## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single Stage Site Plan Approval & Special Use Permit Approval for demolition of an existing vacant bank building and construction of a fast food restaurant with a double-lane drive-thru, and associated site improvements, on an existing site within the CC zoning district, as shown on the Site Plan titled "Popeyes Louisiana Kitchen" prepared by Brett L. Steenburgh, P.E. LLC, received on July 28, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board has reviewed the Short Environmental Assessment Form Part 1, prepared by the applicant on the above referenced Site Plan & Special Use Permit 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 Environmental Assessment Form Part 1; and

WHEREAS, the Planning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; 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

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

## SEOR - DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

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;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) the site is <u>not</u> located within an identified archaeological sensitive area;
- (vi) there will <u>not</u> be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will <u>not</u> be any hazard created to human health;
- (viii) there will <u>not</u> 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;
- (ix) there will <u>not</u> 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:
- (x) there will <u>not</u> be created a material demand for other Actions that would result in one of the above consequences;
- (xi) there will <u>not</u> be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact; and
- (xii) there are <u>not</u> 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.

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION

The above resolution was offered by	and seconded by	at a
meeting of the Planning Board held on Tuesda	y, September 27, 2022. Follo	owing discussion
thereon, the following roll call vote was taken and	d recorded:	
Mark Tolbert - Scott Neal - Bob Lacourse - Amanda VanLaeken - Charles Oyler -		
I, John Robortella, Secretary of the Board, do resolution being acted upon and recorded in the Board for the September 27, 2022 meeting.		•
L. S.		
John Robortella, Secretary of the Board		

## Short Environmental Assessment Form Part 1 - Project Information

JUL 28 2022

## Instructions for Completing

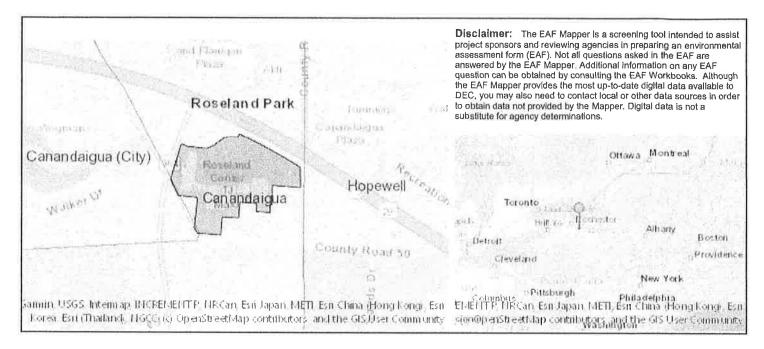
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project:				
Popeyes Canandaigua				
Project Location (describe, and attach a location map):				
3225 State Route 364, Canandaigua, NY 14424				
Brief Description of Proposed Action:				
Demolish the existing bank and construct a new Popeyes Restaurant				
Name of Applicant or Sponsor:	Telephone: (215) 317-27	34		
Liberty Restaurants Development	E-Mail: Heidi@Irholdings	s.us		
Address:				
252-25 Union Turnpike				
City/PO:	State:	Zip Cod	de:	
Bellrose	NY	11426		
1. Does the proposed action only involve the legislative adoption of a plan, loc administrative rule, or regulation?	al law, ordinance,		NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the	environmental resources th	nat	$\checkmark$	
may be affected in the municipality and proceed to Part 2. If no, continue to que	stion 2.		[X]	Ш
2. Does the proposed action require a permit, approval or funding from any oth	ner government Agency?		NO	YES
If Yes, list agency(s) name and permit or approval:				
3. a. Total acreage of the site of the proposed action?  19.5 acres				
b. Total acreage to be physically disturbed? 0.68 acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  19.5 acres				
or common of are approxime or project aponder.	(0)0 dol 03			
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. Urban Rural (non-agriculture) Industrial I Commerc	ial 🔲 Residential (subu	rban)		
Forest Agriculture Aquatic Other(Spe	ecify):			
☐ Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?		<b>V</b>	
b. Consistent with the adopted comprehensive plan?		V	
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	_	NO	YES
If Yes, identify:			
			VEG.
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation services available at or near the site of the proposed action?		Ħ	7
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			V
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
LED sight lighting			<b>V</b>
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			<b>V</b>
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			<b>V</b>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distri	ct	NO	YES
which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the		V	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			<b>V</b>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?		V	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
Shoreline Forest Agricultural/grasslands Early mid-successional		
☐ Wetland ☐ Urban ☑ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered?		
16. Is the project site located in the 100-year flood plan?	NO	YES
	V	
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		
a. Will storm water discharges flow to adjacent properties?	$\checkmark$	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		V
	Подпа	
	5.84	Mary.
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	IES
If Yes, explain the purpose and size of the impoundment:		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility?  If Yes, describe:		_
	$\checkmark$	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE	EST OF	
MY KNOWLEDGE	OF	
Applicant/sponsor/name: Brett L. Steenburgh Date: 07/14/22		
Signature: Brett Steenburgh PE Signature: Title: Engineer For Applicant		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

## Agency Use Only [If applicable]

Project: CPN-22-059 Popeyes Restaurant

Date:

September 27, 2022

## 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?	V	
2.	Will the proposed action result in a change in the use or intensity of use of land?	~	
3.	Will the proposed action impair the character or quality of the existing community?	~	
4.	Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	V	
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?		
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?	V	
7.	Will the proposed action impact existing: a. public / private water supplies?	~	
	b. public / private wastewater treatment utilities?	~	
8.	Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	~	
9.	Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	V	
10.	Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	V	
11.	Will the proposed action create a hazard to environmental resources or human health?	V	

Agen	су ове ошу [п аррпсаоте]
Project:	CPN-22-059 Popeyes
Date:	September 27, 2022

