

**ONTARIO COUNTY PLANNING BOARD**

Referrals for Review at the:

**Coordinated Review Committee Meeting –Tuesday August 13<sup>th</sup>, 2024, at 3:30pm 20 Ontario St., Room 122A, Canandaigua, NY**

**County Planning Board Meeting – Wednesday August 14<sup>th</sup>, 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>
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153-2024	Town of Victor	Zoning Board of Appeals	Boester, Michael	Area Variance - 1
6.00-1-34.100	Area Variance for a 336 SF accessory structure (shed) to have a rear setback of 7 ft. and a side setback of 9 ft. where a minimum of 30 ft. is required. Project is located at 7622 County Road 42 in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44865/153-2024-Aerial-Boester-Shed-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44870/153-2024-Test-Questions-Boester-Shed-Variance>

<https://ontariocountyny.gov/DocumentCenter/View/44869/153-2024-Survey-Boester-Shed-Variance>

The residential use of the property is considered a pre-existing non-conforming use – parcel is currently in the Light Industrial (LI) Zoning District. Surrounding land uses are commercial or industrial. The proposed 14 ft. x 24 ft. storage shed (14 ft. x 30 ft. with the attached porch) is proposed to be located in the northeast corner of the parcel. Trees along the perimeter of the property (north – rear of parcel; and east – side yard) lie between the proposed shed. Disturbance is estimated to be less than 0.2-acres.

In the Area Variance Test Questions, the applicant mentions:

- The granting of this area variance will not produce an undesirable change in the character of the neighborhood and it will not be a detriment to neighboring properties. Neighboring properties are industrial uses with dumpsters, construction equipment, etc.
- The benefit sought cannot be achieved by a method other than an area variance. The are requesting the area variance to conserve the open space and a garden in the back yard.
- The applicant and neighbors do not believe this area variance is substantial. Neighbors do not see the storage shed as large enough to be noticeable / important in regards to their operations.
- The proposed area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood / district. The site is currently clear, flat and well drained. No major excavation is necessary. There will be no disturbance to trees/shrubs/septic field area.
- The request for the area variance is created through the need for more storage space (items that could be stored in this proposed shed are currently taking up one bay of their two-bay garage). Granting the area variance will also maximize open and garden space in the backyard. The applicant believes these proposed changes are practical and necessary for the reasonable use of the property.

154-2024	Town of Victor	Zoning Board of Appeals	Kaier, Robert & Jeri	Area Variance - Exempt
40.02-1-31.000	Area Variance for a 200 SF accessory structure (shed) to be placed forward of the front line of the principal structure (house). Project is located at 6420 Claremont Ct., just south of CR41 in the Town of Victor.			

155-2024	Town of Canandaigua	Planning Board	Morgan, Cullen	Special Use Permit - 1
125.00-1-31.111	Special Use Permit to install both tower- and ground-mounted equipment on an existing 159 ft. co-located monopole tower communications facility. Project is located at 4430 Deuel Rd. in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44877/155-2024-Aerial-T-Mobile-Tower-SUP>

<https://ontariocountyny.gov/DocumentCenter/View/44881/155-2024-Site-Plan-T-Mobile-Tower-SUP>

This project was referred at the August 2023 County Planning Board meeting (as 150-2023 and 162-2023) for area variance (for a tower erected in a drumlin area) and site plan approval to construct and operate the 155 ft. (+ 4 ft. lightning rod) monopole tower communications facility (w/ associated improvements). The tower, access drive, and 7 ft. fence are now constructed. Four (4) separate stormwater management basins (within stormwater easements) run along the access road. This month, the current referral is for special use permit approval for the tower’s use for “essential services, public utility or communications installations” (Town of Canandaigua Town Code Section 220-16E).

The proposed colocation will include both tower-mounted equipment, to be installed at a centerline-height of 141 ft., and ground-mounted equipment to be installed on a proposed 164.4 SF (10’2” x 16’2”) concrete pad adjacent to the base of the tower within the existing fenced compound. Tower-mounted equipment to be installed includes nine (9) antennas, six (6) RRUs, and three (3) hybrid cables. Ground-mounted equipment will include the installation of the concrete pad, three (3) equipment cabinets, one (1) H-frame, one (1) ice canopy, one (1) 48 kW diesel emergency backup power generator, and one (1) Generator ATS. Utilities will be routed via a proposed cable bridge to the tower, from the equipment area. Total disturbance is to be less than one acre. The tower appears to have ground space for 2 additional carriers (3 total).

