning Board Meeting –October 9, 2019 at 7:00pm**

2nd Floor, Conference Room 200, 20 Ontario Street, Canandaigua, NY 14424 - Telephone: 585-396-4455

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196 - 2019	Town of West Bloomfield	Zoning Board of Appeals	Mack, Dan and Linda	Area Variance	1	3
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200 - 2019	Town of Canandaigua	Zoning Board of Appeals	Casey, John & Christina	Area Variance	AR 2	
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208 - 2019	Town of Manchester	Planning Board	VanLaeken, James	Site Plan	1	
209 - 2019	Town of Hopewell	Zoning Board of Appeals	Houle, John	Area Variance	1	11
210 - 2019	Town of Hopewell	Zoning Board of Appeals	Bassage, Phil	Area Variance	AR 2	

192 - 2019	City of Geneva City Council	Class: AR 1
Referral Type:	Sign Permit	
Applicant:	Sindt, Terry	
Property Owner:	Shah, Tushar	
Tax Map No(s):	104.12-2-29.200	
Brief Description:	Sign permit for signage rebranding Geneva Lakefront Ramada at 41 Lake Front Drive in the City of Geneva as a Wyndham Trademark hotel.	

The new hotel operator is proposing to change the text on the 32 SF ground sign and building mounted signs ranging in size from 25 to 40 SF on 4 sides of the hotel. The city of Geneva code allows the Planning Board to authorize signage of up to 24 SF in the commercial district. Approval for signage up to 10 % of the façade of the building may be requested from City Council with a recommendation from the Planning Board. Such signs may not be internally illuminated.

**Policy AR-7B: Signage complying with local limits on size and number**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified SR 96 as a primary travel corridor for tourists visiting Ontario County. The intent is to protect the character of development along primary travel corridors by encouraging local boards to adhere to their adopted laws as much as possible.

**Final Classification:** Class 1

**Findings**

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

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

193 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Paradise Energy Solutions	
Property Owner:	High Rustler, LLC	
Tax Map No(s):	15.00-2-15.100	
Brief Description:	Site plan and special use permit for 100 kW DC solar system on the roof of Finger Lakes Coffee Roasters, 7330 SR 251 across from Whallow Creek Trail in the Town of Victor.	

Finger Lakes Coffee Roasters has an 8,400 SF building on a 2.2 acre site zoned light industrial. There will be 260 panels each generating 385 watts and an inverter installed on the 5,704 SF main roof. No facilities will be ground mounted. All power generated will be used by Finger Lakes Coffee Roasters.

194 - 2019	Town of Richmond Town Board	Class: 2
Referral Type:	Text Amendment	
Applicant:	Town of Richmond	
Brief Description:	Text amendment to add definitions regarding Dark Sky compliant exterior lighting and add indication of use of such lighting to site plan review application requirements in the Town of Richmond. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19824/194-2019-SitePlanReview">http://www.co.ontario.ny.us/DocumentCenter/View/19824/194-2019-SitePlanReview</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19880/194-195--Add-Definitions-to-200">http://www.co.ontario.ny.us/DocumentCenter/View/19880/194-195--Add-Definitions-to-200</a>	

The Town of Richmond proposes to amend its zoning code Definitions and Site Development Plan Review submission requirements to require use of Dark Sky compliant lighting. The amendments include definitions related to Dark Sky compliant lighting and reference the guidelines of the International Dark-Sky Association’s (IDA) “Outdoor Lighting Ordinances and Community Standards” Information sheet 172. The purpose of the amendments is to reduce light trespass onto neighboring properties, energy used for lighting, and sky glow. In brief, Dark Sky lighting means full cutoff and fully shielded light fixtures that are dimmed or turned off at night-time as appropriate. <http://www.polcouncil.org/polc2/is172.pdf>  
[https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/IDA\\_LED\\_handout\\_48.pdf](https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/IDA_LED_handout_48.pdf)

