

After discussion the following resolution was offered by Supervisor Holden, seconded by Councilman LaCrosse and unanimously adopted:

(EXHIBIT D - SEQRA FINDINGS FOR CENTERPOINTE)

RESOLVED THAT, the SEQRA Findings for CENTERPOINTE, in the form attached, be and hereby are adopted as the Findings of the Town Board.

Attorney Madden explained the next resolution that is before the board for consideration concerns approval of the creation of the Centerpointe Planned Unit Development and appropriate changes on the Town Zoning Map.

The following resolution was offered by Supervisor Holden, seconded by Councilman La Crosse and unanimously carried.

(EXHIBIT E - PUD Approval of the CENTERPOINTE PROJECT)

Supervisor Holden thanked the Planning Board and Town Board and Town Consulting Team for their interest and efforts in reviewing and helping to refine such an important project proposal. This is the largest project ever considered in the Town of Canandaigua and it will have a major economic impact on this area as it is developed.

After audit of the bills by members of the Town Board, Abstract # 20 in the amount of \$21,219.41 from Highway Department, \$10,977.74 from General Fund, \$1,402.59 from Water Department, \$848.24 from Pump Station., Councilman Boyce made the motion that the bills be paid, seconded by Councilman Outhouse. Carried.

Supervisor Holden asked Roger McDonough, Watershed Inspector to attend tonight's meeting to discuss reinforcement procedures with the Canandaigua Lake Watershed and also questions he may have concerning the newly adopted town wide Watershed Ordinance. The Supervisor commented that the board has expressed its sincere interest in protecting the lake as evidenced partly by Canandaigua Town being the first Town in the County to develop and enact a Watershed Local Law. Since the Town has enacted the law, several questions have arisen, one of them being who has specific responsibility for various areas within the Town. One of the factors the Town modified in the law was to expand the Watershed area to cover the entire Town, not just Canandaigua Lake Watershed. As Supervisor Holden pointed out only 40% of the Town is in Canandaigua Lake Watershed, while 60% exist in other watersheds. While the board's stated commitment is to focus on protection for Canandaigua Lake, the concern exists for the entire Town and the main objective is to get the job done right. They are not presently satisfied that this is satisfactorily being done.

Roger McDonough explained there are two separate jurisdictions:

1. State Public Health Law dictates that a Watershed Inspector be appointed by the municipalities surrounding the lake.
2. Town of Canandaigua Watershed Local Law which Mr. McDonough says does not repeal the State Law.

Mr. McDonough said the Town can not enact anything less than the State Regulations (Blue Book). The Town can have its own inspector, which in Mr. McDonough's opinion is in addition to his inspection. In order to have a legal septic system in the Watershed, according to Mr. McDonough two inspectors must approve the system. (State & Town).

Mr. McDonough presented copies of letters from the State Health Dept. and City of Canandaigua reference NYS Public Health Law and rules and regulations of the Canandaigua Lake Watershed. Supervisor Holden advised Mr. McDonough that all Town Board members, have previously been provided with copies of all of these documents.

Mr. McDonough reported that the City of Canandaigua states he is their employee with his activity financed through the water fund which comes from metered water sales.

**TOWN BOARD RESOLUTION
(FINDINGS)**

RESOLVED THAT the SEQRA Findings for **CENTERPOINTE**, in the form attached, be and hereby are adopted as the Findings of the Town Board.

**SEQRA FINDINGS FOR CENTERPOINTE
(KANANDAQUE) PROJECT**

DATE: October 28, 1986

LEAD AGENCY: Town Board
Town of Canandaigua
2 North Main Street
Canandaigua, New York 14424

**CONTACT FOR
FURTHER
INFORMATION:** Attention: M. James Holden, Supervisor
Telephone: (716) 394-1120

**PROJECT
DESCRIPTION:** 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.

**AGENCY ISSUING
FINDINGS:** Town Board of the Town of
Canandaigua

DOCUMENTS: These Findings are based upon the environmental review contained in the Draft Generic Environmental Impact State ("DGEIS") and Final Generic Environmental Impact Statement ("FGEIS") for **CENTERPOINTE**.

FINDINGS: The Town Board as Lead Agency hereby finds and concludes that:

- (a) It has given consideration to the DGEIS and FGEIS.

