

ONTARIO COUNTY PLANNING BOARD

Referrals for Review at the:

Coordinated Review Committee Meeting –Tuesday September 10th, 2024, at 3:30pm 20 Ontario St., Room 229, Canandaigua, NY

County Planning Board Meeting – Wednesday September 11th, 2024 at 7:00pm 74 Ontario St., Room 218, Canandaigua, NY

Telephone: 585-396-4455

<u>Referral No</u>	<u>Municipality</u>	<u>Referring Board</u>	<u>Applicant</u>	<u>Application Type - Class</u>	<u>Pg. #</u>
166.0-2024	Town of Victor	Zoning Board of Appeals	Victor Real Estate Corp., Pete Yerkes	Area Variance - 1	2
166.1-2024	Town of Victor	Planning Board	Victor Real Estate Corp., Pete Yerkes	Site Plan - 1	4
167-2024	Town of Richmond	Zoning Board of Appeals	Jeff Martin, Annie Thompson	Area Variance - Exempt	4
168-2024	Town of Richmond	Zoning Board of Appeals	Sherman Solar, 1 & 2	Area Variance - 1	4
169-2024	Town of Richmond	Zoning Board of Appeals	Darrer, Elmer & Judy	Area Variance - Exempt	6
170-2024	Town of Richmond	Zoning Board of Appeals	Selfridge-Parsons, Theresa	Area Variance - 1 Exempt	6
171-2024	Town of West Bloomfield	Town Board	Town of West Bloomfield, Town Board	Text Amendment - 2	6
172-2024	Town of Gorham	Planning Board	Cross, Michael & Lisa	Site Plan - Exempt	7
173-2024	Town of Canandaigua	Zoning Board of Appeals	Martin, Sabrina	Area Variance - 1	7
174-2024	Town of Canandaigua	Planning Board	Richard Whitmore, Yvonne S. Whitmore Children LLC	Special Use Permit - Exempt	8
175-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Text Amendment - 2	8
176-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Map Amendment - 2	9
177-2024	Village of Naples	Planning Board	Naples Youth Corporation, Chris Abraham	Site Plan - 1	9
178-2024	Town of Seneca	Planning Board	Global Common, Aaron Airth	Site Plan - 2 1	11
179-2024	Town of Farmington	Zoning Board of Appeals	Porretta, Noelle	Temporary Use Permit - 1	16
180-2024	Town of Farmington	Zoning Board of Appeals	Bridges For Brain Injury, Laura Donaldson	Temporary Use Permit - 1	16

CRC Board members present: Stephen High, AJ Magnan, Paul Passavant.

Guests: Robert Foxen/RNG facility

166.0-2024	Town of Victor	Zoning Board of Appeals	Victor Real Estate Corp., Pete Yerkes	Area Variance - 1
14.02-1-1.110	Area Variance and Site Plan for a proposed 8,125 SF storage building with a south side setback of 10 ft. (when a minimum of 30 ft. is required) - at 784 Old Dutch Rd., just east of the Monroe County / T. Victor municipal boundary, in the Town of Victor.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45142/1660-2024-and-1661-2024-Aerial-Yerkes-Storage-Building-Variance>

<https://www.ontariocountyny.gov/DocumentCenter/View/45147/1660-2024-and-1661-2024-Site-Plan-Yerkes-Storage-Building-Variance>

<https://www.ontariocountyny.gov/DocumentCenter/View/45150/1660-2024-and-1661-2024-Test-Questions-Yerkes-Storage-Building-Variance>

Subject parcel is 3.5-acres. Disturbance for the project is proposed to be 0.3-acres. Proposed building height is to be 28 ft. (maximum of 35 ft. is allowed). Total building coverage on the lot is proposed at 9%. Exterior of the building will be metal-sided, have fire protection sprinkler services (but no other water or sanitary services), and will have an electric power supply. Applicant mentions that the site will continue to sheet drain to the south. Gutter downspouts to splash-blocks are to direct stormwater away from the building. The existing drainage swale is to be maintained. Light fixtures are to be installed on the northern side of the building.

According to OnCor:

- Parcel is zoned Light Industrial.
- Surrounding land uses vary – residential (north and west), commercial and industrial (east and south).
- There is little to no slope (0-3% gradient).
- Soil disturbed is primarily Odessa Silt Loam (partially hydric, moderately low permeability, very high erodibility, is prime farmland if drained, and is in hydrologic soil group D).

In the area variance test questions, the applicant mentions:

- Q: Would an undesirable change be produced in the character of the neighborhood or detriment to nearby properties be created in the granting of this area variance? A: The property currently contains their business, Victor Excavating, which has existed at the address for 24 years. It is mentioned that the construction of the new storage building is much needed to keep the property tidy by storing miscellaneous construction materials and equipment out of sight - which would be a benefit to nearby properties. The granting of the variance will not change the existing character of the neighborhood.

