

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
GERBER HOMES & BME ASSOCIATES REPRESENTING MALYS FAMILY TRUS
OLD BROOKSIDE SUBDIVISION SECTION 6 – LOT 56
3215 DAISY WAY
CPN-20-054 TM# 83.10-1-56.000

AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for an Amended Final (Phased) Subdivision Plat approval of Old Brookside Section 6 due to grading changes on Lot 56 (change greater than 12”) as described in the Amended Final Subdivision Plat Grading Plan, last revised August 5, 2020, prepared by BME Associates and all other relevant information submitted as of November 10, 2020 (the current application); and

WHEREAS, the single-family dwelling was constructed with a finish floor elevation of 848 ft. when it was approved at a Finish Floor Elevation (FFE) at 846 ft; and

WHEREAS, any final grade deviations of House Pad Elevations more than 12 inches shall be approved by the Planning Board; 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) as part of the original approval of the Overall Old Brookside Subdivision; 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 **r Approves without Conditions; X Approves with the following Conditions; or r Denies the application for the following reasons:**

1. The Amended Final (Phased) Subdivision Plat Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. Once all conditions of Amended Final (Phased) Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson can then sign the plans.
3. The comments within the Town Engineers letter dated September 17, 2020 are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.

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

| | |
|------------------|-------------|
| Gary Humes - | [AYE / NAY] |
| Charles Oyler - | [AYE / NAY] |
| Ryan Staychock - | [AYE / NAY] |
| Karen Blazey – | [AYE / NAY] |
| Bob Lacourse – | [AYE / NAY] |

(ALT)
Amanda VanLaeken -

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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 November 10, 2020 meeting.

John Robortella, Secretary of the Board

DRAFT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES REPRESENTING JEFFERY & HEATHER CARSON
5610 BUFFALO STREET EXT – AR-2 ZONING DISTRICT
CPN 20-021 TM# 83.00-1-38.200
SINGLE-STAGE SITE PLAN APPROVAL

1ST 90 DAY EXTENSION RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a request for a 90-day extension per letter dated _____, 2020 from Venezia Group regarding the Site Plan approval to construct a new single-family home and attached garage with associated improvements on a parcel containing an existing 40' x 80' metal barn located at 5610 Buffalo Street Extension within the AR-2 Zoning District and detailed on site plans dated March 23, 2020, last revised April 16, 2020 prepared by Venezia Land Surveyors and Civil Engineers; and

WHEREAS, the applicant is still working to address the conditions of approval granted at the May 12, 2020 Planning Board meeting and requested a 90 day extension from the Planning Board; and

WHEREAS, the Planning Board has reviewed the public record on said Action; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board **p Approves with Previous Conditions (May 12, 2020) r Approves with the following Conditions; or r Denies the application** for the following reasons:

The Single-Stage Site Plan Approval is hereby approved for the first (1) 90-day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the date of November 8, 2020. The new expiration date is **February 6, 2021**.

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

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

(ALT) Amanda VanLaeken -

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 November 10, 2020 meeting.

John Robortella, Secretary of the Board

L. S.

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CONTINUATION RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for an Amended Final (Phased) Subdivision Plat approval of Old Brookside Section 6 due to grading changes on Lot 56 (change greater than 12”) as described in the Amended Final Subdivision Plat Grading Plan, last revised August 5, 2020, prepared by BME Associates and all other relevant information submitted as of November 10, 2020 (the current application); and

WHEREAS, the Planning Board received testimony from the neighboring property (Lot 57) regarding drainage concerns over the proposed amended grading plan at their September 22, 2020 Planning Board meeting; and

WHEREAS, the Planning Board requested that the two property owners get together to discuss possible solutions in the form of a drainage swale or berm being provided to convey runoff away from the neighboring property as per the original approved plans; and

WHEREAS, the requested information has not yet been provided; and

WHEREAS, according to the Town of Canandaigua Town Code “failure to comply with any condition or restriction imposed by the Planning Board in granting any site plan approval, special use permit, or subdivision approval shall constitute a violation. Such violation may constitute the basis for revocation of the approval or permit, or for imposing penalties and other applicable remedies against the property owner or other offending parties.”

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the application to their _____, _____ Planning Board Meeting.

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

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

(ALT) Amanda VanLaeken -

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 November 10, 2020 meeting.

John Robortella, Secretary of the Board

L. S.

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LOT 56 – GRADING PLAN

FINDINGS

Conditions of Preliminary Overall Subdivision Approval

Findings 1-7 address applicable conditions of preliminary overall subdivision approval granted September 4, 2001 as well as subsequent conditions applied through final approval of other sections.

