

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, May 26, 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:

CPN-016-15 Jeffery & Suzanne Moulton, owners of property at 4390 Middle Cheshire Road, TM#126.00-1-29.110, is requesting a special use permit for a major home occupation (needlework shop) in the AR-2 zoning district.

CPN-017-15 Mike Stasko, representing Lalit Shah, owner of property at 2400 NYS Route 332, TM#70.00-1-9.100, is requesting special use permit approval for a commercial speech sign in the CC zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS:

CPN-024-15 Venezia Associates, owner of property at 0000 Middle Cheshire Road, TM#97.04-1-9.211, is requesting final phased subdivision approval of six lots for Fox Ridge 5B Phase II. This request is being made in the R-1-20 zoning district.

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-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 June 9, 2015 meeting)*
- CPN-013-15 Grove Engineering, representing Joseph & Mary Bell, owners of property at 4865/4885 County Road 16, TM#140.18-1-8.111/8.112, is requesting one stage site plan approval for the relocation of a detached garage and driveway modifications in the RLD zoning district. *(continued to June 9, 2015 meeting)*

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

- CPN-022-15 Wolfe Architecture, representing PEJA Partners, owner of property at 5041 County Road 16, TM#154.09-1-7.110, is requesting one stage site plan approval to tear down/rebuild a detached garage, breezeway and retaining wall in the RLD zoning district.
- CPN-023-15 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 and site modifications in the CC zoning district.

BOARD BUSINESS

- ☐ Approval of May 12, 2015 meeting minutes
- ☐ Referrals to Town Board:
- ☐ Recommendations to Zoning Board of Appeals:
- ☐ 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:

STAFF REPORTS:

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

UPCOMING APPLICATIONS

June 9, 2015 Meeting:

- Applications:
 - Thomas Welch, 3-lot subdivision continuation
 - Fox Ridge 5B Amended Preliminary Approval – new road configuration
 - Zion Fellowship Church – amended landscaping plan (replacement of 13 evergreen trees)
 - Design Work for Tolbert, 3596 Otetiana Point – recommendation to the Zoning Board regarding area variance request for residential addition in the RLD zoning district
- Tony Yannotti site plan amendments (August 11 meeting)

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JEFFERY & SUZANNE MOULTON – 4390 MIDDLE CHESHIRE ROAD
CPN 016-15 TM# 126.00-1-29.110
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
(NEEDLEWORK SHOP)
SEQR RESOLUTION- TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for Major Home Occupation in Residential Area to operate a home-based needlework shop business in the AR-2 zoning district located at 4390 Middle Cheshire Road; and

WHEREAS, this application was not required to be forwarded to Ontario County Planning Board as it on the Exemption List #6; 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 _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JEFFERY & SUZANNE MOULTON – 4390 MIDDLE CHESHIRE ROAD
CPN 016-15 TM# 126.00-1-29.110
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
(NEEDLEWORK SHOP)

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for Major Home Occupation in Residential Area to operate a home-based needlework shop business in the AR-2 zoning district located at 4390 Middle Cheshire Road; and

WHEREAS, this application was not required to be forwarded to Ontario County Planning Board as it on the Exemption List #6; and

WHEREAS, the Planning Board has 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 thereby completing the environmental review; and

WHEREAS, on May 26, 2015, 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; and

WHEREAS, the Planning Board does hereby determine the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35, of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current and future owners and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code § 220-35.
2. In compliance with Town Code § 220-35, the Town Code Enforcement 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. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer and/or Zoning Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
4. In the event of any complaints about the proposed Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
5. There shall be no outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit.
- 6.
- 7.
- 8.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JEFFERY & SUZANNE MOULTON – 4390 MIDDLE CHESHIRE ROAD
CPN 016-15 TM# 126.00-1-29.110
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
(NEEDLEWORK SHOP) - SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for Major Home Occupation in Residential Area to operate a home-based needlework shop business in the AR-2 zoning district located at 4390 Middle Cheshire Road; and

WHEREAS, this application was not required to be forwarded to Ontario County Planning Board as it on the Exemption List #6; and

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

WHEREAS, on May 26, 2015, 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; and