**Comments**

1. The referring board may want to consider standards for the preferred color (3000K or less for LED fixtures) to minimize impacts to human and animal health.
2. The referring board may want to have different standards for small projects on a small hamlet lot and larger non-residential projects. On a small project the regulations may require that all fixtures shall have the IDA Fixture Seal of Approval. <https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/>. On a larger project, the regulations may require preparation of a lighting plan by a qualified lighting engineer or designer showing no light spill greater than .5 foot=candles crossing property lines and IDA approved fixtures.
3. While amending the site development submission requirements, the referring board may want to amend landscaping requirements as well. Existing language references buffer landscaping and submission of a landscaping plan but does not reference need for building foundation, parking area, or frontage landscaping.

195 - 2019	Town of Richmond Town Board	withdrawn
Referral Type:	Text Amendment	
Applicant:	Town of Richmond	
Brief Description:	Text amendment to add use variance and area variance definitions to the Town of Richmond Code.	

Submitted draft did not include definitions and criteria from NYS statute as intended.

196 - 2019	Town of West Bloomfield Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Mack, Dan and Linda	
Tax Map No(s):	50.00-1-73.111	
Brief Description:	Area variance to allow construction of a pole barn at 9360 CR 14 in the Town of West Bloomfield. The barn would be setback 260' from the road but in front of the primary building on the site, a barn to be converted to a house. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19882/196-2019-Mack-site-plan">http://www.co.ontario.ny.us/DocumentCenter/View/19882/196-2019-Mack-site-plan</a>	

The existing 1,120 SF stick built barn is on a foundation. The applicant wishes to convert the barn into a residence and add a pole barn. The area behind the existing barn/future home is seasonally wet and in a floodplain. The applicant would like to build the pole barn in front of the primary building.

197 - 2019	Town of West Bloomfield Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	CCQ, LLC	
Representative:	Moeller Sign and Crane Inc	
Tax Map No(s):	65.09-1-4.100	
Brief Description:	Area variance for a 49 SF sign when 33.5 SF would be allowed at 4212 SR 5/US 20 east of Olmstead Road in the Town of West Bloomfield.	

**Policy AR-7: Signs**

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

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

**Final classification: Class 2**

**Findings:**

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

**Final Recommendation – Denial**

**Comment** The referring board should consider the precedent setting impact of their decision and grant the minimum variance necessary to achieve the applicant’s objectives while protecting the character of this key community corridor.

198 - 2019	Village of Victor Planning Board	Class: 1
Referral Type:	Demolition	
Applicant:	Sicilliano/Raydoc Pr, Louis	
Tax Map No(s):	16.17-1-24.00	
Brief Description:	Proposed demolition of a two-family house and storage barn at 34 West Main Street just east of Mead Lane in the Town of Victor. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19883/198-2019-Aerial">http://www.co.ontario.ny.us/DocumentCenter/View/19883/198-2019-Aerial</a>	

The property proposed for demolition was built in 1877 and is on .25 acres. The applicant, though not owner, for this referral also owns a .28 acre adjacent property to the east with 3 buildings: one built in 1880 along the frontage and 2 two-story apartment buildings constructed in 1970 to the rear. The current character of this section of the SR 96 is dominated by the historic character of

this and other residential structures. Allowing demolition of this structure would weaken this historic character of the Village. It is easier to ensure preservation of the historic character by expecting property owners to preserve and convert existing buildings than to apply detailed guidelines intended to require new buildings to fit in with the existing character. A vacant site or redevelopment which does not include design elements common to existing buildings can lower commercial property prices.