The 34-acre property and most adjacent properties are in OC Agricultural Districts #1. The assessor has listed the use of the property as field crops and OnCor shows the non-wooded areas of the site as cultivated in conjunction with fields on adjacent lot under common ownership. Surrounding parcels are either residential or agricultural uses. The fall zone extends outside the leased area, but is contained on the property. Also, according to OnCor,

there are significant areas of 15 to 30 and 31 to 60 percent slope. Based on the town’s 2020 Natural Resource Inventory, the project site is not visible from Canandaigua Lake.

Town Code Section 220-60(1)(a) states, “where co-location antennas exist, the period of approval for the co-located antenna shall be five years or the authorized franchise period remaining on the permit from the Federal Communications Commission”.

156.0-2024	Town of Manchester	Zoning Board of Appeals	Gardner, Steven	Use Variance - 2
20.00-1-47.111	Use Variance and Site Plan for an existing 2,400 SF building to be used as a used automotive (cars, trucks, ATVs) sales shop. Subject parcel is located on the northwest corner of the Hackett Rd. and SR21 intersection in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/44883/1560-2024-and-1561-2024-Aerial-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44884/1560-2024-and-1561-2024-CCE-Letter-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44888/1560-2024-and-1561-2024-Sketch-Gardner-Auto-Shop>

<https://ontariocountyny.gov/DocumentCenter/View/44889/1560-2024-and-1561-2024-ZBA-App-Gardner-Auto-Shop>

Referral was previously submitted to the County in November 2021 as 224-2024, 224.1-2024, and 224.2-2024. 224-2024 and 224.1-2024 were for a sign permit and Site Plan for the 2,400 SF building to be used as an automotive shop – both recommended as incomplete by the County Planning Board. 224.2 was for a use variance for the same project – recommended for denial. This month, the applicants are currently re-referring for the use variance and site plan. There is no proposed disturbance on the 22.2-acre parcel.

The parcel is located in the Agricultural (AG) Zoning District. Allowable principle uses in the AG Zoning District are:

- Agricultural (Agricultural, agri-business, or agri-tourism operation)
- Residential (single / two family /multiple family dwelling, bed-and-breakfast)
- Commercial (Airport/Heliport, campground, day-care facility, golf course, gun range, kennel / animal hospital)
- Other (Cemetery, essential services, public park / playground, outdoor recreation facility, religious institution, tier 3 solar energy collection system, telecommunications facility)

The subject parcel and surrounding parcels are all within the Ontario County Agricultural District #1. Subject parcel has a vacant (with improvements) land use, and surrounding land uses are a mix of agricultural, residential, and commercial. According to OnCor – a National Wetland lies on the southern portion of the parcel, and on surrounding parcels to the east and west. The parcel has predominately gentle to no slope (0-9% gradient, downhill from north to south) and is mostly Palmyra Cobbly Loam (not hydric, high permeability, medium erodibility, is considered an area of prime farmland, and is in hydrologic soil group B). A letter from the Sr. Resource Educator for the Ontario County Cornell Cooperative Extension (Russell Welser) mentions that the parcel is covered primarily with trees, shrubs, and several areas of Federal/State designated wetlands. There is “essentially no open land suitable for crop farming”. From some older map references, it was found that mining activity occurred on part or all of this parcel going back to the early 1900s. Mr. Welser mentions that because of the past mining activity, Federal/State designated wetlands, the present shrub/tree establishment - the economics in trying to return this land to traditional agriculture would not be practical. This parcel would be better used for outdoor recreation, wildlife habitat and forestry. This parcel “cannot be farmed”.

Applicant mentions that they expect 0-1 customers a week. They are proposing a (4 ft high) 24 SF free-standing commercial speech sign that “meets all code requirements” and 10 or less parking spaces. Access comes off of existing drive on State Route 21.