- Q: Can the benefit be sought by some feasible method other than an area variance? A: “While it would be possible to construct the storage building beyond the Town Code required setbacks, the granting of the variance is needed since the building at a 30 ft. setback would cause us to lose space within our existing gravel parking area. The decreased gravel area would make it difficult to maneuver our various construction equipment with large turning radii”.
- Q: Is the requested area variance substantial? A: The applicant believes that although the requested side setback area variance does not meet the requirements of the Town Code, it is not an unreasonably small setback and seems to conform with requirements for side setbacks of other zoning districts within Victor and neighboring Towns.
- Q: Will the proposed variance have an adverse effect/impact on the physical or environmental conditions in the neighborhood or district? A: The storage building will help to create a neat and tidy appearance within our property which will have a positive aesthetic impact on the physical conditions of the neighborhood. The building will be constructed within an existing stone / pavement area and will not create additional stormwater runoff.
- Q: Is the alleged difficulty self-created? A: “The self-created need for additional storage is a result of the success of the business and the desire to keep the property looking well kept. Since properties on all sides of us are currently developed, we have no option to expand our property, and must make the most out of the acreage we currently own in order to leave enough space for vehicle turning radii paths”.

Comments

1. Are there any landscaping plans? Referring Board(s) should consider requiring trees/plantings to protect community/corridor character and to buffer between adjacent residential (and non-residential) parcels.
2. What is existing v. proposed impervious surface area (in square feet)? Will there be an increase in impervious surface? If so - how much?
3. Referring Board(s) should consider additional stormwater management if necessary – in order to reduce the risk of flooding and to maintain water quality of area lakes and streams.

OCSWCD Comments

1. Will any stormwater management be installed on site?
2. Will any concrete be poured as part of building construction? Concrete truck washout not indicated on plans.
3. Please include seeding and mulching rates for disturbed areas. A zero-phosphorus fertilizer should be considered.

166.1-2024	Town of Victor	Planning Board	Victor Real Estate Corp., Pete Yerkes	Site Plan - 1
14.02-1-1.110	Area Variance and Site Plan for a proposed 8,125 SF storage building with a south side setback of 10 ft. (when a minimum of 30 ft. is required) - at 784 Old Dutch Rd., just east of the Monroe County / T. Victor municipal boundary, in the Town of Victor.			

See. 166.0-2024

167-2024	Town of Richmond	Zoning Board of Appeals	Jeff Martin, Annie Thompson	Area Variance - Exempt
149.00-1-78.122	Area Variance for a proposed accessory structure (barn for vegetable/orchard processing and storage) greater than the maximum allowed 200 SF - at 5188 County Rd. 37 in the Town of Richmond.			

168-2024	Town of Richmond	Zoning Board of Appeals	Sherman Solar, 1 & 2	Area Variance - 1
135.00-2-57.100; 135.00-2-57.210	Area variance(s) for a proposed large-scale solar energy system with setback(s) of 40 ft. (when a minimum of 200 ft. is required) – at 0000 SR20A (TM# 135.00-2-57.100) in the Town of Richmond.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45155/168-2024-Aerial-Sherman-Solar>

<https://www.ontariocountyny.gov/DocumentCenter/View/45156/168-2024-Google-Map-Image-Sherman-Solar>

<https://www.ontariocountyny.gov/DocumentCenter/View/45158/168-2024-Zoning-Map-Sherman-Solar>

<https://www.ontariocountyny.gov/DocumentCenter/View/45157/168-2024-ZBA-App-Sherman-Solar>

At this time, the only documentation submitted by the Town of Richmond for this referral is the area variance application to the T. Richmond’s Zoning Board of Appeals.

The subject parcel is zoned G (Commercial Light Industrial). The Town of Richmond’s Code Enforcement Officer mentioned that the goal is to combine this solar energy system with the existing system on the adjacent parcel to the east (8894 Main St.; TM# 135.00-2-57.210) – see google map screenshot linked above for reference.

According to OnCor:

- Subject Parcel is 32.1-acres. Adjacent parcel (to the east – 8894 Main St.) with existing solar energy system is 45.7-acres.

- Parcel has gentle to no slope (0-9%).
- Surrounding land uses include: existing solar energy system on the adjacent parcel to the east, predominately commercial uses to the south (SR 20A), vacant and residential to the west (along CR37), and a mix of commercial and community service (church) to the north.

Application maintains 200' setback to Residential/Agricultural and Business zoning districts and requests reduced setbacks along the shared property line with the existing solar project and other lots in the Commercial/Light Industrial zoning district.