- (b) The requirements of SEQRA have been met.
- (c) Consistent with applicable social, economic and other essential considerations, from among the reasonable alternatives thereto, the PUD plan for Centerpointe is one which minimizes or avoids adverse environmental effects to the maximum extent practicable.
- (d) To the maximum extent practicable, adverse environmental effects revealed in the DGEIS and FGEIS will be minimized or avoided as a result of modifications made to the original PUD plan, the mitigation measures identified in the FGEIS and as a result of conditions to be incorporated by the Town Board to any PUD approval.

**FACTS, CONCLUSIONS
AND STANDARDS:**

The following facts, conclusions and standards form the basis for these Findings:

General Background

1. The Town Board of the Town of Canandaigua has acted as Lead Agency for State Environmental Quality Review Act ("SEQRA") review purposes for a proposed Planned Unit Development rezoning in the Town of Canandaigua known as the Centerpointe Project (formerly known as Kanandaque).
2. The Applicant for the Planned Unit Development ("PUD") approval is The Farash Corporation, Rochester, New York.
3. The site which is the subject of the PUD application and which has been the subject of SEQRA review is an approximately 425 acre site located in the Town of Canandaigua and 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.
4. The PUD application requests approval for a mix of land uses including: improvement and retention of existing 174 acre golf course; retention of existing 60 acre wetland and buffer area; construction of commercial, office, and hotel/motel 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 and construction of approximately 231 townhouse units.

5. The Applicant is an experienced developer, builder and operator of residential units, commercial, office, light industrial/research and development properties. Recent projects in Ontario County the Applicant has been involved in include development and construction of light industrial/research and development projects in the Towns of Farmington and East Bloomfield.

6. The Applicant initially submitted a Concept Development Plan for the Project to the Town of Canandaigua Planning Board on May 14, 1985. Subsequent to that date, and in connection with the environmental review process, certain modifications to the proposed Project have been developed and submitted by the Applicant. The present proposal is represented by a plan dated June 30, 1986 and identified as Drawing 7486FS.

Land Use Planning and Zoning

7. The predominant zoning designation on the Project site is R-1 Residential (387 acres). Approximately 38 acres of the site is zoned C-1 Commercial. The C-1 Commercial zoning includes approximately 4,400 feet of frontage along Route 332 and is 500 feet deep and parallel to that road.

8. The Town of Canandaigua PUD Ordinance (as revised July 22, 1986) encourages the coordinated development of large blocks of land.

9. The Ontario County Planning Board has endorsed the concept of a PUD development at this site.

10. The Town's Planning Consultants have advised that the type of development represented by the PUD Project is consistent with the proposed master plan update presently being developed.

11. The PUD application appears to be consistent with the density and design requirements of §74-6 the Town of Canandaigua PUD Ordinance with the exception that the Applicant must devote additional acreage to the multi-family apartment use to justify 340 apartment units (see PUD Law, §74-6(c)(4)). Specifically, the Town Board finds that development of this land as a PUD will meet the objectives of the PUD Law, §74-3, which are:

- A. A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual, condominium, leasing), types of housing, lot sizes and community facilities available to persons at all economic levels.
- B. Provision of usable open space and recreation areas and convenience in location of sales and service areas.
- C. A development pattern which preserves trees, outstanding natural topography and geographic features and prevents

soil erosion.

- D. A creative use of land and related physical development which allows an orderly transition of land from rural areas.
- E. An efficient use of land resulting in smaller networks of utilities and streets.
- F. A development pattern in harmony with the objectives of this chapter and the Comprehensive Plan.
- G. A more desirable environment than would be possible through the strict application of other articles of the Zoning Ordinance.
- H. A mixture of land uses to enhance job creation, retention, increase of tax base, and variety of settings.

12. Pursuant to the Town's PUD Ordinance, the Applicant will be required to submit detailed site plans to the Town Planning Board and to obtain Town Planning Board approval before any specific development may occur on the site. The Applicant will also be required to receive any and all permits necessary from State, County or local agencies having jurisdiction. The PUD process provides a vehicle for controlled, orderly growth and development of this site.

13. The Draft Generic Environmental Impact Statement ("DGEIS") and Final Generic Environmental Impact Statement ("FGEIS") prepared for the Project fully describe the environmental setting, potential impacts and appropriate mitigation measures for the Project. Many of the mitigation measures proposed have been incorporated into and made part of the most recent PUD plan.