## 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 September 27, 2022 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 info	rmation and analysis above, and any supporting documentation		
that the proposed action will not recult in any cignificant	rmation and analysis above, and any supporting documentation, adverse environmental impacts.		
that the proposed action will not result in any significant	adverse environmental impacts.		
Town of Canandaigua Planning Board September 27, 2022			
Name of Lead Agency Date			
Charles Oyler Planning Board Chairman			
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer		
-MRB Group			
Signature of Responsible Officer in Lead Agency  Signature of Preparer (if different from Responsible Company)			

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## SPECIAL USE PERMIT APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single Stage Site Plan Approval & Special Use Permit Approval for demolition of an existing vacant bank building and construction of a fast food restaurant with a double-lane drive-thru, and associated site improvements, on an existing site within the CC zoning district, as shown on the Site Plan titled "Popeyes Louisiana Kitchen" prepared by Brett L. Steenburgh, P.E. LLC, received on July 28, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); 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 September 27, 2022 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 granted site plan approval consistent with the provisions of Chapter §220-35 of the Town Code; and

WHEREAS, the Planning Board approved the request for a Special Use Permit and determined the Special Use Permit was consistent with the provisions of Chapter §220-23, and §220-35 of the Town Code; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approves the requested special use permit with the following conditions:

- 1. The special use permit shall remain in effect for the current and future owners of the premises and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §220-23, and §220-35.
- 2. In compliance with Town Code §220-35 the Town Zoning Officer shall make an on-site visit at least once every three years, or as may be necessary to insure that the special use permit is being operated in accordance with the conditions specified by the Planning Board.
- 3. This specially permitted use if not begun, by way of start of operations or physical development of the site, within one year of the Planning Board vote to approve the special use permit, shall expire unless renewed by the Planning Board.
- 4. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer and/or Zoning Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## SPECIAL USE PERMIT APPROVAL RESOLUTION

The above resolution was offered by meeting of the Planning Board held on Tuesday, S thereon, the following roll call vote was taken and recommendations.	September 27, 2022.	
Mark Tolbert - Scott Neal - Bob Lacourse - Amanda VanLaeken - Charles Oyler -		
I, John Robortella, Secretary of the Board, do he resolution being acted upon and recorded in the min Board for the September 27, 2022 meeting.	•	•
John Robortella, Secretary of the Board		

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

## SINGLE-STAGE SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single Stage Site Plan Approval & Special Use Permit Approval for demolition of an existing vacant bank building and construction of a fast food restaurant with a double-lane drive-thru, and associated site improvements, on an existing site within the CC zoning district, as shown on the Site Plan titled "Popeyes Louisiana Kitchen" prepared by Brett L. Steenburgh, P.E. LLC, received on July 28, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); 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 September 27, 2022 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

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby  $\square$  Approves without Conditions;  $\square$  Approves with the following Conditions; or  $\square$  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. 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.
- 4. Prior to the issuance of a C/O an approval from the Canandaigua Lake County Sewer District regarding their review of the sanitary sewer design and lateral connection is to be provided to the Town of Canandaigua.
- 5. The comments within the Town Engineer's letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
- 6. All comments from the Town Code Enforcement Officer are to be addressed to the satisfaction of the Code Enforcement Officer prior to signing by the Planning Board Chairman.

## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## SINGLE-STAGE SITE PLAN APPROVAL RESOLUTION

- 7. The special use and site plan approval, if not begun, by way of start of operations or physical development of the site, within one year of the Planning Board vote to approve the special use permit and site plan, shall expire unless renewed by the Planning Board.
- 8. Before beginning operations, the subject property will be subject to inspection by the Town Code Enforcement Officer and/or Zoning Officer to determine compliance with NYS Building Code requirements and Town Code requirements and conditions of this approval.
- 9. Prior to the issuance of a C/O an approval/permit from the NYS Department of Transportation regarding their review of the proposed improvements and work within the State right-of-way is to be provided to the Town of Canandaigua Development Office.

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## POPEYES RESTAURANT

3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

## **FINDINGS**

- 1. The Town of Canandaigua Planning Board is considering Single Stage Site Plan Approval & Special Use Permit Approval for demolition of an existing vacant bank building and construction of a fast food restaurant with a double-lane drive-thru, and associated site improvements, on an existing site within the CC zoning district.
- 2. The project is detailed on the Single-Stage Site Plan titled "Popeyes Louisiana Kitchen" prepared by Brett L. Steenburgh, P.E. LLC, received on July 28, 2022 and all other relevant information submitted as of September 27, 2022.
- 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 April 26, 2022 Board meeting, concluding SEQR.
- 6. A Zoning Law Determination was prepared dated August 25, 2022:

## DETERMINATION:

The original plan for the Roseland Plaza (approved in 1987) included the outbuilding which has been used for a bank and investment firm.

Fast food restaurants are only permitted per a Special Use Permit (SUP) granted by the Planning Board; applicant needs to submit all materials for a SUP including the application. With the SUP, the applicant should demonstrate there will safe and efficient vehicular and pedestrian access as this is part of a larger shopping center. Five Below recently opened adjacent to the State Route 364 entrance and the vacant space next to JoAnn Fabrics, closer to the proposed Popeyes, could also be leased to a large retailer very soon.

Site plans are not dated; ensure they are dated properly with revision dates.

A comprehensive sign package was submitted and has been evaluated by Staff. An area variance application will need to be submitted.

The C-C district requires a 100-foot building setback from State Route 5/20. The front setback proposed by the applicant is 79.6 feet. A 20.4' front setback area variance is required by the Zoning Board of Appeals.

## REFERRAL TO PLANNING BOARD FOR:

Site plan review is required for all new commercial development and a Special Use Permit is required for all fast-food restaurants in the C-C zoning district.

