

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, February 10, 2015, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz
BOARD MEMBERS: Richard Gentry, Jane Hollen, Charles Oyler, Ryan Staychock
SECRETARY: Kathy Gingerich
STAFF MEMBERS: Lance Brabant, MRB Group
Christian Nadler, Planning Board Attorney
Douglas Finch, Director of Development

Pledge of Allegiance

Introduction of Board Members and Staff

Overview of Emergency Evacuation Procedure

Attest to the Publishing of Legal Notices

Privilege of the Floor

SKETCH PLANS: *None at this time*

CONTINUED PUBLIC HEARINGS: *None at this time*

NEW PUBLIC HEARINGS: *None at this time*

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS: *None at this time*

CONTINUED PRELIMINARY (PHASED) SITE PLANS: *None at this time*

NEW PRELIMINARY (PHASED) SITE PLANS: *None at this time*

CONTINUED FINAL (PHASED) / ONE-STAGE SITE PLANS:

CPN-084-14 Sarah Genecco, owner of property at 1880 NYS Route 332, TM#55.02-1-7.100, is requesting one stage site plan approval for a commercial addition (Stella's Florist) in the CC zoning district. *(continued to February 24 meeting)*

NEW FINAL (PHASED) / ONE-STAGE SITE PLANS:

CPN-091-14 Design Works Architecture, representing Elizabeth & Robert Withers, owners of property at 3582 County Road 16, TM#98.17-1-21.000, is requesting one stage site plan approval for a residential addition in the RLD zoning district. *(continued to March 10 meeting)*

BOARD BUSINESS

- ❑ Approval of January 27, 2015 meeting minutes
 - ❑ Referrals from Town Board: *None at this time*
 - ❑ Recommendations to Zoning Board of Appeals: *None at this time*
 - ❑ Recommendations to the Code Enforcement Officer: *None at this time*
 - ❑ Resubdivision / Annexations: *None at this time*
 - ❑ Letter of Credit/Bond Releases: *None at this time*
 - ❑ Comprehensive Plan – General Discussion
 - ❑ Other Business as Required:
 - Fox Ridge Phase 5B amended final site plan approval
 - Schottland Chosen Spot LLC amended final site plan approval
 - Code Updates
-

STAFF REPORTS:

- ❑ Town Consulting Engineer
- ❑ Planning Board Attorney
- ❑ Director of Development
- ❑ Board Member Reports
- ❑ Topics

UPCOMING APPLICATIONS

February 24, 2015 Meeting:

- Applications:
 - CPN-002-15, Finger Lakes Glass for Pelusio (4406 Route 5 & 20), special use permit for an automobile repair shop in the CC zoning district
 - CPN-003-15, ACE Hardware for Genecco (1802 NYS Route 332), one stage site plan for two building signs in the CC zoning district
 - CPN-006-15, Dave & April Dawson (3692 County Road 16), one stage site plan for a residential addition in the RLD zoning district
- OnCor training (March 10 meeting)
- Conservation easements (follow-up to Meeting of the Boards discussion)

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DVR, INC REPRESENTING SCHOTTLAND CHOSEN SPOT LLC
4711 NORTH MENTETH DRIVE & 5273 MENTETH DRIVE
CPN 039-14 TM# 140.11-1-19.000 & 140.11-1-21.200
AMENDED SINGLE-STAGE SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an amended Single-Stage Site Plan approval to remove an existing driveway located on 4711 North Menteth Drive (Tax Map Parcel #140.11-1-19.000) and stabilize with seed and straw mulch in lieu of sod as previously approved located in the RLD zoning district and as described on the Site Plans dated January 2015 and all other relevant information submitted as of February 10, 2015 (the current application), and

WHEREAS, the Planning Board completed a formal review of the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), 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 Planning Board granted single-stage site plan approval on October 28, 2014 for the drawing last revised January 2015; 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 amended Single-Stage Site Plan Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. Once all conditions of amended Single-Stage Site Plan Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the amended Single-Stage Site Plan Approval, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
3. A soil erosion surety in the amount to be determined shall be provided and accepted by the Town Board prior to the issuance of building permits. The surety is to include topsoil, seed, subbase materials, and pavers.
4. A cross section and detail of the proposed pavers is to be provided to the Town Engineer for review and approval.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
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AMENDED SINGLE-STAGE SITE PLAN APPROVAL

The above resolution was offered by Charles Oyler and seconded by Ryan Staychock at a meeting of the Planning Board held on Tuesday, February 10, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry - *Absent*
Charles Oyler - *Aye*
Jane Hollen - *Absent*
Ryan Staychock - *Aye*
Thomas Schwartz - *Aye*

I, Kathleen Gingerich, 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 February 10, 2015 meeting.

