

TOWN OF CANANDAIGUA
CENTERPOINTE PROJECT

TOWN BOARD RESOLUTION
OF
PUD APPROVAL

WHEREAS:

1. An application has been made by The Farash Corporation pursuant to the Planned Unit Development Code ("PUD") of the Town (Chapter 74 as revised July 22, 1986) for the CENTERPOINTE Project.

2. The CENTERPOINTE (KANANDAQUE) DEVELOPMENT is a multi-use, planned unit development proposed for a 425 acre site located in the Town of Canandaigua. The project site is bounded by Thomas Road on the south, Brickyard Road on the west, Yerkes Road on the north and New York State Route 332 on the east. It is presently planned that at full development, the project would include: improvement and retention of existing 174 acre golf course; retention of existing 60 acre wetland and buffer area; construction of commercial, office and hotel space of approximately 485,000 square feet; construction of office, light industrial/research and development space of approximately 790,000 square feet; construction of approximately 340 multi-family apartment units; construction of approximately 231 townhouse units. Approximately 191 acres of the 425 acre site would be selectively cleared for development. Approximately 55% of the project area would remain essentially undisturbed.

3. A complete environmental review of the Project has been conducted pursuant to the State Environmental Quality Review Act ("SEQRA"). The Findings required by the SEQRA regulations have been adopted by the Town Board and such Findings are hereby incorporated by reference.

4. Duly noticed public hearings have been held concerning the PUD application.

5. The PUD application as originally submitted has been modified to reflect comments or suggestions made during the environmental review process.

6. The PUD application is represented by a plan dated June 30, 1986 and further identified as Planned Unit Development, Drawing 7486FS, which document is on file in the Town Clerk's Office.

NOW THEREFORE BE IT RESOLVED THAT:

- I. The Town Board, pursuant to Chapter 74 of the Code of the Town of Canandaigua does hereby approve the creation of the Center-

pointe Planned Unit Development as represented by the drawings referenced above.

II. This PUD zoning approval shall be subject to the following terms and conditions:

(A) Uses. The mix of uses shown on the plans is hereby approved.

(B) Scale. The maximum scale or density of the respective uses shall be:

(1) Commercial, office and hotel space - 485,000 square feet net leasable space.

(2) Office, light industrial/research and development - 790,000 square feet net leasable space.

(3) Apartment and townhouse units - 571. The developer shall have flexibility in the actual mix between townhouse and apartment units provided that neither type of unit shall comprise more than 65% of the 571 residential units. The maximum density shall be 15 units per acre apartments and 10 units per acre townhouses.

571
371 Apts
200 Townhouse

(4) The wetland area and wetland buffer area comprising approximately 60 acres shall be retained as open space subject to such limited and necessary encroachments identified on the PUD Plan including utilities; storm drainage; parking; possible building encroachment to buffer area; nature trails; and the internal road connection between the portions of the Project located north and south of the wetland area. These encroachments shall be subject to receipt of all necessary DEC permits.

(5) The existing 174 acre golf course shall be retained and improved. The developer shall have the flexibility to alter or relocate the existing golf course layout in order to better accommodate the proposed townhouse and apartment units so long as the resulting golf course total acreage is substantially similar to the present golf course area.

(C) Rights-Of-Way, Setbacks:

(1) The internal road system to be constructed shall be designed to Town standards and shall have a right-of-way width of 50 feet except that the Town reserves the right to require a right-of-way width of up to

75 feet within 500 foot depth from the intersections of the internal road with Route 332 (2 points) and/or Yerkes Road (1 point).

(2) The minimum front setbacks shall be:

- (a) From Route 332 - 100 feet from the expanded (99 foot) right-of-way line. No structures, or parking, shall be placed within this setback area and provision shall be made in site plans for the landscaping of the setback area. This setback is a specific variance from the 332 corridor plan and is granted because there will be no frontage road developed; no individual access from Route 332 except via the internal road; and the site plan provides for the reverse frontage road concept.
- (b) From the internal road system - 50 feet from the right-of-way line. A minimum 20 foot strip of the setback shall be landscaped, and the remaining 30 feet of the setback area may be utilized for parking where the height of the structure to be served is 35 feet or less. For structures greater than 35 feet, the Planning Board, upon site plan review, may require more than a 20 foot landscaped area.
- (c) From the right-of-way line of Thomas Road; Brickyard Road, or Yerkes Road:
 - i) 100 feet for any commercial, office, light industrial/research development, hotel or similar use.
 - ii) 60 feet for any apartment use.
 - iii) 40 feet for any townhouse use.

The details of landscaping, parking, and access within the setback areas from Thomas, Brickyard or Yerkes Roads shall be established by the Planning Board upon site plan review.

(3) Other Setbacks:

- (a) No apartment building shall be closer than 60 feet from any boundary line of the designated apartment area or zone.

- See
ZBA decision
dated 5/21/13

- (b) The minimum width of any side yard abutting a street, driveway or parking area within a townhouse zone shall be 40 feet.