## POPEYES RESTAURANT

## 3225 STATE ROUTE 364 – CC ZONING DISTRICT CPN 22-059 – TM# 98.00-1-46.100

SPECIAL USE PERMIT & SINGLE STAGE SITE PLAN APPROVAL §220-23 & §220-35

## **FINDINGS**

## REFERRAL TO ZONING BOARD OF APPEALS FOR:

A 20.4' front setback area variance is required by the Zoning Board of Appeals.

## REFERRAL TO ONTARIO COUNTY PLANNING BOARD:

The proposed building is within 500 feet of a State highway.

CODE SECTIONS: Chapter \$1-17; \$220-23; \$220-35 & Article VII Site Plan Regulations

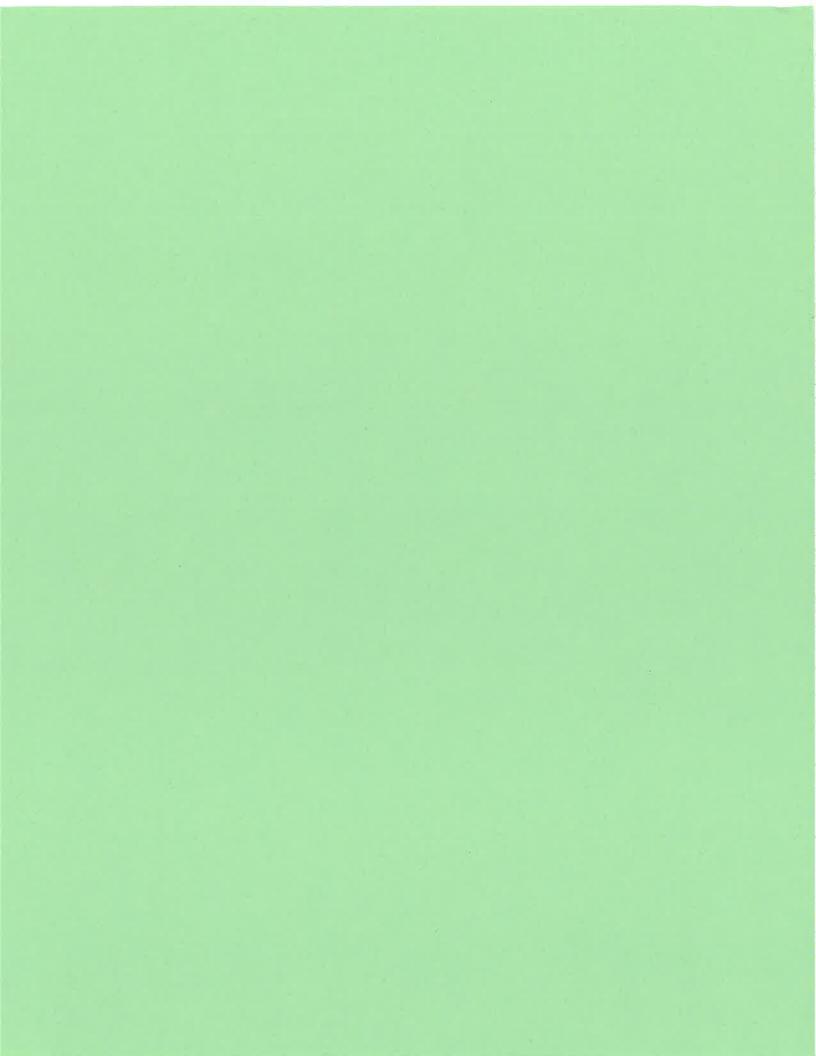
- 7. This application was referred to the following agencies for review and comment:
  - Chris Jensen, Town CEO
  - MRB Group
  - Ontario County Planning Board
  - Ontario County Department of Public Works
  - Canandaigua City Fire Department
- 8. No comments were received from Chris Jensen, Town CEO.
- 9. Comments were received from MRB Group in a letter.
- 10. Comments were provided by the Ontario County Planning Board at their September 14, 2022 meeting:

### Comments

1. Fast food restaurants require a special use permit which was not referred at this time.

### **CLCSD Comments**

- 1. Plans have been received and are under review. Comments will be provided directly to the engineer.
- 2. A renovation permit will be required prior to the beginning of work and upon plan approval.
- 11. No comments were received from Ontario County Department of Public Works.
- 12. No comments were received from the Canandaigua City Fire Department.
- 13. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
- 14. 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 RESOLUTION MARKS ENGINEERING REPRESENTING DANIEL & JULIE BACKUS 2380 ANDREWS ROAD – AR-1 ZONING DISTRICT CPN 22-060 – TM# 71.00-1-5.090 SINGLE-STAGE SITE PLAN APPROVAL

## SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the construction of a new single-family residence, on-site wastewater treatment facility, and associated site improvements on an existing vacant parcel within the AR-1 zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated August 1, 2022, and all other relevant information submitted as of September 27, 2022 (the current application); and

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**BE IT FURTHER RESOLVED THAT,** Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**BE IT FINALLY RESOLVED THAT**, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by	and secor	ided by	at a meeting
of the Planning Board held on Tuesday,	September 27, 2022.	Following discuss	ion thereon, the
following roll call vote was taken and red	corded:		
Mark Tolbert -			
Scott Neal -			
Bob Lacourse –			
Amanda VanLaeken –			
Charles Oyler -			
I, John Robortella, Secretary of the Board being acted upon and recorded in the mir September 27, 2022 meeting.		•	
		*	
John Robortella, Secretary of the Board	L. S.	9	

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MARKS ENGINEERING REPRESENTING DANIEL & JULIE BACKUS 2380 ANDREWS ROAD – AR-1 ZONING DISTRICT CPN 22-060 – TM# 71.00-1-5.090 SINGLE-STAGE SITE PLAN APPROVAL

## SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the construction of a new single-family residence, on-site wastewater treatment facility, and associated site improvements on an existing vacant parcel within the AR-1 zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated August 1, 2022, and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; 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  $\square$  Approves without Conditions; X Approves with the following Conditions; or  $\square$  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 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 site plans.
- 3. 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).
- 4. Prior to the issuance of a building permit, an approval from NYSDOH regarding their review of the on-site wastewater treatment system design is to be provided to the Town of Canandaigua Town Development Office.
- 5. The comments within the Town Engineer's letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
- 6. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
- 7. Prior to issuance of building permits, a letter of "no permit" or documentation of permit coverage from U.S. Army Corps of Engineers (ACOE) is to be provided to the Town of Canandaigua Development Office.