**Comments**

1. The purpose statement of the Village Center Business zoning district references development and redevelop that is pedestrian friendly and preserves and enhances the area’s historic character. This entails continuity of multi-story buildings along the sidewalk with building details reflective of other structures in the district whether commercial or converted residential structures. Demolition of any building in the district, especially without a redevelopment plan, would negatively impact the continuity of the pedestrian and historic character of the area.
2. The referring board should require a site plan showing proposed redevelopment of the lot, or at a minimum simple landscaping or other site frontage treatments to minimize the negative impact on the pedestrian environment and the village character while the lot remains undeveloped.
3. The applicant should be advised of the recently adopted Access Management regulations and the requirement to maintain adequate driveway spacing when redeveloping village properties.
4. Demolition debris should be recycled or disposed of at a licensed facility.

199 - 2019	Town of Victor Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Onyx Creative	
Property Owner:	Cobblestone Victor NY LLC	
Tax Map No(s):	1.02-1-9.100	
Brief Description:	Site plan to demolish 20,865 SF of the former K-Mart building at 10-80 Cobblestone Court Drive in the Town of Victor and convert the remaining building area into leasable spaces of 43,200 SF and 55 ,160 SF with an adjacent patio area.	

200 - 2019	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Casey, John & Christina	
Tax Map No(s):	112.00-1-72.000	
Brief Description:	Area variance to relocate an existing shed to the lakesize portion of this lot and extend water and electric to the water side of lot via bore at 3814 CR 16 near Wyffels Road in the Town of Canandaigua. Proposed location provides 2’ front setback when 60’ is required and rear (lake) setback of 12’ when 25’ is required.	

The 49 acre lot is primarily located on the west side of CR 16 with a potential future connection to Laura Lane. The lake side portion of the parcel includes approximately 2,147 SF of land with a depth of 8.5’ to 39’ and approximately 115’ of shoreline. According to OnCOR, the lakeside land, CR 16, and a portion of the upland portion of the property are in the floodplain.

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

The intent of this policy is to:

- Address residential development that may infringe on County ROW’s or easements for roads and other infrastructure.
  - Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
  - Address impacts to ground and surface waters
- B. The following applies to all development on parcels with lake frontage that require;
- variances pertaining to lot coverage or,
  - variances pertaining to side yard setbacks or,
  - variance pertaining to lake shore setbacks

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

**Final Classification:** Class 2

**Findings:**

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

**Final Recommendation:** Denial

**Comment**

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

**OCDPW Comments**

1. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <http://www.co.ontario.ny.us/index.aspx?nid=830>.  
In addition, Applicant’s contractors will also be required to provide proof of insurance per Ontario County insurance schedule. Applicant must contact our office for more detailed information on insurance requirements.
2. Applicant’s engineer must provide an engineering scale plan & profile of private utility conduits, from right of way to right-of-way, showing minimum depth of cover of 5-feet. Applicant’s engineer must show and label locations of launching and receiving pits for private utility conduits on the drawings.
3. Applicant will need to enter into an agreement for installation of private utility conduits in County Road 16 right-of-way. Applicant must contact our office for more detailed information on private utility conduit agreement.

201 - 2019	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Costich Engineering	
Property Owner:	Community Bank	
Tax Map No(s):	84.00-1-28.110	
Brief Description:	Site plan to demolish Community National Bank at 3150 CR 10 in the Town of Canandaigua and redevelop site with drive-through car wash, vacuum cleaning stations, and employee parking. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19884/201-2019-Aerial">http://www.co.ontario.ny.us/DocumentCenter/View/19884/201-2019-Aerial</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19885/201-19-Site-Plan">http://www.co.ontario.ny.us/DocumentCenter/View/19885/201-19-Site-Plan</a>	

The use is an allowed use in the CC zoning district and meets buffer and parking requirements. The property has a front setback variance to allow location of the building 42’ from the SR5/US 20 ROW rather than 100’ as required. The existing use has three access points from CR 10. The proposed redevelopment will eliminate the two access points closest to SR 5/US 20.

