

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: April 12, 2016

Project: CPN-024-15

Applicant

Venezia & Associates
5120 Laura Lane
Canandaigua, N.Y.
14424

Owner

Venezia & Associates
5120 Laura Lane
Canandaigua, N.Y.
14424

Project Type

Final Phased
Subdivision Approval
Extension Application

Project Location

Fox Ridge
Subdivision,
Section 5B—
Phase II

Tax Map #

97.04-1-9.211

TYPE OF APPLICATION:

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

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):

- ☐ Type I ☐ Type II ☐ Unlisted

☐ See Attached resolution(s)

Applicant Request:

- ☒ Granted ☐ Denied ☐ Tabled

☐ Continued to:

☒ See attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

Recommendation To:

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

Recommendation:

Surety Requirements:

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

Surety Release:

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 10/12/16

YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Certified By:

Thomas J. Schwartz

Chairperson, Planning Board

Date:

4-13-16
TOWN OF CANANDAIGUA
TOWN CLERK
APR 14 2016
[Signature]

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
CPN-024-15 TM# 097.04-1-009.211
FINAL SUBDIVISION (PHASED) PLAT RE-APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for Re-Approval of the Final (Phased) Subdivision Plat of Phase 5B-2 containing 6 lots along La Crosse Circle as described in the Final Subdivision Plans for Fox Ridge Phase 5B-2 dated April 16, 2015, last revised October 22, 2015 and all other relevant information submitted as of April 12, 2016 (the current application); and

WHEREAS, the Final Subdivision Plans were not signed within 180 days from the date of approval resulting in the expiration of the approval; and

WHEREAS, the applicant has resubmitted Final Subdivision Plans with no changes proposed for re-approval by the Planning Board; and

WHEREAS, the Planning Board has completed a review of the resubmitted Final Subdivision Plans last revised October 22, 2015 and a comparison with the previously approved May 26, 2015 Final Subdivision Plans; 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. The 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 Final (Phased) Subdivision Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the Final (Phased) Subdivision Plat, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
3. One mylar of the Final (Phased) Subdivision Plat is to be provided for signing by the identified Town Officials and the Town Planning Board Chairperson. Once the mylar and all paper prints have been signed, the mylar and two sets of paper prints will be returned to the Applicant for filing the mylar in the office of the Ontario County Clerk.
4. Once the Final (Phased) Subdivision Plat has been signed by the Planning Board Chairperson, the applicant shall file in the office of the Ontario County Clerk such approved final plat within sixty-two (62) days from the date of final approval or such approval shall expire (NYS Town Law Section 276-11).
5. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of La Crosse Circle.
6. The Planning Board determines that parkland is not a condition of Final Subdivision Plat approval for this application and for reasons stated in the attached findings the Planning Board determines that a Park and Recreation Fee in the amount to be determined by the

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Town Board on an annual basis is to be paid at the time of application for building permits.

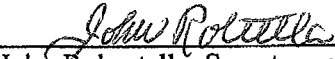
7. The Town Engineer is to sign off on the subdivision plans prior to the Planning Board Chairman once the comments identified in the review letter dated August 14, 2015 have been addressed.
8. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
9. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.
10. An approval from the Canandaigua Lake County Sewer District (CLCSD) regarding their review of the sanitary sewer improvements is to be provided to the Development Office prior to the issuance of the Certificate of Occupancy.
11. A landscaping schedule detailing the type, quantity, and size of each specie is to be added to the final subdivision plans.
12. The existing depth and capacity of the stormwater management facility is to be documented and forwarded to the Town Development Office prior to the issuance of building permits for Phase 5B.
13. The applicant is to request a sewer district approval for Phase 5B from NYSDEC as the previously issued approval has expired. A copy of the request is to be forwarded to the Development Office prior to the issuance of building permits.
14. The applicant is to provide on the final subdivision plans 5' wide sidewalk easements to the Town of Canandaigua on both sides of LaCrosse Circle prior to the Planning Board Chair signing the plans. The Planning Board reserves the right to require the applicant to install sidewalks at a future date at the developer's expense.

The above resolution was offered by Richard Gentry and seconded by Ryan Staychock at a meeting of the Planning Board held on Tuesday, April 12, 2016. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry - Aye
Charles Oyler - Aye
Karen Blazey - Aye
Ryan Staychock - Aye
Thomas Schwartz - Aye

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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 April 12, 2016 meeting.



