

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MEAGHER ENGINEERING REPRESENTING JOHN CASEY
SHORELINE RECONSTRUCTION
3814 COUNTY ROAD 16 – RLD ZONING DISTRICT
CPN 059-19 TM# 112.00-1-72.000
AMENDED SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

1. The Town of Canandaigua Planning Board has received an application for Single-Stage Site Plan approval to construct a rip-rap shoreline and to bring in earth and stone fill to raise the grade of the shoreline within the RLD zoning district.
2. Detailed on site plans prepared by Meagher Engineering dated August 15, 2019 and all other relevant information submitted as of September 10, 2019.
3. The Planning Board has classified the project as an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations.
4. On September 10, 2019 the Planning Board, serving as lead agency, made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR.
5. This application was forwarded to the following outside agencies for review:
 - John Berry, Canandaigua Lake County Sewer District
 - MRB Group, Town Engineer
 - ENB
 - Luke Scannell, Environmental Engineer, NYSDEC
 - Kevin Olvany, Canandaigua Lake Watershed Council
6. A Zoning Determination was prepared dated August 26, 2019:

DETERMINATION:

- Proposed development is of sufficient area and dimension to meet minimum requirements for zoning and building purposes within the RLD zoning district.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is not required to be reviewed by the Ontario County Planning Board as it relates to a site plan involving a single-family residential lot. Exception #09.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Site Plan approval required for development exceeding 1,000 square feet within the Residential Lake Zoning District.

7. A comment letter from the Town Engineer dated September 5, 2019 was received.
8. Comments were received from Town Environmental Board dated September 5, 2019.
9. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
10. A Floodplain Development Permit is required. An application was provided dated July 22, 2019.
11. A NYSDEC Excavation & Fill in Navigable Waters Permit (Article 15, Title 5) was received.

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FINDINGS

Amended Site Plan - 2021

12. The Planning Board has received an application for Amended Site Plan approval for the constructed rip-rap shoreline and earth and stone fill that was brought into the site to raise the grade of the shoreline within the RLD zoning district and received an approval from the Planning Board on September 10, 2019.
13. Construction proceeded on the subject property outside of the scope of work approved by the Planning Board and Zoning Board of Appeals.
14. NYSDEC issued an ‘Order on Consent’ dated December 15, 2020 for the site violations requiring remedial actions and a revised site plan to be provided.
15. The applicant fixed the site to bring it back into compliance and provided a revised site plan that meets the NYSDEC requirements and received an approval on January 19, 2021 from NYSDEC.
16. The applicant is now seeking an amended site plan approval from the Town of Canandaigua Planning Board for these improvements.
17. The Planning Board previously completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR) and on September 10, 2019 made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR.

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AMENDED SINGLE-STAGE SITE PLAN APPROVAL

AMENDED SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an Amended Single-Stage Site Plan approval for the constructed rip-rap shoreline and earth and stone fill that was brought into the site to raise the grade of the shoreline within the RLD zoning district and received an approval from the Planning Board on September 10, 2019; and

WHEREAS, the construction proceeded on the subject property outside of the scope of work approved by the Planning Board and Zoning Board of Appeals; and

WHEREAS, the NYSDEC issued an ‘Order on Consent’ dated December 15, 2020 for the site violations requiring remedial actions and a revised site plan to be provided; and

WHEREAS, the applicant has provided a revised site plan that meets the NYSDEC requirements and received an approval on January 19, 2021 from NYSDEC; and

WHEREAS, the applicant is now seeking an amended site plan approval from the Town of Canandaigua Planning Board for these improvements; and

WHEREAS, the Planning Board previously completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR) and on September 10, 2019 made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR; 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. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. Prior to the issuance of a Certificate of Completion an approval from the Ontario County DPW (if necessary) is to be provided to the Town of Canandaigua Town Development Office.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 23, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -
Charles Oyler -
Ryan Staychock -
Bob Lacourse –
Amanda VanLaeken -

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AMENDED SITE PLAN APPROVAL RESOLUTION

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 February 23, 2021 meeting.

