

Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

Established 1789

ZONING LAW DETERMINATION

PARCEL #1

PROPERTY OWNER: Morrell Builders Inc.
PROPERTY ADDRESS: 0000 State Route 21
TAX MAP NUMBER: 97.02-1-52.100
ZONING DISTRICT: SCR-1

PARCEL #2

PROPERTY OWNER: Sidney Wilkin, Deborah Springett, Mary Beaver, Daniel Murphy, Paul Daniel, & Brian Daniel
PROPERTY ADDRESS: 0000 Parrish Street Extension
TAX MAP NUMBER: 97.00-2-2.100
ZONING DISTRICT: SCR-1

DETERMINATION REFERENCE:

- Application for Final Subdivision Approval (for Section 1), dated 11/09/2021. Received for review by Town on 11/10/2021.
- Plans titled, "Final Section 1 Plans for Pierce Brook Subdivision" by Marathon Engineering, dated 11/23/2021, no revisions noted, received by the town on 11/23/2021.

PROJECT DESCRIPTION:-

- Subdivision of existing parcels into ninety-two (92) single-family dwelling (townhome) lots, and three (3) remaining 'Open Space' parcels.
- The subdivision has two ingress/egress points with one at the north onto NYS Route 21 and the second, to the south, onto Parrish Street Extension. Included in the project is construction of a dedicated Town roadway and associated improvements within proposed 60ft. wide right-of-way.
- Site development features include buried utilities and service connections, signage, driveways, sidewalks, trail networks, stormwater infrastructure, grading, and landscaping.
- The applicant is providing 72 acres of open space with a trail network to be maintained by the HOA but open to public access. Easement language will be part of this approval.
- It is important to note that although stream improvements are being conducted in tandem with this project, they are not subject to Planning Board approval.
- Section 1 includes the southeastern portion of the project with approximately 28 acres, 29 units, 1300 linear feet of road, on of the two access points and relevant infrastructure.

DETERMINATION:

- In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Planning Board declared the application to be Type 1 Action and a Determination of Non-Significance was adopted on 9/14/2021.
- In compliance with NYS Town Law, the Planning Board held a public hearing on the Preliminary Overall (Phased) Site Plan application at its meeting dates of 06/22/2021, 08/10/2021, 08/24/2021 with approval 9/14/21, the Planning Board designated itself as Lead Agency for the project.
- The Preliminary Overall (Phased) Subdivision Plan was approved with conditions. The resolution of approval and reference conditions are attached to this ZLD.
- Proposed development and use (single-family dwellings) is an approved use within the underlying zoning districts.
- All applications for approval require appropriate environmental review in accordance with the

State Environmental Quality Review Act and its implementing regulations.

- The proposed subdivision meets the Town Code criteria for the Conservation Subdivision process.
- The maximum number of dwellings on the site exceeds the base density permitted. As the area is served by public water and sewer, and the developer is providing for permanent public access to the open space land, the Town Board granted a 15% increase in the base density.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board.

REFERRAL TO PLANNING BOARD FOR:

- Plats for all proposed subdivisions shall be filed with the Planning Board for approval.

CODE SECTIONS: Chapter §1-17; §174; §220

DATE: 12/3/21

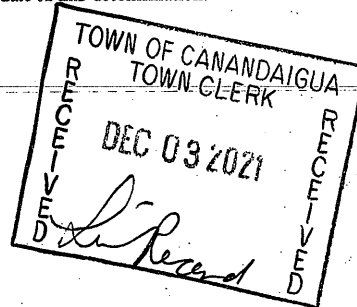
BY: Shawna E Bonshak

Town Planner/Zoning Officer

CPN- 2021-091

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder
Property Owner
Town Clerk



