

# 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: August 24, 2022**

**Project: CPN-22-053**

**Applicant**

Venezia & Associates  
5120 Laura Lane  
Canandaigua, NY 14424

**Owners**

Anthony J. and  
Elizabeth Tripodi  
5993 County Road 32  
Canandaigua, NY  
14424

**Project Type**

Single-Stage  
Subdivision and  
Special Use Permit  
Amendment (August  
14, 2018,  
CPN-18-014)

**Project Location**

5993 County  
Road 32

**Tax Map #**

96.00-1-39.111

**TYPE OF APPLICATION:**

- ☐ Preliminary    ☐ Final Phased    ☒ One/Single Stage  
☒ Subdivision    ☒ Amended 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: **AUGUST 24, 2022**

Positive Declaration Date:

**CANANDAIGUA TOWN CLERK**

**Recommendation To:**

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

Recommendation:

**AUG 29 2022**

**RECEIVED** *RP*

**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: 2/22/23  
YOU ARE RESPONSIBLE FOR REQUESTING AN  
EXTENSION PRIOR TO THIS EXPIRATION DATE IF  
THIS REQUIREMENT CANNOT BE MET.

**Surety Release:**

Certified By:

*[Signature]*  
Chairperson, Planning Board

Date:

8/26/22

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
VENEZIA & ASSOCIATES REPRESENTING ANTHONY J. & ELIZABETH TRIPODI  
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT  
CPN 22-053                      TM# 96.00-1-39.111  
SINGLE-STAGE SUBDIVISION & AMENDED SPECIAL USE PERMIT APPROVAL

**SEQR RESOLUTION – UNLISTED ACTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Subdivision Plat approval, for a two (2) lot subdivision, subdividing an existing 81.267 acre parcel to create Lot #1 at 74.180 Acres and containing an existing structure, and Lot #2 at 7.087 Acres and containing an existing single-family dwelling, and an amendment to an existing Special Use Permit to continue to operate a construction company and continued use of construction storage yard, with no new development proposed, located within the AR-2 Zoning District, and detailed on the Single-Stage Subdivision Plat prepared by Venezia Professional Land Surveyors, dated June 30, 2022, and all other relevant information submitted as of August 24, 2022 (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 and SUP 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** 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;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;



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**SEQR RESOLUTION – UNLISTED ACTION**

- (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 Charles Oyler and seconded by Bob Lacourse at a meeting of the Planning Board held on Wednesday, August 24, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	ABSENT
Scott Neal -	AYE
Bob Lacourse –	AYE
Amanda VanLaeken –	AYE
Charles Oyler -	AYE

**CANANDAIGUA TOWN CLERK**

**AUG 29 2022**

**RECEIVED**

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 August 24, 2022 meeting.

  
\_\_\_\_\_  
John Robortella, Secretary of the Board

L. S. 

Project: CPN-22-053 Tripodi Subdivision

Date: August 24, 2022

***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: 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 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 August 24, 2022 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

**CANANDAIGUA TOWN CLERK**

**AUG 29 2022**

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<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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	August 24, 2022
Name of Lead Agency	Date
Charles Oyler	Planning Board Chairman
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<i>[Signature]</i>	Lance Brabant - MRB Group
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)



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VENEZIA & ASSOCIATES REPRESENTING ANTHONY J. & ELIZABETH TRIPODI  
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT  
CPN 22-053                      TM# 96.00-1-39.111  
SINGLE-STAGE SUBDIVISION & AMENDED SPECIAL USE PERMIT APPROVAL

**SINGLE-STAGE SUBDIVISION PLAT APPROVAL RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Subdivision Plat approval, for a two (2) lot subdivision, subdividing an existing 81.267 acre parcel to create Lot #1 at 74.180 Acres and containing an existing structure, and Lot #2 at 7.087 Acres and containing an existing single-family dwelling, and an amendment to an existing Special Use Permit to continue to operate a construction company and continued use of construction storage yard, with no new development proposed, located within the AR-2 Zoning District, and detailed on the Single-Stage Subdivision Plat prepared by Venezia Professional Land Surveyors, dated June 30, 2022, and all other relevant information submitted as of August 24, 2022 (the current application); and

**WHEREAS**, the Planning Board completed a formal review of the proposed one-stage subdivision application 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 August 24, 2022 the Planning Board 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. Single-Stage Subdivision Plat Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of the Single-Stage Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the plans.
2. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
3. 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.

The above resolution was offered by Bob Lacourse and seconded by Scott Neal at a meeting of the Planning Board held on Wednesday, August 24, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	ABSENT
Scott Neal -	AYE
Bob Lacourse -	AYE
Amanda VanLaeken -	AYE
Charles Oyler -	AYE

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**SINGLE-STAGE SUBDIVISION PLAT APPROVAL 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 August 24, 2022 meeting.

