

# Town of Canandaigua

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

Canandaigua, NY 14424  
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## Planning Board Decision Notification

**Meeting Date:** 7/22/2014

**Project:** 047-14

**Applicant**

Old Brookside LLC  
180 Clinton Square  
Rochester, NY 14604

**Owner**

Old Brookside LLC  
180 Clinton Square  
Rochester, NY 14604

**Project Type**

Final  
Subdivision

**Project Location**

\*\*\*\* Buffalo Street  
Extension

**Tax Map #**

83.00-1-36.110

**TYPE OF APPLICATION:**

- ☐ Preliminary      ☒ Final  
☒ Subdivision      ☐ Site Plan      ☐ Special Use Permit  
☐ Sign: Bldg      ☐ Sign: Ground

Applicant Request:

- ☒ Granted      ☐ Denied      ☐ Tabled

☐ Continued to:

☒ See attached resolution(s)

**SEQR:**

- ☒ Type I      ☐ Type II      ☐ Unlisted

☒ See Attached resolution(s)

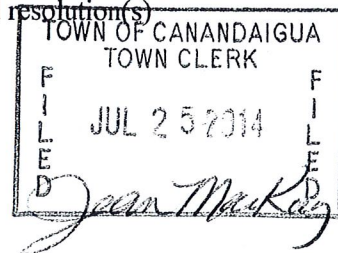
Negative Declaration Date: 2/22/2001

Positive Declaration Date:

**Recommendation To:**

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

Recommendation:



**Surety Requirements:**

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

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO  
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE  
ON THE FINAL PLAN BY: 1-19-2015  
YOU ARE RESPONSIBLE FOR REQUESTING AN  
EXTENSION PRIOR TO THIS EXPIRATION DATE IF  
THIS REQUIREMENT CANNOT BE MET.

Certified By:

Chairperson, Planning Board

Date:

7-25-14

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6  
CPN-047-14 TM# 83.00-1-36.110  
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

**WHEREAS**, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a single-stage (final) subdivision plan approval for a 24-lot subdivision consisting of single family homes on an 8.24 acre site (Section 6) in the PUD District and as described on the Final Plat dated June 2014 (the current application); and

**WHEREAS**, the Planning Board is considering if the application is in “substantial agreement” with the preliminary overall subdivision plat approval dated September 4, 2001, in accordance with NYS Town Law, Section 276, Part 6, (b); and

**WHEREAS**, the Planning Board completed a review of both the approved preliminary overall plat conditions of approval and the current application, and drafted a list of relevant findings to be kept in the project file in the Town Development Office; and

**WHEREAS**, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), a determination of significance was previously adopted by the Town of Canandaigua Planning Board September 4, 2001 with the approval of the preliminary overall subdivision plat; and

**NOW, THEREFORE, BE IT RESOLVED**, that based on the aforementioned findings and all other relevant information gathered through the application process, the Planning Board hereby determines that the above described single-stage (final) subdivision plan is in substantial agreement with the approved preliminary overall subdivision plat.

**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. As a condition of Preliminary Overall Subdivision Plan Approval of September 4, 2001 (condition cc), the Planning Board determines that set aside of parkland or payment of a fee in lieu thereof is required prior to the issuance of building permits.
2. Prior to the issuance of building permits, the applicant is to post sureties with the Town, in amounts approved by the Town Engineer, to ensure satisfactory completion of stormwater requirements, erosion and sediment control measures, public water and roadways, and any other improvements to be dedicated to the Town of Canandaigua.
3. All comments identified in the Town Engineer's Letter, dated July 18, 2014 are to be addressed prior to the Town Engineer's signature and the Planning Board Chairman's signature being affixed to the Final Subdivision Plans.
4. All comments by the Town Highway and Water Superintendent's are to be addressed prior to the Town Highway and Water Superintendent's signature and the Planning Board Chairman's signature being affixed to the Final Subdivision Plans.
5. Prior to the issuance of the first Certificate of Occupancy, an approval by Canandaigua Lake County Sewer District is to be provided and filed with the Town Development Office.



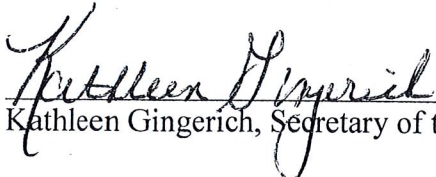
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6. Final Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Final Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Final Subdivision Plans.
7. The 5' wide stone dust trail as per the approved Neighborhood Improvements Plan dated March 2007, last revised November 19, 2007, and signed November 28, 2007 is to be installed in its entirety prior to the issuance of the 1<sup>st</sup> Certificate of Occupancy for the 1<sup>st</sup> house within Section 6 of Old Brookside.
8. The trail described in the 2004 approved Trails Plan that connects Old Brookside Apartments to Overlook Lane within Old Brookside Subdivision, shall be constructed as part of Section 6 of Old Brookside, prior to the issuance of the 1<sup>st</sup> Certificate of Occupancy for the 1<sup>st</sup> house within Section 6 of Old Brookside.
9. The subdivision plans are to be revised to show a sidewalk extending from Overlook Lane along one side of Daisy Way to the mouth of the cul-de-sac within Section 6 of Old Brookside.