Town of Canandaigua

5440 Routes 5 & 20 West • Canandaigua, NY 14424

Phone (585) 394-1120 • Fax (585) 394-9476

Planning Board Decision Notification

Meeting Date: September 14, 2021

Project: CPN-21-052

Applicant

Marathon Engineering
c/o Richard Tiede
39 Cascade Drive
Rochester, NY 14614

Owners

Morrell Builders Inc.
1501 Pittsford-Victor
Road, Suite 100
Victor, NY 14564
and
Sidney C. Wilkin,
Deborah Springett,
Mary Clair Beaver,
Daniel P. Murphy,
Paul V. Murphy,
Brian J. Murphy
5 Mullett Drive
Pittsford, NY

Project Type

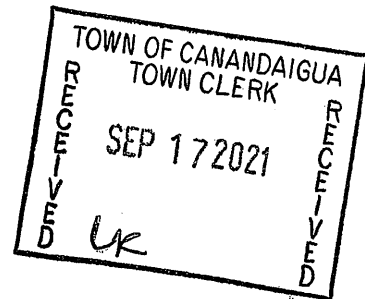
Preliminary Overall
(Phased) Subdivision

Project Location

State Route 21 and
Parrish Street
Extension

Tax Map #

97.02-1-52.100
97.00-2-2.000



TYPE OF APPLICATION:

- ☒ Preliminary Overall (Phased) ☐ One/Single Stage
☒ Subdivision ☐ Site Plan ☐ Special Use Permit

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):

- ☒ Type I ☐ Type II ☐ Unlisted

☒ See Attached resolution(s)

Applicant Request:

- ☒ Granted ☐ Denied ☐ Tabled
☐ Continued to:
☒ See attached resolution(s)

Negative Declaration Date: **SEPTEMBER 14, 2021**

Positive Declaration Date:

Recommendation To:

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

Recommendation:

Surety Requirements:

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

☐ Soil Erosion: \$

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 3/13/2022
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Release:

Certified By:

Chairperson, Planning Board

Date:

9/15/21

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORRELL BUILDERS INC.
PRELIMINARY OVERALL (PHASED) SUBDIVISION PLAN APPLICATION
PIERCE BROOK SUBDIVISION
0000 STATE ROUTE 21 & 0000 PARRISH STREET EXTENSION
SCR-1 ZONING DISTRICT
CPN 21-052 – TM# 97.02-1-52.100 & 97.00-2-2.000

PRELIMINARY OVERALL (PHASED) SUBDIVISION PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Preliminary Overall (Phased) Subdivision Approval to subdivide 95.0± acres to create three (3) Sections with Section 1 containing 34 units, Section 2 containing 29 units, and Section 3 containing 29 units for a total of 92 parcels for 92 residential single-family townhomes, and associated infrastructure and site improvements in the Southern Corridor Residential (SCR-1) zoning district located at 0000 State Route 21 and 0000 Parrish Street Extension, and detailed on site plans dated May 21, 2021, last revised August 20, 2021 prepared by Marathon Engineering, and all other relevant information submitted as of September 14, 2021 (the current application); and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), the Town of Canandaigua Planning Board declared this to be a Type I Action and a Determination of Non-Significance was adopted September 14, 2021; and

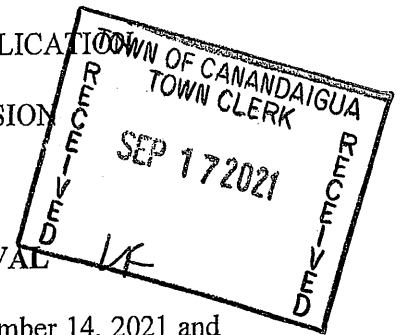
WHEREAS, in compliance with NYS Town Law, the Planning Board held a public hearing on the Preliminary Overall (Phased) Site Plan application at its meeting dates of June 22, 2021, August 10, 2021, and August 24, 2021; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. The Preliminary Overall (Phased) Subdivision Plan Approval with conditions as specified is valid for a period of 180 days from today. If revised Preliminary Overall (Phased) Subdivision Plans meeting all conditions of approval have not been submitted and signed prior to the end of this period, then this resolution shall become null and void unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
2. Once the Preliminary Overall Subdivision Plans are signed by the Planning Board Chairman they're to be filed in the office of the Ontario County Clerk within sixty-two (62) days from the date of approval or such approval shall expire (NYS Town Law Section 276-11).
3. Payment of a fee in lieu of a set aside of parkland shall be made at the time of issuance of building permits pursuant to Town Code Chapter 111 and NYS Town Law.
4. A Management and Operation Plan/ Agreement and HOA documents for the overall project shall be submitted to the Town Attorney for review and approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Phase 1 Subdivision Plans.