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MARKS ENGINEERING REPRESENTING DANIEL & JULIE BACKUS 2380 ANDREWS ROAD – AR-1 ZONING DISTRICT CPN 22-060 – TM# 71.00-1-5.090 SINGLE-STAGE SITE PLAN APPROVAL

## SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

The above resolution was offered by		
meeting of the Planning Board held on Tuesda	y, September 27, 2022.	Following discussion
thereon, the following roll call vote was taken and	d recorded:	
Mark Tolbert -		
Scott Neal -		
Bob Lacourse –		
Amanda VanLaeken –		
Charles Oyler -		
I, John Robortella, Secretary of the Board, do resolution being acted upon and recorded in the Board for the September 27, 2022 meeting.		
L. S.		
John Robortella, Secretary of the Board		

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MARKS ENGINEERING REPRESENTING DANIEL & JULIE BACKUS 2380 ANDREWS ROAD – AR-1 ZONING DISTRICT CPN 22-060 – TM# 71.00-1-5.090 SINGLE-STAGE SITE PLAN APPROVAL

## **FINDINGS**

- 1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the construction of a new single-family residence, on-site wastewater treatment facility, and associated site improvements on an existing vacant parcel within the AR-1 zoning district.
- 2. The project is detailed on the Single-Stage Site Plan prepared by Marks Engineering, dated August 1, 2022, and all other relevant information submitted as of September 27, 2022.
- 3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
- 4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
- 5. A Zoning Law Determination was prepared dated August 25, 2022:

## DETERMINATION:

A single-family dwelling is a principally permitted use within the AR-1 zoning district.

Parcel is of sufficient area and dimension to meet minimum requirements for zoning and building purposes and no variances are required.

The existing conditions plan needs to be updated to detail;

- All successional and hardwood forests on site, the steep slope area in the rear of the parcel
- b. The steep slope area in the rear of the parcel should be labeled appropriately. There are steep, extremely steep and possibly excessively steep slopes.
- c. Close to half the parcel is in the designated "National Wetland Inventory," but not labeled. Please call this area out.

  CANANDAIGUA TOWN CLE

REFERRAL TO PLANNING BOARD FOR:

Site plan review is required for development of a new single-family dwelling on All Ind 5-2022d parcel in the AR-1 District.

RECEIVED W

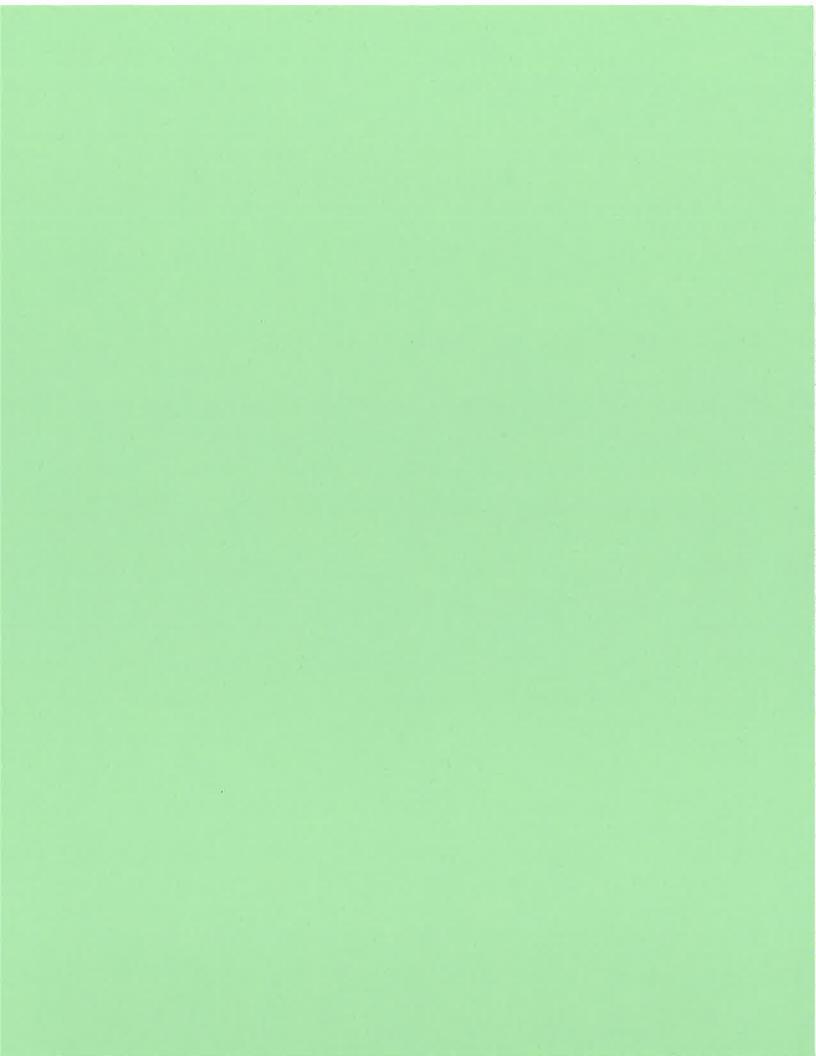
CODE SECTIONS: Chapter §1-17; §220-8; §220-14 & Article VII Site Plan Regulations

- 6. This application was referred to the following agencies for review and comment:
  - Tyler Ohle, Watershed Inspector
  - Chris Jensen, Town CEO
  - James Fletcher, Town Highway & Water Superintendent
  - MRB Group
  - Frank Magnera, Canandaigua City Fire Department
- 7. No comments were received from Tyler Ohle, Watershed Inspector.
- 8. No comments were received from Chris Jensen, Town CEO.
- 9. No comments were received from the Town Highway and Water Superintendent.