This project was submitted for Technical Review in August 2019 as referral 169-2019. This revised site plan shows a slightly larger 4,360 SF building and a single access point located approximately 105’ south of the access point to the restaurant to the north and 120’ north of an access point to a gas station across CR 10. The access point is also north of the beginning of the right turn lane on CR 10. The access point was identified following OCDPW analysis of accident information and a traffic engineer’s letter regarding car wash trip generation (55 trips during the 4-5 pm weekday peak hour and 62 trips during Saturday 12-1 pm peak hour). These

driveway off-set distances are less than the 150' separation distance for small developments (150 peak hour trips) on local collectors as out lined in Town code.

The plan also shows the building moved south within the 100' of SR 5/US 20 setback, the vacuum stations relocated to the north of the building, the water reclamation tank and a new oil separator south of the building. The plan now also shows a stormwater management facility in the western corner of the site and filter strips and a rain garden in the area adjacent to the vacuum stations and the employee/customer parking.

The landscape plan shows dense plantings along the CR 10 frontage and along the side of the building facing SR 5/US 20 and no light spill above .5 foot candles beyond property boundaries.

#### **August 2019 Project Description**

The proposed car wash is 4,220 SF. Other site development features include 15 vacuum stations in two locations, refuse and recycling enclosure, wastewater reclamation tanks, and 5 parking spaces.

This project would involve demolition of the Community Bank building and elimination of the southernmost access connection located approximately 55' from the CR 10/SR 5 & US 20 intersection. The site plan shows two 2-way curb cuts: one is within 30' from the northern lot line and an estimated 50' from the next access to the north, the other is minimally off-set from a driveway to a shopping center on the opposite side of the road and in the functional area of the CR 10/US 5 & NYS 20 intersection where southbound vehicles are transitioning to right and left turn lanes.

According to OnCOR, there are no development restrictions related to wetlands, floodplains or steep slopes on the property or along the northern property boundary.

#### **August 2019 Comments**

1. The referring body should seek advice from a traffic engineer regarding how best to maintain road capacity and safety in the face of redevelopment of this area. It would likely be desirable to secure a cross access easement to provide full movement access to this property from the restaurant access on the parcel to the north at 3140 CR 10. This driveway is at a 4 way intersection aligned with an access to the shopping center across the street.

#### **July 2019 OCDPW comments – Canandaigua Lake County Sewer District**

1. Provide a Utility Plan showing the required pretreatment units and lateral connection to the existing sewer main.
2. Provide construction details and notes.
3. All sanitary sewer design and construction must adhere to Canandaigua Lake County Sewer District standards.
4. Provide estimated daily design flow.

#### **August 2019 OCDPW Comments**

Applicant shall provide a Traffic Impact Study (TIS) for the project and submit for our review. The applicant's traffic consultant should contact the NYSDOT & OCDPW to coordinate the selection of the study area for the TIS. The County will retain an outside consultant to complete a technical review of said TIS. As a condition of the County highway work permit application and in consideration of the issuance of the permit, the permittee will be required to reimburse the County for all cost of said consultant TIS review services. Applicant must provide justification for the two (2) access points onto CR 10. The accident rate along this segment of CR 10 is elevated and an accident analysis must be made part of the TIS. The proposed northerly access point appears to be the best option because it provides the most separation to the existing driveway at #3189/#3211 CR 10 (Gas Station) and is within the area of the 2-way left-turn lane & beyond the transitions to the turn lanes for the 5 & 20.

**August 2019 CRC Comment** Demolition debris should be recycled if possible or disposed of in a licensed facility.

202 - 2019	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Minor Subdivision	
Applicant:	Wood, Brendan	
Property Owner:	West Corners LLC	
Tax Map No(s):	84.00-1-17.100	
Brief Description:	Two lot subdivision of land at 2970 CR 10 at the northwest corner of CR 46. The subdivision would create a 22.4 acre lot with a house and solar panel field and a 7.34 acre vacant industrially zoned lot fronting on CR 10 in the Town of Canandaigua.	