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PRELIMINARY OVERALL (PHASED) SUBDIVISION PLAN APPROVAL

5. The comments within the Town Engineer comment letter dated September 14, 2021 and any subsequent reviews are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
6. The comments within the Town Highway & Water Superintendent comment letter and any subsequent reviews are to be addressed to the satisfaction of the Town Highway & Water Superintendent prior to signing by the Planning Board Chairman.
7. All comments from Canandaigua Lake County Sewer District are to be addressed and approval of the sanitary sewer design and district extension are required as part of the Final Phase 1 Subdivision Plan Approval.
8. All comments from NYS Department of Transportation (DOT) are to be addressed and approval of the design as part of the Final Phase 1 Subdivision Plan Approval.
9. The Preliminary Overall (Phased) Subdivision Plans are to be revised to identify a Conservation Easement over the open space areas, including the public trails, and stream corridor. The Management and Operation Plan/ Agreement for the Conservation Easement shall be submitted to the Town Attorney for review and approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Final Phase 1 Subdivision Plans.
10. The surface and location of all proposed trails have not yet been determined by the Planning Board and will be discussed as part of Final Phase 1 Subdivision Plan review.

The above resolution was offered by Bob Lacourse and seconded by Gary Humes at a meeting of the Planning Board held on Tuesday, September 14, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE
Charles Oyler -	AYE
Ryan Staychock -	NAY
Bob Lacourse -	AYE
Amanda VanLaeken -	AYE

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the September 14, 2021 meeting.

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

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FINDINGS

- Town of Canandaigua Environmental Conservation Board
 - State Historic Preservation Office
6. Town Development Office has not received any written objections from the above listed agencies to the Town of Canandaigua Planning Board being designated as the lead agency under the SEQR Regulations.
7. On September 14, 2021 the Planning Board designated itself as lead agency for the proposed development and determined that the development WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form (EAF) Parts 1, 2, and 3 and the supporting information provided by the design engineers.
8. A Zoning Law Determination was prepared dated June 7, 2021:

DETERMINATION:

- Proposed development and use (single-family dwellings) is an approved use within the underlying zoning districts.
- All applications for approval require appropriate environmental review in accordance with the State Environmental Quality Review Act and its implementing regulations.
- The proposed subdivision meets the Town Code criteria for the Conservation Subdivision Process.
- The maximum number of dwellings on the site exceeds the base density permitted. As the area is served by public water and sewer, and the developer is providing for permanent public access to the open space land, the Town Board granted a 15% increase in the base density.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board.

REFERRAL TO PLANNING BOARD FOR:

- Plats for all proposed subdivisions shall be filed with the Planning Board for approval.

CODE SECTIONS: Chapter §1-17; §174; §220

9. This application was referred to the following agencies for review and comment:

- Canandaigua Lake County Sewer District
- Chris Jensen, Town CEO
- Town Environmental Conservation Board
- Town Agricultural Advisory Committee
- Town Parks & Recreation Committee
- James Fletcher, Town Highway and Water Superintendent
- MRB Group
- Ontario County Planning Board
- Ontario County Agricultural Review Board
- Canandaigua City Fire Department

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FINDINGS

- Cheshire Fire Department
- Kevin Olvany, Canandaigua Lake Watershed Council
- Luke Scannell, NYSDEC
- Greg Trost, NYSDOT
- Ontario County DPW
- NYSDOH
- NYSEG
- Canandaigua City School District

10. The Canandaigua Lake County Sewer District in an email dated June 15, 2021:

We have received Preliminary Overall Plans and a Preliminary Engineers Report for the project. The developer has conducted the required flow study to analyze impacts to the downstream sewer and appurtenances and to determine if adequate capacity exists for the proposed project. We are awaiting the engineer's flow study report.