John Robortella, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DIMARCO GROUP REPRESENTING CGA CR 10, LLC
CREEKVIEW APARTMENTS AT WOODLAND PARK – FINAL PHASE 2
3000 COUNTY ROAD 10 – COMMUNITY COMMERCIAL/ MUO-3
CPN 20-016 TM# 84.00-1-44.200
AMENDED FINAL PHASE 2 SITE PLAN APPROVAL

AMENDED FINAL PHASED SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an Amended Final Phase 2 Site Plan approval for Lot 2 for the construction of a of 96 affordable apartments, and 12 apartment buildings, including solar panels on the roofs, geothermal energy, and associated drainage improvements located at 3000 County Road 10 within the Community Commercial/ MUO-3 District and detailed on Final Phase 2 Site Plans dated March 13, 2020, and all other relevant submitted as of February 23, 2021 (the current application); and

WHEREAS, the Dimarco Group has requested in a letter dated January 20, 2021 that the Planning Board consider an amendment to Condition #6 of the Final Phased Site Plan Approval Resolution dated May 13, 2020; and

WHEREAS, the Applicant is working to address the conditions of approval in order to obtain signatures on the plans and has received (2) 90-day extensions from the Planning Board; and

WHEREAS, as part of the approval of the Preliminary Overall (Phased) Subdivision Plan Approval, and 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 June 27, 2017; and

WHEREAS, in compliance with NYS Town Law, the Planning Board held a public hearing on the Preliminary Overall (Phased) Site Plan application on June 27, 2017; and

WHEREAS, all requested variances were approved by the ZBA at their April 21, 2020 meeting; 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 applicant shall satisfactorily complete all conditions of Amended Preliminary Overall (Phased) Subdivision Approval and obtain all signatures required on said plans prior to the Planning Board Chairman's signature being affixed to the Final Phase 2 Plans.
2. Payment of a fee in lieu of a set aside of parkland shall be made at the time of issuance of building permits pursuant to Town Code Chapter 111 and NYS Town Law.
3. The comments within the Town Engineer's letter dated April 20, 2020 are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
4. The comments within the Town Highway & Water Superintendents letter dated April 8, 2020 are to be addressed to the satisfaction of the Town Highway & Water Superintendent prior to signing by the Planning Board Chairman.

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AMENDED FINAL PHASED SITE PLAN APPROVAL RESOLUTION

5. All comments from Ontario County Department of Public Works regarding their review of the sanitary sewer design are to be addressed and approval provided prior to issuance of Building Permits for any building to be constructed in Phase 2.
6. A 5' wide concrete sidewalk meeting the Town of Canandaigua approved standards is to be completed in its entirety along County Road 10 as shown on the approved plans as part of Phase 2.
7. The Amended Preliminary Overall Subdivision Plans are to be signed by the Planning Board Chairman and filed prior to signatures being affixed to the Final Phase 2 plans.
8. All easement language and maps are to be submitted to the Development Office and Planning Board Attorney for approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Phase 2 Site Plans. The easements shall be filed at the Ontario County Clerk's Office and 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 shall invalidate this approval.
9. All variances granted by the ZBA are to be detailed on the final plans.
10. All trails within Phase 1 and Phase 2 are to be constructed as part of Phase 2. Also the potential development of an overall trail system and the materials used are to be discussed as part of Phase 3. A note is to be added to the final site plans regarding these requirements.
11. The site plans are to be revised to depict the locations of the proposed geothermal wells.
12. The site plans are to be revised to identify the correct road names.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 23, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -
Charles Oyler -
Ryan Staychock -
Bob Lacourse -
Amanda VanLaeken -

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 February 23, 2021 meeting.

John Robortella, Secretary of the Board

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FINDINGS

PRELIMINARY OVERALL (PHASED) SUBDIVISION APPROVAL - 2017

1. The Planning Board has previously approved an application for the Preliminary Overall (Phased) Site Plan approval for 4 lots (Lot 1 at 28.413 acres, Lot 2 at 18.383 acres, Lot 3 at 74.282 acres, and Lot 4 at 16.194 acres) for the construction of three phases of 96 affordable apartments, and a fourth phase of 96 market rate apartments for a total of 384 units and 48 apartment buildings, including two community buildings, parking, and drainage improvements, on a 140.18 acre parcel.
2. The project is located at 3000 County Road 10 within the Community Commercial District and detailed on plans last revised June 23, 2017, and all other relevant submitted as of June 27, 2017
3. An application for rezoning from the Community Commercial District to Mixed Use Overlay (MUO-3) for the purpose of constructing apartments was received by the Town of Canandaigua Town Board.
4. A presentation of the project and rezoning request was provided to the Town Board at the August 15, 2016 and November 21, 2016 meetings.
5. A Resolution (#2016-192) referring the project to the Planning Board and Environmental Conservation Board for advisory report was completed at the November 21, 2016 Town Board meeting.
6. The Planning Board reviewed the proposed rezoning application at their September 27, 2016 meeting and provided their advisory report to the Town Board dated September 30, 2016.
7. As per §220-33 C (2) of the Town Code, the Town Board at their November 21, 2016 meeting directed the owner to prepare and submit an application for Preliminary Overall (Phased) Site Plan approval to the Planning Board which is required prior to the rezoning to the MUO-3 being approved.
8. The Town Board classified the rezoning action as a Type 1, declared their intent to be lead agency and initiated lead agency coordination at their November 28, 2016 meeting.
9. The Town Board at their July 17, 2017 meeting, with no objections received, anticipates to designate themselves as lead agency and made a determination of non-significance on the rezoning application.
10. The Planning Board received an application for Preliminary Overall (Phased) Site Plan approval on February 16, 2017.
11. Planning Board classified the Preliminary Overall (Phased) Site Plan approval application action as a Type 1 Action, declared their intent to be lead agency and initiated lead agency coordination at their April 25, 2017 meeting.
12. This project was coordinated with a number of agencies including Ontario County Public Works, the City of Canandaigua Fire Department, Town of Hopewell, Canandaigua Lake County Sewer District, RG&E, NYSEG, NYS Department of Environmental Conservation,