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MARKS ENGINEERING REPRESENTING DANIEL & JULIE BACKUS 2380 ANDREWS ROAD – AR-1 ZONING DISTRICT CPN 22-060 – TM# 71.00-1-5.090 SINGLE-STAGE SITE PLAN APPROVAL

## **FINDINGS**

- 10. Comments were received from MRB Group in a letter.
- 11. No comments were received from the Canandaigua City Fire Department.
- 12. The Planning Board has considered all comments as part of their review of the application.
- 13. 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.
- 14. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.



## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MEAGHER ENGINEERING REPRESENTING LISA E. ROBERTS & LARRY J. JOSLYN 3611 COUNTY ROAD 16 – RLD ZONING DISTRICT CPN 22-038 – TM# 98.17-1-32.000 SINGLE-STAGE SITE PLAN APPROVAL

## **SEQR RESOLUTION – TYPE II ACTION**

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 single-family residence, 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 Meagher Engineering, dated April 28, 2022, last revised July 29, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

**NOW, THEREFORE, BE IT RESOLVED THAT,** the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**BE IT FURTHER RESOLVED THAT,** Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**BE IT FINALLY RESOLVED THAT**, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by	and seco	nded by		at a meeting
of the Planning Board held on Tuesday, Septembe	er 27, 2022.	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 herebeing acted upon and recorded in the minutes of the September 27, 2022 meeting.	•	•		
L. S.				
John Robortella, Secretary of the Board				

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MEAGHER ENGINEERING REPRESENTING LISA E. ROBERTS & LARRY J. JOSLYN 3611 COUNTY ROAD 16 – RLD ZONING DISTRICT CPN 22-038 – TM# 98.17-1-32.000 SINGLE-STAGE SITE PLAN APPROVAL

## SINGLE STAGE SITE PLAN APPROVAL 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 single-family residence, 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 Meagher Engineering, dated April 28, 2022, last revised July 29, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, the Zoning Board of Appeals granted the requested variances for rear setback at their September 20, 2022 meeting; 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  $\square$  Approves without Conditions; X Approves with the following Conditions; or  $\square$  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 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 site plans.
- 3. 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).
- 4. Prior to the issuance of a C/O an approval from the Canandaigua Lake County Sewer District regarding their review of the sanitary sewer design and lateral connection is to be provided to the Town of Canandaigua.
- 5. The comments within the Town Engineer's letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
- 6. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MEAGHER ENGINEERING REPRESENTING LISA E. ROBERTS & LARRY J. JOSLYN 3611 COUNTY ROAD 16 – RLD ZONING DISTRICT CPN 22-038 – TM# 98.17-1-32.000 SINGLE-STAGE SITE PLAN APPROVAL

## SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

- 7. All variances as approved by the ZBA are to be detailed on the site plans.
- 8. A permit from Ontario County DPW regarding the driveway entrance and associated right of way improvements within the County Road 16 right of way is to be provided prior to issuance of permits.
- 9. A note is to be added to the plans stating that the property owner is aware and acknowledges that the property is located within a flood hazard area and is subject to frequent flooding.
- 10. The following notes regarding phosphorous use should be added to the 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.
  - 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 NYS DEC regulations.

The above resolution was offered by	and seconded b	oyat a
meeting of the Planning Board held on Tuesday	y, September 27, 2022.	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 resolution being acted upon and recorded in the Board for the September 27, 2022 meeting.	•	
L. S.		
John Robortella, Secretary of the Board		

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MEAGHER ENGINEERING REPRESENTING LISA E. ROBERTS & LARRY J. JOSLYN 3611 COUNTY ROAD 16 – RLD ZONING DISTRICT

## CPN 22-038 – TM# 98.17-1-32.000 SINGLE-STAGE SITE PLAN APPROVAL

## **FINDINGS**

- 1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the demolition of an existing single-family residence, construction of a new single-family residence, and associated site improvements on an existing parcel within the RLD zoning district.
- 2. The project is detailed on the Single-Stage Site Plan prepared by Meagher Engineering, dated April 28, 2022, last revised July 29, 2022 and all other relevant information submitted as of September 27, 2022.
- 3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
- 4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
- 5. The Zoning Board of Appeals granted the requested area variance at their September 20, 2022 meeting.
- 6. A Zoning Law Determination was prepared dated August 26, 2022:

## DETERMINATION:

- Single-Family dwellings are a principally permitted use within the Residential Lake District.
- Proposed structure setbacks which do not increase the degree of nonconformance shall be allowed.
- Applicant proposes a 22.7ft, rear setback when 30.0ft, is required.

## REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is not required to be reviewed by the Ontario County Planning Board.

## REFFERRAL TO ZONING BOARD OF APPEALS FOR:

Applicant requires a 7.3ft, rear (mean high water) setback area variance.

## REFERRAL TO PLANNING BOARD FOR:

 Site plan review is required for development within the Residential Lake District which exceeds 1,000sq.ft, and such thresholds as would require a Soil Erosion and Sedimentation Control Permit.

