

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
VENEZIA & ASSOCIATES REPRESENTING  
MARIE W. MCNABB & ERNEST C. WHITBECK  
5285 BLACK POINT DRIVE – RLD ZONING DISTRICT  
CPN 22-077 – TM# 154.04-1-7.000  
SINGLE-STAGE SITE PLAN APPROVAL

**CONTINUATION RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the demolition of an existing structure, and construction of a new single-family residence and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Joyce Consulting Group, dated October 3, 2022, received on October 25, 2022, and all other relevant information submitted as of January 10, 2023 (the current application); and

**WHEREAS**, the Planning Board and Staff have requested additional information including updated Steep Slope Plan depicting the proposed new home location, a letter of justification regarding the proposed disturbances to the steep slope areas, and a profile of the steep slope and proposed home to be provided to the Planning Board as part of this application; and

**WHEREAS**, the Canandaigua Lake Watershed Inspector provided comments in an email dated December 12, 2022 requesting additional information and a new onsite wastewater system be designed for this application; and

**WHEREAS**, the Town of Canandaigua received an email from the applicant requesting to table the application to provide time to address the comments received; and

**WHEREAS**, according to the Town of Canandaigua Town Code “failure to comply with any condition or restriction imposed by the Planning Board in granting any site plan approval, special use permit, or subdivision approval shall constitute a violation. Such violation may constitute the basis for revocation of the approval or permit, or for imposing penalties and other applicable remedies against the property owner or other offending parties.”

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby move to continue the application to their January 24, 2023 Planning Board Meeting.

The above resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting of the Planning Board held on Tuesday, January 10, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -  
Scott Neal -  
Bob Lacourse –  
Amanda VanLaeken –  
Charles Oyler -

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 January 10, 2023 meeting.

\_\_\_\_\_  
John Robortella, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
MARKS ENGINEERING REPRESENTING RICHARD DEYS  
2495 BRICKYARD ROAD – INDUSTRIAL ZONING DISTRICT  
CPN 22-094 TM# 70.00-1-10.111  
SINGLE-STAGE SITE PLAN APPROVAL

**SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for site elements that were installed or constructed without Planning Board approval, such as disturbance over 1,000 square feet, impervious area expansion, exterior storage of materials, and associated site improvements, on an existing parcel located at 2495 Brickyard Road within the Industrial zoning district and detailed on Site Plans prepared by Marks Engineering, dated December 1, 2022, and all other relevant information submitted as of January 10, 2023 (the current application); and

**WHEREAS**, the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); and

**WHEREAS**, the Planning Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

**WHEREAS**, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; and

**WHEREAS**, the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in the Short EAF Part 1; and

**WHEREAS**, the Planning Board has completed Part 2 and Part 3 of the Short EAF; and

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

**BE IT FURTHER RESOLVED** that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed Action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed Action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed Action;

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SINGLE-STAGE SITE PLAN APPROVAL

**SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION**

- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vi) there will not be any hazard created to human health;
- (vii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (viii) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site absent the Action;
- (ix) there will not be created a material demand for other Actions that would result in one of the above consequences;
- (x) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xi) there are not two or more related Actions which would have a significant impact on the environment.

**BE IT FURTHER RESOLVED**, based upon the information and analysis above and the supporting documentation referenced above, the proposed Action **WILL NOT** result in any significant adverse environmental impacts.

**BE IT FINALLY RESOLVED** that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

The above resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting of the Planning Board held on Tuesday, January 10, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -  
Scott Neal -  
Bob Lacourse –  
Amanda VanLaeken –  
Charles Oyler -

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 January 10, 2023 meeting.

\_\_\_\_\_  
John Robortella, Secretary of the Board

Project: CPN-22-094 Richard Deys

Date: January 10, 2023

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: CPN-22-094 Deys

Date: January 10, 2023

## *Short Environmental Assessment Form*

### *Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Planning Board, as the designated lead agency for this Action, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Action. Based upon this evaluation, the Planning Board, in a separate resolution adopted on January 10, 2023 has determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Canandaigua Planning Board

January 10, 2023

Name of Lead Agency

Date

Charles Oyler

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Lance Brabant - MRB Group

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
MARKS ENGINEERING REPRESENTING RICHARD DEYS  
2495 BRICKYARD ROAD – INDUSTRIAL ZONING DISTRICT  
CPN 22-094 TM# 70.00-1-10.111  
SINGLE-STAGE SITE PLAN APPROVAL

**SITE PLAN APPROVAL RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for site elements that were installed or constructed without Planning Board approval, such as disturbance over 1,000 square feet, impervious area expansion, exterior storage of materials, and associated site improvements, on an existing parcel located at 2495 Brickyard Road within the Industrial zoning district and detailed on Site Plans prepared by Marks Engineering, dated December 1, 2022, and all other relevant information submitted as of January 10, 2023 (the current application); 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), and

**WHEREAS**, the Planning Board has determined the proposed action to be an Unlisted action and subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

**WHEREAS**, on January 10, 2023 the Planning Board, serving as lead agency, made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR; 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. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. A soil stabilization and erosion control 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).
3. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
4. A Site Development Building Permit application is to be completed and provided to the Town of Canandaigua Development Office prior to the Planning Board Chairman's signature being affixed to the final site plans.
5. The following notes regarding phosphorous use are to be added to the site plans:
  - No Phosphorous shall be used at planting time unless soil testing has been completed and tested by a Horticultural Testing Lab and the soil tests specifically indicate a phosphorous deficiency that is harmful, or will prevent new lawns and plantings from establishing properly.

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**SITE PLAN APPROVAL RESOLUTION**

- If soil tests indicate a phosphorous deficiency that will impact plant and lawn establishment, phosphorous shall be applied at the minimum recommended level prescribed in the soil test following all NYSDEC requirements.