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
DVR, INC REPRESENTING SCHOTTLAND CHOSEN SPOT LLC
4711 NORTH MENTETH DRIVE & 5273 MENTETH DRIVE
CPN 039-14 TM# 140.11-1-19.000 & 140.11-1-21.200
AMENDED SINGLE-STAGE SITE PLAN APPROVAL

October 28, 2014 – Single-Stage Site Plan Approval

1. The Town of Canandaigua Planning Board granted Single-Stage Site Plan approval for the removal of an existing driveway and construction of a new driveway including walking trails and septic system and leach field improvements within the RLD on October 28, 2014 with conditions.
2. The existing driveway to be removed is located on 4711 North Menteth Drive (Tax Map Parcel #140.11-1-19.000).
3. The proposed new driveway for 4711 North Menteth Drive will cross onto the neighboring parcel to the south 5273 Menteth Drive (Tax Map Parcel #140.11-1-21.200) and connect to Menteth Drive.
4. The proposed project also included the abandonment of existing septic systems and leach fields located on both parcels 4711 North Menteth Drive and 5273 Menteth Drive.
5. The applicant constructed two new septic systems and leach fields to service the two lots with the two leach fields located across County Road 16 on 4702 County Road 16 (Tax Map Parcel #140.11-1-37.2).
6. The septic systems will be pumped across County Road 16 to the leach field systems.
7. The Planning Board discussed the need of a generator is to be installed and operational prior as the site is being served by a non-conventional onsite wastewater treatment system requiring a pump.
8. An approval from the George Barden, Canandaigua Lake Watershed Inspector regarding the proposed septic systems and leach fields for both lots (4711 North Menteth Drive and 5273 Menteth Drive) located on 4702 County Road 16 is required.
9. An approval from George Barden regarding his review of the septic systems was provided to the Town Code Enforcement Officer.
10. An approval from NYSDOH regarding their review of the septic system was provided to the Town Code Enforcement Officer.
11. The project also includes walking trails on 5273 Menteth Drive connecting from Menteth Drive to the proposed new driveway and existing tennis court located on 4711 North Menteth Drive.
12. Both parcels are serviced with existing public water with no improvements proposed.
13. The above referenced information is based on the Site Plans dated September 2014 and all other relevant information submitted as of October 28, 2014.
14. The project was reviewed in compliance with applicable procedural requirements including a coordinated review pursuant to State Environmental Quality Review Act (SEQRA) and the Town of Canandaigua Planning Board's Rules of Procedure.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
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SINGLE-STAGE SITE PLAN APPROVAL

15. 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.
16. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
17. This application was referred to the following agencies for review and comment:
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Mike Miller, Chief Cheshire Fire Department
 - Tad Gerace, OC Soil & Water Conservation District
 - George Barden, Watershed Inspector
 - Kevin Olvany, Canandaigua Lake Watershed Council
 - MRB Group, Town Engineer
 - John Berry, Canandaigua lake County Sewer District
 - William Wright, Ontario County DPW
 - Hyland Hartsough PE, NYS DOH
 - Geoff Brennessel, NYSEG
 - Paul Damato, Regional Director, NYSDEC
 - Ontario County Planning Board
 - Town Environmental Conservation Board
2. A referral to the Ontario County Planning Board (OCPB) was completed and reviewed at the October 8, 2014 meeting.
3. OCPB responses were received with a final classification of Class 1 and 5 comments with no formal recommendation to deny or approve.
4. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
5. A comment letter dated October 24, 2014 was received from the Town Engineer.
6. Comments were received from the Canandaigua Watershed Manager in an e-mail dated October 24, 2014.
7. NYSDEC has completed a review of this application and forwarded a comment letter dated October 7, 2014.
8. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
18. No variances were required.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
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SINGLE-STAGE SITE PLAN APPROVAL

19. The Planning Board has discussed the character of the proposed shoreline in relation to the Town's Shoreline Development Guideline requirements.
20. The Town CEO is to determine if a "Permit Application for Development in the Flood Hazard Areas" is required as the property is within the RLD.
21. The Planning Board required a Soil Erosion Surety as the application is located within the RLD.