## <u>CODE SECTIONS</u>: Chapter §1-17; §165; §220

- ~1/1/
- 7. This application was referred to the following agencies for review and comment:
  - Chris Jensen, Town CEO
  - Town Environmental Conservation Board
  - James Fletcher, Town Highway & Water Superintendent
  - Ontario County Planning Board
  - MRB Group
  - Kevin Olvany. Watershed Manager, Canandaigua Lake Watershed Council
  - William Wright, Ontario County Department of Public Works
  - Timothy McElligott, P.E., Canandaigua Lake County Sewer District
  - Frank Magnera, Canandaigua City Fire Department

## TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION MEAGHER ENGINEERING REPRESENTING LISA E. ROBERTS & LARRY J. JOSLYN 3611 COUNTY ROAD 16 – RLD ZONING DISTRICT CPN 22-038 – TM# 98.17-1-32.000

## CPN 22-038 – TM# 98.17-1-32.000 SINGLE-STAGE SITE PLAN APPROVAL

## **FINDINGS**

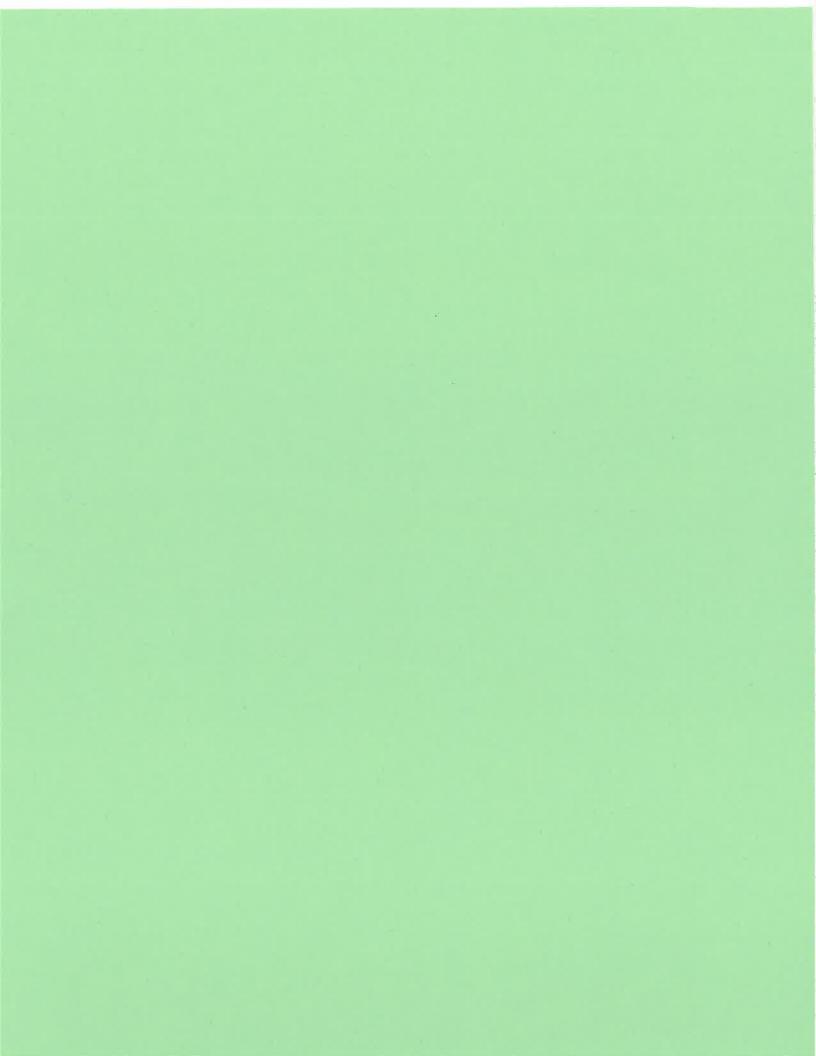
- 8. No comments were received from Chris Jensen, Town CEO.
- 9. The Town ECB reviewed the application and provided comments at their September 1, 2022 meeting.
- 10. No comments were received from the Town Highway and Water Superintendent.
- 11. The Ontario County Planning Board provided comments at their September 14, 2022 meeting:

### Comments:

- 1. The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
- The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
- No landscaping plan is provided at this time though a letter describes compliance with shoreline development requirements.

### **CLCSD Comments**

- 1. Plans have been received and are under review. Comments will be provided directly to the engineer.
- 2. A renovation permit will be required prior to the beginning of work and upon plan approval.
- 12. Comments were received from MRB Group in a letter.
- 13. No comments were received Kevin Olvany, Watershed Manager.
- 14. No comments were received from OCDPW.
- 15. Comments were received from CLCSD as part of OCPB comments.
- 16. No comments were received from the Canandaigua City Fire Department.
- 17. The Planning Board has considered all comments as part of their review of the application.
- 18. 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.
- 19. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.



## SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the demolition of two existing small cottages, construction of a new single-family residence, on-site wastewater treatment system, and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Marathon Engineering, dated July 1, 2022, last revised July 27, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

**NOW, THEREFORE, BE IT RESOLVED THAT**, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

**BE IT FURTHER RESOLVED THAT,** Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

**BE IT FINALLY RESOLVED THAT**, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by and seconded by at a meeting of the Planning Board held on Tuesday, September 27, 2022. 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 September 27, 2022 meeting.
John Robortella, Secretary of the Board

## SINGLE STAGE SITE PLAN APPROVAL 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 two existing small cottages, construction of a new single-family residence, on-site wastewater treatment system, and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Marathon Engineering, dated July 1, 2022, last revised July 27, 2022 and all other relevant information submitted as of September 27, 2022 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, the Zoning Board of Appeals granted the requested variances for front setback, rear setback, and lot coverage at their August 16, 2022 meeting.