WHEREAS, the Planning Board approved the request for a Special Use Permit and determined the Special Use Permit was consistent with the provisions of Chapter 220-35, 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 Planning Board granted a waiver from a professional prepared site plan pursuant to Town Code §220-65 (L) as requested for the applicant.
2. There shall be no outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit.
3. The proposed ground signage is to comply with the Town of Canandaigua Town Code, §220-83, 3(a)-3(d) and shall be submitted to the Town Development Office for approval.
4. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today.
- 5.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

- 2 -

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
JEFFERY & SUZANNE MOULTON – 4390 MIDDLE CHESHIRE ROAD
CPN 016-15 TM# 126.00-1-29.110
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
(NEEDLEWORK SHOP) - SITE PLAN APPROVAL

1. On May 26, 2015 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.
2. 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.
3. 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.
4. The applicant has submitted an application for Special Use Permit approval for Major Home Occupation in Residential Area to operate a home-based needlework shop business in the AR-2 zoning district located at 4390 Middle Cheshire Road.
5. No additional site improvements including exterior changes or lighting are proposed.
6. No additional parking spaces will be required as all parking required for this operation will be contained within the driveway for the dwelling.
7. Hours of operation will be Tuesday – Saturday from 10:00am to 4:00pm and occasional classes from 5:00pm to 8:00pm.
8. No more than 4 customers at one time are expected for these classes.
9. One commercial speech sign (ground sign) 24"x36" will be provided during hours of operation.
10. The proposed ground signage is to comply with the Town of Canandaigua Town Code, §220-83, 3(a)-3(d) and shall be submitted to the Town Development Office for approval.
11. The Planning Board has determined the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35 of the Town Code.
12. The Planning Board discussed outdoor storage. No outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit is permitted.
13. There are no variances requested.
14. This application was referred to the following agencies for review and comment:
 - Town Environmental Conservation Board
 - Carleen Pierce, Canandaigua City School District
15. A referral to the Ontario County Planning Board (OCPB) was not required.
16. A response from the Environmental Conservation Board was provided with no comments.
17. A Town of Canandaigua Waiver Request from a professional prepared site plan pursuant to Town Code §220-65 (L) was completed and provided to the Planning Board.
18. The Planning Board granted the waiver from a professional prepared site plan.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)
SEQR RESOLUTION- TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for commercial speech sign (building mounted sign) in the CC zoning district located at 2400 NYS Route 332; and

WHEREAS, the Planning Board did review the comments provided by Ontario County Planning Board regarding referrals #57-2015 and #57.1-2015; 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 _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
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Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

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Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for commercial speech sign (building mounted sign) in the CC zoning district located at 2400 NYS Route 332; and

WHEREAS, the Planning Board did review the comments provided by Ontario County Planning Board regarding referrals #57-2015 and #57.1-2015; and

WHEREAS, the Planning Board has 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 thereby completing the environmental review; and

WHEREAS, on May 26, 2015, 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; and

WHEREAS, the Planning Board does hereby determine the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35, of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The special use permit shall remain in effect for the current and future owners and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code § 220-35.
2. In compliance with Town Code § 220-35, the Town Code Enforcement 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. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer and/or Zoning Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
4. There shall be no outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit.
5. The proposed building signage is to comply with the Town of Canandaigua Town Code, §220-83, 3(a)-3(d) and shall be submitted to the Town Development Office for approval.
6. Separate approval by the Planning Board is required for the proposed ground signage.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION

MIKE STASKO III FOR LALIT SHAH

2400 NYS ROUTE 332

CPN 0017-15 TM# 70.00-1-9.100

SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

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Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)
SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit for commercial speech sign (building mounted sign) in the CC zoning district located at 2400 NYS Route 332; and

WHEREAS, the Planning Board has 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 thereby completing the environmental review; and

WHEREAS, on May 26, 2015, 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; and

WHEREAS, the Planning Board approved the request for a Special Use Permit and determined the Special Use Permit was consistent with the provisions of Chapter 220-35, 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 Planning Board granted a waiver from a professional prepared site plan pursuant to Town Code §220-65 (L) as requested for the applicant.
2. There shall be no outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit.
3. The proposed building signage is to comply with the Town of Canandaigua Town Code, §220-83, 3(a)-3(d) and shall be submitted to the Town Development Office for approval.
4. A separate approval by the Planning Board is required for the proposed ground sign.
5. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
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TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)