The above resolution was offered by Ryan Staychock and seconded by Richard Gentry at a meeting of the Planning Board held on Tuesday, July 22, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry - *Aye*  
Charles Oyler - *Aye*  
*One Vacancy* -  
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 July 22, 2014 meeting.

 L. S.  
Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS  
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6  
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**Conditions of Preliminary Overall Subdivision Approval**

Findings 1-7 address applicable conditions of preliminary overall subdivision approval granted September 4, 2001 as well as subsequent conditions applied through final approval of other sections.

1. The following conditions do not pertain to this section of development: h, i, j, k, l, o, p, q, s thru bb.
2. The uses and lot layouts proposed for Final Section 6 Subdivision Plans are the same as what was approved for the Preliminary Overall Subdivision Plans (conditions a-d).
3. The current subdivision (Section 6) shows lots sizes and setbacks in compliance with the preliminary approval (conditions e & f).
4. The current subdivision (Section 6) shows two street trees along the frontage of each lot. A species list has been provided (condition g).
5. As part of the Section 3 approval in 2004, the Planning Board required development of trails as depicted in a separate Overall Trails Plan dated August 24, 2004 (condition m).
6. Sidewalks are to be provided on one side of all streets. Sidewalks are proposed along the east side of Overlook Lane; however there are no sidewalks along Daisy Way (condition n).
7. Condition r – There will be no outside storage of recreational vehicles in the front yards.

**Current Section 6**

8. The applicant is requesting single-stage subdivision (final) approval of Section 6 of the Old Brookside Subdivision (last section) as described in the final plat dated June 2014 prepared by BME Associates.
9. Section 6 consists of 24 single-family lots on 8.24 acres along Overlook Lane and Daisy Way, the last section of the 172 lot – 152 acre Old Brookside Subdivision.
10. The zoning for the subdivision, including lot size and setback requirements, was established by the Town Board on June 17, 1996 as a Planned Unit Development (PUD).
11. In 2001 as part of the Overall Subdivision approval, the Planning Board approved the required setbacks.
12. SEQOR was completed as part of the Overall Preliminary Subdivision approval process in September 2001.
13. The Overall Subdivision of 172 lots on 152 acres was considered a Type 1 action and coordinated review was completed.
14. A Negative Declaration was issued on February 22, 2001.
15. The front and rear setbacks as established by the P.U.D. were amended by the Town Board and adopted on May 16, 2006 (Local Law No. 2 of 2006).
16. The purpose of Local Law No. 2 of 2006 was to create larger buildable areas on certain lots within the Old Brookside Subdivision by reducing the front yard setbacks from 40' to 30' on some lots and rear yard setbacks from 40' to 30' on others. This allows for adequate space



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on the lots to provide additions such as decks, porches, and similar facilities to the rear of the dwelling without need to seek numerous area variances.

17. The Section 6 Subdivision plans are in substantial compliance with the Overall Preliminary Subdivision conditions of approval and Local Law No. 2 of 2006.
18. Public water and sanitary sewer systems will serve Section 6.
19. All necessary sewer, drainage, and water districts have been previously established for the overall project which includes Section 6.
20. Existing storm water detention facilities for the overall development were designed and constructed with Section 1 and are sized to handle runoff from Section 6.
21. Section 6 drainage plan is consistent with the approved Old Brookside Subdivision overall stormwater management plan.
22. The layout for Section 6 is consistent with the Preliminary Overall Subdivision approval.
23. The application includes erosion and sediment control plans designed in accordance with the Town of Canandaigua design standards and NYSDEC General Permit 0-10-001 requirements.
24. An updated Stormwater Pollution Prevention Plan (SWPPP) for Section 6 was not provided as is required.
25. A request to disturb more than 5-acres at one time (5-acre waiver) from NYSDEC is required.
26. This application was referred to the following agencies for review and comment:
  - Town of Canandaigua Environmental Conservation Board
  - John Berry, Canandaigua Lake County Sewer District
  - William Wright, Ontario County DPW
  - Jim Fletcher, Town of Canandaigua Highway Superintendent
  - Michael Miller, Chief of the Cheshire Volunteer Fire Department
  - MRB Group, Town Engineer
  - Kevin Olvany, Watershed Program Manager
27. A referral to the Ontario County Planning Board (OCPB) was required.
28. This application was classified as a Class 1 with comments dated July 9, 2014 by the Ontario County Planning Board.
29. The Planning Board reviewed and considered the comments prior to making a decision on this application.
30. A referral to the Ontario County Agricultural Board was required.

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31. An e-mail dated July 14, 2014 was received with no comments.
32. A comment letter from the Town Engineer dated July 18, 2014 was received.
33. No other outside comment letters have been received to date.
34. The 5' wide stone dust trail as per the approved Neighborhood Improvements Plan dated March 2007, last revised November 19, 2007, and signed November 28, 2007 is to be installed as part of Section 6.
35. The trail described in the 2004 approved Trails Plan that connects Old Brookside Apartments to Overlook Lane within Old Brookside Subdivision, is to be constructed as part of Section 6.
36. A sidewalk extending from Overlook Lane along one side of Daisy Way to the mouth of the cul-de-sac was agreed to be provided.