WHEREAS, the Town of Canandaigua Town Planner and Code Enforcement Officer later determined that an additional variance for setback from a stream would be required and was scheduled for the September 20, 2022 ZBA meeting; and

WHEREAS, the Zoning Board of Appeals granted the requested stream setback variance at their September 20, 2022 meeting; 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  $\square$  Approves without Conditions; X Approves with the following Conditions; or  $\square$  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 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 site plans.
- 3. 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).

## SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

- 4. Prior to the issuance of a building permit, an approval from the Canandaigua Lake Watershed Inspector regarding their review of the on-site wastewater treatment system design is to be provided to the Town of Canandaigua Town Development Office.
- 5. The comments within the Town Engineer's letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
- 6. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
- 7. All variances as approved by the ZBA are to be detailed on the site plans.
- 8. A permit from Ontario County DPW regarding the driveway entrance and associated right of way improvements within the County Road 16 right of way is to be provided prior to issuance of permits.
- 9. A note is to be added to the plans stating that the property owner is aware and acknowledges that the property is located within a flood hazard area and is subject to frequent flooding.
- 10. The following notes regarding phosphorous use should be added to the 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.
  - 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 NYS DEC regulations.

The above resolution was offered by	y, September 27, 2022.	-
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 September 27, 2022 meeting.

## **FINDINGS**

- 1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the demolition of two existing small cottages, construction of a new single-family residence, on-site wastewater treatment system, and associated site improvements on an existing parcel within the RLD zoning district.
- 2. The project is detailed on the Single-Stage Site Plan prepared by Marathon Engineering, dated July 1, 2022, last revised July 27, 2022 and all other relevant information submitted as of September 27, 2022.
- 3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
- 4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
- 5. The Zoning Board of Appeals granted the requested area variances at their August 16, 2022 meeting.
- 6. A determination was made that an additional variance (setback from stream) was required. An application was provided and scheduled for the September 20, 2022 ZBA meeting where the area variance was granted.
- 7. A Zoning Law Determination was prepared dated August 1, 2022:

## **DETERMINATION:**

The Planning Board must approve the new lot size associated with the proposed lot-line adjustment as it does not meet the one-acre Scenic Viewshed Overlay District lot size requirement.

The current configuration of the new dwelling does not meet all zoning schedule requirements:

- 1. Applicant proposes a 40-foot front setback when 60 feet is required by code. A 20-foot front setback area variance is necessary.
- 2. Applicant proposes a 37-foot rear setback when 60 feet is required by code. A 23-foot rear setback area variance is necessary.
- 3. Applicant proposes 26.9 percent lot coverage when a 25 percent maximum is required by code. A 1.9% lot coverage variance is required.
- 4. Applicant proposes to expand a pre-existing, non-conforming driveway on the property line when code requires driveways are ten feet from the property line. The existing driveway shifts north with proposed changes at 3.8 linear feet from the property line. A 6.2-foot area variance for the driveway distance to property line is required.

## REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

This application is required to be reviewed by the Ontario County Planning Board due to its proximity to County Road 16.

## **FINDINGS**

## REFERRAL TO ZONING BOARDS OF APPEALS:

A 20-foot front setback area variance is necessary.

A 23-foot rear setback area variance is necessary.

A 1.9% lot coverage variance is required.

A 6.2 foot setback variance for the driveway is required.

## REFERRAL TO PLANNING BOARD FOR:

Site plan review is required for development within the Residential Lake District with disturbance which exceeds such thresholds as would require a Soil Erosion and Sedimentation Control Permit.

**CODE SECTIONS**: Chapter §1-17; §220; §220-21; §220-38,1 §220-68

- 8. This application was referred to the following agencies for review and comment:
  - Chris Jensen, Town CEO
  - Town Environmental Conservation Board
  - James Fletcher, Town Highway & Water Superintendent
  - Ontario County Planning Board
  - MRB Group
  - Kevin Olvany, Watershed Manager, Canandaigua Lake Watershed Council
  - Cheshire Fire Department
  - Leif HerrGesell, Town of Canandaigua Historian
  - Sheryl Robbins, P.E., NYSDOH
- 9. Comments were received from Chris Jensen, Town CEO, in an email dated July 25, 2022:

2022-051

Surveyor to stamp existing conditions plan – contains boundary

Actual site plans are limited to a small portion of the overall sheets - Details take up more area on sheets than the actual site.

Would request that the site plan(s) are the focus of the sheets and provided at a larger scale.

Pdf page size is 8.5x11 – provide actual full scale pdf

- 10. The Town ECB provided comments at their August 2, 2022 meeting:
  - Additional Comments from the ECB Meeting:
    - Ms. Bonshak gave an overview of the application.
    - Mr. Kochersberger gave an overview of the project. Oncor images reviewed. Demolition of two existing cottages. Installation of swimming pool. Several variances have been requested—40' front setback (60' minimum), 37' rear setback lakeside (60' minimum), 26.9% lot coverage (25% maximum), and expansion of pre-existing, nonconforming driveway that almost hits the property line where they are proposing 3.8' from property line (10' minimum).

