

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Planning Board Decision Notification

Meeting Date: 4/22/2014

Project: **017-12

Applicant

Venezia Associates
5120 Laura Lane
Canandaigua, NY 14424

Owner

Hank Eiffert
3320 Eastwind Way
Canandaigua, NY
14424

Project Type

Final Subdivision
28-lot subdivision (Fox
Ridge Phase 5B)

Project Location

**** Middle
Cheshire Road

Tax Map #

97.04-1-9.211

TYPE OF APPLICATION:

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

SEQR:

☒ Type I ☐ Type II ☐ Unlisted
☒ See Attached resolution(s)

Negative Declaration Date: June 1989

Positive Declaration Date:

Applicant Request:

☒ Granted ☐ Denied ☐ Tabled
☐ Continued to:
☒ See attached resolution(s)

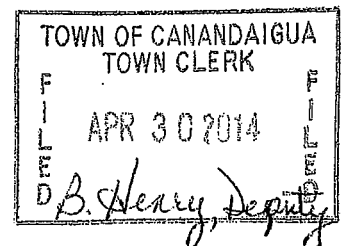
Recommendation To:

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

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 10/20/14
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Requirements:

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



Certified By:

James A. Schwert
Chairperson, Planning Board

Date:

4-30-14

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009211
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a proposed amendment to the 2007 Preliminary (Phased) Plat Subdivision Approval of the Fox Ridge, Phase 5B Plans dated February 2007 and last revised September 25, 2008. The amended subdivision plans, dated March 20, 2014 propose a similar layout of 28 lots, two (2) cul-de-sacs, a conservation area, utility improvements including water, sanitary and storm sewers which were all part of the original 2007 approval; and

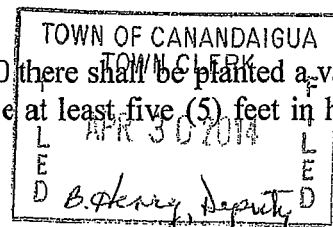
WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Town Board declared this to be a Type I Action and a determination of significance was previously adopted in June 1989; and

WHEREAS, the Planning Board has completed a review and a comparison of the of the proposed amended Preliminary (Phased) Plat Subdivision Plans with the approved 2007 Preliminary (Phased) Plat Subdivision Plans; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that the proposed amended Fox Ridge 5B Preliminary (Phased) Plat Subdivision Plans dated March 20, 2014 are in substantial agreement with the previously approved 2007 Preliminary (Phased) Plat Subdivision Plans dated February 2007 and last revised September 25, 2008 and has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

BE IT FURTHER RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. A cover sheet shall be attached to the drawings with the title of the drawings to read "Amended Preliminary (Phased) Plat, Fox Ridge Subdivision, Phase 5B Lots 30 through 57."
2. The Amended Preliminary (Phased) 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.
3. Once all conditions of Preliminary (Phased) 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 Preliminary Plat, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
4. The plans are to note any and all restrictive covenants in detail of the conservation easement areas.
5. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of each cul-de-sac.
6. Across the northern section of lots 36, 37, 38, 39, and 40 there shall be planted a variety of deciduous and non-deciduous trees, each tree shall be at least five (5) feet in height and spaced at 15 foot intervals and staggered.



TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED (PHASED) PRELIMINARY PLAT SUBDIVISION APPROVAL

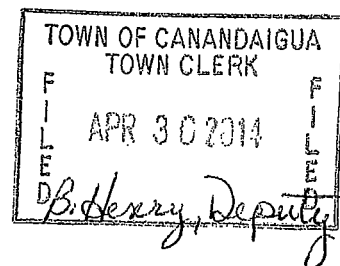
7. A 25' wide easement to Canandaigua Lake County Sewer District (CLCSD) along the west property line of Phase 5B of the Fox Ridge Subdivision to allow for the construction of a sewer extension for the residences along Middle Cheshire Road is to be provided on the Preliminary (Phased) Plat Subdivision Plans.
8. The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.
9. The Planning Board determines that a Park and Recreation Fee in the amount to be determined by the Town Board on an annual basis is to be paid at the time of application building permits.
10. The Applicant shall apply to the Town Board for permission to modify the existing Conservation Easement, and shall prepare the required documents for dedication prior to applying for Final Subdivision Approvals.

The above Resolution was offered by Richard Gentry and seconded by Charles Oyler at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry - *Aye*
Charles Oyler - *Aye*
Dan O'Bine - *Abstained*
Ryan Staychock - *Aye*
Thomas Schwartz - *Aye*

I, Kathleen Gingerich, 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 22, 2014 meeting.

Kathleen Gingerich L. S.
Kathleen Gingerich, Secretary of the Board



TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

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 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 (LaCrosse 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 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 Plans for the Fox Ridge Phase 5B were approved with fourteen (14) conditions.
10. October 23, 2007, the revised Final (Phased) Subdivision Plans for the Fox Ridge Phase 5B were approved with ten (10) conditions.
11. The Preliminary (Phased) Subdivision Plans for Fox Ridge Phase 5B were signed by all parties including the Planning Board Chairman.
12. The Preliminary (Phased) Subdivision 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 Plans for 5B in the Office of the Ontario County Clerk.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

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 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 is to determine if the proposed Amended Preliminary (Phased) Subdivision Plans are in substantial agreement with the approved 2007 Preliminary (Phased) Subdivision 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 (LaCrosse 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 Plan approval.
18. The Planning Board has completed a review of the matrix and a comparison of the proposed Amended Preliminary (Phased) Plat Subdivision Plans with the approved 2007 Preliminary (Phased) Plat Subdivision Plans and determines that the proposed Amended Fox Ridge 5B Preliminary (Phased) Plat Subdivision Plans dated March 20, 2014 are in substantial agreement with the previously approved 2007 Preliminary (Phased) Plat Subdivision Plans dated February 2007 and last revised September 25, 2008 (signed).
19. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
20. 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.
21. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
22. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
23. The proposed subdivision includes 28 new homes, many of which will be occupied by families with one or more children.
24. The proposed subdivision will increase the Town's population.
25. This increase in population will intensify the need for land to be used for parks and recreation.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY (PHASED) PLAT SUBDIVISION APPROVAL

26. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
27. The area of the proposed subdivision will be 28 +/- acres.
28. 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.
29. There is not an existing park in the vicinity of the proposed subdivision.
30. 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.
31. The Planning Board discussed the need to delineate the conservation easement area in the field to better define the limits of this area on each lot.
32. Monuments may be considered during final subdivision review.