

# 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: September 22, 2020**

**Project: CPN-20-058**

**Applicants**

Venezia Group LLC  
5120 Laura Lane  
Canandaigua, NY 14424

**Owners**

Venezia Group LLC  
5120 Laura Lane  
Canandaigua, NY  
14424

**Project Type**

Final (Phased)  
Subdivision Plat

**Project Location**

Fox Ridge  
Subdivision,  
Phase 5B-3

**Tax Map #**

97.04-2-100.100

**TYPE OF APPLICATION:**

- ☐ Preliminary    ☒ Final Phased    ☐ One/Single Stage  
☒ Subdivision    ☐ Site Plan    ☐ 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:

Positive Declaration Date:

**Recommendation To:**

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

Recommendation:

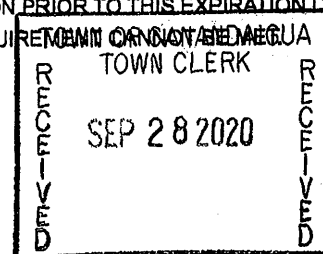
THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO  
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE  
ON THE FINAL PLAN BY: 5/21/2021

YOU ARE RESPONSIBLE FOR REQUESTING AN  
EXTENSION PRIOR TO THIS EXPIRATION DATE IF

**Surety Requirements:**

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

☐ Soil Erosion: \$



**Surety Release:**

Notified By:

Chairperson, Planning Board

Date:

9/23/20

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
VENEZIA GROUP, LLC - FOX RIDGE SUBDIVISION - PHASE 5B-3  
0000 LACROSSE CIRCLE  
CPN 20-058 TM# 97.04-2-100.100

**FINAL SUBDIVISION (PHASED) PLAT APPROVAL**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Final Subdivision (Phased) Plat Approval for the subdivision of a 13-acre parcel into Phase 5B-3 containing 12 new lots (Lots 1-12) along Lacrosse Circle and as detailed on the Final Subdivision Plans for Fox Ridge Phase 5B-3 dated August 21, 2020 and all other relevant information submitted as of September 22, 2020 (the current application); and

**WHEREAS**, as part of this application the applicant proposed an amendment to the Preliminary (Phased) Overall Subdivision Plans for Fox Ridge Phase 5B amended last April 22, 2014, April 12, 2016, October 24, 2017, and January 23, 2018; and

**WHEREAS**, the Planning Board again granted Amended Preliminary Overall (Phased) Subdivision Approval at their November 26, 2019 meeting reducing the total number of Phases from four (4) to three (3); and

**WHEREAS**, the Planning Board has determined that the proposed Final Subdivision of Fox Ridge Phase 5B-3 is in substantial conformance with the last Amended Preliminary Overall Subdivision Plans dated November 26, 2019; 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 Lacrosse 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 comments within the Town Engineer's letters dated September 18, 2020 are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
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 Surety Estimate is to be prepared by the applicant and provided to the Town Development Office for review and processing in accordance with Local Law 19 of 2017 Amending Chapter 174, Section 174-32(F).
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. 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 C/O's for this development.
12. 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.
13. Prior to issuance of a building permit, the Town of Canandaigua Stormwater Maintenance Agreement is to be completed and provided to the Town Attorney for review and approval.
14. Prior to issuance of the last Certificate of Occupancy, the existing stormwater management facility and property is to be transferred to the Fox Ridge H.O.A.
15. The Planning Board acknowledges they have received emails from the Canandaigua Lake County Sewer District stating that the filed sanitary sewer easement bordering the properties along Middle Cheshire Road was abandoned in 2014 and sanitary sewer will not be required by Canandaigua County Sewer District.
16. Dedication of the roadway and infrastructure associated with Fox Ridge Phase 5B-2 is to be completed and then accepted by the Town Board prior to issuance of building permits for Phase 5B-3.

The above resolution was offered by Bob Lacourse and seconded by Ryan Staychock at a meeting of the Planning Board held on Tuesday, September 22, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

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

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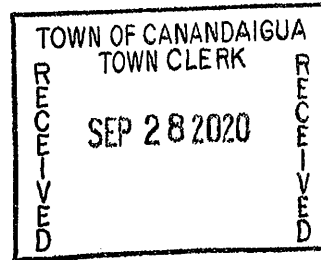
**FINAL SUBDIVISION (PHASED) PLAT APPROVAL**

(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 September 22, 2020 meeting.

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



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**Preliminary Overall**

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.
14. NYS Town Law Section 276, part 11 states that approved final plats shall expire if not filed within 62 days of approval.