203 - 2019	Town of Geneva Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Geneva Genesis Housing Development Fund	
Tax Map No(s):	103.00-3-28.100	
Brief Description:	Area variance for a monument sign for Town Side at Pre Emption apartment complex at 820 CR 6 in the Town of Geneva. Variance would allow 14.5 SF per face when 12 SF is allowed by code and allow location of sign 14' from the edge of the curb and 1' from the ROW when 10' from the ROW is required.	

The code enforcement officer reports the sign location is consistent with older signs in place before the road was widened to accommodate a center turn lane and bicycle lanes and the ZBA has previously granted a number of signs with reduced setback from the ROW. The proposed sign for Town Side at Pre Emption, an 88 unit affordable apartment complex for families and seniors, includes a 2.5 SF per side sign bar marketing Cornerstone Property Managers and Rochester Regional Health.

The applicant has stated the proposed location is necessary to provide sign visibility given existing vegetation on adjacent properties. The sign is within the NYSSEG and Town of Geneva Water/Sewer easements and both entities have reportedly consented to the proposed placement.

**Policy AR-7: Signs**

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified CR 6 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

**Final classification: Class 2**

**Findings:**

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

**Final Recommendation – Denial**

204 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Cerone, Michael	
Representative:	Costich Engineering DPC	
Tax Map No(s):	41.00-1-36.210	
Brief Description:	Site plan for two additional single story storage buildings of 6,000 SF and 12,000 SF at Always Locked Storage 6061 Carmen's Way at Farmbrook Drive/SR 332 in the Town of Farmington. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19886/cobblestone-always-locked">http://www.co.ontario.ny.us/DocumentCenter/View/19886/cobblestone-always-locked</a>	

Development of Phase II encompassing an additional .9 acres of disturbed land on the 16 acre site.

**Comments**

1. Was the landscaping to the south of these buildings installed as shown in Phase I?
2. The applicant should be required to plant trees shown on the site plan along SR 332 as part of this construction phase.

205 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Victor Association of Cultural & Performing Arts	
Representative:	Shultz Associates	
Tax Map No(s):	41.00-1-38.100	
Brief Description:	Site plan for 3,370 SF single story building addition for expanded instructional and cafeteria space at Cobblestone Arts Center 1622 SR 332 south of the Carmen's Way/Farmbrook Drive intersection with SR 332 in the Town of Farmington. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19886/cobblestone-always-locked">http://www.co.ontario.ny.us/DocumentCenter/View/19886/cobblestone-always-locked</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19889/205-2019-cobblestone-site-plan">http://www.co.ontario.ny.us/DocumentCenter/View/19889/205-2019-cobblestone-site-plan</a>	

This phase of construction will disturb .6 acres of the 15 acre site.

According to OnCor, the site is not subject to development constraints related to wetlands, floodplain, or steep slopes. The site is sensitive for archaeological artifacts. The grading plan shows the limits of a delineated federal wetland.

206 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Robinson, Mark	
Property Owner:	Albers NY Holdings LLC	
Representative:	Gullace, Mike	
Tax Map No(s):	29.00-1-41.100	
Brief Description:	Site plan to add 6 asphalt parking spaces to accommodate re-occupancy of a 4,000 SF vacant building by Victor Softball for a training academy at 1309 Mertensia Road north of Creek View Road in the Town of Farmington.	

207 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Delaware River Solar	
Property Owner:	Smith, Carol	
Tax Map No(s):	10.00-1-37.110	
Brief Description:	Revised site plan and subdivision plat for the 7 MW Delaware River Solar project at 466 Yellow Mills Road at Fox Road in the Town of Farmington. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/14453/139-2018-Aerial">http://www.co.ontario.ny.us/DocumentCenter/View/14453/139-2018-Aerial</a> <a href="http://www.co.ontario.ny.us/DocumentCenter/View/19893/207-2019-Preliminary-Plat">http://www.co.ontario.ny.us/DocumentCenter/View/19893/207-2019-Preliminary-Plat</a> <a href="https://www.co.ontario.ny.us/DocumentCenter/View/19902/207-2019-Preliminary-Site-Plan-1-and-2">https://www.co.ontario.ny.us/DocumentCenter/View/19902/207-2019-Preliminary-Site-Plan-1-and-2</a>	