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Town of Hopewell Water Department, NYS Department of Health, Town of Canandaigua Highway Department, and Army Corps of Engineers.

13. Town Development Office has not received any written objections from the above listed agencies to the Town of Canandaigua Planning Board being designated as the lead agency under the SEQR Regulations.
14. On June 27, 2017 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.
15. On June 27, 2017 the Planning Board designated itself as lead agency for the proposed development and determined that the development **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 and the supporting information provided by the design engineers.
16. The project includes the construction of 384 apartments on a 140.18-acre parcel.
17. The project is proposing 4 phases with each phase including the construction of 96 apartments.
18. Federal Wetlands are located within the project area and therefore, a Wetland Delineation Report was completed by BME for this project and included within the Engineers Report dated February 2017, and last revised February 16, 2017.
19. A Jurisdictional Determination from the Army Corps of Engineers was provided in a letter dated May 19, 2016 by the ACOE.
20. Also a portion of this project is located within a mapped FEMA Flood Plain.
21. No improvements or construction is proposed within this area.
22. The project is located within a designated Archeological Sensitive Area and a Phase I Cultural Resource Investigation Report was required and prepared dated December 5, 2016.
23. A “No Impact” letter was received from SHPO.
24. A Traffic Impact Study was prepared by McFarland Johnson dated March 14, 2017 and concluded that the projected traffic can be accommodated within the current highway system with no degradation in service.
25. Landscaping Calculations:
 - Lot Size: 140.18 acres (6,106,240.8 sq ft)
 - 30% (required green space) = 42.1 acres (1,831,872.2 sq ft)
 - 1,250 sq ft = **1,465 canopy shade trees are required**
 - 250 sq ft = **7,327 deciduous shrub / evergreens are required**
26. The project proposes to provide a conservation area over \pm 83 acres (3,615,480 sq ft) of the 140.18-acre parcel to protect the wetlands, flood plain, and provide a buffer to the Canandaigua Outlet.
27. Parking spaces required: (2) spaces / dwelling = 768 parking spaces required.
28. Parking spaces provided 789 total spaces, including 65 handicapped spaces, and 82 landbanked spaces.

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29. Zoning Determination dated February 24, 2017 was completed and offer the following:

PROJECT DESCRIPTION:

- Proposed project to adjust lot lines and construct 48 apartment buildings containing 384 Units, 2 clubhouse buildings, and associated infrastructure.

DETERMINATION:

- As applicant is requesting local law adoption pursuant to Town Code Chapter 220 Section 33 MUO Districts, the Town Board will be responsible for reviewing and subsequently approving the setbacks, density requirements, lot width, building height, and other applicable zoning regulations proposed by the applicant.
- Proposed lot standards as noted in Plans by BME Associates:
 - o 75 ft. Setback from County Road ROW
 - o 30 ft. Setback from Internally Dedicated Road ROW
 - o 20 ft. Setback from Side and Rear Property Lines
 - o 35 ft. Maximum Building Height
 - o 35% Maximum Building Coverage (+ or - 3.6% provided)
- Applicant proposes 51% Minimum Open Space when 40% is required.
- Applicant proposes 895 total parking spaces when 768 are required.
- Proposed Landscaping plan provides 99 shade trees in parking lots when 90 trees are required.