The applicant provided the following responses to the area variance test questions:

1. Q: Can the benefit sought by the applicant be achieved by other feasible means?
A: Alternatives have been explored. The resulting “buildable” area is not large enough on this parcel to feasibly construct a solar array. The parcel was originally purchased and reserved for future development based on the requirements of the original project.
2. Q: Will the granting of the variance produce an undesirable change in the character of the neighborhood or a detriment to nearby properties? A: No. We are asking for similar setbacks as the adjoining solar site.
3. Q: Is the requested variance substantial? A: No. We do not feel that this variance is substantial as we are matching the adjoining solar site.
4. Q: Will the variance have any adverse physical or environmental effects on the neighborhood or district? A: No. We are asking for similar setbacks as the adjoining site.
5. Q: Was the alleged difficulty self-created? A: No. The parcel was purchased and reserved for future use. Since the construction of the first phase of the project the code has been changed which makes the intended use of this parcel not feasible.

Comments

1. Additional detail / supporting documentation is needed in order to have an accurate understanding of the project.
2. How many area variances are required? Rear? Side? Front?
3. Will the two lots be combined? Would this eliminate need for variance along shared property line with existing solar project?
4. How visible will the solar energy system be from the surrounding roads and residences?
5. What is the total area (in square feet) covered by the solar panels?
6. Will project use access for existing solar project for construction and maintenance activities.

CRC Comments

1. Is project subject to 12-month battery energy storage moratorium referred to CPB in October 2023?

169-2024	Town of Richmond	Zoning Board of Appeals	Darrer, Elmer & Judy	Area Variance - Exempt
149.11-1-30.000	Area variance for a proposed 96 SF deck with a rear setback of 36 ft. (when a minimum of 50 ft. is required) – at 5135 CR36 in the Town of Richmond.			

170-2024	Town of Richmond	Zoning Board of Appeals	Selfridge-Parsons, Theresa	Area Variance — <u>Exempt¹</u>
150.46-2-53.000	Area Variances (3 total) for a proposed 240 SF shed on a gravel pad – at 5129 East Lake Rd. in the Town of Richmond. Area variances include: (1) accessory structure greater than the maximum allowed 200 SF, (2) side setback of 1 ft. when a minimum of 10 ft. is required, and (3) a front setback of 26.5 ft. when a minimum of 50 ft. is required.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45273/170-2024-oncor-aerial-snip>

<https://www.ontariocountyny.gov/DocumentCenter/View/45272/170-2024-Sketch-Parsons-Shed-Variance>

The shed would be located behind an existing garage with nonconforming front setback. According to OnCor, most of the lot has slopes of 16 to 30 percent with a few areas of extremely steep 31-60 percent slope along the northwest, center east, and southeast property lines.

171-2024	Town of West Bloomfield	Town Board	Town of West Bloomfield, Town Board	Text Amendment - 2
n/a	Local Law to establish a one-year moratorium on large-scale solar energy systems and large-scale battery energy storage systems in the Town of West Bloomfield.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45163/171-2024-LL-T-W-Bloomfield-Solar-Moratorium>

The Town found that the Town Code of the Town of West Bloomfield may not contain adequate provisions addressing or regulating large scale solar energy systems, and large-scale battery energy storage systems. Therefore, the Town Board will conduct an evaluation for the purpose of considering possible amendments to the Town of West Bloomfield’s Town Code to address the various issues concerning large scale solar energy systems. The moratorium affords the Town time to study and determine: (1) what, if any, districts should allow large scale solar energy systems; and (2) the regulations to be adopted if large scale solar energy systems are to be permitted. Specifically, the Town Board is concerned with the potential effects of large-scale solar energy systems relating to economic development, rural/agricultural land preservation, prevention of visual clutter and public nuisances

associated with potentially inadequate code provisions and regulation of large-scale solar energy systems.

The moratorium shall not include the installation and use of solar energy systems that have the primary purpose of providing electricity for onsite consumption. Any party considering itself disproportionately aggrieved by the moratorium may apply to the Town Board for a waiver from the moratorium. The petitioning party must show good cause for said waiver founded upon clear and convincing evidence based upon the following factors:

1. Unnecessary and unique hardship to the petitioner, which hardship is substantially greater than any harm to the general public, including similarly situated persons who may otherwise wish to operate a large-scale solar energy system, resulting from the moratorium.
2. Adverse effect on the goals of the Town of West Bloomfield in maintaining the moratorium.
3. Whether the proposed large-scale solar energy system would be in harmony with the existing character of the community.
4. The proposed solar energy system’s consistency with any interim findings or recommendations of the Town Board.