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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)
SITE PLAN APPROVAL

1. On May 26, 2015 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.
2. 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.
3. 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.
4. The applicant has submitted an application for Special Use Permit approval for a commercial speech sign (building mounted only) located at 2400 NYS Route 332 in a CC Zoning District.
5. No additional site improvements are proposed.
6. The Planning Board has determined the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35 of the Town Code.
7. The Planning Board discussed outdoor storage. No outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit is permitted.
8. An area variance for the ground sign was requested for the following:
 - To permit a multi-tenant ground sign when multi-use developments are not permitted to have tenant identification signs
 - To permit an 80 sq. ft. ground sign when no more than 40 sq. ft. is permitted
9. The ZBA continued this application at May 19, 2015 meeting to their June 16, 2015 meeting.
10. This application was referred to the following agencies for review and comment:
 - Carleen Pierce, Canandaigua City School District
 - Greg Trost, NYSDOT
 - Ontario County Planning Board
11. A referral to the Ontario County Planning Board (OCPB) was required.
12. Comments from the County were received in an email dated May 8, 2015 recommending a disapproval for the area variance request (ground sign) and made no formal recommendation for the site plan.
13. The Planning Board did review the Ontario County Planning Board's comments with a recommendation of approval.
14. The Planning Board has reviewed these comments and has considered them as part of their review of the application.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
MIKE STASKO III FOR LALIT SHAH
2400 NYS ROUTE 332
CPN 0017-15 TM# 70.00-1-9.100
SPECIAL USE PERMIT APPROVAL – COMMERCIAL SPEECH SIGN (BUILDING SIGN)
SITE PLAN APPROVAL

15. NYSDOT provided a response in an email dated May 13, 2015 with no comments as the proposed sign is to be installed on site and not within the NYS right-of-way.
16. A Town of Canandaigua Waiver Request from a professional prepared site plan pursuant to Town Code §220-65 (L) was completed and provided to the Planning Board.
17. The Planning Board granted the waiver from a professional prepared site plan.
18. A separate approval by the Planning Board is required for the proposed ground sign.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) 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 Phase 5B-2 containing 6 lots along La Crosse Circle as described in the Final Subdivision Plans for Fox Ridge Phase 5B-2 dated April 16, 2015 and all other relevant information submitted as of May 26, 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 Final Subdivision Plans and a comparison with the approved Amended Preliminary Overall Subdivision Plat Plan conditions of approval; and

WHEREAS, the Planning Board has determined that the proposed development is in substantial compliance with the Amended Preliminary Overall Subdivision Plat Plan conditions of approval for Phase 5B; 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 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 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. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of La Crosse Circle.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

6. The Planning Board determines that parkland is not a condition of Final Subdivision Plat approval for this application and 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.
7. The Town Engineer is to sign off on the subdivision plans prior to the Planning Board Chairman once the comments identified in the review letter dated May 20, 2015 have been addressed.
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. A landscaping schedule detailing the type, quantity, and size of each specie is to be added to the final subdivision plans.
12. The existing depth and capacity of the stormwater management facility is to be documented and forwarded to the Town Development Office prior to the issuance of building permits for Phase 5B.
13. The applicant is to request a sewer district approval for Phase 5B from NYSDEC as the previously issued approval has expired. A copy of the request is to be forwarded to the Development Office prior to the issuance of building permits.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
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 (La Crosse 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-2
CPN-024-15 TM# 097.04-1-009.211
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 (La Crosse 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 Phase 5B-2

20. Town of Canandaigua Planning Board is considering a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-2 Subdivision Plans dated April 16, 2015.
21. Proposed Phase 5B-2 contains 4 lots along La Crosse Circle, which will ultimately be extended and terminate with a cul-de-sac as part of a future phase of Fox Ridge.
22. The minimum approved lot size is 15,000 SQ. FT.
23. The minimum lot size proposed for Phase 5B-2 is 17,891 SQ. FT (lot 47) and a maximum lot size of 19,723 SQ. FT. (lot 31).
24. Public water and sanitary sewer services will be extended to all lots within Phase 5B-2.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
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-2 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
 - Town Environmental Conservation Board
 - Dennis Brewer, Parks, Recreation, & Trails Committee
 - Ontario County Planning Board
 - Ontario County Ag Review Board
 - MRB Group, Town Engineers
 - John Berry, Canandaigua Lake County Sewer District
 - William Wright, Ontario County DPW
 - Kevin Olvany, Canandaigua Lake Watershed
 - George Barden, Watershed Inspector
 - Geoff Brennessel, NYSEG
 - Wayne Dunton, RG&E
 - Michael Miller, Chief Cheshire Fire Department
 - Paul Damato, Regional Director, NYSDEC
 - Sheryl Robbins, P.E., NYSDOH
 - Carleen Pierce, Canandaigua County 9-1-1 Center
27. The Planning Board makes 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 Fox Ridge 5B subdivision includes a total of 28 new homes, many of which will be occupied by families with one or more children.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT APPROVAL