30. This application was referred to the following agencies for review and comment by the Development Office:

- Ken Potter, Canandaigua-Hopewell Water District
- John Berry, Canandaigua Lake County Sewer District
- William Wright, Ontario County DPW
- Town Environmental Conservation Board
- Ontario County Planning Board
- Jim Fletcher, Town of Canandaigua Highway Superintendent
- Mark Marentette, Chief of the Canandaigua City Fire Department
- MRB Group, Town Engineer
- Geoff Brennessel, NYSEG
- Wayne Dunton, RGE
- Chief Steve Metivier, ACOE
- Ben Groth, NYSDEC
- Scott Sheeley, NYSDEC
- Sheryl Robbins, NYSDOH
- Town of Hopewell

31. A referral to the Ontario County Planning Board (OCPB) was completed with comments.

32. The Planning Board has reviewed these comments and has considered them as part of their review of the application.

33. A comment letter from the Town Engineer dated March 15, 2017 was provided to which a response letter from BME dated March 24, 2017 was provided.

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34. Comments were received from the following:

- Ontario County DPW dated April 28, 2017
- C&S Companies for Ontario County provided comments in a letter dated April 14, 2017 regarding their review of the TIS.
- ECB provided comments in a letter dated March 3, 2017.
- Canandaigua-Hopewell Water District in a letter dated March 6, 2017
- NYSDEC in a letter dated March 7, 2017
- Town of Hopewell in a letter dated March 29, 2017.

35. The Planning Board has reviewed these comments and has considered them as part of their review of the application.

36. Federal Wetlands are located within the project area and therefore, a Wetland Delineation Report was completed by BME for this project and included within the Engineers Report dated February 2017, and last revised February 16, 2017.

37. A Jurisdictional Determination from the Army Corps of Engineers was provided in a letter dated May 19, 2016 by the ACOE.

38. Also a portion of this project is located within a mapped FEMA Flood Plain.

39. A “No Impact” letter was received from SHPO as part of the Preliminary Overall Review.

40. A Traffic Impact Study was prepared by McFarland Johnson dated March 14, 2017 and concluded that the projected traffic can be accommodated within the current highway system with no degradation in service.

41.

42. Pursuant to Chapter 111 of Town Code and NYS Town Law the Planning Board may choose to require set aside of parkland or payment of a fee in lieu thereof when reviewing plans for residential development.

43. 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.

- a. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
- b. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
- c. The proposed subdivision will increase the Town’s population.
- d. This increase in population will intensify the need for land to be used for parks and recreation.
- e. A suitable park of adequate size to meet the Town’s needs cannot be properly located on the proposed subdivision plat.
- f. The area of the proposed subdivision is 140.18 ± acres.

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- g. There is not an existing park in the vicinity of the proposed subdivision.
- h. A fee in lieu of parkland shall be paid at the time of issuance of a building permits in the amount as established by the Town Board pursuant to Town Code § 111-8.

FINAL PHASE 2 SITE PLAN APPROVAL - 2020

- 44. The Town of Canandaigua Planning Board is considering a Final Phase 2 Site Plan approval for the construction of 96 affordable apartments, and 12 apartment buildings, including solar panels on the roofs, geothermal energy, and associated drainage improvements.
- 45. The project is located at 3000 County Road 10 within the Community Commercial/ MUO-3 District and detailed on Final Phase 2 Site Plans dated March 13, 2020.
- 46. The Town Board granted the rezoning from the Community Commercial District to Mixed Use Overlay (MUO-3) for the purpose of constructing apartments at the July 17, 2017 Town of Canandaigua Town Board meeting.
- 47. Planning Board classified the Preliminary Overall (Phased) Site Plan approval application action as a Type 1 Action, declared their intent to be lead agency and initiated lead agency coordination at their April 25, 2017 meeting.
- 48. This project was coordinated with a number of agencies including Ontario County Public Works, the City of Canandaigua Fire Department, Town of Hopewell, Canandaigua Lake County Sewer District, RG&E, NYSEG, NYS Department of Environmental Conservation, Town of Hopewell Water Department, NYS Department of Health, Town of Canandaigua Highway Department, and Army Corps of Engineers.
- 49. On June 27, 2017 the Planning Board designated itself as lead agency for the proposed development and determined that the development **WILL NOT** result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 and the supporting information provided by the design engineers.
- 50. A comment letter from the Town Engineer was provided dated April 20, 2020.
- 51. Comments from the Town Highway Superintendent were received via email dated April 8, 2020.
- 52. Comments from the Fire Dept. in a letter dated April 8, 2020.
- 53. Comments from the Town Highway Superintendent were received via email dated April 8, 2020.

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54. A Zoning Determination was provided dated March 27, 2020:

DETERMINATION:

- Proposed Building 15 has a proposed 12.2 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 16 has a proposed 12.2 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 17 has a proposed 10.9 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 18 has a proposed 10.9 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 19 has a proposed 6.7 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 20 has a proposed 7.3 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 21 has a proposed 7.4 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 22 has a proposed 8.3 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 23 has a proposed 7.5 ft. setback from roadways, parking and driveways when 15 ft. is required.
- Proposed Building 24 has a proposed 7.5 ft. setback from roadways, parking and driveways when 15 ft. is required.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board as it relates to multiple area variances withing 500 feet of a County Highway and Municipal Border.