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

**CANANDAIGUA TOWN CLERK**

**AUG 29 2022**

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TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
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**AMENDED SPECIAL USE PERMIT APPROVAL RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an amendment to an existing Special Use Permit to continue to operate a construction company and continued use of construction storage yard, with no new development proposed on the new Lot 1, located within the AR-2 Zoning District, and detailed on the Single-Stage Subdivision Plat prepared by Venezia Professional Land Surveyors, dated June 30, 2022, and all other relevant information submitted as of August 24, 2022 (the current application); and

**WHEREAS**, the Planning Board completed a formal review of the proposed subdivision and SUP applications 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 August 24, 2022 the Planning Board made a determination of significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

**WHEREAS**, the Planning Board determined the Special Use Permit was consistent with the provisions of Chapter §220, §220-35, and §220-62 of the Town Code; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. The amended special use permit shall remain in effect for the current and future owner of Lot 1 (+/- 74.180 acres) with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §220-15, §220-35 and §220-62.
2. All previous conditions associated with this project as approved by the Planning Board at their August 14, 2018 meeting are to remain.

The above resolution was offered by Amanda VanLaeken and seconded by Bob Lacourse at a meeting of the Planning Board held on Wednesday, August 24, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	ABSENT
Scott Neal -	AYE
Bob Lacourse -	AYE
Amanda VanLaeken -	AYE
Charles Oyler -	AYE

**CANANDAIGUA TOWN CLERK**

**AUG 29 2022**

**RECEIVED** 

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 August 24, 2022 meeting.

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



TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
VENEZIA & ASSOCIATES REPRESENTING ANTHONY J. & ELIZABETH TRIPODI  
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**FINDINGS**

1. The Town of Canandaigua Planning Board is considering a Single-Stage Subdivision Plat approval, for a two (2) lot subdivision, subdividing an existing 81.267 acre parcel to create Lot #1 at 74.180 Acres and containing an existing structure, and Lot #2 at 7.087 Acres and containing an existing single-family dwelling, and an amendment to an existing Special Use Permit to continue to operate a construction company and continued use of construction storage yard, with no new development proposed, located within the AR-2 Zoning District.
2. Detailed on the Single-Stage Subdivision Plat prepared by Venezia Professional Land Surveyors, dated June 30, 2022, and all other relevant information submitted as of August 24, 2022.
3. No site improvements are proposed as part of this application.
4. 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.
5. The EAF Part 2 and Part 3 were completed by the Planning Board.
6. The Planning Board declared themselves as lead agency and made a SEQR Determination of Significance and issued a Negative Declaration at the August 24, 2022 Board meeting, concluding SEQR.
7. Zoning Law Determination was prepared dated July 19, 2022:

**Official Determination:**

The parent parcel is within the AR-2 zoning district.

A Special Use Permit (SUP) for a construction company/construction storage yard was granted for the parcel on 8/14/2018 (CPN 014-18). Chris Jensen, CEO, has reported that the SUP has been in operation per the approved plan and Statement of Operations with no outstanding violations. Proposed Lot 2 will retain the house currently on the parent parcel. Lot 2 meets all parameters of 220 a. Schedule 1.

The SUP approval runs with the parent parcel. CPN 014-18 will need to be amended to reflect a new site plan, with new lot configuration.

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

**Referral to Town of Canandaigua Planning Board:**

All subdivisions require Planning Board approval. An amendment to a Special Use Permit requires Planning Board approval.

**Code Sections:** Chapters §174; §220-9; §220-15; ~~Article VI~~; §220a ~~Sch. 1~~

8. The application was referred to the following;
  - Chris Jensen, Town CEO
  - Town Environmental Conservation Board
  - Town Agricultural Advisory Committee
  - Ontario County PB

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**FINDINGS**

9. The Town CEO in an email dated July 25, 2022:

2022-053

Applicant is modifying an existing special use permit with the subdivision. Applicant should make application for modification of SUP

10. The Environmental Conservation Board reviewed the application at their August 2, 2022 meeting:

- **Additional Comments from the ECB Meeting:**

- **Recommendations:**

- The ECB has no recommendations at this time.

11. The Agricultural Advisory Committee reviewed the application at their August 18, 2022 meeting.

12. Ontario County Planning Board provided comments at their August 10, 2022 meeting:

1. The referring body should require a site plan that documents which 30 percent of the proposed 74 acre contractor yard can be used for structures, parking, and equipment, which 15 percent for stockpiling materials, and any required buffer area.

2. The special use permit granted in 2018 waived requirement for 10' perimeter buffer. The referring body should re-evaluate whether perimeter buffer areas are required to protect the residence once the lot is subdivided and whether any modification of site lighting is required.

3. The referring body should review a revised site operating plan.

13. The Planning Board has considered all documents and comments received as part of their review of the application.