The proposed project was previously reviewed in September 2018 as referrals 159-2019, 159.1-2019, 159.2-2019 and 159.3-2019 for subdivision, site plan, special use permit, and area variances. The project continues to be a 7 MW Community Solar project intended to provide low cost solar power to 1,000 homes and businesses in the Farmington area.

Since the previous referral, the Town Code officer has changed the interpretation of the Code to require 40' not 160' side and rear setbacks and the ZBA has denied the variances to allow 20' internal setbacks. This site plan shows compliance with the 40' side and rear setbacks. The cattle corridor will be located in the 80' combined setback between solar panels associated with project 2 and project 3. Bio-retention areas for stormwater runoff from the shared access road continue to be shown on the site plan. Lot 1 is now 92 not 72 acres, other lot sizes have been reduced from a combined total of 63 acres to 43 acres, and the lot line setback from Yellow Mills Road has been increased from 231' to 366'. The current site plan calls for planting 300 arborvitae 7.5' on center in 2 rows just outside the project fence where it parallels Fox Road or Yellow Mills Road, 21 Blue Spruce at the northwest corner of the



property and 20 Blue Spruce on a berm at the southeast corners of the property a . Other information in the project and site conditions analysis from September 2018 remains unchanged.

The 3 proposed solar plants will be located on 40 leased acres in the central portion of a 135 acre parcel. The project involves installation of approximately 7,000 solar panels covering approximately 3.1 acres for each plant. The project area is estimated at 37.5 acres, with soil disturbance limited to approximately 1 acre for the inverter pad and access road. No overall site grading is anticipated. The solar panels will be located in rows with 19' aisles between rows. The applicant anticipates no change to project area drainage patterns or flows. The project area will be surrounded by an 8' fence and motion sensor lights will be installed on inverter equipment. There are two bio-retention areas with a total of 5,435 SF designed to treat stormwater runoff from the access road.

The Town of Farmington code requires 300' lot frontage. Lot 1 is 72 (now 92) acres and includes the existing residence and land to a depth of 250' along most of the Yellow Mills Road frontage (1,900') as well as developable and undevelopable land that surrounds the 3 subdivided lots. Lot 2 is 22 (now 14.9) acres and has 400' of frontage between the shared access road off Fox Road and Lot 3. Lots 3 and 4 have been configured to meet the frontage requirement with an acre of land 300' by 180' in the frontage area connected by 16' wide necks to the developed portion(s) of the lots. Lot 3 is 15 (now 13) acres and has shared access off Fox Road. Lot 4 is 26 (now 15) acres and has frontage along both Fox Road and Yellow Mills Road with shared access off Fox Road.

The decommissioning plan uses cost guidance from NYSERDA and estimates from actual projects in Massachusetts. The estimated decommissioning cost per 2 MW solar plant is \$126,000 with \$60,000 to be deposited in escrow at the beginning of the project with escalation payments deposited annually and cost estimates adjusted every 3 years as specified in Town code.

The agricultural data statement indicates 40 acres are currently used to grow hay and other areas of the parcel are used to graze cattle. The property and all surrounding lots are in Agricultural District #1. The Town has identified that the proposed solar project footprint would be on soils identified as Class 1 to 4. In accordance with Town Solar regulations, the applicant has certified that no alternative site location is feasible to avoid use of high value agricultural soils. The property owner intends to continue to grow crops and graze cattle on portions of the site not covered by solar panels. There is a fenced access way planned in the vicinity of the lot 3 and 4 boundary to connect agricultural lands along Yellow Mills Road and in the northwest corner of the site and allow movement of cattle and equipment. The lease agreement prohibit the owner from selling the solar lots individually and plans for grazing of sheep within the project area instead of mowing or other strategies to control vegetation.

