



STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

November 29, 2005

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

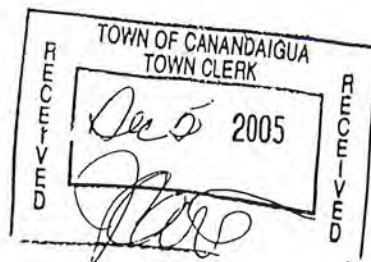
RE: Town of Canandaigua, Local Law 10, 2005, filed on 10/31/2005

To Whom It May Concern:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,
Linda Lasch
Principal Clerk
State Records & Law Bureau
(518) 474-2755

LL:cb



AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

LEGAL NOTICE

Notice of Public Hearing

A public hearing will be held before the Town of Canandaigua Town Board on Monday, October 24, 2005, beginning at 7:00pm to consider an amendment to the official Planned Unit Development (PUD) resolution to allow single-family attached dwelling units. The hearing will be held in the Canandaigua Town Hall at 5440 Routes 5 & 20 West, Canandaigua. All interested persons will be heard at that time and place. Written comments will be accepted prior to the hearing. Supporting documentation may be examined at the Town Clerk's Office weekdays from 8:00am to 4:00pm.

By order of the Town of Canandaigua Town Board
Jean MacKay, Deputy
Town Clerk

Oc 13 06516914

ss:

Leslie Smith, being duly sworn, deposes and says that she is the foreman of CANANDAIGUA MESSENGER, INC., publisher of the Daily Messenger, a public newspaper published daily except Saturday, in the City of Canandaigua, N.Y., in the County of Ontario, and that the notice of which the annexed is a true copy, clipped from said newspaper, was regularly published in said Daily Messenger on the following dates:

October 13 2005

Leslie Smith
Foreman of the Publisher

Subscribed and sworn to before me

this 18th day of Oct. 2005

Linda G. Allen

Notary Public in and for New York State

LINDA L. ALLEN

Notary Public, State Of New York
Ontario County Reg #0141400-04
Commission Expires 02/28/09

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Canandaigua

Local Law no. 11 of the year 2005

A local law amending the Official Planned Unit Development Plan Map for the Centerpointe Planned Unit Development District.

Be it enacted by the Town Board of the

Town of Canandaigua as follows:

Section 1: Purpose.

The purpose of this local law is to amend the Official Planned Unit Development Plan Map for the Centerpointe Planned Unit Development District, located within the confines of the area surrounded by State Route 332, Thomas Road, Brickyard Road and Yerkes Road, in the Town of Canandaigua, New York.

Section 2: Proposed Planned Unit Development Plan Map amendment.

The PUD/Planned Unit Development -Town of Canandaigua Planned Zoning District - Kanandaque Map, the Official Planned Unit Development Plan Map for the former Kanandaque Site, prepared by MRB Group, P.C., and dated May 14, 1985 is hereby amended as follows:

- a. The remaining undeveloped lands located along the north side of Thomas Road, the east side of Brickyard Road, between Thomas Road and Yerkes Road, which were originally to be townhouses are hereby approved for single family detached dwellings on a total of 37 lots to be subdivided and approved by the Planning Board, in accordance with the provisions of Chapter 74, Section 74-15. E. of the Town of Canandaigua Municipal Code; and
- b. The total 571 residential dwelling units approved as part of the original Planned Unit Development Plan Map shall be reduced to 461 dwelling units with the further breakdown of dwelling types:
 - 1) the total number of residential dwelling units shall be 461; and
 - 2) the total number of apartments shall be 368 (or 80% of the total number of residential dwelling units); and
 - 3) the total number of town homes shall be 56 (or 12% of the total number of residential dwelling units); and

(1)

- 4) the total number of single family dwelling units shall be 37 (or 8% of the total number of residential dwelling units).

c. The following amendments, which apply only to the single family dwelling units portion of the existing PUD Site, are made to the conditions of approval to the original Planned Unit Development Plan Map for the Centerpointe site:

- 1) the minimum lot width shall be 90 feet; and
- 2) the minimum lot depth shall be 150 feet; and
- 3) the minimum lot area shall be 13,500 square feet; and
- 4) the minimum front setback shall be 40 feet; and
- 5) the minimum side setback shall be 10 feet; and
- 6) the minimum rear setback shall be 30 feet; and
- 7) the maximum building height for the single-family dwelling unit shall be 35 feet; and
- 8) the maximum lot coverage shall be 20%; and
- 9) accessory structures shall be located in the rear yard portion of the lot; and
- 10) a sidewalk network shall be constructed, commencing at the easterly boundary of the apartment complex located on the south side of Yerkes Road and extending westerly to connect to a sidewalk to be constructed as part of the single-family dwelling units along the east side of Brickyard Road and the north side of Thomas Road extending across the frontages of the existing townhouse dwelling units on Thomas Road to the intersection of Thomas Road and NYS Route 332 and providing a connection across Thomas Road to the sidewalk along the west side of NYS Route 332.

Section 3: Official Planned Unit Development Plan Map.

The Centerpointe Properties Amended PUD Plan Map, as adopted by the Canandaigua Town Board as part of this Local Law and further certified by the Town Clerk on said Plan Map, shall be attached to and made a part of this Local Law. Upon the filing of this Local Law with the Secretary of State, the Town Clerk shall note upon the Official Zoning Map for the Town of Canandaigua, the existence of the amended Plan Map, as approved by the adoption of this Local Law.

Section 5: If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been ordered.

Section 6: All Ordinances, Local Laws and parts thereof inconsistent with this local law and parts thereof inconsistent with this Local Law are hereby repealed.

Section 7: This local law shall take effect immediately upon filing with the Secretary of State

(2)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law number 18 of 2005 of the Town of Canandaigua was duly passed by the Town Board on March 24 2005, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2005 of the Town of Canandaigua was duly passed by the _____

On _____ 2005, and was (approved) (not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 2005, in (Elective Chief Executive Officer*) accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2004 of the Town of Canandaigua was duly passed by the Canandaigua Town Board on _____ 2004, and was (approved) (not approved) (repassed after disapproval) by _____ on _____ 2004. Such local law was (Elective Chief Executive Officer*)

submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on _____ 2004, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2004 of the Town of Canandaigua was duly passed by the Canandaigua Town Board on _____ 2004, and was (approved) (not approved) (repassed after disapproval) by the _____ on _____ 2004. Such local law

(Elective Chief Executive Officer*)
was subject to permissive referendum and no valid petition requesting such
referendum was filed as of _____ 2004, in accordance with the
applicable provisions of law.

- Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

(9)

5. (City local law concerning Charter revision proposed by petition.)

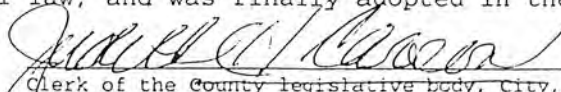
I hereby certify that the local law annexed hereto, designated as local law number _____ of 2004 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 2004, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law number _____ of 2004 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2004, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.


Clerk of the County legislative body, City, Town
or Village Clerk or officer designated by local
legislative body

(Seal)

Date: Oct 29, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONTARIO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Paul B. Smalley
Signature

Attny for the Town of Canandaigua
Title

Town of Canandaigua

Date: 4/28/05

(10)