If requesting a use variance, that is, permission to establish a use of property not otherwise permitted in the zoning district, the applicant must prove “unnecessary hardship.” To prove this, State law requires the applicant to show all of the following:

1. that the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district (actual “dollars and cents” proof must be submitted);
2. that the property is being affected by unique, or at least highly uncommon circumstances;
3. that the variance, if granted, will not alter the essential character of the neighborhood; and
4. that the hardship is not self-created.

If any one or more of the above factors is not proven, State law requires that the ZBA must deny the variance.

In the Use Variance test questions, the applicant mentions:

1. Show in “Dollars and Cents” that the land in question, if used for any permitted use, will not yield a reasonable return.
  - Applicant refers to Cornell Cooperative Extension Letter.
2. Show that the hardship is unique and is not shared by all properties in the neighborhood.
  - “AG properties in the neighborhood can be farmed, light industrial zoned properties are being used for that use”.

3. The granting of the variance will not alter the essential character of the area as it “cannot be seen from the road”.
4. Show that the hardship is not self-created.
  - o “I have not sold off portions of this property”.

**Comments**

1. Was the property zoned Ag with the current use restriction when purchased? This information is relevant to whether the hardship was self-created.
2. Does the applicant plan on hiring employees in the future?
3. What are the hours of operation? Will the noise level be appropriate for the area?
4. Where will the vehicles be displayed? On the ground? Will vehicle repair be taking place? There is potential for environmental contamination if equipment is not properly stored. Proper containment and disposal of fluids needs to be taken.

156.1-2024	Town of Manchester	Planning Board	Gardner, Steven	Site Plan - 1
20.00-1-47.111	Use Variance and Site Plan for an existing 2,400 SF building to be used as a used automotive (cars, trucks, ATVs) sales shop. Subject parcel is located on the northwest corner of the Hackett Rd. and SR21 intersection in the Town of Manchester.			

See 156.0-2024

157.0-2024	Town of Manchester	Planning Board	Bell Atlantic Mobile Systems	Special Use Permit - 1
12.00-1-11.100	Special Use Permit and Site Plan to construct and operate a 195 ft. (+4 ft. lightning rod) monopole tower communications facility and associated improvements at 3139 Bird Rd. in the Town of Manchester.			

<https://ontariocountyny.gov/DocumentCenter/View/44890/1570-2024-and-1571-2024-Aerial-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44893/1570-2024-and-1571-2024-Elevations-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44896/1570-2024-and-1571-2024-Grading-Plan-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44900/1570-2024-and-1571-2024-Site-Plan-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44894/1570-2024-and-1571-2024-FEAF-Verizon-Tower>

<https://ontariocountyny.gov/DocumentCenter/View/44980/1570-2024-and-1571-2024-Visual-EAF-Verizon-Tower>

The proposed tower will include nine (9) attached wireless telecommunications antennas. The tower appears to have ground space for 2 additional carriers (3 total). Ground improvements include: equipment cabinets on a 137.5 SF concrete slab (with an ice canopy above), a cable bridge (connects to underground local utilities via easement), a propane generator on a 32 SF concrete slab, a 500-gallon propane tank on a 40 SF concrete slab, an H-frame, all enclosed by a 7 ft. tall chain-link fence w/ barbed wire. The tower is setback 290 ft. or more from property lines. The fall zone lies completely within the leased area.

The parcel is 24.4-acres – total disturbance from the project is to be 0.77-acres. Some trees/shrubs are to be cleared for the tower site (fenced area). The applicant is leasing 0.23-acres of land from the landowners for this tower. There is a proposed 10 ft. wide (roughly 675 ft. long) access road (gravel) with an access gate is to provide access to the tower via an easement. The road runs along (just outside) the edge of the woods to the west. Access is to come from Bird Rd. to the north. A proposed 12” diameter (20’ long) HDPE pipe with rip-rap protection is to pass under the road. A check-damn will run along the east-side of the access road.

Land cover is currently open fields / woods. According to the submitted site plan, a federal wetland (pond) lies just north of the proposed tower site (on the parcel) – there is no proposed disturbance in this area. There is also a delineated federal wetland (on the same parcel) just east of the proposed tower site. Trees (5-8 ft. tall) exist along the road frontage of the parcel. Forested land lies on the western and southern portion of the parcel.