REFERRAL TO ZONING BOARD of APPEALS FOR:

- Application received for 2.8 ft. setback variance for Building 15.
- Application received for 2.8 ft. setback variance for Building 16.
- Application received for 4.1 ft. setback variance for Building 17.
- Application received for 4.1 ft. setback variance for Building 18.
- Application received for 8.3 ft. setback variance for Building 19.
- Application received for 7.7 ft. setback variance for Building 20.
- Application received for 7.6 ft. setback variance for Building 21.
- Application received for 6.7 ft. setback variance for Building 22.
- Application received for 7.5 ft. setback variance for Building 23.
- Application received for 7.5 ft. setback variance for Building 23.

REFERRAL TO PLANNING BOARD FOR:

- Final site plan approval from the Planning Board shall be obtained for the phases or sections delineated as part of an approved preliminary site plan before issuance of any permits for development.

55. All variances as detailed within the Zoning Determination were granted by the ZBA at their April 21, 2020 meeting.
56. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
57. As part of this approval, an Amended Preliminary Overall (Phased) Subdivision Approval was required.

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FINDINGS

58. The Planning Board Attorney requested that all easement language and maps be submitted to the Development Office and Planning Board Attorney for approval prior to the Planning Board Chairman's signature being affixed to the Final Phased Site Plan.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES REPRESENTING JEFFERY & HEATHER CARSON
5610 BUFFALO STREET EXT – AR-2 ZONING DISTRICT
CPN 20-021 TM# 83.00-1-38.200
SINGLE-STAGE SITE PLAN APPROVAL

2ND 90 DAY EXTENSION RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a request for a second 90-day extension of the Single-Stage Site Plan approval to construct a new single-family home and attached garage with associated improvements on a parcel containing an existing 40' x 80' metal barn located at 5610 Buffalo Street Extension within the AR-2 Zoning District and detailed on site plans dated March 23, 2020, last revised April 16, 2020 prepared by Venezia Land Surveyors and Civil Engineers and approved by the Planning Board at their May 12, 2020 meeting; and

WHEREAS, the applicant is still working to address the conditions of approval granted at the May 12, 2020 Planning Board meeting and requested a second 90 day extension from the Planning Board; and

WHEREAS, the Planning Board has reviewed the public record on said Action; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board **p Approves with Previous Conditions (May 12, 2020) r Approves with the following Conditions; or r Denies the application** for the following reasons:

The Single-Stage Site Plan Approval is hereby approved for the second (2) 90-day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the date of February 6, 2021. The new expiration date is **May 1, 2021**.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 23, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -
Charles Oyler -
Ryan Staychock -
Bob Lacourse –
Amanda VanLaeken -

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 February 23, 2021 meeting.

John Robortella, Secretary of the Board



January 20, 2021

Mr. Doug Finch, Town Manager
Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, New York 14424

VIA EMAIL TO: Doug Finch, Town Manager dfinch@townofcanandaigua.org

Re: DiMarco- CreekView Apartments, Section 2
Amendment to Town of Canandaigua Planning Board Approval Resolution
CPN 20-016 Final Phase 2 Site Plan Approval

Dear Mr. Finch:

On behalf of the DiMarco Group ("Applicant"), kindly accept this letter as a formal request to the Canandaigua Planning Board for consideration of amendment to Condition #6 of the Final Phased Site Plan Approval Resolution dated May 13, 2020.

As you know, the Applicant has submitted funding applications to the State of New York for consideration of award of funding which will make Phase 2 practical to construct. At present the funding award announcements are anticipated on or around April 1st 2021. The Applicant has requested two (2) extensions to the Site Plan Approval which was granted on May 12, 2020. The second and final allowable extension is set to expire at the end of April of this calendar year.

The Applicant has reviewed all of the conditions of approval in the aforementioned resolution for Site Plan Approval and is diligently pursuing addressing or satisfying all of the conditions prior to expiration of the site plan approval period. Based on timing of the likelihood of satisfying Condition #6, the Applicant would like to amend the condition to read:

*"All comments from the Ontario County Department of Public Works are to be addressed and approval of the sanitary sewer design received **prior to issuance of building permits for any building to be constructed in Phase 2.**"*

Thank you for your attention to this matter.



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Sincerely,

Paul M. Colucci

Paul M. Colucci
Vice President

Xc: Gregg Firster, DiMarco (via email gfirster@dimarcogroup.com)
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