172-2024	Town of Gorham	Planning Board	Cross, Michael & Lisa	Site Plan - Exempt
113.19-1-23.000	Site Plan for the tear-down / re-build of an existing single-family residence with associated site improvements (grading, drainage, utilities) – at 4046 SR364 in the Town of Gorham.			

173-2024	Town of Canandaigua	Zoning Board of Appeals	Martin, Sabrina	Area Variance - 1
126.16-1-6.110	Area variances (2 total) for a proposed accessory structure (24 kW generator) – at 4365 CR16, just east of the Foster Rd. / CR 16 intersection, in the Town of Canandaigua. Area Variances include: (1) a second accessory structure when only one is permitted, and (2) the placement of an accessory structure in the front yard.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45171/173-2024-Aerial-Smith-Generator>

<https://www.ontariocountyny.gov/DocumentCenter/View/45174/173-2024-Sketch-Smith-Generator>

<https://www.ontariocountyny.gov/DocumentCenter/View/45173/173-2024-Photos-Smith-Generator>

Subject parcel is 1.0-acre. The generator is considered an accessory structure. The parcel has an existing patio which is also considered an accessory structure. In the RLD (Residential Lake

District) Zoning District only one detached garage plus one accessory structure is allowed – therefore a variance is required for a second accessory structure.

The generator is located on the western (front) yard, 5 ft from the home. Surrounding land uses are all residential. The neighbors on the adjacent northern parcel submitted an email in support of the variance application. They mentioned, “the site location that they have chosen is very appropriate. Noise will not be an issue for us, as it is a distance from our living quarters. Also, the location is well screened by shrubs and therefore cannot be viewed from either our property or from the road”.

174-2024	Town of Canandaigua	Planning Board	Richard Whitmore, Yvonne S. Whitmore Children LLC	Special Use Permit - Exempt
98.13-1-6.000	Special Use Permit (to re-apply for a Short-Term Rental under newly adopted Town of Canandaigua Code Chapter 201) to increase the allowed maximum occupancy of an existing Short-Term Rental from 12 people to 18 – at 3407 West Lake Blvd. in the Town of Canandaigua.			

175-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Text Amendment - 2
n/a	Local Law to clarify that detached private garages may exceed 900 SF outside of the Residential Lake District (RLD) in the Town of Canandaigua.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45181/175-2024-LL-Garage-SF-Text-Amendment>

As the code is written currently, the definition of a detached private garage states that it shall not be larger than 900 SF. However, accessory structures (including detached private garages) are allowed to be larger than 900 SF outside the RLD (Residential Lake District) Zoning District if certain factors exist on a parcel. This proposed amendment would amend the definition to remove the 900 SF limitation (see Town Code Section 1-17 Definitions in the materials linked above), thereby allowing them to be larger. The code will still prohibit them to be greater than 900 SF inside the RLD Zoning District – see Town Code Section 220-21C(1) .

176-2024	Town of Canandaigua	Town Board	Town of Canandaigua, Town Board	Map Amendment - 2
70.06-1-76.111	Local Law to rezone a 2.9-acre parcel (TM# 70.06-1-76.111; located at the southwest corner of the Thomas Rd. / Sommers Dr. intersection) from the Form Based Code Route 332 Subarea Zoning District to the R-1-30 Residential Zoning District (and to update the official zoning map) in the Town of Canandaigua.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45182/176-2024-Aerial-Rezone-Text-Amendment>

<https://www.ontariocountyny.gov/DocumentCenter/View/45184/176-2024-LL-Rezone-Text-Amendment>

<https://www.ontariocountyny.gov/DocumentCenter/View/45185/176-2024-LOI-Rezone-Text-Amendment>

The owners mentioned that are requesting a zoning change in order to be able to apply to construct a new home on the parcel.

According to OnCor:

- A national wetland (pond) lies on the southern portion of the parcel.
- Subject parcel is currently (residential) vacant. Surrounding parcels are residential (west and north), vacant (south), and commercial (to the east, near/along SR332).

