

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424
Phone (585) 394-1120 • Fax (585) 394-9476

Planning Board Decision Notification

Meeting Date: November 22, 2022

Project: CPN-22-079

Applicant

Aaron Henning
c/o Henning
Ammunition LLC
1821 Risser Road
Canandaigua, NY 14424

Owners

Kara Henning
(Muchard)
1821 Risser Road
Canandaigua, NY
14424

Project Type

Special Use Permit

Project Location

1821 Risser Road

Tax Map #

56.02-1-1-710

TYPE OF APPLICATION:

- ☐ Preliminary ☐ Final Phased ☐ One/Single Stage
☐ Subdivision ☐ Site Plan ☒ Special Use Permit

Applicant Request:

- ☒ Granted ☐ Denied ☐ Tabled
☐ Continued to:
☒ See attached resolution(s)

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):

- ☐ Type I ☒ Type II ☐ Unlisted
☒ See Attached resolution(s):

Negative Declaration Date:

Positive Declaration Date:

CANANDAIGUA TOWN CLERK

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Recommendation To:

- ☐ Town Board ☐ ZBA ☐ N/A ☐ See attached resolution(s)

Recommendation:

Surety Requirements:

- ☐ Landscaping: \$
☐ Other (specify): \$

- ☐ Soil Erosion: \$

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 5/25/23
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Release:

Certified By:

Chairperson, Planning Board

Date:

11/23/22

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
AARON HENNING, C/OR HENNING AMMUNITION LLC
REPRESENTING KARA HENNING (MUCHARD)
1821 RISSE ROAD – AR-2 ZONING DISTRICT
CPN 22-079 – TM# 56.02-1-1.710
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for Special Use Permit for a Major Home Occupation to manufacture ammunition within a single-family residence and storage of smokeless powder in a smokeless outdoor magazine building, with no sales occurring onsite and no customers permitted at the house, located at 1821 Risser Road within the AR-2 zoning district, and all other relevant information submitted as of November 22, 2022 (the current application); and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

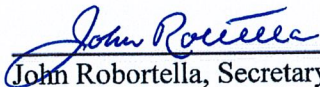
BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Charles Oyler and seconded by Scott Neal at a meeting of the Planning Board held on Tuesday, November 22, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	<i>AYE</i>
Scott Neal -	<i>AYE</i>
Bob Lacourse –	<i>AYE</i>
Amanda VanLaeken –	<i>AYE</i>
Charles Oyler -	<i>AYE</i>

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the November 22, 2022 meeting.

 L. S.
John Robortella, Secretary of the Board

CANANDAIGUA TOWN CLERK

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SPECIAL USE PERMIT APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for Special Use Permit for a Major Home Occupation to manufacture ammunition within a single-family residence and storage of smokeless powder in a smokeless outdoor magazine building, with no sales occurring onsite and no customers permitted at the house, located at 1821 Rissey Road within the AR-2 zoning district, and all other relevant information submitted as of November 22, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, the Applicant has requested a waiver from providing a professional prepared site plan, and said waiver was granted by the Planning Board; and

WHEREAS, the Planning Board has determined the Special Use Permit was consistent with the provisions of Chapter §220-35, and §220-59 of the Town Code; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. The special use permit (non transferrable) shall remain in effect for the current owner of the premises and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §220-35, and §220-59.
2. In compliance with Town Code §220-35 and §220-59, the Town Zoning Officer shall make an on-site visit at least once every three years, or as may be necessary to insure that the special use permit is being operated in accordance with the conditions specified by the Planning Board.
3. This specially permitted use if not begun, by way of start of operations or physical development of the site, within one year of the Planning Board vote to approve the special use permit, shall expire unless renewed by the Planning Board.
4. No signage is proposed with this application. If signage is requested, separate approval from the Town of Canandaigua will be required.
5. No off-street parking is allowed.
6. No customers will be permitted to visit the site.
7. No sales will be permitted onsite.

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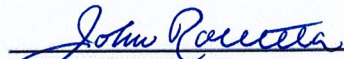
SPECIAL USE PERMIT APPROVAL RESOLUTION

8. The applicant is to maintain the ATF (Bureau of Alcohol, Tobacco, and Firearms) License and the NYS Explosives Magazine Certificate.
9. All materials as presented to the Planning Board at their November 22, 2022 meeting are to be forwarded to the Canandaigua Fire Chief for review.

The above resolution was offered by Mark Tolbert and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, November 22, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	<i>AYE</i>
Scott Neal -	<i>AYE</i>
Bob Lacourse –	<i>AYE</i>
Amanda VanLaeken –	<i>AYE</i>
Charles Oyler -	<i>AYE</i>

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the November 22, 2022 meeting.