1. The following conditions do not pertain to this section of development: h, i, j, k, l, o, p, q, s thru bb.
2. The uses and lot layouts proposed for Final Section 6 Subdivision Plans are the same as what was approved for the Preliminary Overall Subdivision Plans (conditions a-d).
3. The current subdivision (Section 6) shows lots sizes and setbacks in compliance with the preliminary approval (conditions e & f).
4. The current subdivision (Section 6) shows two street trees along the frontage of each lot. A species list has been provided (condition g).
5. As part of the Section 3 approval in 2004, the Planning Board required development of trails as depicted in a separate Overall Trails Plan dated August 24, 2004 (condition m).
6. Sidewalks are to be provided on one side of all streets. Sidewalks are proposed along the east side of Overlook Lane; however there are no sidewalks along Daisy Way (condition n).
7. Condition r – There will be no outside storage of recreational vehicles in the front yards.

Current Section 6

8. The applicant is requesting single-stage subdivision (final) approval of Section 6 of the Old Brookside Subdivision (last section) as described in the final plat dated June 2014 prepared by BME Associates.
9. Section 6 consists of 24 single-family lots on 8.24 acres along Overlook Lane and Daisy Way, the last section of the 172 lot – 152 acre Old Brookside Subdivision.
10. The zoning for the subdivision, including lot size and setback requirements, was established by the Town Board on June 17, 1996 as a Planned Unit Development (PUD).
11. In 2001 as part of the Overall Subdivision approval, the Planning Board approved the required setbacks.
12. SEQR was completed as part of the Overall Preliminary Subdivision approval process in September 2001.
13. The Overall Subdivision of 172 lots on 152 acres was considered a Type 1 action and coordinated review was completed.
14. A Negative Declaration was issued on February 22, 2001.
15. The front and rear setbacks as established by the P.U.D. were amended by the Town Board and adopted on May 16, 2006 (Local Law No. 2 of 2006).

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FINDINGS

16. The purpose of Local Law No. 2 of 2006 was to create larger buildable areas on certain lots within the Old Brookside Subdivision by reducing the front yard setbacks from 40' to 30' on some lots and rear yard setbacks from 40' to 30' on others. This allows for adequate space on the lots to provide additions such as decks, porches, and similar facilities to the rear of the dwelling without need to seek numerous area variances.
17. The Section 6 Subdivision plans are in substantial compliance with the Overall Preliminary Subdivision conditions of approval and Local Law No. 2 of 2006.
18. Public water and sanitary sewer systems will serve Section 6.
19. All necessary sewer, drainage, and water districts have been previously established for the overall project which includes Section 6.
20. Existing storm water detention facilities for the overall development were designed and constructed with Section 1 and are sized to handle runoff from Section 6.
21. Section 6 drainage plan is consistent with the approved Old Brookside Subdivision overall stormwater management plan.
22. The layout for Section 6 is consistent with the Preliminary Overall Subdivision approval.
23. The application includes erosion and sediment control plans designed in accordance with the Town of Canandaigua design standards and NYSDEC General Permit 0-10-001 requirements.
24. An updated Stormwater Pollution Prevention Plan (SWPPP) for Section 6 was not provided as is required.
25. A request to disturb more than 5-acres at one time (5-acre waiver) from NYSDEC is required.
26. This application was referred to the following agencies for review and comment:
 - Town of Canandaigua Environmental Conservation Board
 - John Berry, Canandaigua Lake County Sewer District
 - William Wright, Ontario County DPW
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Michael Miller, Chief of the Cheshire Volunteer Fire Department
 - MRB Group, Town Engineer
 - Kevin Olvany, Watershed Program Manager
27. A referral to the Ontario County Planning Board (OCPB) was required.
28. This application was classified as a Class 1 with comments dated July 9, 2014 by the Ontario County Planning Board.

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29. The Planning Board reviewed and considered the comments prior to making a decision on this application.
30. A referral to the Ontario County Agricultural Board was required.
31. An e-mail dated July 14, 2014 was received with no comments.
32. A comment letter from the Town Engineer dated July 18, 2014 was received.
33. No other outside comment letters have been received to date.
34. The 5' wide stone dust trail as per the approved Neighborhood Improvements Plan dated March 2007, last revised November 19, 2007, and signed November 28, 2007 is to be installed as part of Section 6.
35. The trail described in the 2004 approved Trails Plan that connects Old Brookside Apartments to Overlook Lane within Old Brookside Subdivision, is to be constructed as part of Section 6.
36. A sidewalk extending from Overlook Lane along one side of Daisy Way to the mouth of the cul-de-sac was agreed to be provided.

Amended Final Subdivision Approval – Section 6 Lot 56

37. Application received to amend final subdivision approval as the grading plan for Old Brookside Section 6, Lot 56 (As-Built) depicted an elevation change greater than 12 inches.
38. The single-family dwelling was constructed with a finish floor elevation of 848 ft. when it was approved at a Finish Floor Elevation (FFE) at 846 ft.
39. Any final grade deviations of House Pad Elevations more than 12 inches shall be approved by the Planning Board.
40. Amended Final Subdivision Plat Grading Plan, prepared by BME Associates was submitted for review and approval.
41. Comments were received dated September 17, 2020 from the Town Engineer.
42. The Highway & Water Superintendent provided a response letter with no comments.