

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: March 10, 2020

Project: CPN-20-008

Applicant

Venezia Land Surveyors
and Civil Engineers
5120 Laura Lane
Canandaigua, NY 14424

Owners

Gerber Homes &
Additions LLC
126 Ridge Road
Ontario, NY 14519

Project Type

Amended Final
(Phased) Subdivision
Plat

Project Location

3739 LaCrosse
Circle, Lot #33,
Fox Ridge
Subdivision,
Section 5-B2

Tax Map #

97.04-2-33.00

TYPE OF APPLICATION:

- ☐ Preliminary ☒ Amended Final Phased
☒ 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)

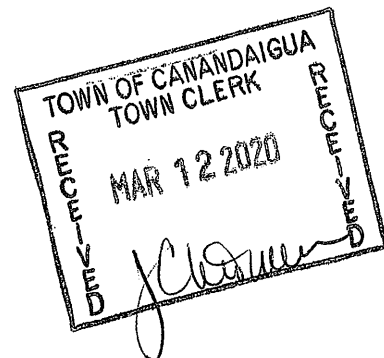
Recommendation:

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 9/10/2020
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): \$

Surety Release:



Certified By: [Signature]

Chairperson, Planning Board

Date: 3/12/2020

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B-2
GERBER HOMES AND ADDITIONS, LLC – 3739 LACROSSE CIRCLE
CPN-20-008 TM# 097.04-2-33.000
AMENDED FINAL SUBDIVISION (PHASED) PLAT APPROVAL
LOT 33 – GRADING PLAN

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 Phase 5B-2 due to grading changes on Lot 33 (change greater than 12”) containing 6 lots along LaCrosse Circle as described in the Amended Final Plat Gerber Homes and Addition, LLC for Fox Ridge Phase 5B-2 dated February 21, 2020, prepared by Venezia Land Surveyors and Civil Engineers and all other relevant information submitted as of March 10, 2020 (the current application); and

WHEREAS, the single-family dwelling was constructed with a finish floor elevation of 909 ft. when it was approved at a Finish Floor Elevation (FFE) at 906.67 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 Fox Ridge 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 ☐ **Approves without Conditions;** ☒ **Approves with the following Conditions;** or ☐ **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. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of LaCrosse Circle.
4. The comments within the Town Engineers letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
5. All comments from the Town Highway and Water Superintendent are to be addressed prior to the Planning Board Chairman’s signature being affixed to the Plans.
6. 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.

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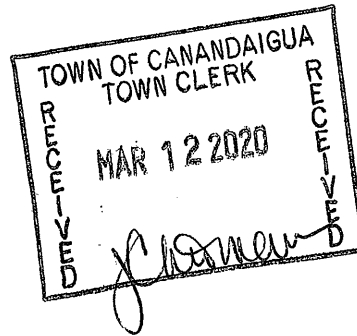
The above resolution was offered by Charles Oyler and seconded by Gary Humes at a meeting of the Planning Board held on Tuesday, March 10, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	<i>Aye</i>
Charles Oyler -	<i>Aye</i>
Ryan Staychock -	<i>Aye</i>
Karen Blazey -	<i>Aye</i>
Bob Lacourse -	<i>Absent</i>

(ALT) Amanda VanLaeken - *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 March 10, 2020 meeting.

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



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FINDINGS

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.

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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.
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.

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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.
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.

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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.
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.

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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.

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.

Amended Final Subdivision Approval – Phase 5B-2

54. Application received to amend final subdivision approval as the grading plan for Fox Ridge Phase 5B-2, Lot 32 (As-Built) depicted an elevation change greater than 12 inches.
55. The single-family dwelling was constructed with a finish floor elevation of 909 ft. when it was approved at a Finish Floor Elevation (FFE) at 906.67 ft; and
56. Any final grade deviations of House Pad Elevations more than 12 inches shall be approved by the Planning Board.