Amended Single-Stage Site Plan Approval

22. The Planning Board is considering an amended Single-Stage Site Plan approval to remove an existing driveway located on 4711 North Menteth Drive (Tax Map Parcel #140.11-1-19.000) and stabilize with seed and straw mulch in lieu of sod as previously approved.
23. The project is located in the RLD zoning district and as described on the Site Plans dated January 2015 and all other relevant information submitted as of February 10, 2015.
24. No additional changes to the approved site plans are requested.
25. The Planning Board has discussed the character of the proposed shoreline in relation to the Town's Shoreline Development Guideline requirements.
26. The Planning Board determined that the proposed amended site plans are in compliance with the Town's Shoreline Development Guideline requirements.
27. The Planning Board required a Soil Erosion Surety, including topsoil, seed, subbase materials, and paver costs, as the application is located within the RLD.
28. A cross section and detail of the proposed pavers is to be provided to the Town Engineer for review and approval.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for an amended Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 containing 4 lots along Lakebreeze Way and as described on the Final Subdivision Plans dated January 16, 2015 and all other relevant information submitted as of February 10, 2015 (the current application), and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board declared this to be a Type I Action and a determination of significance was previously adopted in June 1989; and

WHEREAS, the Planning Board has completed a review of the proposed amended Final (Phased) Subdivision Plans for Phase 5B-1 and a comparison with the approved Final (Phased) Subdivision Plans for Phase 5B-1 conditions of approval; and

WHEREAS, the Planning Board has determined that the proposed amended subdivision plans are in substantial compliance with the approved Final (Phased) Subdivision Plans for Phase 5B-1; 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 amended Final (Phased) Subdivision Plat Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. Once all conditions of amended Final (Phased) Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the amended Final (Phased) Subdivision Plat, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
3. One mylar of the amended Final (Phased) Subdivision Plat is to be provided for signing by the identified Town Officials and the Town Planning Board Chairperson. Once the mylar and all paper prints have been signed, the mylar and two sets of paper prints will be returned to the Applicant for filing the mylar in the office of the Ontario County Clerk.
4. Once the amended Final (Phased) Subdivision Plat has been signed by the Planning Board Chairperson, the applicant shall file in the office of the Ontario County Clerk such approved final plat within sixty-two (62) days from the date of final approval or such approval shall expire (NYS Town Law Section 276-11).
5. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of Lakebreeze Way.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

6. The Planning Board determines that parkland is not a condition of Final Subdivision Plat approval for this application.
7. For reasons stated in the attached findings the Planning Board determines that a Park and Recreation Fee in the amount to be determined by the Town Board on an annual basis is to be paid at the time of application for building permits.
8. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
9. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.
10. An approval from the Canandaigua Lake County Sewer District (CLCSD) regarding their review of the sanitary sewer improvements is to be provided to the Development Office prior to the issuance of the Certificate of Occupancy.
11. Conservation easement monuments are to be provided along the lot lines and conservation easement boundary.
12. A landscaping schedule detailing the type, quantity, and size of each specie is to be added to the final subdivision plans.
13. The existing depth and capacity of the stormwater management facility is to be documented and forwarded to the Town Development Office prior to issuance of building permits.
14. The maximum site disturbance permitted for Fox Ridge Phase 5B-1 at any one time is 1 acre. If the applicant wishes to exceed this threshold, then an approval from the Town Development Office is required. A note to this effect shall be added to the final subdivision plans.
15. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement areas.
16. The Planning Board is approving the layout for the 4 lots of Phase 1 only, and makes no decision regarding the layout of the number of lots, or the road configuration for future Phases 2, 3, and 4.

The above resolution was offered by Ryan Staychock and seconded by Charles Oyler at a meeting of the Planning Board held on Tuesday, February 10, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry - *Absent*
Charles Oyler - *Aye*
Jane Hollen - *Absent*
Ryan Staychock - *Aye*
Thomas Schwartz - *Aye*

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

I, Kathleen Gingerich, 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 February 10, 2015 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