Agricultural land lies on the adjacent parcel to the east. A drumlin exists directly west of the proposed tower location (tower site ground level 70-80 ft. lower in elevation from the top of the drumlin). Subject parcel land use is listed as rural residential and agricultural (according to OnCor). Surrounding land uses are either agricultural or residential. In the submitted visual EAF, it mentions the tower is visible from both County and local roads, at a range of 0.5 to 3 miles. It is estimated that on average, 181 people would view this tower per day. Subject parcel and surrounding parcels are in Ontario County Agricultural District #1. Disturbance is in area with gentle to no slope (0-9% gradient). Soil disturbed is Phelps Gravely Silt Loam (not hydric, high permeability, medium erodibility, is an area of prime farmland, and is in hydrologic soil group B/D).

The tower removal letter states that “Verizon Wireless agrees to remove its facilities and improvements if the proposed wireless telecommunications facility becomes obsolete or ceases to be used for its intended purpose. Removal will occur after ninety (90) days of cessation of use and will submit a removal bond prior to commencing construction”.

**Comment**

1. Does the telecommunications pole require lighting? Will it be rotating? What color?

157.1-2024	Town of Manchester	Planning Board	Bell Atlantic Mobile Systems	Site Plan - 1
12.00-1-11.100	Special Use Permit and Site Plan to construct and operate a 195 ft. (+4 ft. lightning rod) monopole tower communications facility and associated improvements at 3139 Bird Rd. in the Town of Manchester.			

See 157.0-2024

158-2024	Town of Victor	Planning Board	Flower City Dispensary	Site Plan - AR 1
6.00-1-7.120	Site Plan to operate a legal cannabis retail store (within the Cannabis Retail Dispensary Overlay District) in an existing building at 8053 SR96, just south of the Monroe County line, in the Town of Victor.			

<https://ontariocountyny.gov/DocumentCenter/View/44904/158-2024-Aerial-Flower-City-Cannabis-Retail>

<https://ontariocountyny.gov/DocumentCenter/View/44907/158-2024-LOI-Flower-City-Cannabis-Retail>

<https://ontariocountyny.gov/DocumentCenter/View/44905/158-2024-Floor-Layout-Flower-City-Cannabis-Retail>

**Policy AR-4: Use of existing facilities for a permitted use with no expansion of the building or paved area.**

Applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area of have been determined by this Board to be a category of referrals with no potential countywide or inter-municipal impact. Applications for specially permitted uses or the addition of drive through service are not covered under this policy and will require full board review.

**Final classification** shall be Class 1

**Findings:**

1. Applications addressed by this policy propose no new development.
2. Applications addressed by this policy include only permitted uses.
3. Such applications present little potential for countywide or intermunicipal impact.

**Final Recommendation** – The CPB will make no formal recommendation on applications involving only the use of existing facilities for a permitted use with no expansion of the building or paved area (Class 1).

**Comments** from individual members and staff shall be so designated and sent to the referring agency.

159-2024	Town of Gorham	Planning Board	Horst, Jacob	Minor Subdivision - Exempt
129.00-1-37.110	Subdivision of a 39.2-acre parcel into two (2) parcels: Lot 1 – 4.2-acres and Lot 2 – 35-acres. Subject parcel is located along the south side of CR18 in the Town of Gorham.			

160-2024	Town of Gorham	Planning Board	Prestgiacomo, Andy	Site Plan - Exempt
127.11-1-52.000	Site Plan to construct a 24.25 ft. x 60 ft. multi-use recreational area on a residential vacant parcel on Deep Run Cv. in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44913/160-2024-Plans-Recreation-Area>

**OCSWCD Comments**

1. Location of perimeter drain outlet not specified on plans. Outlet protection should be used when installing.
2. Will perimeter drain have above ground inlet or be buried?
3. Consider green infrastructure practice to manage surface water runoff from site.

161-2024	Town of Gorham	Planning Board	Stern, Allan	Site Plan - Exempt
113.15-1-38.000	Site Plan for the demolition of three (3) existing structures on the parcel and to replace them with a single, 3,956 SF two-story residence at 3948 SR364 in the Town of Gorham.			