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1. The Town of Canandaigua Planning Board is considering an application for Special Use Permit for a Major Home Occupation to manufacture ammunition within a single-family residence and storage of smokeless powder in a smokeless outdoor magazine building, with no sales occurring onsite and no customers permitted at the house, located at 1821 Risser Road within the AR-2 zoning district, and all other relevant information submitted as of November 22, 2022.
2. On November 22, 2022 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application.
3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
5. A Zoning Law Determination was prepared dated October 28, 2022:

DETERMINATION:

The applicant should address each of the conditions of approval necessary per 220-59(B) dictating Special Use Permits.

The Board will address each of these conditions, with the applicant, prior to making their decision.

REFERRAL TO PLANNING BOARD:

All Special Use Permits require Planning Board approval.

CODE SECTIONS: Chapter §1-17; §220-15; §220-59

6. This application was referred to the following agencies for review and comment:

- Chris Jensen, Town CEO
- Frank Magnera, Chief, Canandaigua City Fire Department

7. No comments were received from Chris Jensen, Town CEO.

8. Comments were received from Frank Magnera, Chief, Canandaigua City Fire Department, in an email dated October 14, 2022:

I have not seen anything on this as of yet. I'll have to research what the ATF requirements and NYS DHSES requirements are for storage quantities / parameters. Plus what the magazine distances should be from occupied structures and roadways.

Smokeless powder and similar propellants are relatively stable when stored correctly, not confined, exposed to shock, static electricity or fire. These Class B explosives can deflagrate easily under normal conditions and there is a potential for a mass detonation hazard if the product becomes confined. Overall it should be safe if properly handled and stored.

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We will need a site map with the magazine location and distances from any structures and the road.

It should be similar regulations to Young Explosives but let me get back to you on this..

9. The applicant provided a statement of operations dated September 21, 2022.
10. The Planning Board has considered all comments as part of their review of the application.
11. The Planning Board reviewed the proposed application in accordance with the requirements of §220-35 and §220-59 Special Use Permit for a Major Home Occupation and the following standards are met:
 - The property is in full compliance with the provisions of the Town Code..
 - The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises.
 - No other major home occupation is conducted upon the premises.
 - The special use permit must be issued to the owner of the premises who is an actual resident of the premises.
 - No more than two employees, whether full-time or part-time and whether paid or unpaid, who are not residents of the premises shall be permitted.
 - The major home occupation must be carried on within an existing or proposed building on the premises. A major home occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area, or 500 square feet of the principal dwelling unit. Home occupations in excess of 15% of the floor area of the primary structure may be required to meet commercial occupancy requirements as established in the New York State Uniform Fire Prevention and Building Code.^{III} A major home occupation may not be located in both a portion of the principal dwelling unit and a portion of an accessory structure located on the premises.
 - No site preparation or construction shall commence until final site plan approval as required by Town Code § 220-64, Authority; approval required, has been granted by the Planning Board.
 - The major home occupation must be fairly transparent and unobtrusive. The standard "fairly transparent and unobtrusive" requires that the nonresidential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:
 - Noise. The Board must find that the noise produced by the major home occupation is not likely to create any potentially significant adverse impact upon the adjacent neighborhood and that the type of noise and times of day of

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noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.

- Pedestrian traffic. The Board must find that the major home occupation is not likely to produce more pedestrian traffic to and from said premises than would exist in the case of a residence without a major home occupation and that the timing of such traffic is not inconsistent with traffic likely to be generated by the primary residential use.
- Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a major home occupation and that timing of such traffic is not inconsistent with the primary residential use.
- Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties or public rights-of-way.
- Lighting. The Board must find that the major home occupation does not create light trespass onto adjacent properties or public rights-of-way which would be inconsistent with the Town's lighting standards.
- Aesthetics. If any change is proposed to the exterior of the building, the Board must find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline.
- Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises. Where there is found to be additional waste products associated with a major home occupation that cannot be stored within such receptacles, then there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit, or behind the accessory structure used for the major home occupation and must be effectively screened from adjacent properties and the public right-of-way.
- Exterior display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory.

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- One commercial speech sign shall be permitted as provided for elsewhere in this chapter.
- In applying the above criteria, the Planning Board may consider the following:
 - The size of the lot (i.e., acreage, lot width and depth, shape, etc.);
 - The size and/or number of vehicles (including machinery) used in connection with such major home occupation;
 - The density and/or character of the neighborhood and the proximity of neighboring properties and residences;
 - The necessity for screening and/or buffering of the major home occupation from adjacent properties or public rights-of-way; and
 - The size and type of highway (i.e., state, county, Town) upon which such major home occupation is located.