

Draft – Last revised 10_19_12

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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 5 of the year 2012

Amending the Centerpointe Planned Unit Development Local Law
Increase in Leasable Space for Office, Light Industrial/Research and Development

Section 1: Description

Be it enacted that Centerpointe Planned Unit Development PUD local law adopted on October 28, 1986 and amended on October 25, 2005 is hereby further amended to read as follows:

- II. This PUD zoning approval shall be subject to the following terms and conditions:
- (B) 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~~ 908,200 square feet net leasable space. The purpose of this allowance is to establish a maximum limit for such development within the general use areas shown on the map attached to this local law and titled "Smart System Technology and Commercialization Center – Site Master Plan June 22, 2012". The Planning Board shall establish the acceptable layout and design of individual buildings and appurtenances through the subsequent site plan review.

The following language shall be inserted in Section II, Part (C), (3) "Other Setbacks" of:

(c) The minimum side and rear setback for office/industrial buildings shall be 30'

Section 2: Invalidation.

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 judgment 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 judgment shall have been ordered.

Section 3: Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

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 2009 of the Town 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 , 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 of the County of State of New York, having been submitted to the electors at the General Election of November 2009, 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the Town

(Seal;

Date:



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

May 10, 2013

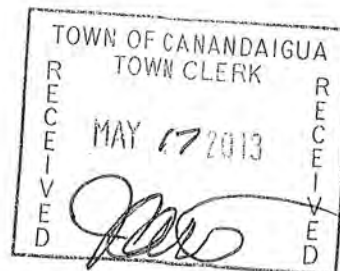
Town Clerk
5440 Route 5 & 20 West
Canandaigua NY 14424

RE: Town of Canandaigua, Local Law 5 2013, filed on May 9, 2013

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 474-2755



Local Law Filing

(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.

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua

Local Law No. 5 of the year 20 13

A local law to amend the Centerpointe PUD zoning to allow a maximum of 109 townhouses

(Insert Title)

on land currently zoned for 37 single family homes.

Be it enacted by the Town Board of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village

(Select one:)

of Canandaigua as follows:

Section 1. Title

This law will be known as "Amendment to Centerpointe PUD to Allow a 109 Townhouses on TMP's 56.000-1-54.115 & 55.116"

Section 2. Legislative Purpose and Intent

The purpose of this local law is to amend the existing Planned Unit Development Zoning for the Centerpointe PUD to allow residential development of parcels located along Brickyard Road and Thomas Road in a manner consistent with existing development patterns and the PUD zoning approved in 1986.

The intent of this local law is to:

1. Amend the existing Centerpointe PUD to allow development of 109 townhouses on land currently approved for 37 single family dwellings.
2. Reserve the full authority of the Town of Canandaigua Planning Board as described in Town Code and NYS Law to, through the subsequent development review process, require a layout and design consistent with the requirements and intent of Town Code.

Section 3. Amended Language

The existing Centerpointe Planned Unit Development zoning for the following parcels is hereby amended to allow development of a maximum of 109 townhouses on two parcels, the boundaries of which are described as follows:

TAX MAP PARCEL 56.00-1-54.116

ALL THAT TRACT OR PARCEL of land situated in part of Town Lot 103, Town of Canandaigua, County of Ontario, State of New York and being more particularly described as follows:

BEGINNING AT A POINT, on the easterly right-of-way line of Brickyard Road (66' wide right-of-way), at its intersection with the northerly right-of-way line of Thomas Road (66' wide right-of-way) said point also is southwest corner of Lot R 1 D as shown on map filed in O.C.C.O. Map #31280, thence;

- 1) N 27° 24' 45" W, along the easterly right-of-way line of Brickyard Road, a distance of 1391.56' feet to the northwesterly corner of Lot R1D; thence,
- 2) N 62° 35' 15" E, along the northerly line of Lot R1D, a distance of 150.00' feet to the northeasterly corner of Lot R 1 D; thence,
- 3) S 27° 24' 45" E, along the easterly line of Lot R1D, a distance of 1157.23' feet to a point of angle; thence,
- 4) N 78° 10' 52" E, along the northerly line of Lot R1D, a distance of 287.95' feet to a point of angle; thence,
- 5) N 61° 39' 44" E, along the northerly line of Lot R1D, a distance of 842.00' feet to the northeasterly corner of Lot R 1 D; thence,
- 6) S 28° 20' 15" E, along the easterly line of Lot R1D, a distance of 150.00' feet to the southeasterly corner of Lot R1D and on the northerly right-of-way line of Thomas Road; thence,
- 7) S 61° 39' 44" E, along the northerly right-of-way line of Thomas Road, a distance of 1271.83' feet to the POINT OF BEGINNING.