The above resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting of the Planning Board held on Tuesday, January 10, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -  
Scott Neal -  
Bob Lacourse –  
Amanda VanLaeken –  
Charles Oyler -

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 January 10, 2023 meeting.

\_\_\_\_\_  
John Robortella, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS  
MARKS ENGINEERING REPRESENTING RICHARD DEYS  
2495 BRICKYARD ROAD – INDUSTRIAL ZONING DISTRICT  
CPN 22-094 TM# 70.00-1-10.111  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

1. The Town of Canandaigua Planning Board has received an application for Single-Stage Site Plan approval for site elements that were installed or constructed without Planning Board approval, such as disturbance over 1,000 square feet, impervious area expansion, exterior storage of materials, and associated site improvements, on an existing parcel located at 2495 Brickyard Road within the Industrial Zoning District.
2. Detailed on site plans prepared by Marks Engineering, dated December 1, 2022, and all other relevant information submitted as of January 10, 2023.
3. This is an Unlisted Action under SEQR and does not require coordination. A Short Environmental Assessment Form (EAF) Part 1 was completed by the Applicant.
4. The EAF Part 2 and Part 3 were completed by the Planning Board.
5. The Planning Board declared themselves as lead agency and made a SEQR Determination of Significance and issued a Negative Declaration at the January 10, 2023 Board meeting, concluding SEQR.
6. This application was forwarded to the following outside agencies for review:
  - Chris Jensen, Town CEO
7. A zoning Determination was prepared dated December 1, 2022:
8. No comments were received from the Town Code Enforcement Officer.
9. MRB issued a comment letter dated January 3, 2023.
10. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
11. The Planning Board discussed the need for a soil stabilization and erosion control surety estimate to be provided prior to the issuance of building permits.



**TOWN OF CANANDAIGUA PLANNING BOARD  
ACTION RESOLUTION – SURETY RELEASES**

**PROJECTS(S):**

CPN 17-091 – JEFFRIES  
CPN 18-015 – GERBER  
CPN 18-038 – EVANS  
CPN 18-035 - KIDDER  
CPN 18-046 – GERBER (JEFFREY & CHERYL HURD)  
CPN 18-048 – GERBER (AMY LYONS)  
CPN 18-079 – FUTERMAN  
CPN 18-087 – ROBINSON  
CPN 19-009 – GERBER (TIMOTHY MORAN)  
CPN 19-036 – TACO BELL  
CPN 19-052 – MOROZ & BUSSEY  
CPN 19-058 – MARINE BLUE  
CPN 19-063 – RELPH  
CPN 19-073 – SCHUTT  
CPN 19-075 - WILLIAMSON  
CPN 20-040 – J/T COMMERCIAL STORAGE  
CPN 20-083 - PARSONS  
CPN 21-009 – NAVAS  
CPN 21-017 - HOFFEND  
CPN 21-036 – CANANDAIGUA COUNTRY CLUB  
CPN 21-058 – MILLER

**EROSION & SEDIMENT CONTROL SURETY RELEASE NO. 1 (FINALS)**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a completed and signed Town of Canandaigua Surety Release Forms describing the items involved with the subject Release No. 1 (finals) of the Sureties and Projects described below; and

**WHEREAS**, the Planning Board has considered the requested releases and the amounts of funds associated therewith; and

**WHEREAS**, the Planning Board is satisfied with the details described in the requested releases and associated documents referenced above herein.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approve of the requested Release No. 1 (finals) for those projects and in the amounts listed below:

CPN 17-091 – JEFFRIES - \$365.00  
CPN 18-015 – GERBER - \$1,100.00  
CPN 18-038 – EVANS - \$1,526.05  
CPN 18-035 – KIDDER - \$1,388.60  
CPN 18-046 – GERBER (JEFFREY & CHERYL HURD) - \$1,100.00  
CPN 18-048 – GERBER (AMY LYONS) - \$1,065.00  
CPN 18-079 – FUTERMAN - \$2,220.00  
CPN 18-087 – ROBINSON - \$973.50  
CPN 19-009 – GERBER (TIMOTHY MORAN) - \$1,700.00  
CPN 19-036 – TACO BELL - \$543.70

**TOWN OF CANANDAIGUA PLANNING BOARD  
ACTION RESOLUTION – SURETY RELEASES**

CPN 19-052 – MOROZ & BUSSEY - \$398.75  
CPN 19-058 – MARINE BLUE - \$787.50  
CPN 19-063 – RELPH - \$1,730.00  
CPN 19-073 – SCHUTT - \$1,400.00  
CPN 19-075 -WILLIAMSON - \$1,630.00  
CPN 20-040 – J/T COMMERCIAL STORAGE - \$4,738.12  
CPN 20-083 – PARSONS - \$1,000.00  
CPN 21-009 – NAVAS - \$500.00  
CPN 21-017 – HOFFEND - \$2,066.33  
CPN 21-036 – CANANDAIGUA COUNTRY CLUB - \$2,065.59  
CPN 21-058 – MILLER - \$1,479.50

**BE IT FURTHER RESOLVED** that the Planning Board Chairperson is hereby directed to sign and date the Town of Canandaigua Surety Release Forms and transmits said documents along with a copy of this resolution to the Town Supervisor for processing the releases for those projects described and, in the amount, specified in said documents.

The above resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_ at a meeting of the Planning Board held on Tuesday, January 10, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -  
Scott Neal -  
Bob Lacourse –  
Amanda VanLaeken –  
Charles Oyler -

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 January 10, 2023 meeting.

\_\_\_\_\_  
John Robortella, Secretary of the Board

L. S.