Preliminary

1. In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board during its review of the rezoning request for the original Fox Ridge Overall Subdivision in June of 1989, declared this action to be a Type I Action, completed a coordinated review of the prepared Environmental Impact Statement (EIS), made a determination of non-significance, and issued a Negative Declaration.
2. The Preliminary Overall (Phased) Subdivision Plat Plans were approved at the July 25, 1989 Planning Board meeting.
3. March 16, 2007 an application for Concept Subdivision revising the Preliminary Overall (Phased) Subdivision Plans for Fox Ridge Sections 5 & 6, creating Phase 5A and Phase 5B and removing Section 6.
4. Phase 5A was under construction at the time as it was previously approved as Section 5 of the Fox Ridge Subdivision. Section 6 was removed and now being called Phase 5B.
5. The proposed Concept Subdivision Plans for Phases 5A and 5B reduced the total number of lots from 52 to 48 and in lieu of the originally approved continuous link for Lake Breeze Way, created two cul-de-sacs (LaCrosse Circle and Lake Breeze Way) within Phase 5B.
6. The Concept Subdivision Plans titled Conceptual Subdivision Fox Ridge Subdivision Phase 5B were submitted to outside agencies for review/comment and were discussed at the April 10, 2007 Planning Board meeting.
7. In an email dated April 6, 2007, Marilyn Schafer of Ontario County Public Works stated that they have contacted the design engineer at the time (Professional Engineering Group) regarding a request to service the existing homes along Middle Cheshire Road that are adjacent to this project (west property line) with a sanitary sewer.
8. An application for Preliminary/ Final (Phased) Subdivision Plat Plan approval for Phase 5B of the Fox Ridge Subdivision depicting two cul-de-sacs, 28 lots, conservation easement area and utility improvements including a sanitary sewer extension for those homes along Middle Cheshire Road adjacent to Phase 5B was submitted Development Office and reviewed at the April 18, 2007 PRC meeting.
9. October 23, 2007, the revised Preliminary (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with fourteen (14) conditions.
10. October 23, 2007, the revised Final (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with ten (10) conditions.
11. The Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B were signed by all parties including the Planning Board Chairman.
12. The Preliminary (Phased) Subdivision Plat Plan approval for Phase 5B has not been revoked and remains in effect as per the Zoning Law Determination dated May 6, 2013.
13. The applicant did not file the approved Final (Phased) Subdivision Plat Plans for 5B in the Office of the Ontario County Clerk.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

14. NYS Town Law Section 276, part 11 states that approved final plats shall expire if not filed within 62 days of approval.
15. Venezia Associates submitted an amended Preliminary (Phased) Subdivision Plat Plan for Fox Ridge Phase 5B dated March 20, 2014 and a letter dated April 2, 2014 containing a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 new plan.
16. The Planning Board reviewed Amended Preliminary (Phased) Subdivision Plat Plans to determine if they were in substantial agreement with the approved 2007 Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B dated February 2007 and last revised September 25, 2008.
17. The amended (phased) subdivision plans titled Fox Ridge Subdivision, Phase 5B, dated March 20, 2014 propose a similar layout of 28 lots for single family dwellings, two (2) cul-de-sacs (LaCrosse Circle and Lake Breeze Way), a conservation area in the same area as previously approved, utility improvements including water, sanitary and storm sewers throughout Phase 5B and an easement to Canandaigua Lake County Sewer District (CLCSD) for the sanitary sewer extension to those homes along Middle Cheshire Road which were all part of the original 2007 Preliminary (Phased) Subdivision Plat Plan approval.
18. The Planning Board on April 22, 2014 completed a review of the matrix and a comparison of the proposed Amended Preliminary (Phased) Subdivision Plat Plans with the approved 2007 Preliminary (Phased) Subdivision Plat Plans and determined that the proposed Amended Fox Ridge 5B Preliminary (Phased) Subdivision Plat Plans dated March 20, 2014 were in substantial agreement with the previously approved 2007 Preliminary (Phased) Subdivision Plat Plans dated February 2007 and last revised September 25, 2008 (signed).
19. The Amended Preliminary (Phased) Subdivision Plat Plans were revised per the conditions of approval and the Amended Preliminary (Phased) Subdivision Plat Plans were signed by the Planning Board Chairman.