CONTAINING: 387,997 Square Feet or 8.907 Acres of land, more or less.

TAX MAP PARCEL 56.00-1-54.115

ALL THAT TRACT OR PARCEL of land situated in part of Town Lot 103, Town of Canandaigua, County of Ontario, State of New York and being more particularly described as follows:

BEGINNING AT A POINT, on the easterly right-of-way line of Brickyard Road (66' wide right-of-way), N 27°24'45" W, along the easterly right-of-way line of Brickyard Road, a distance of 1700.94' feet its intersection with the northerly right-of-way line of Thomas Road (66' wide right-of-way) said point also is southwest corner of Lot R 1 F as shown on map filed in O.C.C.O. Map #31280, thence;

- 1) N 27° 24' 45" W, along the easterly right-of-way line of Brickyard Road, a distance of 1837.85' feet to the northwesterly corner of Lot R 1 E and the southwesterly corner of Lot R 1 F; thence,
- 2) N 62° 35' 15" E, along the northerly line of Lot R 1 E, a distance of 150.00' feet to the northeasterly corner of Lot R 1 E; thence,
- 3) S 27°24' 45" E, along the easterly line of Lot R 1 E, a distance of 1837.85' feet to the southeasterly corner thereof; thence,
- 4) S 62° 35' 15" W, along the southerly line of Lot R 1 E, a distance of 150.00' feet to the POINT OF BEGINNING.

CONTAINING 275,677 Square Feet or 6.329 Acres of land, more or less.

Additional requirements:

1. Except as provided below the Planning Board shall have the authority to require such changes in the proposed layout and design of the development as they determine are necessary to minimize the visual impact of this development on Brickyard Road, Thomas Rd and adjacent properties. This shall include the authority to require modifications and/or variations to proposed siding, colors and other exterior design elements.
2. The minimum front setback shall be 40 feet. (From Brickyard Rd and Thomas Rd r-o-w)
3. The minimum rear setback shall be 10 feet.
4. The minimum side setback shall be 20 feet.
5. The maximum lot coverage shall be 65%.
6. Each townhouse dwelling unit shall have a minimum of one one-car garage.
7. For each unit the applicant shall identify on the floor plans, a minimum of 200sf of interior floor space designated for storage. per dwelling unit this could include laundry room
8. Each lot shall have a permanent deed restriction that prohibits onsite storage of boats, trailers and recreational vehicles and limits onsite storage of personal vehicles to two licensed, registered, and inspected vehicles/townhouse.
9. There shall be no accessory structures allowed.
10. Minimum habitable floor area per dwelling unit shall be:

- (a) Townhouse unit, three bedrooms: 1,000 square feet.
 - (b) Townhouse unit, two bedrooms: 850 square feet.
11. No exterior wall shall exceed 50 feet in length unless there is a lateral offset of at least four feet in its alignment not less frequently than along each 50 feet of length of such exterior wall.
 12. Each townhouse dwelling unit grouping shall contain not more than eight dwelling units with a minimum 20' separation between each dwelling unit grouping.
 13. Parking requirements. Requirements for off-street parking as provided in Town Code, Chapter 220 Article VIII shall be met, except that the location of off-street parking lots may be modified to conform with the approved site plan, provided that such lots shall not be located within the front yard or the required side yard setback. Paved pedestrian walkways, with appropriate lighting, shall be provided from off-street parking areas to all living units each parking area is intended to serve. In addition to the standards required in Chapter 220 Article VIII, the following standards shall be met:
 - (a) In addition to the one car garage required in paragraph 6, one paved parking space shall be provided for each dwelling unit.
 - (b) Screening, as may be required by the Planning Board shall be provided to prevent glare from headlights onto adjoining properties.
 14. Along the entire Brickyard Road frontage of lot 56.00-1-54.115 and 56.00-1-54.116, the applicant shall provide a 10' wide easement to the Town of Canandaigua. Within that easement the applicant shall install an 8' wide asphalt trail which shall be built to specifications approved by the Town Engineer. Along the entire Thomas Road frontage for lot 56.00-1-54.116 the applicant shall install a 5' wide sidewalk which shall comply with specifications in the Town's Site Design and Development Criteria.
 15. Each lot shall have a minimum of two trees/townhouse, which shall be canopy trees with a minimum caliper of 2½" or evergreen canopy trees with a minimum height of 5' and shall be planted prior to the issuance of a certificate of occupancy. Upon a determination by the Town Code Enforcement Officer that weather conditions would prohibit planting prior to issuance of a certificate of occupancy, said trees may be planted within six months of the issuance of a temporary certificate of occupancy.
 16. Parking areas and on-site storm water facilities shall be adequately landscaped.
 17. The Planning Board may require such additional landscaping they feel is necessary to further reduce negative visual impacts
 18. Each townhouse dwelling group shall either have mailboxes attached to the front of each structure, or a common mailbox area in a location approved by the Planning Board. There shall be no mailboxes allowed along the side of a street.
 19. The development shall contain street lighting spaced at each intersection, at any cul-de-sac or dead-end street and any common parking area. Street lighting shall be dark sky compliant as further regulated in § 220-77 of the Town Code.
 20. Street names shall be in compliance with the Ontario County 911 Street Naming Regulations.

21. Provisions shall be made with the local school district for the use of an acceptable off-street area to be used for the loading and unloading of school children. Each such area shall have a well-designed all-weather structure for use by students awaiting pickup or drop off. Each such area shall be adequately illuminated in accordance with Town lighting standards.

Section 4. Invalidation.

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 judgment 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 judgment shall have been ordered.

Section 5. Effective Date

This Local Law shall become effective immediately upon filing with the Secretary of State.

(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 No. 5 of 20 13 of the (County)(City)(Town)(Village) of Canandaigua was duly passed by the Town Board on April 29, 20 13, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20 , in 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 No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. (Elective Chief Executive Officer*)

Such local law was 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 _____ 20 _____, 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 No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, 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.

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

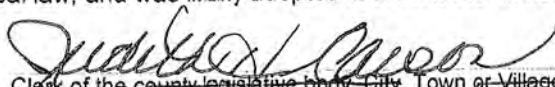
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, 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

Date: May 1, 2013

(Seal)

STATE OF NEW YORK
Ontario County

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

Public Notice

Please take notice, that the Canandaigua Town Board will be conducting a public hearing on a draft local law to amend the existing Centerpointe Planned Unit Development Zoning to allow a maximum of 109 townhouses on land, that is located along Thomas and Brickyard Roads and currently approved for development of 37 single family homes. The public hearing will be held on Monday, April 29, 2013 commencing at 7:00 p.m. in the public meeting room, lower level of the Town Hall, 5440 Routes 5 & 20 W Canandaigua, New York. All persons present will be heard at this time and date. A copy of the draft local law is posted on the Town's website and may be viewed during normal hours, 7:30 a.m. to 4:00 p.m., Monday through Friday, in the Canandaigua Town Clerk's Office. By order of the Town Board,
April 8, 2013
Judith H. Carson
Town Clerk

2537612

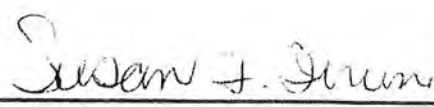
Leslie Smith being duly sworn, deposes and says that she
Is the foreman of the publisher of the **THE DAILY MESSENGER**, a Public
newspaper published daily except Saturday, in the City of Canandaigua, New York
in the County of Ontario, and

That notice, of which the annexed is a true copy, clipped
From said newspaper was regularly published in said Daily Messenger on

APRIL 17, 2013


Foreman of the Publisher

Subscribed and sworn on before me, this 17th day
Of APRIL 2013


Notary Public, State of NY

Susan J. Irvine
Notary Public, State of New York
Qualified in Ontario County
My Commission expires April 6, 2015