177-2024	Village of Naples	Planning Board	Naples Youth Corporation, Chris Abraham	Site Plan - 1
201.04-1-10.110	Site Plan to construct a performance space area for youth – at 9 Academy St., directly across the street from Naples High School, in the Village of Naples.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45187/177-2024-Aerial-Naples-Youth-Corp>

<https://www.ontariocountyny.gov/DocumentCenter/View/45192/177-2024-Rendering-Naples-Youth-Corp>

<https://www.ontariocountyny.gov/DocumentCenter/View/45194/177-2024-Site-Plan-Naples-Youth-Corp>

<https://www.ontariocountyny.gov/DocumentCenter/View/45190/177-2024-Landscaping-Plan-Naples-Youth-Corp>

Subject parcel is 0.66-acres. Parcel is currently vacant with a gravel parking area and grass. The Naples Elementary School exists to the adjacent parcel to the West, and Naples High School is across Academy St. to the south. Parcels to the east are residential. Disturbance for the project is proposed to be 0.33-acres. Proposed project includes: a stage area (ADA accessible) with a concrete apron (crowd area), multiple seating areas, a 13-space (2 of which are ADA accessible) parking lot along Academy St., and a 5 ft. wide sidewalk connecting the parking lot to the stage area. The rest of the parcel is to remain (or be planted) with grass. According to the elevation drawings – the stage will be 17’3” tall (13’9” on 3’6” column posts). A new underground electric service will connect from an existing pole/meter to the new stage/performance structure. Two pole-mounted LED luminaires are proposed along the parking lot. There are no water or sanitary services proposed.

A berm is to be installed along the western side of the parcel, between the stage area and Naples Elementary (20 Academy St.). A French drain will be installed behind the stage/performance structure (northwest corner of parcel), and will connect to a dry well. An existing fire hydrant is located in the proposed parking lot area. There are 11 trees to be planted: 2 Autumn Blaze Freeman Maple in the center of the parking area, 1 Red Oak in behind the stage/performance structure, and 4 White Firs and 4 White Pines on the berm between the sidewalk and the western parcel boundary. 10 shrubs are also proposed within the White Fir/Pine landscaped area. According to the landscaping plan, “a minimum of 2-year guarantee shall be provided on all plant materials from date of final acceptance”.

According to OnCor:

- Parcel has gentle to no slope (0-9% gradient).
- Soil disturbed is Howard Gravely Loam (not hydric, high permeability, medium erodibility, is farmland of statewide importance, and is hydrologic soil group A).

Comments

1. Referring Board(s) should consider requiring additional trees/plantings/fencing along the eastern parcel boundary to protect community/corridor character and to buffer (visual and potential sound) between adjacent residential parcels to the west.
2. What are the hours of operation of the performance space?
3. Consider extending the sidewalk west to the elementary school driveway to provide pedestrian access from the elementary school parking lot to the venue.
- 2-4. Consider signing the new parking spaces as back in only during events to improve vehicle and pedestrian safety when leaving an event.

178-2024	Town of Seneca	Planning Board	Global Common, Aaron Airth	Site Plan - <u>21</u>
102.00-1-40.110; 102.00-1-40.130	Site plan to construct a 91,000 SF RNG (Renewable Natural Gas) Processing Facility with additional improvements (grading, drainage, utilities, landscaping, associated structures) – at 1992 and 2028 SR 5&20 (lots to be combined), located northeast of the Seneca Castle Rd. / SR 5&20 intersection, in the Town of Seneca.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45195/178-2024-Aerial-RNG-Facility>

<https://www.ontariocountyny.gov/DocumentCenter/View/45206/178-2024-Site-Plan-RNG-Facility>

<https://www.ontariocountyny.gov/DocumentCenter/View/45201/178-2024-Landscaping-Plan-RNG-Facility>

<https://www.ontariocountyny.gov/DocumentCenter/View/45200/178-2024-Grading-Plan-RNG-Facility>

<https://www.ontariocountyny.gov/DocumentCenter/View/45202/178-2024-LOI-RNG-Facility>

<https://www.ontariocountyny.gov/DocumentCenter/View/45241/178-2024-slides-for-PB-RNG-Summary-Planning-Commission-082524>

This referral was previously referred at the July 2024 County Planning Board as 152-2024 for area variances to construct a RNG (Renewable Natural Gas) facility. Area Variances included: (1) a building footprint of 91,000 SF when the maximum allowed is 5,000 SF, and (2) a structure height of 75 ft. when a maximum of 35 ft. is allowed. The Ontario County Planning Board returned to the local board with recommendation for approval. These area variances have since been granted by the Town of Seneca Zoning Board of Appeals.

