

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: October 22, 2019

Project: CPN-19-073

Applicant

Venezia & Associates
5120 Laura Lane
Canandaigua, NY 14424

Owners

Robert Swadling
400 Spinnaker Lane
Webster, NY 14580

Project Type

Single-Stage
Subdivision

Project Location

4526 County
Road 16

Tax Map #

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: **OCTOBER 22, 2019**

Positive Declaration Date:

Recommendation To:

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

Recommendation:

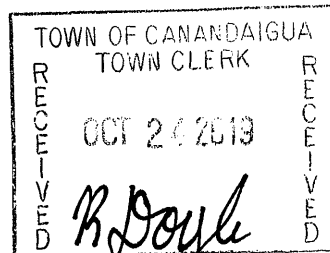
Surety Requirements:

- ☐ Landscaping: \$
☐ Other (specify): \$

- ☐ Soil Erosion: \$

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 4-22-2020
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Release:



Certified By: James A. Schwartz
Chairperson, Planning Board

Date: 10-24-19

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES REPRESENTING ROBERT SWADLING
2-LOT SUBDIVISION
4526 COUNTY ROAD 16 – R-1-30 ZONING DISTRICT
CPN 073-19 TM# 140.07-1-5.100
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Subdivision Plan approval for a two (2) lot subdivision, subdividing a 1.675 Acre parent parcel to create Lot #1 at 0.790 Acres and Lot #2 at 0.885 Acres within the R-1-30 zoning district and detailed on Subdivision Plans dated September 11, 2019, last revised September 20, 2019 prepared by Venezia Land Surveying and Civil Engineers Services, and all other relevant information submitted as of October 22, 2019 (the current application); and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); and

WHEREAS, the Planning Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

WHEREAS, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

WHEREAS, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short EAF Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short EAF; and

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

BE IT FURTHER RESOLVED that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

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SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

BE IT FURTHER RESOLVED, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

BE IT FINALLY RESOLVED, that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

The above resolution was offered by Thomas Schwartz and seconded by Ryan Staychock at a meeting of the Planning Board held on Tuesday, October 22, 2019. Following discussion thereon, the following roll call vote was taken and recorded:

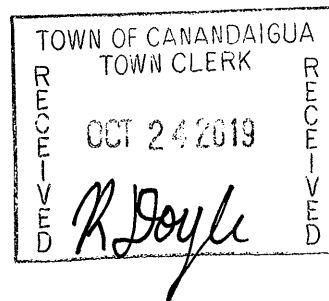
Gary Humes - Aye
Charles Oyler - Aye
Ryan Staychock - Aye
Thomas Schwartz - Aye
Bob Lacourse - Aye

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
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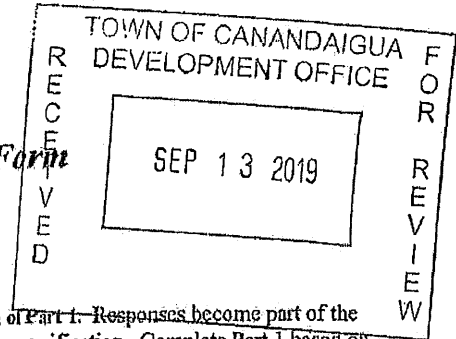
SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

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 October 22, 2019 meeting.

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



Short Environmental Assessment Form **Part 1 - Project Information**



Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>Subdivision for Robert Swadling</i>			
Project Location (describe, and attach a location map): <i>4526 Co Rd. 16</i>			
Brief Description of Proposed Action: <i>Divide parent parcel into 2 residential lots</i>			
Name of Applicant or Sponsor: <i>Veneria + assocs</i>		Telephone: <i>cell 314-6313</i> <i>585-396-3267</i>	
		E-Mail: <i>anthony@veneria.com</i>	
Address: <i>5120 Laura Lane</i>			
City/PO: <i>Canandaigua</i>	State: <i>NY</i>	Zip Code: <i>14424</i>	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: <i>Town of Canandaigua PL. Bd.</i>		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>1.675</i> acres <i>0</i> acres <i>1.675</i> acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: <u>Public</u>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: <u>private</u>	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Venezia + assoc's</u> Date: <u>9/11/19</u> Signature: <u>Ale</u> Title: <u>Sr. Land surveyor</u>		

Agency Use Only [If applicable]

