

# Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424  
Phone (585) 394-1120 • Fax (585) 394-9476

## Planning Board Decision Notification

**Meeting Date: March 10, 2020**

**Project: CPN-20-006**

<u>Applicant</u>	<u>Owners</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Venezia Land Surveyors and Civil Engineers 5120 Laura Lane Canandaigua, NY 14424	Roger and Kathleen Schutt 90 Timber Lane Hilton Head, SC 29926	Single-Stage Site Plan	0000 County Road 16	140.07-1-5.100

**TYPE OF APPLICATION:**

- Preliminary     Final Phased     One/Single Stage  
 Subdivision     Site Plan     Special Use Permit

Applicant Request:

- Granted     Denied     Tabled  
 Continued to:  
 See attached resolution(s)

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):**

- Type I     Type II     Unlisted  
 See Attached resolution(s):

Negative Declaration Date:

Positive Declaration Date:

**Recommendation To:**

- Town Board     ZBA     N/A     See attached resolution(s)

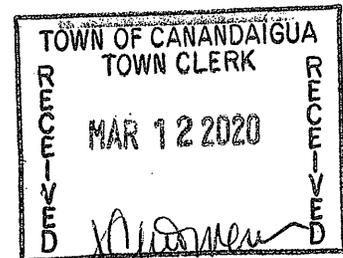
Recommendation:

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE ON THE FINAL PLAN BY: 9/10/2020  
YOU ARE RESPONSIBLE FOR REQUESTING AN EXTENSION PRIOR TO THIS EXPIRATION DATE IF THIS REQUIREMENT CANNOT BE MET.

**Surety Requirements:**

- Landscaping: \$     Soil Erosion: \$  
 Other (specify): \$

**Surety Release:**



Certified By:

[Signature]  
Chairperson, Planning Board

Date:

3/12/2020

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
VENEZIA ASSOCIATES REPRESENTING ROGER & KATHLEEN SCHUTT  
0000 COUNTY ROAD 16 – RLD ZONING DISTRICT  
CPN 20-006 TM# 140.07-1-5.100  
SINGLE-STAGE SITE PLAN APPROVAL

**SEQR RESOLUTION – TYPE II ACTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for the construction of a new single-family dwelling and attached garage with associated improvements located at 0000 County Road 16 within the RLD Zoning District and detailed on site plans dated February 13, 2020 prepared by Venezia Land Surveyors and Civil Engineers, and all other relevant information submitted as of March 10, 2020 (the current application); and

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**BE IT FURTHER RESOLVED THAT**, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**BE IT FINALLY RESOLVED THAT**, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

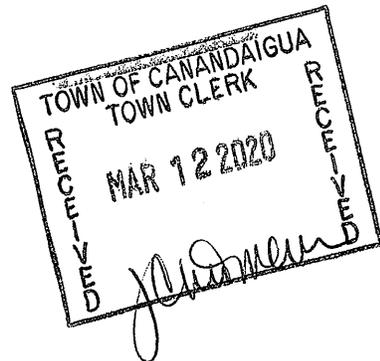
The above resolution was offered by *Charles Oyler* and seconded by *Gary Humes* at a meeting of the Planning Board held on Tuesday, March 10, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - *Aye*  
Charles Oyler - *Aye*  
Ryan Staychock - *Aye*  
Karen Blazey – *Aye*  
Bob Lacourse – *Absent*

(ALT) Amanda VanLaeken - *Aye*

I, John Robortella, 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 March 10, 2020 meeting.

  
\_\_\_\_\_  
John Robortella, Secretary of the Board L. S.



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**SINGLE-STAGE SITE PLAN RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for the construction of a new single-family dwelling and attached garage with associated improvements located at 0000 County Road 16 within the RLD Zoning District and detailed on site plans dated February 13, 2020 prepared by Venezia Land Surveyors and Civil Engineers, and all other relevant information submitted as of March 10, 2020 (the current application); and

**WHEREAS**, the Planning Board completed a formal review of the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**WHEREAS**, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office; and

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

1. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. A soil stabilization and erosion control surety estimate is to be prepared by the applicant and provided to the Town Development Office for review and processing in accordance with Local Law 19 of 2017 Amending Chapter 174, Section 174-32(F).
3. The comments within the Town Water Superintendents letter dated March 2, 2020 are to be addressed to the satisfaction of the Town Water Superintendents prior to signing by the Planning Board Chairman.
4. A Site Development Building Permit application is to be completed and provided to the Town of Canandaigua Development Office prior to the Planning Board Chairman's signature being affixed to the final site plans.
5. A Water Service Application is to be completed and provided to the Town of Canandaigua Water Department prior to issuance of Building Permits.
6. Payment of a fee in lieu of a set aside of parkland shall be made at the time of issuance of a building permit pursuant to Town Code Chapter 111 and NYS Town Law.
7. An amended subdivision approval from the Planning Board is required and the plans to be filed with the County Clerk's Office prior to issuance of a building permit.