162.0-2024	Town of Gorham	Planning Board	LeTourneau Christian Center Inc.	Site Plan - 1
141.00-1-43.100; 154.00-3-3.100	Site Plan and Subdivision (Lot Combination – combining 4961 CR11 with 4950 CR11, creating a 26.5-acre parcel) for the construction of a multi-purpose facility and additional parking to accommodate indoor sports, social events, and communal activities. Project is located at 4950 CR11 (Letourneau Christian Center) in the Town of Gorham.			

<https://ontariocountyny.gov/DocumentCenter/View/44923/1620-2024-and-1621-2024-Aerials-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44924/1620-2024-and-1621-2024-Concept-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44925/1620-2024-and-1621-2024-Driveway-Profile-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44927/1620-2024-and-1621-2024-Grading-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44929/1620-2024-and-1621-2024-Landscape-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44932/1620-2024-and-1621-2024-Site-Plan-Community-Center>

<https://ontariocountyny.gov/DocumentCenter/View/44931/1620-2024-and-1621-2024-SEAF-Community-Center>

Subdivision (lot combination) will join the 4961 CR11 (southern parcel) with 4950 CR11 (northern parcel). Overall demolition plans for the site includes: removal of up to twelve (12) trees, removal of existing pipes and inlets along roadsides, adjustment/removal of culverts as necessary, adjustments/removal of certain portions of the driveway as necessary, and removal of one of the three (center) access drives. The proposed building and attached parking lot will require the removal of light poles, chain link fence, and two (2) existing cabins along the southern (rear) portion of the combined parcels.

Throughout the 26.5-acre combined parcel, the area of proposed work is predominately in mowed lawn. Subject parcel land use is recreation/entertainment, and surrounding parcels are predominately residential. Proposed disturbance occurs in areas ranging from gentle slope (4-9% gradient) up to areas of steep slope (16-30%) towards the Canandaigua Lake. Soil disturbed is Cayuga Silt Loam (not hydric, moderately high permeability, very high erodibility, is farmland of statewide importance, and is in hydrologic soil group C/D).

A new 20' wide asphalt drive will replace the existing stone drive throughout the parcel. There are 102 total parking spaces proposed (4 ADA spaces) throughout the parcel, in addition to 51 land-banked parking spaces. A new concrete walk is proposed to connect the

north and south internal roadway. Three new trees are proposed to be planted (2 Autumn Blaze Freeman Maple and 1 Red Oak) surrounding the proposed building. 17 proposed pole-mounted area/site luminaires are to surround the internal roadway, as well as the new parking lot. Public water service and sewer services are to connect to the proposed building, and overhead electric will connect via a new transformer. 2' x 2' inlet structures and rip-rap areas collect stormwater and direct it to one of two proposed bio-retention areas – both lie on the southern portion of the parcel. Lot coverage is to remain under 30% and greenspace is to remain over 25% - meeting the Town's zoning requirements. Of the 26.5-acre (combined) parcel, the total disturbance is to be approximately 3.6-acres. Limits of disturbance are to be surrounded by a silt fence.

County Planning Board Bylaws relating to development on lakefront parcels state:

- Increased runoff from lakefront development is more likely to impact water quality.
- Protection of water features is a stated goal of the CPB. The Finger Lakes are an indispensable part of the quality of life of Ontario County.
- Proper stormwater and erosion control is needed to protect ground and surface waters.

#### Comments

1. Will the parking spaces be paved? Is the number of ADA spaces (4) proposed sufficient?
2. How much additional impervious surface is being created?
3. Project appears to have disturbance in the steep slope area (16-30% gradient). Plans should indicate how much disturbance is occurring in this area.
4. What will hours of operation be for the event center?
5. Referring Board may want to consider requiring additional tree plantings / stormwater management to help reduce impacts off runoff / erosion.

#### OCDPW Comments

1. Sheet C101 shows that the southernmost driveway is being widened over the two existing catch basin's that are currently on both sides of the driveway.
  - a) Are these catch basin's being brought up to driveway grade? If so, will the current drainage grates meet live load capacity?
  - b) If the drainage grates are being raised, what is the plan to capture any water in the swales on either side of the driveway?
  - c) How do you plan to catch any water coming down the driveway at a 13% slope?
  - d) We have record drawings showing a pipe connected below the driveway, running out to the lake. We will have to do some more investigating to verify the accuracy. Please reach out to DPW for those record drawings and more information.
2. Where the middle driveway is being removed, what kind of grading work is being proposed for the ditch/swale that will be made with the removal of the culvert pipe and driveway?