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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.
20. Town of Canandaigua Planning Board received a request for Final (Phased) Subdivision Plat approval of the Fox Ridge, Phase 5B-3 Subdivision Plans dated June 2017, last revised January 12, 2018.
21. The project includes 20 new lots (Lots 36 -55) along Lacrosse Circle and the annexation of 4 approved lots (Lots 48, 49, 56, and 57) associated with Fox Ridge 5B-1 into proposed Lot 49 as detailed on the Final Subdivision Plans for Fox Ridge Phase 5B-3.
22. Due to these changes, an Amended Preliminary Overall Subdivision Approval was required.
23. The Amended Preliminary Overall Subdivision Plans proposed 3 phases, 27 lots, one (1) cul-de-sac, a conservation area, utility improvements including water, sanitary and storm sewers as detailed on the Amended Preliminary Plat for Fox Ridge Phase 5B dated April 16, 2015, last revised August 14, 2017 and all other relevant information submitted as of October 24, 2017.
24. The Amended Preliminary Overall Subdivision Plans were approved by the Planning Board on October 24, 2017 with conditions and eventually signed.
25. The Final Phase 5B-3 plans were never submitted for signature and therefore the final approval voided.
26. The Planning Board received a request for Amended Preliminary Overall (Phased) Subdivision Approval and were granted approvals at their January 23, 2018 meeting.

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27. These plans were eventually signed.
28. Town of Canandaigua Planning Board received another request for Amended Preliminary Overall Subdivision Plat approval of the Fox Ridge, Phase 5B and Amended Final (Phased) Subdivision Plan Approval of Phase 5B-1 dated October 2019.
29. Phase 5B-1 included the construction of 5 residential lots and the construction of a hammerhead turnaround to be dedicated to the Town of Canandaigua.
30. Due to these changes, an Amended Preliminary Overall Subdivision Approval was required.
31. The Amended Preliminary Overall Subdivision Plans were approved by the Planning Board on November 26, 2019 with conditions.

**Fox Ridge Phase 5B-3**

32. The Town of Canandaigua has received a request for Final (Phased) Subdivision Approval of the final Phase of the Fox Ridge Subdivision.
33. As Part of Final Phase 5B-3, includes the subdivision of 13-acres of land to create twelve (12) new lots.
34. Public water and sanitary sewer services will be extended to all lots within Phase 5B-3.
35. 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-3 meet all NYSDEC General Permit and Town of Canandaigua requirements regarding stormwater.
36. A Zoning Determination was rendered and dated August 26, 2020:

**DETERMINATION:**

- Proposed development originally granted Preliminary Subdivision approval in 1986 with the most recent revision approved in 2014.
- Proposed development is of sufficient area and dimension to meet minimum requirements for zoning and building purposes.

**REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board as it relates to major subdivision within 500 ft. of an Agricultural District

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board approval required for Final Subdivision.

**CODE SECTIONS:** Chapter §1-17; §174

37. This application was forwarded to the following outside agencies for review:
  - Jim Fletcher, Highway & Water Superintendent
  - Town Environmental Conservation Board
  - Ontario County Planning Board
  - MRB Group, Town Engineers

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- City of Canandaigua DPW
- Town CEO
- Canandaigua Lake County Sewer District
- Kevin Olvany, Canandaigua Lake Watershed
- Chief Cheshire Fire Department
- NYSDOH

38. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.

- 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.
- The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
- The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
- The proposed Fox Ridge 5B-3 subdivision includes a total of 12 new homes, many of which will be occupied by families with one or more children.
- The proposed subdivision will increase the Town's population.
- This increase in population will intensify the need for land to be used for parks and recreation.
- A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
- The area of the proposed subdivision will be 13 +/- acres.
- 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.
- There is not an existing park in the vicinity of the proposed subdivision.
- 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 September 18, 2020.

40. Comments from Ontario County DPW were received in an e-mail dated September 9, 2020 and September 10, 2020.

41. Comments were received from the Town Highway and Water Superintendent.



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42. Emails from the Canandaigua Lake County Sewer District stating that the filed sanitary sewer easement bordering the properties along Middle Cheshire Road was abandoned in 2014 and sanitary sewer will not be required by Canandaigua County Sewer District.
43. Dedication of the roadway and infrastructure associated with Fox Ridge Phase 5B-2 is to be completed and then accepted by the Town Board prior to issuance of building permits for Phase 5B-3.
44. The project SWPPP is to be updated to reflect the proposed Phase 5B-3 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.