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**SINGLE-STAGE SITE PLAN RESOLUTION**

8. Prior to the issuance of a C/O an approval from the Canandaigua Lake Watershed Inspector regarding their review of the on-site wastewater treatment system design is to be provided to the Town of Canandaigua Town Development Office.
9. Prior to the issuance of a C/O an approval from the Ontario County DPW regarding their review of the proposed project and curb cut onto County Road 16 is to be provided to the Town of Canandaigua Town Development Office.

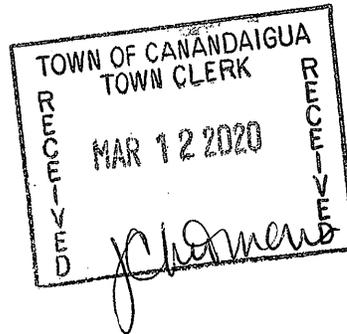
The above resolution was offered by Gary Humes and seconded by Amanda VanLaeken at a meeting of the Planning Board held on Tuesday, March 10, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - *Aye*  
Charles Oyler - *Aye*  
Ryan Staychock - *Aye*  
Karen Blazey – *Aye*  
Bob Lacourse – *Absent*

(ALT) Amanda VanLaeken - *Aye*

I, John Robortella, 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 March 10, 2020 meeting.

*John Robortella* L. S.  
John Robortella, Secretary of the Board



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**FINDINGS**

1. The Town of Canandaigua Planning Board has received an application for Single-Stage Site Plan approval for the construction of a new single-family dwelling and attached garage with associated improvements located at 0000 County Road 16 within the RLD Zoning District.
2. Detailed on site plans dated February 13, 2020 prepared by Venezia Land Surveyors and Civil Engineers, and all other relevant information submitted as of March 10, 2020.
3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
5. This application was forwarded to the following outside agencies for review:
  - ONTARION County DPW
  - Town CEO
  - Town ECB
  - James Fletcher, Town Highway & Water Superintendent
  - Chief Cheshire Fire Dept.
  - Canandaigua Lake Watershed Inspector
6. A zoning Determination was prepared dated February 26, 2020:

**DETERMINATION:**

- Applicant SHALL complete subdivision process prior to permits being issued.
- Proposed development is of sufficient area and dimension to meet minimum requirements for zoning and building purposes within the R-1-30 zoning district.
- Proposed development disturbs 3,000 sq. ft. of steep slope area and SHALL comply with the Town of Canandaigua Steep Slopes Law, including;
  - o Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Development Office with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized. The Town of Canandaigua Development Office will provide steep slope site illustration examples to applicants.
  - o The natural elevation shall not be raised or lowered more than three feet within the required setback for structures.
  - o Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York professional engineer as to its structural integrity and written direction and certification as to its use.
  - o Rolled erosion control products shall be used to temporarily stabilize slopes that are equal to or greater than 1:3 (vertical: horizontal).

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**FINDINGS**

- The Planning Board may approve modifications to these standards if the applicant can prove that such modifications would result in less total site disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

**REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is not required to be reviewed by the Ontario County Planning Board as it involves a site plan involving a single-family residential lot. Exception #09.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board Site Plan approval is required for development of a new single-family dwelling on an undeveloped or vacant parcel.
- Planning Board Site Plan approval is required for land disturbance of 500 square feet or greater within a steep slope protection area that is within 2,000 feet horizontal distance from the mean high water mark of Canandaigua Lake.

7. Comments were received from the Town Highway & Water Superintendent in a letter dated March 2, 2020.
8. Comments were received from the Town Engineer in a letter dated February 20, 2020.
9. The Watershed Inspector provided an email dated March 2, 2020.
10. The Watershed Inspector provided an email dated March 2, 2020.
11. The Ontario County DPW provided an email dated February 28, 2020.
12. The ECB provided comments within a letter dated March 5, 2020.

**ECB Comments:** The ECB requests that the comments of the Canandaigua Lake Watershed Inspector be addressed, that a rain garden be considered in an appropriate location on the property to reduce the concentrated flow of stormwater, that a landscape plan be provided, and that a determination be provided regarding the street address of the new home.

13. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
14. The Planning Board discussed the need for a soil stabilization and erosion control surety estimate to be provided prior to the issuance of building permits.
15. Prior to issuance of permits, an amended subdivision plan is to be approved and filed with the County.
16. The Planning Board makes the following findings pursuant to New York State Town Law § 276 and Town Code § 111-8 and § 111-9.
  - The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
  - The Town Parks and Recreation Master Plan of 2018 indicates that the Town is in need of more land for parks and recreation.
  - The proposed new single family dwelling will enable an increase the Town's population.

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**FINDINGS**

- This increase in population will intensify the need for land to be used for parks and recreation.
- Should the owner pursue the development of residential dwelling unit, a fee in lieu of parkland shall be paid at the time of issuance of building permit in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.