### FINDINGS

- Mr. Kochersberger said that they are trying not to disturb the viewshed and vegetation on the lakeside. He notes the swimming pool will be installed close to one of the trees they intend to keep. He questions the impact grading will have on this tree as well as another that is intended to be kept.
- There is an oak tree that will be removed, 11" in diameter, in the southwest corner of the combined properties.
- There was a note of using the pool as a potential collector of storm water. Ms. Burkard asked if it was a natural pool—no, it is just a regular swimming pool. Mr. Kochersberger noted that town code prohibits the draining of swimming pools into the lake.
- Ms. Davey asked about slope across the road from this property. Mr. Kochersberger said it was pretty flat.
- Mr. Obenauer noted Chris Jensen's comments of retaining vegetation between the house and lake.
- Mr. Kochersberger asked about driveway surface and Ms. Bonshak said it wasn't specifically noted—it says "paved." Mr. Kochersberger noted that the driveway has a bit of a slope and something should be used to absorb runoff.
- Mr. Kochersberger said the Scenic Viewshed Overlay standard is 1-acre for a home and Ms. Bonshak said that this is less than half an acre with the combined lots.
- Discussion about the justification for the pool—because of blue-green algae. The justification was read: "The swimming pool, which amounts to 3.3% lot coverage, is essential for the enjoyment of the home. The Applicants and their guests are avid swimmers. In particular, Ms. Burke swims daily. Due to recent trends in Blue-green algae blooms, it is unsafe to swim in Canandaigua Lake at various times."
- Ms. Miller noted the safety notice is for small children and animals.
- There was discussion about the health of the lake and that this justification is weak.
- Mr. Damann and Ms. Davey noted that advisories about algae blooms are very good—immediate notifications.
- Mr. Kochersberger asked if there are any other pool restrictions besides being behind the house in the RLD. Ms. Bonshak said no. Mr. Damann noted a clarification on pool sizes made.
- Ms. Davey questioned how the neighbor feels with the driveway on the lot line.
- Mr. Damann suggested a bioswale in the middle of the circular driveway area as an additional infiltration point. This may help them to reduce the lot coverage number down to 25%.
- Discussion about having a smaller pool to stay within lot coverage limits.
- Mr. Obenauer noted that a high water event (lake/stream) could bring water to the foundation of the in-ground pool. This would be a vulnerable point. Discussion of increasing storm events that drop excessive water.

### **FINDINGS**

- Mr. Damann suggested revising the landscaping plan to include natives rather the generic plant material included in current plan. He noted honeysuckle included in the species list.
- Mr. Kochersberger noted Tree of Heaven in the south border. Ms. Davey suggested replacing those trees with native species. It is on a neighboring property.
- Ms. Davey noted that a dry-well could be installed in the circular center area of the driveway. She suggests that along with salt tolerant species.
- This is a new construction and not a pre-existing nonconformity. Oncor reviewed for similar lake setbacks.
- Mr. Obenauer noted positively the silt fences and erosion control measures in the plan.
- Ms. Rudolph noted that many large trees had recently been cut down. Mr. Kochersberger said the stumps look old.

## Recommendations:

- Referencing the NRI checklist, there are no designated wetlands or endangered species impacted by this project.
- Although not excessively large in comparison to some of the neighbors, the new home with a swimming pool will cover more area than the existing two cottages combined. The owners have put forth a plan which addresses the needed variances which individually are not great but collectively appear more significant.
- The loss of another vintage summer cottage is regrettable, but the viewshed as far as landscaping vegetation appears mostly preserved. Efforts need to be made to protect the remaining mature trees between the house and the lake which may be vulnerable to grading for the project.
- In addition to the rain garden, the swimming pool is listed as an additional potential collector of storm water. This would have to be done cautiously as code requires that swimming pool not drain directly to neighboring properties or Canandaigua Lake.
- To help mitigate the effect of over-coverage of the lot and help with storm water management, consideration should be given to the use of pervious or porous ground cover such as the Truegrid Grass Paver system for the driveway as well as walkways.
- ECB recommends strongly against granting the lot coverage variance as there are multiple possible ways to mitigate and reduce lot coverage plus this is a selfcreated problem.
- A Bioswale can be installed in the center of the circular driveway area to reduce lot coverage as well as adding an additional infiltration point. The addition of a dry well would be another possibility for this location.
- The ECB strongly recommends that the Applicant consider a smaller pool to stay within lot coverage considerations and to minimize or eliminate the lake setback variance being requested.

## **FINDINGS**

- The ECB recommends revising the landscaping plan to use native plants.
- 11. No comments were received from the Town Highway and Water Superintendent.
- 12. The Ontario County Planning Board provided comments at their August 10, 2022 meeting:

### **OCDPW Comments**

1. Applicant is required to obtain a highway work permit for any proposed work within a County highway right-of-way and shall pay all necessary fees & comply with all permit conditions and restrictions. Highway Work Permit forms can be found on Ontario County website at <a href="http://www.co.ontario.ny.us/1260/Highway-Work-Permits">http://www.co.ontario.ny.us/1260/Highway-Work-Permits</a>.

## **OCSWCD** Comments

- 1. More detail needed regarding rain garden design and placement.
- 2. Current plans show portion of raingarden, including outlet structure, located within FEMA floodplain.
- 3. Information needed regarding depth to water table. Will infiltration be possible at 3 feet of depth in this area?
- 4. Consider two rows of silt fence along east boundary near lake.
- 5. Soil borrow area and topsoil stockpile are indicated in the same area. Show sequence of events for clearing of site.
- 6. Concrete truck washout must be 100 feet from all stormwater inlets (drain in front of garage).
- 13. Comments were received from MRB Group in a letter dated August 18, 2022.
- 14. No comments were received Kevin Olvany, Watershed Manager.
- 15. No comments were received from the Cheshire Fire Department.
- 16. No comments were received from the Town Historian.
- 17. Comments were received from Sheryl Robbins, P.E., NYSDOH, in an email dated July 27, 2022:

This office has received the Memo regarding Plan Review for the above referenced project (Application No CPN-22-051).

This office must receive proper application, plan review fee, plans and specifications, and engineering report for the review and approval of the proposed onsite wastewater treatment system (OWWTS) prior to construction.

This office had contact with a previous engineering firm requiring the same information with new soil test data – no plans from that firm were received.

Building permits should not be issued until this office approves the proposed OWWTS, in conjunction with review by the Canandaigua Lake Watershed Inspector, Tyler Ohle.

We look forward to working with the new engineering firm on this project.

- 18. The Planning Board has considered all comments as part of their review of the application.
- 19. 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.
- 20. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.