The applicant also owns a 21 acre parcel with 900' of frontage along Fox Road to the west. According to OnCor, more than half of this property is unforested, very poorly drained and not prime farmland. A portion of this property is in the floodplain.

According to OnCor, the south west portion of the parcel proposed for development is wooded with a floodplain along the stream and surrounding areas classified as state and federal wetlands. There are two additional wetland areas shown on the site plan. One off the Fox Road frontage and one along an existing drainage path that bisects parcel 4. The soils on the remaining areas of the site, including those proposed for development, are prime farmland and farmland of statewide importance as follows:

<u>Palmyra Cobbly Loam</u>	0-3 % slope	26.5 Acres	3 - 8 % slope	20 Acres	<b>Both Prime Farmland</b>
<b>Permeability:</b>	high		<b>Erodibility:</b>	medium	
<b>Hydrological Group</b>	B		<b>Not Hydric</b>		
<u>Ontario Loam</u>	0-3 % slopes-	4.7 acres	<b>Prime Farmland</b>		
	3 - 8 % slopes-	10 acres	<b>Farmland of Statewide Importance</b>		
	8-15% slopes	4.5 acres	<b>not prime farmland</b>		
<b>Permeability:</b>	moderately high		<b>Erodibility:</b>	Medium	
<b>Hydrological Group</b>	B		<b>Not Hydric</b>		
<u>Phelps Gravelly Silt Loam</u>	0-3 % slope	16.9 acres	<b>Prime Farmland</b>		
<b>Permeability:</b>	high		<b>Erodibility:</b>	medium	
<b>Hydrological Group</b>	B/D		<b>Not Hydric</b>		

**Farmington Solar Code provisions relevant to development of large scale solar facilities on agricultural lands**

- Planning Board must determine that there is no feasible alternative before allowing development of large scale solar energy facilities on class 1 to 4 soils (most valuable soils).

- Locate, size, and design access road(s), parking, & poles for overhead lines to minimize negative impacts to farm viability.
- Bury all cables a minimum of 48”.
- Maintain natural drainage patterns, stockpile disturbed top soil, and decompact disturbed areas.
- Involve an Environmental Monitor and NYS Ag and Markets in post-construction restoration and decommissioning to minimize impacts to agriculture.

**Relevant 2018 Comments**

1. There should be cross access easements and financial provisions made to maintain the shared access road.
2. How will development be sequenced?
3. A site SWPPP should be prepared and reviewed by the Town Engineer and the OCSWCD.

**2018 Farmington PRC Comments**

1. Applicant indicates the subdivision is required by RGE’s interconnection agreement; however the applicant intends to enclose the 3 projects in a single fence and to have 1 decommissioning plan/account.

**2018 OCSWCD Comments**

1. Tile drainage may be present and any disturbance to subsurface infrastructure would require maintenance/drainage improvements to maintain structures. (as per Construction Notes).
2. While solar panels do not change impervious coverage, they do have the potential to concentrate stormwater flows. Depending on the soil and slope characteristics of the parcel, the referring body may want OCSWCD or their town engineer to examine potential for stormwater impacts from the solar panels.

**2018 CRC Comment** – does the Town Code allow fences to cross property lines?

**2018 CPB Comment** - Does applicant have interconnection agreement with RG&E?

**Board Motion:** To retain referrals # 159-2018 and 159.1-2018, 159.2-2018, 159.3-2018 as Class 2 and return them to referring body with a recommendation for approval with comments.  
**Motion made by:** Timothy Marks  
**Seconded by:** Mike Woodruff  
**Vote:** 13 in favor, 1 opposed 0 abstentions. **Motion carried.**

207.1 - 2019	Town of Farmington Planning Board	Class: 1
Referral Type:	Subdivision Plan	
Applicant:	Delaware River Solar	
Property Owner:	Smith, Carol	
Tax Map No(s):	10.00-1-37.110	
Brief Description:	Revised site plan and subdivision plat for the 7 MW Delaware River Solar project at 466 Yellow Mills Road at Fox Road in the Town of Farmington.	