Project:	Swadling Subdivision
Date:	October 22, 2019

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

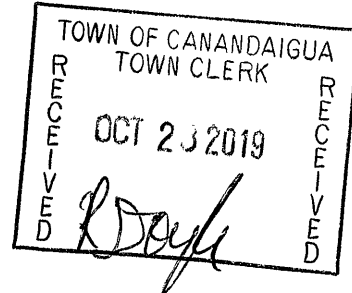
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

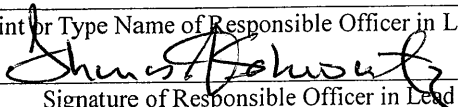
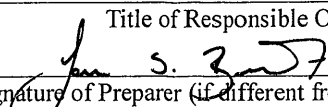
Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Planning Board, as the designated lead agency for this Action, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Action. Based upon this evaluation, the Planning Board, in a separate resolution adopted on October 22, 2019 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.



- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Canandaigua Planning Board	October 22, 2019
Name of Lead Agency	Date
Thomas Schwartz	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	 - MRB Group
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES REPRESENTING ROBERT SWADLING
2-LOT SUBDIVISION
4526 COUNTY ROAD 16 – R-1-30 ZONING DISTRICT
CPN 073-19 TM# 140.07-1-5.100
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

SINGLE-STAGE SUBDIVISION PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Subdivision Plan approval for a two (2) lot subdivision, subdividing a 1.675 Acre parent parcel to create Lot #1 at 0.790 Acres and Lot #2 at 0.885 Acres within the R-1-30 zoning district and detailed on Subdivision Plans dated September 11, 2019, last revised September 20, 2019 prepared by Venezia Land Surveying and Civil Engineers Services, and all other relevant information submitted as of October 22, 2019 (the current application); and

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

WHEREAS, the Planning Board has determined the proposed development to be an Unlisted action and is subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

WHEREAS, on October 22, 2019 the Planning Board, serving as lead agency, made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; 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. Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the plans.
2. A note is to be added to the subdivision plan stating no new development is proposed on lot #1, and lot #1 is not an approved "build-able" lot, requiring Site Plan approval from the Town of Canandaigua Planning Board prior to development occurring on the lot.
3. A note shall be added to the subdivision plans that a perc test has not been conducted for the proposed new lot #1, and that the proposed new lot shall not be considered as a "buildable" lot until satisfactory perc tests have been completed and forwarded to the Town Development Office.
4. 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 for lot #1.
5. A note shall be added to the subdivision plans indicating that any work within the County Right-of-way will be subject to an OCDPW permit/approval.

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SINGLE-STAGE SUBDIVISION PLAN APPROVAL

FINDINGS

1. The Town of Canandaigua Planning Board is considering Single Stage Subdivision Plan approval for a two (2) lot subdivision, subdividing a 1.675 Acre parent parcel to create Lot #1 at 0.790 Acres and Lot #2 at 0.885 Acres within the R-1-30 zoning district.
2. The project is located on County Road 16 and shown on the Subdivision Plans dated September 11, 2019, last revised September 20, 2019 prepared by Venezia Land Surveying and Civil Engineers Services, and all other relevant information submitted as of October 22, 2019.
3. Proposed Lot #1 will remain vacant.
4. Proposed Lot #2 will include the existing single-family dwelling unit.
5. No improvements are proposed at this time.
6. This is an Unlisted Action under SEQR and does not require coordination. A Short Environmental Assessment Form (EAF) Part 1 was completed by the Applicant.
7. The EAF Part 2 and Part 3 were completed by the Planning Board.
8. The Planning Board declared themselves as lead agency and made a SEQR Determination of Significance and issued a Negative Declaration at the October 22, 2019 Board meeting, concluding SEQR.
9. Zoning Law Determination was prepared dated September 19, 2019:

DETERMINATION:

- Existing 1.675 Acre parcel contains a single-family dwelling.
- Proposed development is of sufficient area and dimension to meet minimum requirements for zoning and building purposes within the R-1-30 zoning district.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is not required to be reviewed by the Ontario County Planning Board as it relates to the subdivision of land into two lots that meet all applicable local municipal code requirements. Exception #11.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Subdivision Approval is required for the subdivision of a parcel of land.

10. The application was referred to the following;

- Ontario County DPW

11. Ontario County DPW provided comments within an email dated October 2, 2019.
12. The Planning Board has considered all comments received as part of their review of the application.
13. 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.

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FINDINGS

- 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 2-lot subdivision will enable an increase the Town's population.
- This increase in population will intensify the need for land to be used for parks and recreation.
- The area of the proposed subdivision is 1.675 acres.
- Should the owner pursue the development of residential dwelling units, a fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.