The submitted plans and report are in the queue for review and comments will be provided to the developer's engineer upon completion of said review. We have had discussions with the developer and his engineer since January, and they are aware that the development will require the creation of a sewer district extension. The district extension process may coincide with the development of plans as well as project construction.

11. No comments were received from Chris Jensen, Town CEO.

12. The Town ECB reviewed the project at their June 3, 2021 meeting and provided the following comments:

Summary of key points:

- Requesting a preliminary subdivision approval (conservation subdivision) of 95± acres of vacant land for 92 residential single-family townhouses. The plan would increase number of units from 80 to 92.
- The project/construction will be separated into three phases.
- The Sketch Plan for the northern portion of the site was reviewed previously (ECB meetings of 9-5-19 and 12-5-19)
- Total acreage of the site has increased from 54 acres to 95+ acres. Approximately 72 acres would be open space.
- The applicant has acquired additional land to the south of the original property. The current property now extends from Bristol Road at the north to Parrish Street Extension at the south.
- The access points to the property are now located on Bristol Road and Parrish Street Extension, allowing vehicular traffic to be split between the two points.
- The redesign focuses on preserving the environmental features of the properties and enhancing its connectivity to Miller Park.
- Reduction of impervious surfaces (64%) from 19 acres to 7 acres.

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FINDINGS

- The additional open field acreage off Parrish Street Extension would be preserved for agricultural purposes.
- Portion of stream that is currently culverted will be restored at the end of project.
- The plan includes site buffering for nearby residences and proposed public trails through the property.
- Proposed 2-unit townhomes would be low-profile design to minimize visual disturbance.
- Applicant would like to convey the open space portion of the property to the Town of Canandaigua as a potential annex to Miller Park.

Environmental concerns:

- The property is identified in the scenic viewsheds of the Open Space Master Plan.
- Property contains environmentally sensitive lands including regulated wetlands (shallow emergent marsh) and a stream corridor (NYSDEC Class C stream).
- Portions of the property contain steep slopes. Revised development plan would avoid/preserve steep slope areas of the property.
- Soils throughout the property are classified as Honeoye Loam, on low to moderate slopes. The site has moderate erosion potential. Soils are considered good farmland. The site is not in the strategic farmland protection area.
- Portions of the development located along Parrish Street Extension may be visible from Canandaigua Lake.
- The property is identified in the Open Space Master Plan as having a moderate parcel rating for lands of conservation value.
- In earlier reviews the ECB suggested that the applicant consider:
 - increasing the stream buffer at the structures from 104' to 150', as proposed in the Town's Open Space Plan.
 - planning for a future link in the public trail system to a future sidewalk system along Bristol Road, eventually offering a pedestrian path from the City sidewalk system to Miller Park.
 - manage the grasslands portion of the open space in cooperation with Miller Park with attention to their combined value as grassland bird habitat.

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CPN 21-052 – TM# 97.02-1-52.100 & 97.00-2-2.000

FINDINGS

Additional Comments from the ECB Meeting:

Mr. Damann said that was a focus by the builder on the preservation of the environmental features of the property, including the wetlands, stream, wooded, and steep slope areas.

Mr. Simpson noted that the 72 acres of open space will be kept in the HOA with public access. Mr. Morrell agreed that when the conservation easements are completed that the HOA would keep that open space and bear the maintenance and expense, not the Town.

Mr. Kochersberger asked where the Parish Street Extension intersection would be. Mr. Simpson shared the site plan with street views.