Final

20. Town of Canandaigua Planning Board approved with conditions the Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 Subdivision Plans dated August 1, 2014, last revised October 13, 2014.
21. Phase 5B-1, was approved as the first of 3 phases within Section 5B containing 10 of the approved 28 lots for single-family dwellings.
22. 10 lots were proposed off of Lakebreeze Way, which will be extended and terminate with a cul-de-sac as described in the Final Subdivision Plans dated August 1, 2014, last revised October 13, 2014 and all other relevant information submitted as of October 28, 2014.
23. The minimum lot size proposed for Phase 5B-1 was 25,213 SQ. FT. with a maximum lot size of 105,690 SQ. FT. proposed.
24. Public water and sanitary sewer services will be extended to all lots within Phase 5B-1.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

25. Existing stormwater management facilities sized to handle the water quality and quantity requirements for this portion of development was approved with earlier phases. Section 5B and Phase 5B-1 meet all NYSDEC General Permit and Town of Canandaigua requirements regarding stormwater.
26. This application was forwarded to the following outside agencies for review:
 - Jim Fletcher, Highway & Water Superintendent
 - MRB Group, Town Engineers
 - John Berry, Canandaigua Lake County Sewer District
 - Kevin Olvany, Canandaigua Lake Watershed
27. A comment letter from Kevin Olvany of the Canandaigua Lake Watershed Council dated October 2, 2104 was received by the Town Planning board.
28. The Planning Board has considered the comments identified in the Canandaigua Lake Watershed Council comment letter.
29. The Town Engineer issued a comment letter dated October 17, 2014.

Amended Final

30. Town of Canandaigua Planning Board is considering a request for an amended Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-1 Subdivision Plans dated January 16, 2015.
31. Phase 5B-1 is the first of 4 phases within Section 5B containing 4 of the approved 28 lots for single-family dwellings.
32. The amended subdivision plans propose 4 residential lots as part of Phase 5B-1 off of Lakebreeze Way.
33. Lakebreeze Way is proposed to terminate with a hammerhead in lieu of the cul-de-sac and as described in the amended Final Subdivision Plans dated January 16, 2015 and all other relevant information submitted as of February 10, 2015.
34. The minimum proposed lot size for amended Phase 5B-1 is 16,829 SQ. FT. with a maximum lot size of 76,912 SQ. FT. proposed.
35. Public water and sanitary sewer services will be extended to all lots within Phase 5B-1.
36. Existing stormwater management facilities sized to handle the water quality and quantity requirements for this portion of development was approved with earlier phases. Section 5B and Phase 5B-1 meet all NYSDEC General Permit and Town of Canandaigua requirements regarding stormwater.
37. No other changes from the approved Final (Phased) Subdivision Plans for Phase 5B-1 are proposed at this time.
38. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

39. The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed subdivision plat because of the increase in population that will be created by the proposed new developments.
40. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
41. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
42. The proposed Phase 5B subdivision includes a total of 28 new homes, many of which will be occupied by families with one or more children.
43. The proposed subdivision will increase the Town's population.
44. This increase in population will intensify the need for land to be used for parks and recreation.
45. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
46. The area of the proposed subdivision will be 28 +/- acres.
47. The area of the proposed subdivision will include residential lots and dedicated conservation areas. Adequate land for dedication of parkland is not available on the proposed subdivision plat.
48. There is not an existing park in the vicinity of the proposed subdivision.
49. A fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.
50. The Planning Board discussed the need to delineate the conservation easement area in the field to better define the limits of this area on each lot.
51. Conservation easement monuments are to be provided along the lot lines and conservation easement boundary.
52. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement areas.
53. Copies of the filed easements are to be submitted to the Town Clerk within five (5) days of them being filed. Failure to file such easements at the time of filing the Final Subdivision Plan shall invalidate this approval.
54. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
55. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.
56. The Canandaigua Lake County Sewer District (CLCSD) approval letter regarding their review of the sanitary sewer improvements is required to be provided to the Development Office prior to the issuance of Certificate of Occupancy.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-1
CPN-061-14 TM# 097.04-1-009.211
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

57. The Planning Board determines that the proposed Final Subdivision for the 4 lots of Phase 5B-1A is in substantial agreement with the preliminary subdivision approval granted in April 2014.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9A
3880 MIDDLE CHESHIRE ROAD
CPN-094-14 TM# 112.00-1-70.000
FINAL (PHASED) SUBDIVISION PLAT APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for Final (Phased) Subdivision Plat approval of Lakewood Meadows Subdivision, Section 9A Plans. The Section 9A plans depict 19 Townhouse lots out of the 66 Townhouse lots and 15 Patio Homes and approximately 5.7 acres of Open Space out of the 67.6 acres proposed within Section 9 of Lakewood Meadows and as described in the Final Subdivision Plans dated December 18, 2014 and all other relevant information submitted as of January 27, 2015 (the current application), and;