3. Provide a driveway profile for both entrances showing a descending tangent from the pavement edge of County Road 11 back towards the right-of-way line. The grade of the tangent shall be no flatter than - 1.5% and no steeper than -3%. The tangent shall connect to the ascending tangent with a sag vertical curve. The low point in the sag curve should be located to allow drainage from the driveway to runoff into the roadside ditch and not flow into the traveled way of the County Road. The length of the sag vertical curve shall be determined by applicable design standards.
4. 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/1260/Highway-Work-Permits>.
  - In addition, Applicant’s contractors will also be required to provide insurance per attached insurance schedule; proof of Worker’s Comp & Disability insurance must be on appropriate forms, we cannot accept on ACORD form.
  - A copy of the SWPPP will also be required prior to permit approval.
5. DPW will not approve the driveway permit until we receive verbal or written acceptance from the Town of Gorham stating all site plan documents meet their access management guidelines.

**OCSWCD Comment**

1. Current emergency overflow of upper retention area is directed at existing building. Consider relocating to the southwest of berm towards existing drainage.

162.1-2024	Town of Gorham	Planning Board	LeTourneau Christian Center Inc.	Minor Subdivision - 1
141.00-1-43.100; 154.00-3-3.100	Site Plan and Subdivision (Lot Combination – combining 4961 CR11 with 4950 CR11, creating a 26.5-acre parcel) for the construction of a multi-purpose facility and additional parking to accommodate indoor sports, social events, and communal activities. Project is located at 4950 CR11 (Letourneau Christian Center) in the Town of Gorham.			

See 162.0-2024

163-2024	Town of Canandaigua	Planning Board	Berliner, Brett	Special Use Permit - 1
126.00-1-56.110	Special Use Permit to operate a short-term rental with a maximum overnight occupancy greater than 12 at 4410 Middle Cheshire Rd., in the Town of Canandaigua.			

<https://ontariocountyny.gov/DocumentCenter/View/44952/161-2024-Layout-and-Elevations-Stern-Home>

<https://ontariocountyny.gov/DocumentCenter/View/44933/163-2024-Aerial-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44936/163-2024-Sketch-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44937/163-2024-Survey-Plat-Berliner-STR>

<https://ontariocountyny.gov/DocumentCenter/View/44935/163-2024-LOI-Berliner-STR>

There will be a total of six (6) bedrooms at the short-term rental (STR), able to hold up to 32 people. According to Town Code Section 2017E Maximum Occupancy, “the zoning inspector shall establish the maximum overnight occupancy in accordance with Uniform Code”. Per NYS Property Maintenance Code, the Zoning Officer determined that 32 people are allowed. The Town of Canandaigua Zoning Inspector commented that the applicant is in the process of having a 500-gallon septic expansion installed just east of the existing home.

According to OnCor, the subject parcel:

- Is within and has neighboring parcels in the Ontario County Agricultural District #1.
- Subject parcel has residential land use. Surrounding land uses are residential or agricultural.
- Existing home is over 500 ft. from the right-of-way and over 500 ft. from another residence.

**Comments**

1. Is parking sufficient to accommodate 32 overnight guests?
2. Town Code Section 201-4B states, “In no event shall a STR permit be issued for a STR with a maximum occupancy greater than 18 overnight guests”. Would this a overnight occupancy of 32 people require an area variance?

164-2024	Town of Canandaigua	Planning Board	Meagher, Wendy	Minor Subdivision - Exempt
83.00-1-25.120	Subdivision of a 59.9-acre parent parcel into Lot 1 (52.9-acres) and Lot 2 (7-acres) at 5575 SR5&20 in the Town of Canandaigua.			

165-2024	Town of Seneca	Planning Board	Seedway Corp., Kessel Construction	Site Plan - 2
159.00-1-51.100	Site plan to build a 110,000 SF processing and storage facility on Seedway agricultural lands on Austin Road in the Town of Seneca. Building for relocation/expansion of business including grain bins, mill, warehouse, lab, and offices.			