Mr. Morrell gave a summary of environmental issues connected with the project that follows. He noted that this was a very positive project with much communication and feedback going between Morrell and all the key players. He also said that this is the first time he could present a project that did not touch any of the environmentally sensitive areas with just over 72 acres of the 95 being permanently preserved. They designed the road layout to run along a low lying draw. They were able to acquire the adjacent Wilkins parcel as NYS now requires two entry/exit points for communities. This also allowed them to move the homes and create a huge open space that will be an extension of Miller Park. They were able to preserve 100% of the woodlands on the site (7.5 acres). They went with an "Arts & Crafts" low profile design on the townhomes. And they were able to reduce the impervious surface by 64% (from 19 acres to 7 acres). Wetlands in the south were 100% preserved as well as the full stream corridor with a 100' buffer on each side of the stream. The stormwater management and infiltration ponds will be located near that corridor. There are 1.2 acres of steep slope area that has been avoided. Because of the road placement, there is minimal grading and disturbance in the project. And they only need to grade 20' from the homes with the rest being left natural and untouched. They will work with the Town Parks & Rec to extend the Miller Park trail system into the property. A small gravel parking area for the public will be created across from Miller Park. Trails will be extended around the wooded area, the original pond, and the stream corridor. The two farm fields will be kept in permanent agriculture activity. The open space will be left in large contiguous chunks, which is very good for wildlife. Public sewer and water infrastructure will be used in the site.

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CPN 21-052 – TM# 97.02-1-52.100 & 97.00-2-2.000

FINDINGS

Mr. Damann asked if the wetland delineation had been completed. Mr. Morrell noted it had. Rich from Marathon Engineering noted that their Environmental person is working on the report for submittal. The archaeological report is also being worked on.

Ms. Hooker asked what land the home owners will be getting with the home purchase. Mr. Morrell answered that they will purchase the home and because of the HOA legal structure, the deed for each home will be associated with the HOA. Ms. Hooker asked for clarification if they would own their yard and driveway. Mr. Morrell answered that land and driveway is owned and maintained by the HOA. Rich (Marathon Engineering) said that the owner would own a 20' deep backyard.

Ms. Hooker asked to see the environmental features map of the site plan. Mr. Morrell said that they start with this map so that they could work with the features of the site and cause the least amount of environmental disturbance, for example, with the roadway. The highlighted areas (on the map) will be forever wild. He also noted that Miller Park is a meadow park with no real features but the new additional areas from this project will add pond overviews, wooded area trails, and the stream corridor.

Mr. Simpson asked if Mr. Morrell had spoken with Kevin Olvaney. Mr. Morrell said that would be up-coming and that their discussion would include grant money opportunities for the stream corridor and pure waters area.

Mr. Kockersberger said that the ECB had recently reviewed a project on the other side of Parrish Street Extension and he questioned traffic flow in this area as it is moderately busy now. Mr. Morrell noted that they had done a full traffic study with McFarland-Johnson and that the housing demographic is for "empty nesters" and their traffic profile is "off-peak" distributed/low traffic. He sees the traffic being evenly split between the two entry/exit points. Ms. Shaw noted that the Bristol Road entrance has a traffic light while the Parrish Street Extension does not. Mr. Morrell commented that people would be likely to choose the exit that best matches with their destination/desire to make a turn.

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FINDINGS

Ms. Hooker asked if a possible sidewalk and pedestrian connection to the city's sidewalk system had been considered. Mr. Morrell said it hadn't been considered yet but that would come with NYS DOT discussions on access management. He commented that he is a fan of walkable communities and that the project includes full sidewalks through the community one side of the street as this will ensure access to the park/trail areas. He will pursue discussions with the NYS DOT concerning the sidewalk access. Ms. Shaw notes that existing sidewalks do not extend to this project and end at the Hammocks area on the Bristol Road side. Ms. Hooker noted that there is a sidewalk up to 5&20 on Parrish Street Extension but there is no signaled intersection at the 5&20 juncture.