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Planning Board declared this to be a Type I Action and a Determination of Non-Significance was adopted January 9, 2007; and

WHEREAS, the Planning Board has completed a review of the proposed Final Section 9A Subdivision Plans with the approved Amended Preliminary Overall Section 9 Subdivision Plans and conditions of approval; and

WHEREAS, the Planning Board has determined that the proposed development is in substantial compliance with the Amended Preliminary Overall Section 9 Subdivision Plans; 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 Final (Phased) Subdivision Plat Approval with conditions as specified is valid for a period of 180 days from today (January 27, 2015) and shall expire (July 26, 2015) unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. Once all conditions of Final (Phased) Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the Final (Phased) Subdivision Plat, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
3. One mylar of the Final (Phased) Subdivision Plat is to be provided for signing by the identified Town Officials and the Town Planning Board Chairperson. Once the mylar and all paper prints have been signed, the mylar and two sets of paper prints will be returned to the Applicant for filing the mylar in the office of the Ontario County Clerk.
4. Once the Final (Phased) Subdivision Plat has been signed by the Planning Board Chairperson, the applicant shall file in the office of the Ontario County Clerk such approved final plat within sixty-two (62) days from the date of final approval or such approval shall expire (NYS Town Law Section 276-11).
5. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement areas.

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6. The Planning Board determined that parkland is not a condition of Amended Preliminary Overall Subdivision Plat Lakewood Meadows Section 9 Approval.
7. The Planning Board determines that a Park and Recreation Fee in the amount to be determined by the Town Board on an annual basis is to be paid at the time of application building permits.
8. The deed restrictions concerning accessory structures shall be noted on the Final Subdivision Plat and submitted to the Planning Board Attorney for approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Subdivision Plan. The deed restrictions shall be filed at the Ontario County Clerk's Office at the same time as the approved Final Subdivision Plat. Copies of the filed deed restrictions are to be submitted to the Town Clerk within five (5) days of them being filed. Failure to file such restrictions at the time of filing the Final Subdivision Plat shall invalidate this approval.
9. The Homeowners Association Agreement for the Townhomes (St. James Parkway) including a plan for the maintenance of the open space areas, trails, and stormwater management facilities shall be submitted to the Town Planning Board Attorney for review and approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Subdivision Plan.
10. The Final Subdivision Plans for Section 9A are to provide a Section View Plan containing a plan view and section views from the centerline of Middle Cheshire Road looking towards the development as provided with the Amended Preliminary Overall Section 9 Subdivision Plans for Lakewood Meadows.
11. A Letter of Credit Estimate in favor of the Town of Canandaigua is to be provided and accepted by the Town Board prior to issuance of building permits.
12. A response letter to the Town Engineers comment letter dated January 14, 2015 is to be provided by the design engineer. Town Engineer's signature is to be affixed to the Final Subdivision Plat prior to the Planning Board Chairman signing the Final Subdivision Plans.
13. The Town Highway and Water Superintendent's signature is to be affixed to the Final Subdivision Plat prior to the Planning Board Chairman signing the Final Subdivision Plans.
14. Prior to the Planning Board Chairman's signature being affixed on the Preliminary Subdivision Plans for Section 9 and Final Subdivision Plans for Section 9A, the applicant shall provide revised draws showing a berm with plantings to act as a natural snowfence along the roadway extending to Middle Cheshire Road, as requested by the Town Highway Superintendent;
15. Prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans, the applicant shall provide a letter from the landowner granting the applicant authority of representation for the project;
16. Prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans, the applicant shall meet the conditions of approval dated September 9, 2014 and obtain signed copy of the Amended Preliminary Overall Subdivision Plans;

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17. Prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans, the applicant shall file the conservation easements associated with Section 6 of Lakewood Meadows Subdivision;
18. The final subdivision plans are to be revised to include a more detailed, site specific construction sequence to be approved by the Town Engineer and the Canandaigua Lake Watershed Council;
19. The existing trail located within future Section 9D shall connect to Section 9A with the completion of construction of Section 9A.
20. A landscaping plan shall be submitted including but not limited to 19 street trees (one per each lot), stormwater management facility plantings, and a typical townhome landscaping layout.
21. The applicant shall be aware that sidewalks may be discussed and required with future sections of Section 9.