The submitted plans for the current site plan referral (178-2024) indicate:

- The steel barns and frame shed on the parcels have been removed. 8.5-acres containing pine trees and brush are to be cleared and grubbed.
- The office and car parking (6 spaces – 2 of which are ADA accessible) are near the site entrance off of Seneca Castle Rd. (western portion of the parcel). Just north of the parking area is the truck scale, which leads to the loading/unloading area to the east (middle of parcel). The processing equipment (heating/gas/CO2 equipment, CO2 tank, BMR Station) also lies in the center of the facility. The digester tanks surround the equipment area. Retaining walls are to be installed along the northern perimeter of the facility, as well as between the northern storage tanks and the equipment area.
- The four (4) 80 ft. diameter digester tanks on the eastern portion of the site are to have a height of 75 ft. each. There are also two (2) 130 ft. diameter manure receiving / digestate outgoing storage tanks (northern section of parcel) with a height of 10 ft., and two (2) 70 ft. diameter alternative manure source receiving storage tanks with a height of 10 ft. and a gas storage bubble – on the southern portion of the parcel along SR 5&20. The flare is located to the northeast, between the storage tank and digester tanks.
- The C-1 district allows up to 50 percent lot coverage including all impervious surface associated with buildings, parking, and site drives. Impervious surface (lot coverage) will be roughly 22%. The parking area near the offices will be paved and the rest of the facility will have gravel – in total the gravel/concrete areas will occupy approximately 2-acres.
- A new water connection will service the office building from an existing watermain along Seneca Castle Rd. A new overhead and underground electricity connection will come off an existing overhead electric service along Seneca Castle Rd. to a transformer just east of the office building. A new gas service will connect the recycled gas to the existing 6” NYSEG natural gas main that runs along SR 5&20 just south of the parcels. A 1,000-gallon septic tank and leach field will be installed just east of the offices/parking lot – to serve the office building.
- Drains connecting to SICPP (Smooth Interior Corrugated Polyethylene) pipes will surround the southwest portion of the facility (office/parking lot and equipment area), which will direct stormwater to the proposed 8 ft. deep stormwater management facility on the southeast portion of the parcel – roughly 60 ft. from the SR 5&20 right-of-way. A swale on the northern boundary of the parcel and perforated wall drains surrounding the tank areas connect to SICPP pipes which lead to the SWMF facility.

- A 5 ft. containment berm (8 ft. high in some places) is to surround the tanks along the northern portion of the parcel, and the tanks along the southeastern portion of the parcel. Landscaping plans include the planting of 43 trees total – along areas with road frontage (Seneca Castle Rd. and SR 5&20). Trees include: 11 White Fir, 6 Autumn Blaze Freeman Maple, 3 Hackberry, 5 Blackgum, 16 White Spruce, and 2 Red Oak. The wetland to the east is to remain untouched. All areas not paved, planted, or specified otherwise will be seeded with lawn seed. A minimum of a 2-year guarantee shall be provided on all plant materials from date of final acceptance.

According to OnCor, the proposed facility occupies two parcels totaling 10 acres with frontage along SR 5/US 20 east of Seneca Castle Road. The project access will be off Seneca Castle Road just north of existing residence on the northeast corner owned by Casella Waste Systems. Casella also owns two small lots north of the project site. There is an existing home north of these lots that abuts the proposed project. Other adjacent land uses include truck and field crop acreage to the north and east, the Ontario County Landfill to the south across SR 5/US 20, and vacant commercial land to the west across Seneca Castle Road.

OnCor also indicates the project site has gentle slope of 9 percent or less, is not in a floodplain, and is not currently mapped as a NYS DEC wetland or potential wetland based on the National Wetland Inventory. There is stream along the eastern edge of the project site. Though the properties are not currently farmed, the soils are predominately lima loam which is prime farmland, partially hydric with moderately high permeability, and high erodibility.

The properties and other adjacent land east and west of Seneca Castle Road on the north side of SR 5/US 20 is zoned C-1 General Mixed Use. The intent of the C-1 district is to provide locations for general retail, service, finance, insurance real estate and related uses. Uses in the district are expected to be transitional in character and scale between rural agricultural areas and larger scale development in the C-2 Commercial District adjacent to the Town of Geneva. This is reflected in the 5,000 maximum aggregate square footage of allowable commercial uses in the district. The proposed project is considered a retail service use, permitted with site plan review.

The building area of 91,184 SF will collect and process manure from 11 area farms caring for 11,000 cows. The proposed anaerobic digestion process will capture the methane that would otherwise be emitted into the atmosphere and will convert it to natural gas sufficient to supply 1,700 homes. The produced gas will enter the NYSEG natural gas main that runs along the SR 5/US 20 frontage. The proposed project would generate 37 tractor trailers per day.

The short EAF submitted with the 152-2024 referred materials indicates a federal wetland permit will be required for 15,000 SF encroachment into the 2 acres on-site Federal Wetland. The Full EAF submitted with this referral indicates the wetland disturbance is limited to 870 sq.ft.

This project will also require: NYSDEC SPDES permit for stormwater management, NYSDEC Air Quality Registration, and other NYSDEC Permits.

