

EXHIBIT C

COMPLIANCE WITH THE TOWN'S SUBDIVISION PROVISIONS

As demonstrated below, the Applicant complies with the Town's Subdivision of Land provisions pertaining to Subdivisions as set out in Chapter 174, Section 15 of the Code of the Town of Canandaigua. The applicable Town provisions are reproduced below in bold italics with the Applicant's responses in regular type:

§ 174-15. Planning Board findings.

Land shall be suited to the purposes for which it is to be subdivided. Regardless of whether or not development is proposed, Planning Board decisions regarding subdivisions shall be accompanied by findings regarding whether or not:

A. Review of the proposal was completed in compliance with applicable procedural requirements.

The Applicant has submitted its Application on the Town-supplied form and has complied with all of the items on the Town-supplied checklist, which has been left blank for the Town to fill in upon its review of the Application.

B. The proposal clearly and accurately describes the proposed lots as well as proposed development of same.

The Subdivision Plat describes the proposed Lots, but cannot describe the proposed development due to that development being outside of the scope of the Application and at the discretion of future developers (whose site plan and application would come before this Board).

C. Resulting lots are sized and arranged to allow reasonable development and use in compliance with existing Town Code requirements and the intent of this chapter.

The Lots are sized and arranged so that they can be developed in the future and provide adequate residential housing in the Town. The proposed Subdivision will create value on Onnalinda Drive and off of the Private Drive, and there is more than adequate acreage for development and planning, as well as access to utilities.

D. Subsequent use and development of the lots will be unduly limited by easements, deed restrictions or other encumbrances.

Subsequent use and development will not be unduly limited by deed restrictions as the Applicant does not intend to restrict use beyond what is provided for in the Town Code and zoning regulations.

E. Proposed lots and development provide for:

(1) *Safe and efficient vehicular and pedestrian access.*

See Exhibits D and E. While the Applicant does not propose to develop the Lots, as demonstrated, it is anticipated that vehicular and pedestrian access will only slightly increase, and the roads have more than adequate capacity to handle traffic and pedestrian access without any underlying safety concerns.

(2) *Sufficient space for on-site parking, loading and unloading and similar activities.*

See Exhibit E. The Lots are all of sufficient size to have on-site parking, loading, unloading, and similar activities. No parking on the street is planned or anticipated due to the size of the proposed Lots and capacity with which they can handle vehicles.

(3) *Adequate emergency access.*

See Exhibit E. Onnalinda Drive will not be adversely affected, and the Private Drive has more than adequate width to allow for the ingress and egress of emergency vehicles.

(4) *Proper drainage in compliance with Chapter 165 of Town Code and current NYSDEC requirements.*

Chapter 165 of the Town Code, Soil Erosion and Sedimentation Control, has a stated purpose "to protect public health, safety and welfare in the Town of Canandaigua by regulating site preparation and construction activities, including excavation, filling, grading and stripping so as to prevent problems related to erosion, sediment or drainage." The Applicant does not intend to partake in any of these activities in connection with this Application. However, the Applicant does see the future development of the Lots as an opportunity for the Town to require a future developer to mitigate runoff, create berms and improved drainage that otherwise would not exist with vacant parcels of land.

(5) *Safe and sufficient water supply.*

The lots have private water. Accordingly, even though the Applicant does not intend to build on the Lots, there will be no increased burden on the Town or the public to provide additional water services or utilities.

(6) *Proper sewage disposal.*

The lots have private sewers. Accordingly, even though the Applicant does not intend to build on the Lots, there will be no increased burden on the Town or the public to provide additional sewer services or utilities.

(7) *Proper access to other available utilities such as gas, electric and telephone.*

Even though the Applicant does not intend to build on the Lots, the Lots are in a residentially developed area, and therefore other utilities such as gas and electric (and, if desired, telephone) are able to be accommodated without a great undertaking.

F. Resulting development will have an undue negative impact on the safety and efficiency of the existing road network.

See Exhibits D and E. While proposed development is beyond the scope of this Application, the Applicant anticipates only two additional residential houses being built in the future. The existing road network will have more than adequate capacity to handle a slight increase in traffic.

G. Resulting development will have an undue negative impact on neighboring properties.

See Exhibits D and E. While proposed development is beyond the scope of this Application, the Applicant notes that there will not be any significant adverse environmental impacts from the Subdivision.

H. Proposed lot layouts and development are designed and arranged to minimize modification of existing landforms, including rock outcroppings, hilltop lookouts and natural contours.

See Exhibit D. Further, lot layouts are designed to minimize modification to existing landforms and utilize the existing Private Drive and Onnalinda Drive so as to be of the least disturbance to the neighbors as possible. Any future residential development shall take into account Town site plan and development regulations.

I. Proposed lot layouts and development are designed and arranged to avoid impacts to natural features identified in the Natural Resources Inventory.

See Exhibit D, and above in sub-section H.

J. Proposed lots and development avoid, to the extent practical, negatively impacting culturally and historically significant features.

See Exhibit D, and above in sub-section H.

K. Proposed lots and development avoid encroaching on areas subject to periodic flooding. Where avoidance of such areas proves impractical, such measures, as required in Chapter 115 of the Town of Canandaigua Code, Flood Damage Prevention, will be taken to minimize potential for flood damage to proposed improvements and adjoining properties.

While water runoff has been raised as a concern due to the natural grading of the land in this location, the Applicant believes that future development poses an opportunity for the Town to require mitigation measures to minimize impacts of water runoff in a future site plan review and approval.

L. Outdoor lighting shall be dark-sky-compliant in accordance with the provisions contained in § 220-77 of the Town Code.

N/A – the Applicant does not propose any outdoor lighting.

M. The subdivision design allows the continuation of agricultural practices on the balance of the site and/or surrounding parcels and considers the effects such design shall have on minimizing the impedance of such practices.

The Subdivision is located in a residential area, removed from agricultural practices, but the Subdivision will nevertheless not impact any such practices.

N. The subdivision design follows the Town's adopted Site Design and Development Guidelines as well as the Shoreline and Ridgeline Development Guidelines.

Although the Applicant does not propose any development of the Lots, the Applicant will so comply.