See information at 207-2019.

208 - 2019	Town of Manchester Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	VanLaeken, James	
Property Owner:	Spring Valley Greenhouses	
Tax Map No(s):	44-01-7.110 44.06-1-88.00	
Brief Description:	Site plan for 4,800 SF pole barn and three 2,304 SF greenhouses on 20 acres site at Spring Valley Greenhouses East Avenue at Village of Shortsville line in the Town of Manchester.	

The site access is off East Avenue in the Village of Shortsville and the proposed construction is in the Town of Manchester. There are single family homes along East Avenue on either side of the access road. The land to the south of the proposed buildings is undeveloped.

The site plan shows flowering trees abutting the rear of the home north of the driveway, 2 rows of evergreens abutting the rear of the home south of the driveway and a mix of maple and linden trees along the village property to the south.

The site plan does not show site grades or any provisions for drainage channels to direct stormwater. The EAF indicates an intent to direct stormwater from driveway, barn and greenhouses to natural drainage patterns.

According to OnCOR, both properties are in the agricultural district and there is a floodplain and NYSDEC wetland associated with Canandaigua Outlet beyond a steep drop along the western boundary of the Town parcel. Soil Characteristics are as follows:

- Odessa Silt Loam 0-3 %  
**Prime Farmland if drained**  
**Permeability** moderately low    **Erodibility** very high  
**Hydrological Group** C/D            **Partially Hydric**
- Cazenovia Silt Loam 3 - 8 %  
**Prime Farmland**  
**Permeability:** moderately high    **Erodibility:** high  
**Hydrological Group** C/D            **Not Hydric**
- Cazenovia Silt Loam 8-15%  
**Farmland of Statewide Importance**  
**Permeability:** moderately high    **Erodibility:** high  
**Hydrological Group** C/D            **Not Hydric**
- Lansing 35 to 55 %  
**Not Prime Farmland**  
**Permeability:** moderately high    **Erodibility:** medium  
**Hydrological Group** C              **Not Hydric**

**Comments**

1. The referring body should require the applicant to provide additional information on existing and proposed drainage patterns to ensure proposed development does not impact neighboring properties.

209 - 2019	Town of Hopewell Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Houle, John	
Tax Map No(s):	99.00-2-16.000	
Brief Description:	Area variance for an accessory use at 3664 NYS 5/US 20 just west of Gehan Road in the Town of Hopewell. The building is located 14' from the front right of way and in front of principal use and 8.4' and 9.8' from side and rear lot lines when 20' is required.	

The .39 acre lot is in the Low Intensity Commercial District. Adjacent land uses include a small commercial use to the west, apartments across the street, and a single family home owned by the applicant to the east.

The area variances are for setbacks slightly decreased from those approved by variance in 2003 to accommodate a misplaced building. The front setback would be decreased by 1' from the 15' approved. The side and rear setbacks would be reduced by 1.6' and .4' respectively. The applicant, in consultation with NYSDOT, is defining 2 access points approximately 75' apart to replace the wide open frontage. The applicant is also updating the septic system.

210 - 2019	Town of Hopewell Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Bassage, Phil	
Tax Map No(s):	99.00-2-1.210	
Brief Description:	Area variance for a sign at Master Tech Automotive at 3952 NYS 5/US 20 to allow 23.75 SF when 20 SF is allowed by Town of Hopewell code.	

**Policy AR-7: Signs**

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

A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.

**Final classification: Class 2**

**Findings:**

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

**Final Recommendation** – Denial

**Comment** The referring board should consider the precedent setting impact of their decision and grant the minimum variance necessary to achieve the applicant’s objectives while protecting the character of this key community corridor.