The above resolution was offered by Ryan Staychock and seconded by Thomas Schwartz at a meeting of the Planning Board held on Tuesday, February 10, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry - *Absent*
Charles Oyler - *Aye*
Jane Hollen - *Absent*
Ryan Staychock - *Aye*
Thomas Schwartz - *Aye*

I, Kathleen Gingerich, 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 February 10, 2015 meeting.

L. S.

Kathleen Gingerich, Secretary of the Board

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Original Preliminary Overall Subdivision Approval

1. Lakewood Meadows Sections 1-8 received Overall Preliminary Subdivision Approval on July 13, 2004.
2. The Overall Subdivision was approved as a Cluster Subdivision under Town Law 278.
3. The Overall Subdivision approval included 8 Sections, 230 lots on 255.4 acres with 131.1 acres of open space (51%).
4. The Lakewood Meadows Section 9 & 10 Revised Preliminary Overall Subdivision Plans were approved at the January 23, 2007 Planning Board meeting with fifteen (15) conditions amending the Preliminary Overall Subdivision.
5. The 2007 Revised Preliminary Overall Subdivision depicted 10 sections including 292 lots on 316.74 acres with 178.5 acres of open space (56%).
6. In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Planning Board during its review of the Lakewood Meadows Section 9 & 10 Revised Preliminary Overall Subdivision Plat declared this action to be a Type I Action, completed a coordinated review, made a Determination of Non-Significance, and issued a Negative Declaration January 9, 2007.
7. The total project area (parcel size) as approved in 2007 for Section 9 & 10 was 69.2 acres excluding the P.L. Singer Real Estate property (3 acres) along the southern property line.
8. The Parcel identified as Lakewood Meadows Section 9 & 10 was rezoned to SCR-1 with Local Law No. 3 of 2006.
9. The existing zoning for Section 9 & 10 was SCR-1 (Southern Corridor Residential – 1 acre lots).
10. Section 9 & 10 was approved as Conservation Subdivision preserving the identified constrained lands.
11. The density calculations established for Section 9 & 10 were based on the SCR-1 zoning district as defined by Local Law 7 of 2004 and are as follows:

Constrained land areas for Section 9 & 10:

- a. Parcel Size: 69.2 acres
- b. Constrained Lands: 7.49 acres
 - Wetlands = 0.00 acres
 - 100 Year Flood Plains = 0.00 acres
 - Slopes Greater than 20% = 0.0 acres
 - Public Utilities = 0.69 acres (existing watermain)

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- Woodlands = 5.0 acres
 - Drainage Control Areas = 1.0 acres
 - Middle Cheshire Road R.O.W. = .80 acres
- c. Total Developable Land = 61.71 acres
- d. 1 Dwelling/ Acre = 62 Dwellings
12. Total open space area required to be provided as part of the Cluster Subdivision Approval from 2007 was 35.17 acres (51% of total site area).
13. The total open space area approved as part of the 2007 Section 9 & 10 Subdivision plans was 47.4 acres (68% of total site area), with 3 of the 47.4 acres contingent upon P.L. Singer Real Estate granting annexation to S & J Morrell.
14. 62 patio homes was approved for Section 9 & 10 as part of the 2007 Revised Preliminary Overall Subdivision Plans.

Amended Preliminary Overall Section 9 Subdivision Approval

15. Marathon Engineering and Morrell Builders submitted an amended Preliminary Overall Subdivision Plan for Lakewood Meadows Section 9 dated August 26, 2014 and a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 amended plans.
16. The proposed amended subdivision plans proposed a similar layout for single family dwellings and townhouses, preserving the identified constrained lands as referenced above and the required open space areas as previously approved, utility improvements including public water and sanitary sewers, drainage improvements and management areas, landscaping, and trails which were all part of the original 2007 Revised Preliminary Overall Subdivision Plan approval.
17. The proposed amended subdivision plan included 81 residential units (66 townhouses and 15 patio homes).
18. The 2007 Overall Subdivision Sections 1-10 included 292 residential lots.
19. The amended subdivision plans includes 292 residential lots. The approved overall density of Lakewood Meadows Sections 1-10 compared to that of the 2014 amended plans has not changed.
20. The total proposed open space areas for Section 9 is 43.2 acres (62%) where 47.4 acres (68%) including the P.L.Singer property (3 acres) was provided before.
21. The total open space for the Amended Preliminary Overall Subdivision Sections 1-9 is 183.6 acres (59%) where 178.5 acres (56%) was provided before.
22. Open space trails will be provided and continued through the proposed amended subdivision (Section 9) as with the original approval from 2007