Mr. Morrell asked for clarity about cooperative management of the conserved lands in the ECB recommendations. Mr. Damann said that it would be to work in cooperation with Parks & Rec to ensure the same conservation and management work (mowing schedule in bird habitat, etc.) is taking place in the different areas at the same time.

Recommendation:

- Overall design of the property is well thought out and the focus on preserving the environmental attributes is appreciated. All woodlands, wetlands, and stream corridor would be preserved under current plan.
- The proposed trails and sidewalks would provide an extensive network for the public to enjoy the natural features of the property and nearby Miller Park, especially considering the connectivity of the site to Bristol Road and Route 5&20
- ECB agrees that the addition of the open space lands to the Miller Park acreage would provide a great opportunity for the Town to preserve a larger contiguous natural space for residents to utilize.
- ECB continues to advocate for a higher stream buffer requirement, for a future pedestrian link to the City sidewalk system, and for cooperative management of the conserved lands along with Miller Park's grassland bird habitat.

13. No comments were received from the Town Agricultural Advisory Committee.
14. No comments were received from Jim Fletcher, Town Highway and Water Superintendent.
15. Comments were received from MRB Group in a letter dated August 4, 2021.
16. Comments were received from the Ontario County Planning Board at their June 7, 2021 meeting:

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FINDINGS

Comments

1. Will sufficient vegetation remain adjacent to homes at 3135 and 3137 Bristol Road?
2. What portion of the 72 acres of preserved open space will be undisturbed natural areas?
3. The developer should map existing agricultural drainage infrastructure to ensure any facilities damaged during construction are restored to maintain viability of nearby agricultural lands.
4. The referring body may want to consult with area agricultural operators/land leases to determine whether portions of the preserved land could be made available for continued agricultural use.
5. Based on the site notes, but not the constrained land analysis, it appears the 11.95 acres of woodlot on the constrained land map includes the 4.29 acres of protected wetland. Neither the constrained land map nor the subdivision plan identifies the Town's 100' stream setback regulation.
6. The grading plan for section 1 includes grading to create a swale that is shown outside the limit of disturbance. It is also unclear why the rear of lots #9 to #19 have steep 3H:1V slopes requiring stabilization when a more gradual slope to the swale could easily be accommodated.
7. Are soil stockpile locations needed for each section?
8. Will construction crew continue to use the staging area and concrete washout area in Section 1 during construction of sections 2 and 3?
9. The referring body may want additional detail regarding the number of plants, which plantings are trees or shrubs, and the size and species to be used.

OCSWCD comments

1. Ends of silt fence should be curved upslope.
2. Ends of silt fence sections should overlap to fully capture runoff.
3. Placement of some silt fence is within the boundaries of the proposed townhomes as indicated on the plans. Silt fence should be placed so as not to be destroyed during construction.
4. No details provided regarding stream crossing. Recommend an open bottom pipe or bridge to allow for nature crossing and reduced habitat fragmentation.

17. No comments were received from the Ontario County Agricultural Board.

18. No comments were received from NYSEG.

19. No comments were received from the Canandaigua City Fire Department.

20. No comments were received from the Cheshire Fire Department.

21. No comments were received from Kevin Olvany, Canandaigua Lake Watershed Council.

22. Luke Scannell of NYSDEC indicated in an email dated June 16, 2021 that he had no comments as of June 15, 2021, and that the project was under review by NYSDEC.

23. Greg Trost of NYSDOT provided comments in an email dated May 26, 2021:

Hi Michelle,

As I recall, this is basically the same version for CPN 21-004. The only difference I see there are 92 units. I'll keep the same theme and say the regional office will want to comment when the plans come in. I've copied that original email from January 19th of this year at the bottom of this message.