The applicant representative was present at the July 9, 2024 CRC meeting and provided the following comments on the project:

- The layout of the site was recently re-designed/orientated in order to avoid disturbance to the wetland.
- The owners inquired about purchasing parcel on the corner of Seneca Castle Rd. and SR 5&20 and two other small Casella owned lots, but Casella was not interested.
- Proposed use would generate roughly 46 trips (92 total) back and forth from the facility, 6 days a week (Monday-Saturday). 9 trips (18 total – round trip) will head north on Seneca Castle Rd., 37 trips (74 total – round trip) will use NYS Route 5&20 (and the first 300 ft.) of Seneca Castle Rd. The developer is in agreement with the Highway Superintendent to place an agreed upon amount of money in escrow to repave the first 420 ft. of Seneca Castle Rd. once it is needed.
- Manure would be kept in holding tanks on individual farms 3-5 days at time and gathered by a specialized truck and transferred to on-site process tanks. Digestate process takes 16-25 days.
- The transfer to the digestate tank will be in an enclosed building – little to no odor should be present outside the facility.
- 75% of manure collected is from farms within a 6-mile radius. Participating farms include nearby Hemdale and Minns Farms who will likely seek funding for piping manure to facility.
- Gas is sold to NYSEG and they sell carbon credits to obligated / private parties. Benefits to the Municipality/County include:
 - Farms retain manure nutrients for land application while receiving payment for natural gas produced.
 - Manure greenhouse gas emissions are reduced/captured.
 - Employment Opportunities (6-8 trucking, 4 processing-facility workers, roughly 40 employees during construction for 3-4 years).

The applicant representatives were present for the July 2024 CPB meeting and provided additional information on the proposed project:

- Process Details
 - Fresh (3-5 days old) manure enters the site and is pumped from the truck into the 12' tall receiving tank (northern portion of the parcel). It then is piped to a digester tank (eastern portion of the parcel). Hemdale Farms will have their manure picked up 3 times a week.
 - The digester produces biogas (mostly methane, carbon dioxide, hydrogen sulfide). This process removes the sulfur – which is what creates most of the bad smelling odor.
 - A bio-scrubbing system removes the hydrogen sulfide from the carbon dioxide. The hydrogen sulfide is put in containers in solid form and picked

up by a certified company that safely disposes of the waste. Applicant representative mentions that this process is almost odorless. The carbon dioxide by-product is piped to a holding tank where it is sold-to/picked-up by companies who buy it as food-grade carbon.

- After hydrogen sulfide and carbon dioxide removal, what remains is purified natural gas to be entered into the NYSEG gas line along the property frontage and the liquid digestate. The digestate is then piped back to the storage/pick-up tank where it is pumped into tractor-trailer trucks and delivered to farms.
- Once at the farm (for Hemdale Farms), roughly 40% of the digestate is immediately applied to the fields. The remaining will either be pumped into available lagoon or a deal can be made to store it at another farm.
- In the event that there is a surge in methane production, there is a storage bubble where excess methane gas can be stored for a short time. If capacity is reached, a torch is ignited to burn off excess gas. While there will be times this is necessary to use, the owner/applicant has financial interest in using this as little as possible.
- There is an internal roadway for trucks to freely maneuver. All processing activities are to occur within the facility.
- A berm has been designed to surround the tanks and physically contain the spill of hazardous materials in the event of an emergency.
- Background Information
 - There are six (6) similar projects in the State, there is one existing in Ontario County.
 - 95% mass remains after manure is processed into digestate.
 - The odor people associate with manure is from older manure that has been sitting in lagoons for longer periods of time. This project deals with fresher manure (3-5 days old) in addition to removing the need for old manure storage on a farm – so it decreases the odor associated with manure.
 - There is a huge need for a manure digester in this area. It creates a more nutrient rich soil, reduces greenhouse gas emissions, and can also be sold as a product.
 - This proposed use would have a positive environmental impact. Greenhouse gas production from manure (methane) is much less once the manure is converted to natural gas and combusted.
 - Facility has currently agreed to serve every farm within a 6-mile radius except for one. It would receive manure from 11,000 cows and has the potential to receive manure from up to 16,000 cows.
 - The project contributes to meeting CLCPA (Climate Leadership and Community Protection Act) goals. By providing this service to farms, they are also hoping to aid/ensure that the agricultural community character is preserved on this primary travel corridor.

Relevant July 2024 Comments

1. Is additional landscaping/buffering needed along the western end of the north property line to minimize impact to adjacent residence?

Relevant July 2024 CRC Comments

1. Trees should be substantial at time of planting (not small trees that take years to grow). SR 5&20 has been identified as a primary travel corridor for tourists visiting Ontario County.

