

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

SEQR RESOLUTION- TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit operate a construction company and for use of construction storage yard in compliance with §220-35 and §220-62 in the AR-2 zoning district located at 5993 County Road 32; 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 Karen Blazey and seconded by Tom Schwartz at a meeting of the Planning Board held on Tuesday, August 14, 2018. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - *Aye*

Charles Oyler - *Aye*

Karen Blazey - *Aye*

Ryan Staychock - *Excused*

Thomas Schwartz - *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 August 14, 2018 meeting.

John Robortella, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit operate a construction company and for use of construction storage yard in compliance with §220-35 and §220-62 in the AR-2 zoning district located at 5993 County Road 32; and

WHEREAS, the Planning Board has 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 thereby completing the environmental review; and

WHEREAS, on April 25, 2018, July 24, 2018, and August 14, 2018 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, the Planning Board does hereby determine the proposed Special Use Permit to operate a Construction Company/ Construction Storage Yard is consistent with the provisions of Chapter §220-15, §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. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today.
2. A separate approval by the Planning Board is required for any building or ground signage.
3. The Planning Board granted a waiver from a professional prepared site plan pursuant to Town Code §220-65 (L) as requested for the applicant.
4. The Planning Board granted a waiver from §220-62 (B): Prohibition for dwelling units on subject property.
5. The Planning Board granted a waiver from §220-62 (M): Unless connected to public sewer service, the construction company/ contractor storage yard site shall have an approved on-site wastewater treatment facility.
6. The Planning Board granted a waiver from §220-62 (N): There shall be only one driveway serving the site.
7. There will be no maintenance of vehicles associated with the Special Use Permit allowed onsite.
8. There will be no excavation of materials and no stockpile of materials associated with the Special Use Permit allowed onsite. All materials associated with the Special Use Permit are to be stored within the pole barn.
9. If a fuel-dispensing unit or storage tank is provided onsite, it shall meet the NYSDEC regulations for bulk storage.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

10. All site security lighting is to comply with the Town lighting regulations contained in §220-77 of the Town Code.
11. The site plan shall be revised to depict the designated parking areas for all company vehicles, for all employee vehicles and for visitors to the site.
12. All vehicles associated with the Special Use Permit shall be stored in the approved storage area as depicted on the approved site plan. Any expansion of the storage area will require an amended Site Plan and Special Use Permit approval by the Planning Board.
13. A permit from the Ontario County DPW with regards to the curb cut onto County Road 32 is required to be provided to the Town Development Office prior to the Planning Board Chairman's signature.
14. The applicant shall contact Ontario County DPW in regards to the potential for highway entrance signage to be required. A determination from OCDPW regarding their decision are to be forwarded to the Town Development Office prior to signing.
15. A landscaping schedule depicting the type, quantity, size, and location of each tree to be planted is to be provided to the Development Office for review and approval prior to the Planning Board Chairman's signature.
16. All material spills, dirt, and/or debris tracked onto the highway shall be cleaned immediately.
17. The lines delineating the "raised grass area" are to be removed from the site plans prior to Planning Board Chairmans signatures.

The above resolution was offered by Gary Humes and seconded by Charles Oyler at a meeting of the Planning Board held on Tuesday, August 14, 2018. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - *Aye*
Charles Oyler - *Aye*
Karen Blazey - *Aye*
Ryan Staychock - *Excused*
Thomas Schwartz - *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 August 14, 2018 meeting.

L. S.

John Robortella, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

SUP APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit operate a construction company and for use of construction storage yard in compliance with §220-35 and §220-62 in the AR-2 zoning district located at 5993 County Road 32; and

WHEREAS, the Planning Board has 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 thereby completing the environmental review; and

WHEREAS, on April 25, 2018, July 24, 2018, and August 14, 2018 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and

WHEREAS, the Planning Board does hereby determine the proposed Special Use Permit to operate a Construction Company/ Construction Storage Yard is consistent with the provisions of Chapter §220-15, §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 special use permit shall remain in effect for the current and future owner of the premises 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. In compliance with Town Code §220-35 and §220-62 the Town Zoning Officer may make an on-site visit at least once over the course of the year, or as may be necessary to insure that the Special Use Permit is being operated in accordance with the conditions specified by the Planning Board.
3. In the event of any complaints about the Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
5. A separate approval by the Planning Board is required for any building or ground signage.
6. The Planning Board granted a waiver from a professional prepared site plan pursuant to Town Code §220-65 (L) as requested for the applicant.
7. The Planning Board granted a waiver from §220-62 (B): Prohibition for dwelling units on subject property.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