14. The social and economic impacts of the Project have been identified and reviewed.

Wetland Impacts and Mitigations

15. The wetland resource on the site, possible impacts and appropriate mitigation measures are all discussed in the DGEIS. The benefits of the wetland can, with proper planning and mitigation measures, be preserved while permitting development of the site. It is proposed that there would be only limited encroachments in buffer areas for such purposes as storm water detention, parking, possible building encroachment, drainage structures, possible nature trails and a possible encroachment required to mitigate traffic impacts by constructing an internal roadway at the most westerly portion of the wetland area. Development will be clustered on non-wetland areas to preserve wetland values and to maximize efficiency in the construction and use of roads and other utilities.

16. The Town Engineers have made certain recommendations regarding mitigation measures which can be incorporated into the Project to mitigate impacts on the wetland and buffer area.

Drainage

17. The DGEIS identifies existing drainage patterns and recognizes that the drainage off-site is controlled by an existing culvert under Route 332. Provisions for drainage control are also identified in the DGEIS.

Transportation

18. New York State Route 332 is the primary artery serving the proposed development. The other three roads bounding the site are Town roads.

19. The Project when fully constructed will add additional traffic to surrounding roads. The DGEIS identifies road improvements and controls which will be necessary to mitigate traffic impacts. These include limiting points of access on to Route 332; signalization; and road improvements to enhance the function and safety of Route 332. The most recent PUD plan has been revised to incorporate the internal roadway system and access points on Route 332 as proposed by the DGEIS.

Utilities

20. The DGEIS identifies the necessity for extending utilities to the site. There is adequate treatment capacity in the City of Canandaigua Water Treatment Plant, but complete development of the site would require improvements in the distribution system. Such improvements are anticipated to be completed in 1988 or 1989 and the City's Coordinator of Public Works has reported that he does not foresee any difficulties with supplying the proposed Project with the required volumes of water.

21. Sanitary sewer services would have to be extended to the site. Two alternatives for such service extension are identified and discussed in the DGEIS. The additional flows created by the Project, however, would be well within the County's allotment of the City of Canandaigua Waste Water Treatment Plant capacity.

Community Services

22. The existing level of services, possible impacts from the Project and related matters are discussed in the DGEIS. Additional public services such as school, police services, fire and emergency services will be required as a result of the completion of the Project and completion of other projects proposed in the area. The DGEIS indicates that tax revenues generated will more than offset the additional cost of added services.

Energy

23. The proposed structures would be built in conformity with the New York State Energy Conservation Construction Code and New York State Building Code.

24. Energy would be consumed in the construction of improvements.

Alternatives

25. Alternatives to the proposed Project including the "no action alternative" were discussed and evaluated in the EIS. Development of the site under existing zoning would result in equal or greater environmental and social impacts, but would yield fewer social and economic benefits than the PUD development.

Proceedings To Date

26. Proceedings prior to June 24, 1986 are set forth at Pages 1 and 2 of the DGEIS. These proceedings include the early and active involvement of numerous involved agencies and the public in scoping the DGEIS.

27. On June 24, 1986, the Town Board, as Lead Agency, accepted the DGEIS for scope, content and adequacy, set a public hearing on the DGEIS and PUD plans; referred the latest PUD plans to the County Planning Board and Town Planning Board; and established a public comment period on the DGEIS.

28. On July 29, 1986, a duly noticed public hearing was held for the purpose of receiving comments on the DGEIS and for the purpose of receiving public comments on the proposed PUD.

29. On August 4, 1986, the DGEIS comment period ended.

30. An FGEIS was prepared by the Town Consulting Engineers.

31. On September 9, 1986, the FGEIS was accepted for filing by the Lead Agency and copies of the FGEIS and Notice of Completion were duly filed, posted, published and distributed.

32. Subsequent to the adoption of these findings, the Town Board will take action on the PUD application. The Board can approve, disapprove or approve with modifications and conditions.

33. If the Town Board approves the PUD plan, the Applicant would then be free to prepare detailed site plans for development of portions of the Project as they become commercially viable. The Applicant and Planning Board would be bound by any and all conditions attached to the Town Board's PUD approval.

**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.

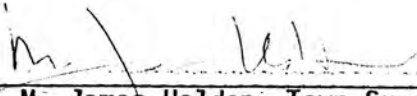
(G) Other Conditions:

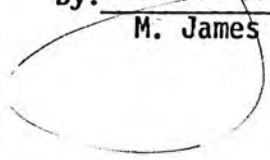
1. The Town Board reserves the right to establish and to require such appropriate financial security as it may deem necessary for the construction and completion of improvements which are to be offered to the Town for dedication.
2. The mitigation measures identified in the DGEIS and FGEIS shall be incorporated 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