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FINDINGS

Good morning Michelle,

It seems like I've looked at this several times. In fact, the last time was for application number 19-090, about 14 months ago. Here was my response back then:

A project this size would have NYSDOT regional review, as well as local review. The regional office would be the ones to weigh in on size of entrance at the road (number of lanes, and lane widths), based on the 54 unit configuration. And, when Marathon submits this to the regional office as the phase 1 of the PERM 33-COM highway work permit process, they will get a response back detailing that entrance. During the review process, we will keep the Town in the loop as well. One thing noted on this plan is how far over the property line the driveway (roadway) goes. This would have to be adjusted in the design phase. Driveways are to be no closer than 5' from the property line, all within the boundaries of the property the driveway serves. As typical, any utilities serving this development would require their own permits.

It appears to be more units now. I count 90. In the past, this would tip it into another category for entrances. But that was with a sole entrance onto a state highway. This splits points of entry with a Town road. Either way, the regional office will want to comment on it when plans do come in. Of course, we will keep the Town informed of all letters written between the engineer and the NYSDOT.

24. NYSDOT also provided comments in a letter dated June 21, 2021:

We have completed our review of the Traffic Impact Study and Stage I application for the subject project. This project is proposing to construct 92 townhome units. Access is provided through a proposed dedicated town road with connection between Route 21 and Parish Street Extension. In response we have the following comments:

1. We agree with the proposed entrance location approximately 800' east of the intersection of State Route 21 with County Road 32.
2. The proposed entrance should have one 12' lane entering and one 12' lane exiting with radii based on the design vehicle. This should be stop controlled with Route 21 to create a two-way stop-controlled intersection.
3. We agree that the project, as proposed, should not have a significant impact to the NYSDOT highway system and that no other mitigation will be required.

A highway work permit will be required for all work within the right-of-way. Please submit a PERM33-COM Stage II and 2 sets of detailed plans to Allison McNamara at 1530 Jefferson Road. Please also submit a PERM33-COM and 1 set of plans to Greg Trost at 125 Parish St, Canandaigua, NY 14424. Please include Permit # 91549 on all future submissions.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORRELL BUILDERS INC.
PRELIMINARY OVERALL (PHASED) SUBDIVISION PLAN APPLICATION
PIERCE BROOK SUBDIVISION
0000 STATE ROUTE 21 & 0000 PARRISH STREET EXTENSION
SCR-1 ZONING DISTRICT
CPN 21-052 – TM# 97.02-1-52.100 & 97.00-2-2.000

FINDINGS

If there are any questions regarding our review, please contact Mr. Zachary Starke at (585) 272-3472.

- 25. No comments were received from OCDPW.
- 26. No comments were received NYSDOH.
- 27. No comments were received from the Canandaigua City School District.
- 28. Comments were received from Doug Finch, Town Manager, in a letter dated September 7, 2021:

On August 30, 2021 I had an opportunity to meet with Jeff Morrell of Morrell Builders along with Town Attorney Chris Nadler about the proposed Pierce Brook subdivision along SR21 South.

As you are aware, the Town of Canandaigua owns and operates Miller Park adjacent to the proposed Pierce Brook subdivision a passive recreational educational park consisting of 23 acres of natural surface trails, trees, grasslands, a gazebo, benches, and educational signage.

Many times I have had people say to me they appreciate the passive recreational opportunity that Miller Park provides for the community in the setting where it is located, rather than a fully developed active recreational park like playgrounds and other improvements located in other portions of the Town of Canandaigua.

The Town of Canandaigua adopted Parks and Recreation Master Plan (2018-2028) designates Miller Park to feature passive natural surface trails (mowed grass pathways – done by contract with the Town of Canandaigua), educational signage promoting the agriculture history of our community along with wildlife that is viewable in the area. While not in the park, an adjacent wetland offers opportunities to view many different types of wildlife when visiting the park. The signage includes typical birds viewed at Miller Park and has been designated a birding hot spot by the Eaton Bird Society.

It is my understanding the developer of the proposed Pierce Brook subdivision is offering an easement on natural surface trails in the conservation area of the proposed subdivision to provide additional public access opportunities. It is my understanding the Home Owners Association (HOA) would retain ownership of the open space conservation area (a designated separate parcel from the proposed homes) leaving it on the tax rolls with a conservation easement to the Town of Canandaigua.