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23. Preservation of farmland along Middle Cheshire Road was discussed and encouraged.
24. The Planning Board determined that the proposed Amended Preliminary Overall Subdivision Plat Lakewood Meadows Section 9 plans dated August 26, 2014 are in **Substantial Agreement** with the previously approved Preliminary Overall Subdivision Plat Lakewood Meadows Section 9 & 10 plans dated January 2006 and last revised February 6, 2007 (signed).
25. The applicant stated that the open space areas and stormwater maintenance facilities associated with Sections 9A, 9B, and 9C will be transferred to the Townhome HOA (St. James Parkway).
26. The applicant stated that Morrell Builders will set up a meeting with the existing HOA to discuss this project.
27. The Planning Board made the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
28. The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed subdivision plat because of the increase in population that will be created by the proposed new developments.
29. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
30. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
31. The proposed amended subdivision includes 81 new homes, many of which will be occupied by families with one or more children.
32. The proposed amended subdivision will increase the Town's population.
33. This increase in population will intensify the need for land to be used for parks and recreation.
34. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed amended subdivision plat.
35. The area of the proposed amended subdivision will be 69.2 ± acres (excluding P.L. Singer Real Estate property of 3 acres along the southern property line).
36. The area of the proposed amended subdivision will include residential lots and preserved open space areas. Adequate land for dedication of parkland is not available on the proposed amended subdivision plat.
37. A fee in lieu of parkland shall be paid at the time of issuance of building permits.

Final Subdivision Section 9A Approval

38. The Planning Board received a request for Final (Phased) Subdivision Plat approval of Lakewood Meadows Subdivision, Section 9A Plans.
39. Section 9A is the first section out of four (4) proposed sections.

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40. The Section 9A plans depict 19 Townhouse lots out of the 66 Townhouse lots and 15 Patio Homes and approximately 5.7 acres of Open Space out of the 67.6 acres proposed within Section 9 of Lakewood Meadows and as described in the Final Subdivision Plans dated December 18, 2014.
41. Section 9A includes the construction of a rain garden and improvements to the existing stormwater management facility which is located within the proposed open space areas.
42. Section 9A proposes a total of 5.7 +/- acres of open space area.
43. The open space areas will be transferred to the Home Owners Association (HOA).
44. Maintenance of the open space areas and the stormwater management facilities will be provided for by the developer until the open spaces areas are transferred to the HOA.
45. The Homeowners Association Agreement regarding the maintenance of the open space areas, trails, and stormwater management facilities is to be submitted to the Town Planning Board Attorney for review and approval.
46. Proposed Section 9A is off St. James Parkway which will be extended as part of the proposed improvements.
47. The subdivision will be connected to the existing public water and sewer extending from Section 7A within Lakewood Meadows.
48. No trails are proposed within this section.
49. This application was forwarded to the following outside agencies for review:
 - Jim Fletcher, Highway & Water Superintendent
 - MRB Group, Town Engineers
 - John Berry, Canandaigua Lake County Sewer District
 - Hyland Hartsough, PE, NYSDOH
 - Town Environmental Conservation Board
 - Ontario County Planning Board
 - Kevin Olvany, Canandaigua Lake Watershed Council
 - Geoff Brennessel of NTSEG
 - Wayne Dunton, RG&E
 - Michael Miller, City Fire Department Chief
50. The Town Development Office has received a response from the Ontario County Planning Board dated January 13, 2015.

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51. The Planning Board reviewed the Ontario County Planning Board comments, and considered during the review.
52. Ontario County Public Works issued a letter dated January 14, 2015 containing 20 comments.
53. A comment letter was received from the Town Engineer dated January 14, 2015.
54. A comment letter (email) was received from the Town Highway & Water Superintendent dated January 6, 2015.
55. A comment letter was received from the Canandaigua Lake Watershed Council dated January 12, 2015.
56. The deed restrictions concerning accessory structures are to be provided to the Planning Board Attorney for approval.
57. The Planning Board discussed the Town of Canandaigua Ridgeline Development Guidelines and determined that Section 9 is in compliance with the guidelines.
58. The Planning Board determined that a Letter of Credit Estimate in favor of the Town of Canandaigua is to be provided.
59. The Final Subdivision Plans are to note any and all restrictive covenants in detail of the conservation easement and open space areas.