SUP APPROVAL RESOLUTION

8. The Planning Board granted a waiver from §220-62 (M): Unless connected to public sewer service, the construction company/ contractor storage yard site shall have an approved on-site wastewater treatment facility.
9. The Planning Board granted a waiver from §220-62 (N): There shall be only one driveway serving the site.
10. There will be no maintenance of vehicles associated with the Special Use Permit allowed onsite.
11. There will be no excavation of materials and no stockpile of materials associated with the Special Use Permit allowed onsite. All materials associated with the Special Use Permit are to be stored within the pole barn.
12. If a fuel-dispensing unit or storage tank is provided onsite, it shall meet the NYSDEC regulations for bulk storage.
13. All site security lighting is to comply with the Town lighting regulations contained in §220-77 of the Town Code.
14. The site plan shall be revised to depict the designated parking areas for all company vehicles, for all employee vehicles and for visitors to the site.
15. All vehicles associated with the Special Use Permit shall be stored in the approved storage area as depicted on the approved site plan. Any expansion of the storage area will require an amended Site Plan and Special Use Permit approval by the Planning Board.
16. A permit from the Ontario County DPW with regards to the curb cut onto County Road 32 is required to be provided to the Town Development Office prior to the Planning Board Chairman's signature.
17. The applicant shall contact Ontario County DPW in regards to the potential for highway entrance signage to be required. A determination from OCDPW regarding their decision are to be forwarded to the Town Development Office prior to signing.
18. The special use permit shall be subject to compliance with all provisions of the New York State Uniform Fire Prevention and Building Code.
19. A landscaping schedule depicting the type, quantity, size, and location of each tree to be planted is to be provided to the Development Office for review and approval prior to the Planning Board Chairman's signature.
20. All material spills, dirt, and/or debris tracked onto the highway shall be cleaned immediately.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

SUP APPROVAL RESOLUTION

21. The statement of operations is to be revised to eliminate the second paragraph in its entirety. This shall be resubmitted to the Development Office prior to the Planning Board Chairman's signature.

The above resolution was offered by Tom Schwartz and seconded by Gary Humes at a meeting of the Planning Board held on Tuesday, August 14, 2018. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - *Aye*
Charles Oyler - *Aye*
Karen Blazey - *Aye*
Ryan Staychock - *Excused*
Thomas Schwartz - *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 August 14, 2018 meeting.

John Robortella, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

FINDINGS

1. The Planning Board has received an application for a Special Use Permit to operate a construction company and for use of construction storage yard in compliance with §220-35 and §220-62 in the AR-2 zoning district located at 5993 County Road 32.
2. On April 25, 2018, July 24, 2018, and August 14, 2018 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application; and
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. The applicant has submitted an application for a Special Use Permit to operate a Construction Company/ Construction Storage Yard in compliance with the provisions of Chapter §220-15, §220-35 and §220-62 of the Town Code.
6. No additional site improvements including exterior changes or lighting are proposed.
7. A Zoning Determination was completed by the Zoning Officer dated March 19, 2018:

PROJECT DESCRIPTION:

- Applicant proposes to operate a Construction Company Special Use on his 80 acre parcel.

DETERMINATION:

- Proposed special use meets appropriate dimensional requirements set forth in Zoning Schedule.
- Where it is deemed appropriate by the Town Planning Board, any of these provisions contained within §220-62, may be waived by the Planning Board based upon findings as set forth in the public record on said application.
- Applicant requests Planning Board waive requirement for:
 - o 220-62 B: Prohibition for dwelling units on subject property.
 - o 220-62 E: 10 ft. wide buffer along entire border of property.
 - o 220-62 F: Requirement for a maintenance building.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board due to proximity with a County Highway.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board approval required for all Special Use Permits.

CODE SECTIONS: Chapter §1-17, §220-15; §220-35; §220-62; §220a Sch.1 Zoning Schedule

8. The Planning Board has determined the Special Use Permit is in compliance with §220-15, §220-35 and §220-62 of the Town Code.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ROGER LAYTON REPRESENTING ANTHONY TRIPODI
SPECIAL USE PERMIT – CONSTRUCTION COMPANY/ CONSTRUCTION
STORAGE YARD (§220-35 & §220-62)
5993 COUNTY ROAD 32 – AR-2 ZONING DISTRICT
CPN 014-18 TM# 96.00-1-39.110

9. A referral to the Ontario County Planning Board (OCPB) was required due to proximity to a County Highway (County Road 32).
10. The County classified this to be a Class 1 and provided comments back to the local Board.
11. Planning Board has reviewed and considered all comments received.
12. The special use permit shall remain in effect for the current and future owners of the premises and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §220-35 and §220-62.
13. A statement of operations detailing the proposed use has been provided dated August 6, 2018 prepared by The Schuppenhauer Law Firm.
14. The Planning board requested that the second paragraph be removed.
15. A Town of Canandaigua Waiver Request from a professional prepared site plan pursuant to Town Code §220-65 (L) was completed and provided to the Planning Board.
16. The Planning Board granted the waiver from a professional prepared site plan.
17. As part of the Special Use Permit approval process, the Planning Board granted a waiver from §220-62 (B): Prohibition for dwelling units on subject property.
18. As part of the Special Use Permit approval process, the Planning Board granted a waiver from §220-62 (M): Unless connected to public sewer service, the construction company/ contractor storage yard site shall have an approved on-site wastewater treatment facility.
19. The Planning Board granted a waiver from §220-62 (N): There shall be only one driveway serving the site.