It is further my understanding the developer is proposing to construct over a mile of natural surface trails on the property to be maintained (mowed) by the HOA giving the public access to

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FINDINGS

the additional trails and access to be close to the additional wetland on the parcel (sheet C7.0, Landscaping Plan, dated revised 8/20/21). I would respectfully request your conditions of approval consider a conservation easement that includes HOA maintenance of the natural surface pathways (mowed grass area) with some recourse for the Town of Canandaigua should the HOA not maintain the natural surface pathways, such as conservation easement maintenance agreement that would allow us to charge back the HOA should they not provide maintenance of the pathways.

We often get compliments regarding Miller Park and the ability for people to walk a "loop" around the park and circle back to their car after hiking the approximately ¼ mile outer loop while still providing options of a shorter loop and a hike back and forth to the wetlands.

As the Planning Board discusses the proposed project with the developer, please consider opportunities to "loop" the trail back to the parking area proposed along SR21 (possibly to the north on the parcel) allowing people the opportunity to walk a "loop" around the new conservation area and back to their parked car or back to Miller Park.

Please also note the developer is offering, and I would encourage the Planning Board to consider implementation of the park and recreation fee in lieu of set aside since the Town of Canandaigua Park system is expanding with the construction of new projects like Motion Junction and improvements at Pirate Ship Park at Richard P. Outhouse Memorial Park. We are seeing increased demand for services of our park system with new 2020 census information indicating 55.3% of the Town of Canandaigua residents age 17 & under living north of State Route 5&20. Our main parks north of SR5&20 include Richard P. Outhouse Memorial Park, Blue Heron Park, and Old Brookside Park. The contribution to the Parks and Recreation Fund could be used to continue our master plan upgrades planned for these parks.

Finally, it is my understanding the developer is offering and it is my understanding our normal procedures would include a storm water management facility agreement to be in place with easements to the Town of Canandaigua requiring the HOA provide maintenance of the storm water management areas rather than the Town having to establish a separate taxing jurisdiction for a drainage district for management of these areas.

As always, if I can ever be of any assistance to you, please do not hesitate to contact me.

29. The Planning Board has considered all comments as part of their review of the application.
30. 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.
31. The Planning Board makes the following findings pursuant to New York State Town Law § 276 and Town Code § 111-8 and § 111-9.
 - The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.

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CPN 21-052 – TM# 97.02-1-52.100 & 97.00-2-2.000

FINDINGS

- The Town Parks and Recreation Master Plan of 2018 indicates that the Town is in need of more land for parks and recreation.
- The proposed new residential dwelling will enable an increase the Town's population.
- This increase in population will intensify the need for land to be used for parks and recreation.
- A fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.

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SEQR – DECLARING LEAD AGENCY RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Preliminary Overall (Phased) Subdivision Approval to subdivide 95.0± acres to create three (3) Sections with Section 1 containing 34 units, Section 2 containing 29 units, and Section 3 containing 29 units for a total of 92 parcels for 92 residential single-family townhomes, and associated infrastructure and site improvements in the Southern Corridor Residential (SCR-1) zoning district located at 0000 State Route 21 and 0000 Parrish Street Extension, and detailed on site plans dated May 21, 2021, last revised August 20, 2021 prepared by Marathon Engineering, and all other relevant information submitted as of September 14, 2021 (the current application); and

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) on July 13, 2021 declared its intent to be designated the Lead Agency for the above referenced Action under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board has provided written notices to this effect to the involved and interested agencies; and

WHEREAS, the Planning Board has not received any written objections from the involved agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Planning Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Planning Board does hereby designate itself as the lead agency for the Action identified above herein;

The above resolution was offered by Charles Oyler and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, September 14, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE	
Charles Oyler -	AYE	
Ryan Staychock -		NAY
Bob Lacourse -	AYE	
Amanda VanLaeken -	AYE	

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the September 14, 2021 meeting.

 L. S.
John Robortella, Secretary of the Board