John Robortella, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
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Preliminary

1. In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board during its review of the rezoning request for the original Fox Ridge Overall Subdivision in June of 1989, declared this action to be a Type I Action, completed a coordinated review of the prepared Environmental Impact Statement (EIS), made a determination of non-significance, and issued a Negative Declaration.
2. The Preliminary Overall (Phased) Subdivision Plat Plans were approved at the July 25, 1989 Planning Board meeting.
3. March 16, 2007 an application for Concept Subdivision revising the Preliminary Overall (Phased) Subdivision Plans for Fox Ridge Sections 5 & 6, creating Phase 5A and Phase 5B and removing Section 6.
4. Phase 5A was under construction at the time as it was previously approved as Section 5 of the Fox Ridge Subdivision. Section 6 was removed and now being called Phase 5B.
5. The proposed Concept Subdivision Plans for Phases 5A and 5B reduced the total number of lots from 52 to 48 and in lieu of the originally approved continuous link for Lake Breeze Way, created two cul-de-sacs (La Crosse Circle and Lake Breeze Way) within Phase 5B.
6. The Concept Subdivision Plans titled Conceptual Subdivision Fox Ridge Subdivision Phase 5B were submitted to outside agencies for review/comment and were discussed at the April 10, 2007 Planning Board meeting.
7. In an email dated April 6, 2007, Marilyn Schafer of Ontario County Public Works stated that they have contacted the design engineer at the time (Professional Engineering Group) regarding a request to service the existing homes along Middle Cheshire Road that are adjacent to this project (west property line) with a sanitary sewer.
8. An application for Preliminary/ Final (Phased) Subdivision Plat Plan approval for Phase 5B of the Fox Ridge Subdivision depicting two cul-de-sacs, 28 lots, conservation easement area and utility improvements including a sanitary sewer extension for those homes along Middle Cheshire Road adjacent to Phase 5B was submitted Development Office and reviewed at the April 18, 2007 PRC meeting.
9. October 23, 2007, the revised Preliminary (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with fourteen (14) conditions.
10. October 23, 2007, the revised Final (Phased) Subdivision Plat Plans for the Fox Ridge Phase 5B were approved with ten (10) conditions.
11. The Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B were signed by all parties including the Planning Board Chairman.
12. The Preliminary (Phased) Subdivision Plat Plan approval for Phase 5B has not been revoked and remains in effect as per the Zoning Law Determination dated May 6, 2013.
13. The applicant did not file the approved Final (Phased) Subdivision Plat Plans for 5B in the Office of the Ontario County Clerk.

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14. NYS Town Law Section 276, part 11 states that approved final plats shall expire if not filed within 62 days of approval.
15. Venezia Associates submitted an amended Preliminary (Phased) Subdivision Plat Plan for Fox Ridge Phase 5B dated March 20, 2014 and a letter dated April 2, 2014 containing a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 new plan.
16. The Planning Board reviewed Amended Preliminary (Phased) Subdivision Plat Plans to determine if they were in substantial agreement with the approved 2007 Preliminary (Phased) Subdivision Plat Plans for Fox Ridge Phase 5B dated February 2007 and last revised September 25, 2008.
17. The amended (phased) subdivision plans titled Fox Ridge Subdivision, Phase 5B, dated March 20, 2014 propose a similar layout of 28 lots for single family dwellings, two (2) cul-de-sacs (La Crosse Circle and Lake Breeze Way), a conservation area in the same area as previously approved, utility improvements including water, sanitary and storm sewers throughout Phase 5B and an easement to Canandaigua Lake County Sewer District (CLCSD) for the sanitary sewer extension to those homes along Middle Cheshire Road which were all part of the original 2007 Preliminary (Phased) Subdivision Plat Plan approval.
18. The Planning Board on April 22, 2014 completed a review of the matrix and a comparison of the proposed Amended Preliminary (Phased) Subdivision Plat Plans with the approved 2007 Preliminary (Phased) Subdivision Plat Plans and determined that the proposed Amended Fox Ridge 5B Preliminary (Phased) Subdivision Plat Plans dated March 20, 2014 were in substantial agreement with the previously approved 2007 Preliminary (Phased) Subdivision Plat Plans dated February 2007 and last revised September 25, 2008 (signed).
19. The Amended Preliminary (Phased) Subdivision Plat Plans were revised per the conditions of approval and the Amended Preliminary (Phased) Subdivision Plat Plans were signed by the Planning Board Chairman.

