

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, September 9, 2014, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz
BOARD MEMBERS: Richard Gentry, Charles Oyler, Ryan Staychock, One Vacancy
SECRETARY: Kathy Gingerich
STAFF MEMBERS: Lance Brabant, MRB Group
Christian Nadler, Planning Board Attorney
Douglas Finch, Director of Development
MEETING LOCATION: Outhouse Park, 2550 Outhouse Road

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:

CPN-062-14 BME Associates, representing Vision Nissan Canandaigua, owner of property at 2375 NYS Route 332, TM#56.00-2-54.000/56.00-2-22.210, is requesting sketch plan review to construct a car dealership in the CC zoning district.

CONTINUED PUBLIC HEARINGS:

CPN-035-14 Katie Dixon, owner of property at 4845 NYS Route 21, TM#139.00-1-29.110, is requesting single stage subdivision approval for a 2-lot subdivision in the RR-3 zoning district.

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: *None at this time*

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

CPN-058-14 Venezia Associates, representing Michael Spoleta, owner of property at 3448 Poplar Beach Road, TM#98.15-1-16.111, is requesting one stage site plan approval to tear down and rebuild a single-family dwelling in the RLD zoning district. (*pending ZBA approval*)

CPN-065-14 Town of Canandaigua, representing Miller Park, property on County Road 32, TM#97.00-1-59.210, requesting one stage site plan approval to construct a Town park and walking trail in the AR-2 zoning district.

BOARD BUSINESS

- ❑ Approval of August 26, 2014 meeting minutes
 - ❑ Referrals from Town Board: *None at this time*
 - ❑ Recommendations to Zoning Board of Appeals:
 - Venezia for Crosby, 3372 Fallbrook Park, CPN-063-14, expansion of a pre-existing non-conformity
 - ❑ 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:
 - Villas @ Canandaigua – amended site plan review
 - Centerpointe Townhouses – 90-day extension request
 - Lakewood Meadows Section 9 & 10 – substantial agreement approval
 - Everwilde Inn & Spa – SEQR Lead Agency review
 - Guidelines/Requirements for the approval of landscaping, tree removal and/or pruning within deed restricted areas
 - Code Updates / Revision to Comp Plan Implementation Plan
 - OnCor training (with Director of Development)
-

STAFF REPORTS:

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

UPCOMING APPLICATIONS

- September meetings: Venezia-Kinsella 3-lot subdivision (Canandaigua-Farmington TL Road), special use permit for Stephanie LeGrett at 5010 North Road, final subdivision approval for Phase I Fox Ridge Section 5B (10-lots), sketch plan review for Paul Barry – 3-lot subdivision on Middle Cheshire Road

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
KATIE DIXON – 4845 NYS ROUTE 21
CPN 035-14 TM# 139.00-1-29.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL – CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a two lot subdivision of a 22.089 acre parcel creating proposed lot 1 a 3.310 acre parcel with no proposed development, and lot 2 a 18.779 acre parcel with the existing structure on site located at 4845 NYS Route 21, as described in the final plat last revised May 31, 2012 and all other relevant information submitted as of September 9, 2014 (current application); and

WHEREAS, the Planning Board cannot take action on this application until all the Planning Review Committee (PRC) meeting notes from May 21, 2014 submitted to the applicant have been addressed; and

WHEREAS, the Planning Board cannot take action on this application until the final plat plan is revised to address the Preliminary & Final Subdivision Plat Checklists pursuant to §174-13 and §174-14 of the Town of Canandaigua Town Code; and

WHEREAS, the Planning Board has requested additional information including the submittal of an updated site plan depicting the buildable area based on the environmental constraints and zoning setback requirements on the proposed lot, and an approvable septic system and leach field location is to be shown on the plans supported by the perc test and deep hole test results; and

WHEREAS, the applicant has not yet provided the information requested by the Planning Board including an updated subdivision plan and needs additional time; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the public hearing and table the application to their Tuesday, _____, 2014 Planning Board Meeting.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 9, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Stephen Richardson -
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 September 9, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
KATIE DIXON – 4845 NYS ROUTE 21
CPN 035-14 TM# 139.00-1-29.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL – CONTINUATION

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WHEREAS, the Planning Board has requested additional information including the submittal of an updated site plan depicting the buildable area based on the environmental constraints and zoning setback requirements on the proposed lot, and an approvable septic system and leach field location is to be shown on the plans supported by the perc test and deep hole test results; and

WHEREAS, the applicant has not yet provided the information requested by the Planning Board including an updated subdivision plan and needs additional time; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the public hearing and table the application to their **Tuesday, November 25, 2014** Planning Board Meeting to provide the applicant enough time to address to Town's comments.