Relevant July 2024 CPB Comments

1. The applicant and project participants are commended for forward thinking attitude and application of innovation technology to contribute to state and local greenhouse gas reduction while also protecting water quality, rural community character, and the viability of farm operations.
2. The referring body should ensure their emergency service providers have knowledge, skills, and equipment to handle any fire or other emergency situation at the facility.

OCSWCD Comments

1. Are there any spills containment systems on site for loading and unloading trucks?
2. Location of drop inlets are not noted on provided plans.
3. Outlet of stormwater facility is located in an area which provides the least amount of buffer potential before reaching the class C stream.
4. Will the flare be within line of sight of the residence to the north?
5. Soil stockpile located immediately adjacent to drop inlet.
6. Consider additional signage along wetland boundary to ensure no disturbance during construction.
7. Are traffic flow paths provided? Based on an assumed circular, clockwise pattern locations of drop inlets within the gravel driveway have the potential to become damaged or grade to become unfavorable for drainage due to heavy truck traffic while turning.
8. Concrete truck washout should be installed a minimum of 100 feet from all drop inlets.

CRC Comments

1. The referring body should clarify with project engineer inconsistent 700' and 800' elevations on the grading plan.
2. Is the flare visible from Seneca Castle Road or SR5/US 20?
3. In response to question, applicant representative confirmed revision of the site layout to show no wetland disturbance on the site plan.

179-2024	Town of Farmington	Zoning Board of Appeals	Porretta, Noelle	Temporary Use Permit – 1
31.00-1-20.130	Temporary Use Permit to allow for excavation business (in addition to the existing use on the parcel – single-family residence) for commercial vehicle and equipment parking/storage – at 4484 State St. in the Town of Farmington.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45227/179-2024-Aerial-Porretta-Temp-Use-Permit>

<https://www.ontariocountyny.gov/DocumentCenter/View/45228/179-2024-Plans-Porretta-Temp-Use-Permit>

<https://www.ontariocountyny.gov/DocumentCenter/View/45229/179-2024-Referral-Materials-Porretta-Temp-Use-Permit>

Porretta Excavating has relocated their home and business from 4414 Latting Road to the current lot at 4484 State Street. In addition to the 2.7 lot in questions bounded by State Street, a Niagara Mohawk Power Easement, and the Village of Manchester water supply facilities, application materials indicate applicant owns an additional 3.5-acre parcel to the west of the water supply facility and 35 acres north of the power ROW. Green Renewables/Old Castle is located to the south across State Street. According to Oncor the project area is not in OC Agricultural District #1 and is not constrained by wetlands, floodplains, or steep slopes. The dominate soil type is Schoharie silty clay loam.

The Letter of Intent indicates the Town directed the applicant to apply for this 2-year temporary use permit while the Town amends its zoning regulations to include a wider variety of agricultural support businesses like Porretta Excavating in the A-80 Ag District. Excavating business site elements include an equipment storage building, additional equipment storage behind the building, and another area of material and equipment storage along the power ROW.

Comments

1. What stormwater management facilities are needed to accommodate the increased stormwater from added rooftop and paved areas?

180-2024	Town of Farmington	Zoning Board of Appeals	Bridges For Brain Injury, Laura Donaldson	Temporary Use Permit – 1
30.00-1-61.100	Temporary Use Permit to allow for a day and rehabilitation service – at 1111 County Rd. 8 in the Town of Farmington.			

<https://www.ontariocountyny.gov/DocumentCenter/View/45230/180-2024-Aerial-Rehab-Temp-Use-Permit>

<https://www.ontariocountyny.gov/DocumentCenter/View/45234/180-2024-Sketch-Rehab-Temp-Use-Permit>

<https://www.ontariocountyny.gov/DocumentCenter/View/45231/180-2024-LOI-Rehab-Temp-Use-Permit>

Bridges for Brain Injury plans to relocate their entire program from rented space on Duke of Gloucester Way to this property at 1111 CR 8. The property includes a ranch home and two horse barns with a combined area of 23,200 SF. An engineer has determined that renovating the barns to meeting NYS DEC and USDA requirements for housing and care of wild and exotic animals would be more expensive than building a new 12,000 SF barn. The organization also plans to build a 12,000 SF addition to the house for administrative space and additional program space, a green house, and a new entry drive and parking area. A separate application/referral will be required for construction of the house addition, new barn, greenhouse and related site modifications.

This 2-year temporary use permit will allow initiation of renovations to the existing home to Department of Health requirements for day program setting. The 25-acre project site is zoned A-80 as are lands to the north, south, and east. Land to the west across CR 8 is zoned R-25 and developed with a large lot frontage residential development According to OnCor, the project site includes 2.7 acres of mostly open water wetland and is not located in Ontario County Agricultural district #1 or constrained by floodplains or slopes.