Final Phase 5B-2

20. Town of Canandaigua Planning Board is considering a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-2 Subdivision Plans dated April 16, 2015.
21. Proposed Phase 5B-2 contains 4 lots along La Crosse Circle, which will ultimately be extended and terminate with a cul-de-sac as part of a future phase of Fox Ridge.
22. The minimum approved lot size is 15,000 SQ. FT.
23. The minimum lot size proposed for Phase 5B-2 is 17,891 SQ. FT (lot 47) and a maximum lot size of 19,723 SQ. FT. (lot 31).
24. Public water and sanitary sewer services will be extended to all lots within Phase 5B-2.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
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25. Existing stormwater management facilities sized to handle the water quality and quantity requirements for this portion of development was approved with earlier phases. Section 5B and Phase 5B-2 meet all NYSDEC General Permit and Town of Canandaigua requirements regarding stormwater.
26. This application was forwarded to the following outside agencies for review:
- Jim Fletcher, Highway & Water Superintendent
 - Town Environmental Conservation Board
 - Dennis Brewer, Parks, Recreation, & Trails Committee
 - Ontario County Planning Board
 - Ontario County Ag Review Board
 - MRB Group, Town Engineers
 - John Berry, Canandaigua Lake County Sewer District
 - William Wright, Ontario County DPW
 - Kevin Olvany, Canandaigua Lake Watershed
 - George Barden, Watershed Inspector
 - Geoff Brennessel, NYSEG
 - Wayne Dunton, RG&E
 - Michael Miller, Chief Cheshire Fire Department
 - Paul Damato, Regional Director, NYSDEC
 - Sheryl Robbins, P.E., NYSDOH
 - Carleen Pierce, Canandaigua County 9-1-1 Center
27. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
28. The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed subdivision plat because of the increase in population that will be created by the proposed new developments.
29. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
30. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
31. The proposed Fox Ridge 5B subdivision includes a total of 28 new homes, many of which will be occupied by families with one or more children.

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32. The proposed subdivision will increase the Town's population.
33. This increase in population will intensify the need for land to be used for parks and recreation.
34. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
35. The area of the proposed subdivision will be 28 +/- acres.
36. The area of the proposed subdivision will include residential lots and dedicated conservation areas. Adequate land for dedication of parkland is not available on the proposed subdivision plat.
37. There is not an existing park in the vicinity of the proposed subdivision.
38. 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.
39. A comment letter from the Town Engineer was received dated May 20, 2015.
40. Comments from Ontario County DPW were received in an e-mail dated May 13, 2015.
41. A comment letter dated May 20, 2015 from Canandaigua Lake County Sewer District was received by the Town Development Office.
42. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman's signature being affixed on the Final Subdivision Plans.
43. A Letter of Credit in favor of the Town of Canandaigua, in the amount to be determined by the Town Engineer is to be provided and accepted by the Town Board prior to the issuance of building permits.
44. An approval from Canandaigua Lake County Sewer District (CLCSD) is required to be provided to the Development Office prior to the issuance of Certificate of Occupancy.
45. An email dated May 20, 2015 from NYSDEC was received requesting that the applicant request a sewer district approval for Phase 5B as the previous approval has expired.
46. NYSDEC has also requested that the applicant coordinate with SHPO regarding future Phase 3 and 4 as they are located within a designated archeological sensitive area or provide a copy of the "No Impact" letter from SHPO issued for the original approval of the Fox Ridge Subdivision.
47. NYSDEC also requested that the project SWPPP be updated to reflect the proposed Phase 5B-2 improvements and noted if project resulted in additional ground disturbances beyond the 50-acres included in the approved NOI for Phase 5A and Phase 5B, a new SPDES Permit would be required.

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Re-Approval Final Subdivision Phase 5B-2

48. The Planning Board at their May 26, 2016 meeting approved the Final Subdivision Plans for Fox Ridge Phase 5B-2 with conditions.
49. Number 1 of the conditions of approval required the subdivision plans to be signed within 180 days from the date of approval (May 26, 2015).
50. The Final Subdivision Plan approval expired on November 23, 2015, as the plans were not signed.
51. The applicant informed the Development Office and Town Planning Board that they were working towards addressing the conditions of approval, and more specifically the Canandaigua Lake County Sewer District comments.
52. The applicant resubmitted the Final Subdivision Plans with no changes other than addressing those previous conditions of approval from the May 26, 2015 meeting.
53. The Planning Board completed a review of the resubmitted Final Subdivision Plans last revised October 22, 2015 and a comparison with the previously approved May 26, 2015 Final Subdivision Plans.