BE IT FURTHER RESOLVED that the Planning Board does hereby request that if the applicant wishes to attend an earlier Planning Board meeting, then the applicant is to contact the Town of Canandaigua Development Office no later than twenty (20) days prior the requested Planning Board meeting date.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 9, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
Stephen Richardson -
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 September 9, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

September 5, 2014

Mrs. Pamela Helming, Town Supervisor
Town Board
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

**RE: TOWN OF CANANDAIGUA MILLER PARK -
TOWN PARK & WALKING TRAIL PLAN REVIEW
CPN 065-14
TM # 97.00-1-59.210**

Dear Supervisor Helming:

The Town of Canandaigua Planning Board has completed a review of the above referenced Town of Canandaigua Miller Park project (CPN 065-14) referred by the Town Board for recommendations and comments regarding the proposed site plan. The Planning Board offers the following recommendations and comments for the Town Board's consideration:

- 1.
- 2.
- 3.
- 4.

Sincerely,

Thomas Schwartz, Planning Board Chairman

C Planning Board Members
Town Board Members

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

September 5, 2014

Mr. Graham Smith, Chairman
Zoning Board of Appeals
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

**RE: VENEZIA FOR CROSBY – 3372 FALLBROOK PARK
AREA VARIANCE - EXPANSION OF A NON-CONFORMITY
CPN 063-14
TM # 98.15-1-1.000**

Dear Chairman Smith:

The Town of Canandaigua Planning Board has completed a review of the above referenced zoning application Venezia for Crosby at 3372 Fallbrook Park (CPN 063-14) referred by the Zoning Board of Appeals for recommendations/ comments regarding potential impacts (Chapter 220 §220-107-G-2). The Planning Board offers the following recommendations/ comments for the Zoning Board of Appeals consideration:

1. The proposed application conforms to the existing setbacks of the neighboring parcels.
2. The proposed application is requesting a variance for a right setback of 4.0' for the proposed additions where 12' is required; however, the existing right setback to the house is 2.6'. The proposed additions do not appear to negatively impact the neighboring parcel as they are further away from the property lines than the existing structures.
3. Proposed application appears to comply with the Town of Canandaigua Shoreline Development Guidelines.
4. Does not appear to negatively impact the neighboring parcels view of the lake.

Sincerely,

Thomas Schwartz, Planning Board Chairman

C Planning Board Members



Engineers & Surveyors

August 27, 2014

Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, NY 14424

Attention: Amanda Catalfamo

Re: Centerpointe Townhouses

Dear Ms. Catalfamo,

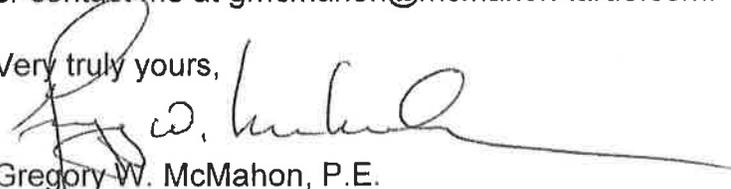
On behalf of Morgan Management, LLC we would like to request ninety (90) day extensions to the final approvals for the following projects:

CPN-064-13 Centerpointe Townhouses
CPN-070-13 Centerpointe Townhouses

We are awaiting the final sewer approval from the Ontario County Department of Public Works and expect to proceed with construction within one (1) month.

Should you have any questions or require any additional information, please call or contact me at gmcmahon@mcmahon-larue.com.

Very truly yours,


Gregory W. McMahon, P.E.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORGAN MANAGEMENT LLC – CENTERPOINTE TOWNHOUSES
CPN-064-13 TM# 56.00-1-54.115
3RD 90 DAY EXTENSION - FINAL SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the third 90 day extension for the final site plan approval for the Centerpointe Townhouses in a letter dated August 27, 2014 from McMahan LaRue Associates, P.C. as they continue to address Ontario County Department of Public Works comments and the Planning Board conditions of approval; and

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

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

The final site plans for the “Centerpointe Townhouses” is hereby approved for the third 90 day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the previous expiration date of September 6, 2014. The new expiration date is **December 5, 2014.**

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on September 9, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Stephen Richardson -
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 September 9, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORGAN MANAGEMENT LLC – CENTERPOINTE TOWNHOUSES
CPN-070-13 TM# 56.00-1-54.116
3RD 90 DAY EXTENSION - FINAL SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the third 90 day extension for the final site plan approval for the Centerpointe Townhouses in a letter dated August 27, 2014 from McMahon LaRue Associates, P.C. as they continue to address Ontario County Department of Public Works comments and the Planning Board conditions of approval; and

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

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

The final site plans for the “Centerpointe Townhouses” is hereby approved for the third 90 day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the previous expiration date of September 6, 2014. The new expiration date is **December 5, 2014**.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on September 9, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Stephen Richardson -
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 September 9, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9 & 10
CPN-006-06 TM# 112.00-1-32.111 & 112.04-1-2.999
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