<https://ontariocountyny.gov/DocumentCenter/View/44946/165-2024-Aerial>

<https://ontariocountyny.gov/DocumentCenter/View/44949/165-2024-Plans>

<https://ontariocountyny.gov/DocumentCenter/View/44951/165-2024-Summary-Letter>

<https://ontariocountyny.gov/DocumentCenter/View/44948/165-2024-FEAF>

<https://ontariocountyny.gov/DocumentCenter/View/44950/165-2024-Renderings>

The project parcel is 268 acres and includes lands northwest of Wilson and Austin Roads, where the building would be built, as well as lands south of Austin Road and lands east of Wilson Road. The entire parcel and all adjoining properties are zoned Agricultural and in Ontario County Consolidated Agricultural District #1. The proposed building is a permitted farm related building used for the storage of products or equipment located on the same parcel as a principal farm use. Permitted farm buildings may also be used for the incidental processing of farm products.

Non-agricultural uses near the proposed building include a two-family home at the northwest corner of Austin and Wilson Roads, a single family home to the south of the project site across Austin Road, and a single family home at the southwest corner of Austin and Wilson Roads.

According to OnCor, there are no steep slopes, wetlands or existing or preliminary floodplains on the parcel or project site. OnCor indicates a 17 acres NYS DEC wetland east of the portion of the parcel southeast of Wilson Road. The EAF identified NYS DEC regulated wetland ST-39 with 24 acres on or adjacent to the site.

Existing site structures include a number of interconnected barns dating mostly from 1910 used for maintenance of agricultural equipment used in the farming operation and 5 circular bins used for grain storage. There also appears to be existing parking west of the buildings. The proposed building has access off Wilson Road and includes 6,000 SF of office space and 92,750 SF of warehouse space. A mill building of 8,750 SF located by the existing structures off Austin Road was included in the SWPPP and is not proposed for construction at this time. The mill and grain silos will remain operating at the Hall property.

The proposed building is 250' to 825' from property lines. The proposed project will disturb 39 acres of the 44 acres on the designated project site. The area of impervious surface is 7.2

acres up from 1.6 acres impervious area existing. The maximum height of the single-story building will be 40', within the 100' height limit for farm structures.

There are 15 passenger vehicle parking spaces, including 2 ADA accessible spaces, along the entrance/office portion of the building facing Wilson Road and 30 spaces in front of the south end of the building. The building elevations show 7 overhead doors on the front elevation facing Wilson Street, and 1 overhead door on both the north and south elevations. The concept plan also shows a planted berm along the rear of the adjacent two-family residential property, lighting along the entry drive, two stormwater management facilities to serve driveway and building area, a mound system for wastewater treatment, a stone drive around the entire building, and a 14,000 SF future expansion area at the north end of the building. The future mill building would be near the 58,000 SF stone area shown to the south of the building. Since the mill building is not proposed for construction at this time, this area is shown as the construction staging area for the proposed building.

### Comments

1. Are the 39 acres of highly productive soils identified on the EAF retained?
2. A limit of disturbance line should be shown on the site plan.
3. Could any of the 35 acres converted to meadow be used for agricultural production? Will land cultivation resume on lands surrounding the building northwest of Austin and Wilson Roads? Construction documents should be clear about limit of disturbance and placement of any topsoil removed from the building area. Will converted land be managed as meadow for wildlife habitat? Mowed?
4. The key and the pavement details show 3 pavement types; the concept plan shows an additional pavement type for the driveway and access to the areas with heavy duty pavement, likely loading docks.
5. Does the proposed site activity generate changes in site traffic on local roads? Changes in weight of typical vehicle?
6. What plans does the applicant have to reoccupy office and warehouse areas of existing buildings on Hall property?

### OCSWCD Comments

1. Concrete truck washout must be located a minimum of 100 feet from all drainage swales, storm drain inlets and surface waters.
2. Will there be direct access from staging area to construction zone or will trucks be required to enter the road and enter through the stabilized construction entrance?
3. Will stormwater drainage be tied directly into existing underground drainage?
4. Extensive underground field tile will be disturbed during construction and should be repaired and redirected upon project completion.
5. Proposed mound system is not indicated to be connected to lawn associated with processing facility. Care should be taken not to drive heavy equipment over this area.
6. SWPPP not provided for additional E&SC details