(c) Height Restrictions. Maximum building height above finished grade shall not exceed:

- i) 35 feet for townhouses; or other structures fronting on Thomas Road, Brickyard Road, except for a possible apartment use (maximum 45 foot height) located on land at intersection of Brickyard and Yerkes Roads.
- ii) 60 feet for hotel.
- iii) All other uses abutting on Route 332 and Yerkes Road shall not exceed a height of 35 feet above the elevation at the center line of pavement for said Roads at a point opposite the mid-point of the width of the proposed structure or building.
- iv) 60 feet for all office/industrial structures abutting the wetlands portions of the site.
- v) 45 feet for all other office/industrial structures.
- vi) 45 feet for all apartment structures.

(d) Parking. The existing zoning district parking requirements shall not apply. Subject to the following, the Planning Board is directed to establish appropriate parking requirements on a site specific basis taking into consideration the proposed use of the site; feasibility of designated compact car parking areas; preservation of open space and a campus-like setting; and any current planning literature. Minimum parking required shall be:

- i) Two spaces per residential unit (townhouse or apartment).
- ii) One space per 1000 square feet of net leasable building area for non-residential uses. Actual parking required shall be determined by the Planning Board.

(D) Phasing:

1. Not later than the time of the submission of the first

site plan to the Town Planning Board, the developer shall submit a proposed phasing plan indicating tentative timing for the extension and installation of necessary sewer, water or other utilities to serve the site and indicating the proposed sequence of development on the site. A revised or updated phasing plan shall be submitted with each subsequent site plan submission to the Town Planning Board. Each site plan submission to the Town Planning Board shall comply with the requirements of Chapter 74 of the Town Code and shall also specify the manner in which the development phase proposed by such site plan complies with the overall PUD approval hereby granted and how such development will specifically incorporate the mitigation measures identified in the DGEIS and FGEIS for the Project.

2. The residential units to be constructed shall be developed in a phased manner such that no more than 35% of the total residential units shall be constructed in any one of the first five years following the approval of initial site plan containing residential uses. The purpose of this condition is to mitigate an identified potentially adverse impact to the school system and other public service functions.
3. The developer is encouraged to make efforts to market the Project such that the office, light industrial/research and development uses will occur in the earliest possible phases of the overall Project.

(E) Open Space Preservation:

The wetland and buffer area and the golf course shall be retained as open space and recreation areas. Upon submission of final site plans for each section of the overall PUD, the developer shall submit covenants running with the land or other evidence such as property owners association, in form acceptable to the Town legal advisor and such covenants shall be filed or recorded.

(F) Internal Road Connection:

1. A major mitigating factor identified during the SEQRA process and incorporated into the plan is the link connecting the internal road system on both sides of the wetland area. The Town Board has made a finding that this road link does justify any limited encroachment of the wetland area and buffer.

2. The internal road system shall be completed to provide such link not later than the date construction is completed on a total of 600,000 square feet of any structures within the PUD zone other than townhouses. Any combination of apartment, commercial, hotel, office, light industrial/research and development uses exceeding this square footage shall require the completion of internal road link.
3. The developer shall have the flexibility to extend a private drive from the internal road to the golf club facility; and shall also have the flexibility of extending the internal road to service hotel, commercial, office uses that may develop in the vicinity of the northwest corner of Route 332 and Thomas Road.

(G) Other Conditions:

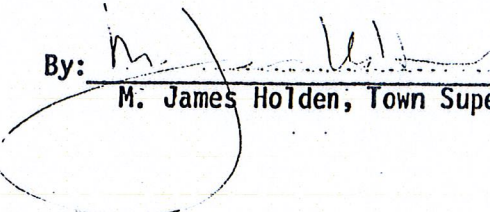
1. The Town Board reserves the right to establish and to require such appropriate financial security as it may deem necessary for the construction and completion of improvements which are to be offered to the Town for dedication.
2. The mitigation measures identified in the DGEIS and FGEIS shall be incorporated into specific site plan.
3. The developer shall, within 30 days, notify the Town Board of its acceptance of these conditions and if the conditions are not accepted, the PUD approval will be deemed denied.

III. Upon receipt of the developer's acceptance, the Town Clerk shall make appropriate notations on the Town Zoning Map; a legal notice shall be published; and thereafter the development of the site shall be controlled by Chapter 74, the approved plan and this resolution rather than the Zoning Ordinance provisions.

34. It is anticipated that if future site specific plans submitted to the Town Planning Board for review are consistent with the design parameters set forth in the DGEIS and with conditions of the Town Board's PUD approval, that no further environmental impact statements will be required. See the SEQRA regulations at §617.15(c).

BY ORDER OF THE TOWN BOARD

By:


M. James Holden, Town Supervisor

DISTRIBUTION:

- 1 Town Board Minute Book
- 1 Project File
- 1 Posted on Town Bulletin Board
- 1 Each Involved Agency