

186 - 2020	Town of Phelps Town Board	Class: 2
Referral Type:	Map Amendment	
Applicant:	Next Amp Solar, LLC	
Property Owner:	Leach Road Land Company	
Tax Map No(s):	34.00-3-65.100	
Brief Description:	<p>Solar development company requesting to rezone 42 acre portion of 183 acre property between SR 96 and I-90 from RA to C1 to accommodate future development of a 5 MW AC solar facility in the Town of Phelps. Solar facility to be located west of Everson Road.</p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/26229/186-20-Aerial">https://www.co.ontario.ny.us/DocumentCenter/View/26229/186-20-Aerial</a></p> <p><a href="https://www.co.ontario.ny.us/DocumentCenter/View/26230/186-20-Conceptual-Layout-Plan">https://www.co.ontario.ny.us/DocumentCenter/View/26230/186-20-Conceptual-Layout-Plan</a></p>	

The 186-acre parcel includes land north of SR 96 and south of I-90 and south of SR 96 and North of the rail line and the Village of Clifton Springs which are zoned R-AG and 57 acres east of Everson Road zoned C1. The request is to rezone 42 of the 129 acres west of Everson Road and north of SR 96 from R-AG Residential Agricultural to C1 Commercial. Applicant owned lands to the west in the Town of Manchester are zoned C-1 Commercial. The letter of intent indicates portions of the parcel not proposed for re-zoning will remain in agricultural use

While the applicant letter of intents characterizes parcel soils as "less than ideal soils," according to OnCOR, the three dominant soils in the area proposed for re-zoning are prime farmland or prime if drained. Project site soils have medium to high erodibility and moderation to moderately high permeability. Also, according to OnCor, neither the 186-acre property nor adjacent lands to the east in the Town of Phelps or lands owned by the applicant to the west in the Town of Manchester are in the agricultural district. The parcel has little to no slope and no indicated wetlands. Approximately half of the SR 96 frontage north of SR 96 and west of Everson Road to a depth of 325' as well as additional areas south of SR 96 is in the floodplain.

Only the rezoning is being considered at this time although for information purposes a conceptual layout for a future solar facility is provided. The letter of intent indicates the applicant, Nexamp, will develop, build, own, and operate the solar facility.

The conceptual layout indicates a 200' stream off set to the solar panels, 100' front setback, 50' side and rear setback; 2327 lf access road, 15,938 solar modules, and 40' utility poles along the access road at SR 96. The EAF indicates 3 acres of disturbance resulting in .97 impervious acres from removing .93 acres of forest and .14 acres of meadow. The EAF indicates impervious area stormwater quality impacts will be mitigated with infiltration areas; other portions of the project area will continue to drain via swales to the stream.

The conceptual layout does not indicate landscape screen to the road and adjacent properties as required by Town Code and no detailed information is provided regarding operations, maintenance, or decommissioning.

**Comment** How will the rezoning impact the 8 acre residential use off Everson Road between the existing and proposed C-1 Commercial areas?

**Board Motion:** To retain referral 186-2020 as a class 2 and return it to the local board with comments and a recommendation of approval.

**Motion made by:** Patti Wirth **Seconded by:** Jack Dailey

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

187 - 2020	Town of Canandaigua Planning Board	Class: AR 2
Referral Type:	Area Variance	
Applicant:	Marks Engineering	
Tax Map No(s):	98.15-1-38.110	
Brief Description:	<p>Area variance for addition of 300 SF deck to home at 3528 Sandy Beach Drive in the Town of Canandaigua. Addition will result in 63 percent lot coverage when 40 percent is allowed.</p>	

<https://www.co.ontario.ny.us/DocumentCenter/View/26231/187-2020-1--page-site-plan-Sandy-Beach-Drive-3528-2020-10-20>

Deck addition to be on lakeside portion of property between lake edge of house and waterside concrete patio. The addition will disturb .05 acres of .17 acre lot.

According to OnCor, the lot includes underwater property categorized as wetlands and the existing patio and house are in the floodplain. The lot has moderate slopes of less than 9 percent. The lakeside Rhinebeck soils are highly erodible and partially hydric.

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

**Part B Development of Lakefront Parcels.**

B. The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

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

**Final Classification: 2**

**Findings:**

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

**Final Recommendation: Denial**

**Comments:**

1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve the Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
3. The EAF indicates stormwater impacts will be mitigated by stormwater management devices but none are shown on the site plan.

188 - 2020	Town of Canandaigua Planning Board	Class: Exempt
Referral Type:	Site Plan	
Applicant:	Tintera, Anthony	
Property Owner:	Sweetman, James and Colleen	
Tax Map No(s):	113.17-1-14.000	
Brief Description:	Site plan, area, and use variance for home at 4015 CR 16 in the Town of Canandaigua. Use variance for second house on property. Area variances for 42' front setback when 60' is required and 29 per cent lot coverage when 22.5 percent is allowed as more than 50 percent of the site disturbance is in the steep slope protection area.	