32. The proposed 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 subdivision plat.
35. The area of the proposed subdivision will be 28 +/- acres.
36. 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.
37. There is not an existing park in the vicinity of the proposed subdivision.
38. 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.
39. A comment letter from the Town Engineer was received dated May 20, 2015.
40. Comments from Ontario County DPW were received in an e-mail dated May 13, 2015.
41. A comment letter dated May 20, 2015 from Canandaigua Lake County Sewer District was received by the Town Development Office.
42. 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.
43. 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.
44. An approval from Canandaigua Lake County Sewer District (CLCSD) is required to be provided to the Development Office prior to the issuance of Certificate of Occupancy.
45. An email dated May 20, 2015 from NYSDEC was received requesting that the applicant request a sewer district approval for Phase 5B as the previous approval has expired.
46. NYSDEC has also requested that the applicant coordinate with SHPO regarding future Phase 3 and 4 as they are located within a designated archeological sensitive area or provide a copy of the "No Impact" letter from SHPO issued for the original approval of the Fox Ridge Subdivision.
47. NYSDEC also requested that the project SWPPP be updated to reflect the proposed Phase 5B-2 improvements and noted if project resulted in additional ground disturbances beyond the 50-acres included in the approved NOI for Phase 5A and Phase 5B, a new SPDES Permit would be required.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
WOLFE ARCHITECTURE FOR PEJA PARTNERS, LLC
TEAR-DOWN REBUILD DETACHED GARAGE – RLD ZONING DISTRICT
5041 COUNTY ROAD 16
CPN 022-15 TM# 154.09-1-7.110
SINGLE-STAGE SITE PLAN - CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for the demolition of a +/- 453 sq. ft. detach garage and construct a +/- 770 sq. ft. detached garage, breezeway, and retaining wall located 5041 County Road 16 in the RLD Zoning District and as described on the site plans dated April 24, 2015 and all other relevant information submitted as of May 26, 2015 (the current application), and

WHEREAS, the Zoning Board of Appeals at their May 19, 2015 meeting continued this application to their June 16, 2015 meeting; and

WHEREAS, the Planning Board cannot act on this application until the requested area variance has been granted by the ZBA; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the application to their Tuesday, June 23, 2015 Planning Board Meeting.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
SARAH GENECO – FLOWERS BY STELLA, INC.
GARAGE AND PARKING ADDITION
1880 NYS ROUTE 332
CPN 023-15 TM# 55.02-1-7.100
SINGLE-STAGE SITE PLAN - CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for the demolition of miscellaneous frame structures, an addition to the existing building, new sanitary lateral, and additional parking areas and entrances behind the existing retail buildings along NYS Route 332 in the CC District and as described on the site plans dated April 16, 2015 and all other relevant information submitted as of May 26, 2015 (the current application), and

WHEREAS, the Environmental Conservation Board attempted to review this application at the May 7, 2015 meeting and deemed the application incomplete and requested a more complete application to be reviewed at their June 4, 2015 meeting; and

WHEREAS, the Planning Board cannot act on this application until the requested area variance for the front setback has been reviewed by the ZBA scheduled for the June 16, 2015 meeting; and

WHEREAS, the Planning Board cannot make the findings required by § 220-71(B) that the proposal clearly and accurately describes the existing conditions as well as the proposed development of same; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the application to their Tuesday, June 23, 2015 Planning Board Meeting.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, May 26, 2015. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Jane Hollen -
Ryan Staychock -
Thomas Schwartz -

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 May 26, 2015 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.