1. 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 Preliminary 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.
2. The Lakewood Meadows Section 9 & 10 Preliminary Overall (Phased) Subdivision Plans were approved at the January 23, 2007 Planning Board meeting with fifteen (15) conditions.
3. The existing zoning of Section 9 & 10 was SCR-1 (Southern Corridor Residential – 1 acre lots).
4. The total Section 9 & 10 project area (parcel size) as approved in 2007 was 69.2 acres.
5. Section 9 & 10 was approved as Cluster Subdivision (Town Law 278) preserving constrained lands.
6. Constrained lands for Section 9 & 10 were identified as the following:
 - 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)
 - 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
7. 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).
8. 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).
9. 62 patio homes (single family) was approved as part of the 2007 Preliminary Subdivision Plan.
10. The average lot size was 7,000 sf.
11. The 2007 Preliminary Subdivision Plans also included public water and sanitary improvements, and storm drainage management areas, landscaping, trails, public roads, sidewalks, and lighting improvements.
12. Marathon Engineering and Morrell Builders submitted an amended Preliminary (Phased) Subdivision Plan for Section 9 & 10 dated August 26, 2014 and a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 amended plan.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9 & 10
CPN-006-06 TM# 112.00-1-32.111 & 112.04-1-2.999
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

13. The Planning Board is to determine if the proposed Amended Preliminary (Phased) Subdivision Plans of 2014 are in “substantial agreement” with the approved 2007 Preliminary (Phased) Subdivision Plans for Lakewood Meadows Section 9 & 10 dated January 2006 and last revised February 6, 2007.
14. The proposed amended (phased) subdivision plans propose a similar layout for single family dwellings, preserving the identified constrained lands and required open space areas as previously approved, utility improvements including public water and sanitary sewers, drainage improvements and management areas, landscaping, trails and sidewalks and compliance with the Town of Canandaigua Ridgeline Guidelines which were all part of the original 2007 Preliminary (Phased) Subdivision Plan approval.
15. The proposed amended subdivision plan proposes 81 residential units (66 townhouses and 15 patio homes).
16. The average lot size is proposed at 11,000 sf.
17. The total proposed open space areas for Section 9 & 10 is 43.2 acres (62%).
18. The Planning Board has completed a review of the cover letter dated August 26, 2014 prepared by Marathon Engineering including the matrix (a comparison of the proposed 2014 Amended Preliminary (Phased) Plat Subdivision Plans with the approved 2007 Preliminary (Phased) Plat Subdivision Plans) and determines that the proposed Amended Preliminary (Phased) Subdivision Plat Lakewood Meadows Section 9 & 10 plans dated August 26, 2014 are in **Substantial Agreement** with the previously approved Preliminary (Phased) Subdivision Plat Lakewood Meadows Section 9 & 10 plans dated January 2006 and last revised February 6, 2007 (signed).
19. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
20. 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.
21. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
22. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
23. The proposed subdivision includes 28 new homes, many of which will be occupied by families with one or more children.
24. The proposed subdivision will increase the Town’s population.
25. This increase in population will intensify the need for land to be used for parks and recreation.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9 & 10
CPN-006-06 TM# 112.00-1-32.111 & 112.04-1-2.999
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

26. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
27. The area of the proposed subdivision will be 28 +/- acres.
28. The area of the proposed subdivision will include residential lots and preserved open space areas. Adequate land for dedication of parkland is not available on the proposed subdivision plat.
29. A fee in lieu of parkland shall be paid at the time of issuance of building permits.

DRAFT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9 & 10
CPN-006-06 TM# 112.00-1-32.111 & 112.04-1-2.999
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a proposed amendment to the 2007 Preliminary (Phased) Plat Subdivision Approval of the Lakewood Meadows Section 9 & 10 Plans dated January 2006 and last revised February 6, 2007. The amended subdivision plans, dated August 26, 2014 propose a similar layout, preservation of open space areas, utility improvements including water, sanitary, storm sewers, and stormwater management areas which were all part of the original 2007 approval; 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 and a comparison of the of the proposed amended Preliminary (Phased) Plat Subdivision Plans with the approved 2007 Preliminary (Phased) Plat Subdivision Plans; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that the proposed amended Lakewood Meadows Section 9 & 10 Preliminary (Phased) Plat Subdivision Plans dated August 26, 2014 are in substantial agreement with the previously approved Lakewood Meadows Section 9 & 10 Preliminary (Phased) Plat Subdivision Plans dated January 2006 and last revised February 6, 2007 and has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

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

1. 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.
2. The title of the drawing is to read Amended Preliminary Subdivision Plat Lakewood Meadows Section 9 & 10.
3. The Amended Preliminary (Phased) 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.
4. Once all conditions of Amended Preliminary (Phased) Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to the subdivision plans, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
5. The Planning Board determines that a Park and Recreation Fee in the amount of \$500.00 to be paid at the time of application building permits.
6. The Preliminary Overall Subdivision Plat Lakewood Meadows Sections 1-8 are to be revised eliminating Section 5B (Section 5 per the original approval) and resubmitted to the Planning Board for Amended Preliminary Overall Subdivision Plat Lakewood Meadows Sections 1-8 approval and refiled with the Town Clerk prior to receiving Final Subdivision Plat Approval for Lakewood Meadows Section 9 & 10.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING FOR MORRELL BUILDERS
LAKEWOOD MEADOWS SUBDIVISION, SECTION 9 & 10
CPN-006-06 TM# 112.00-1-32.111 & 112.04-1-2.999
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

- 7.
- 8.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 9, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
One Vacancy -
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 September 9, 2014 meeting.

_____ L. S.
Kathleen Gingerich, Secretary of the Board