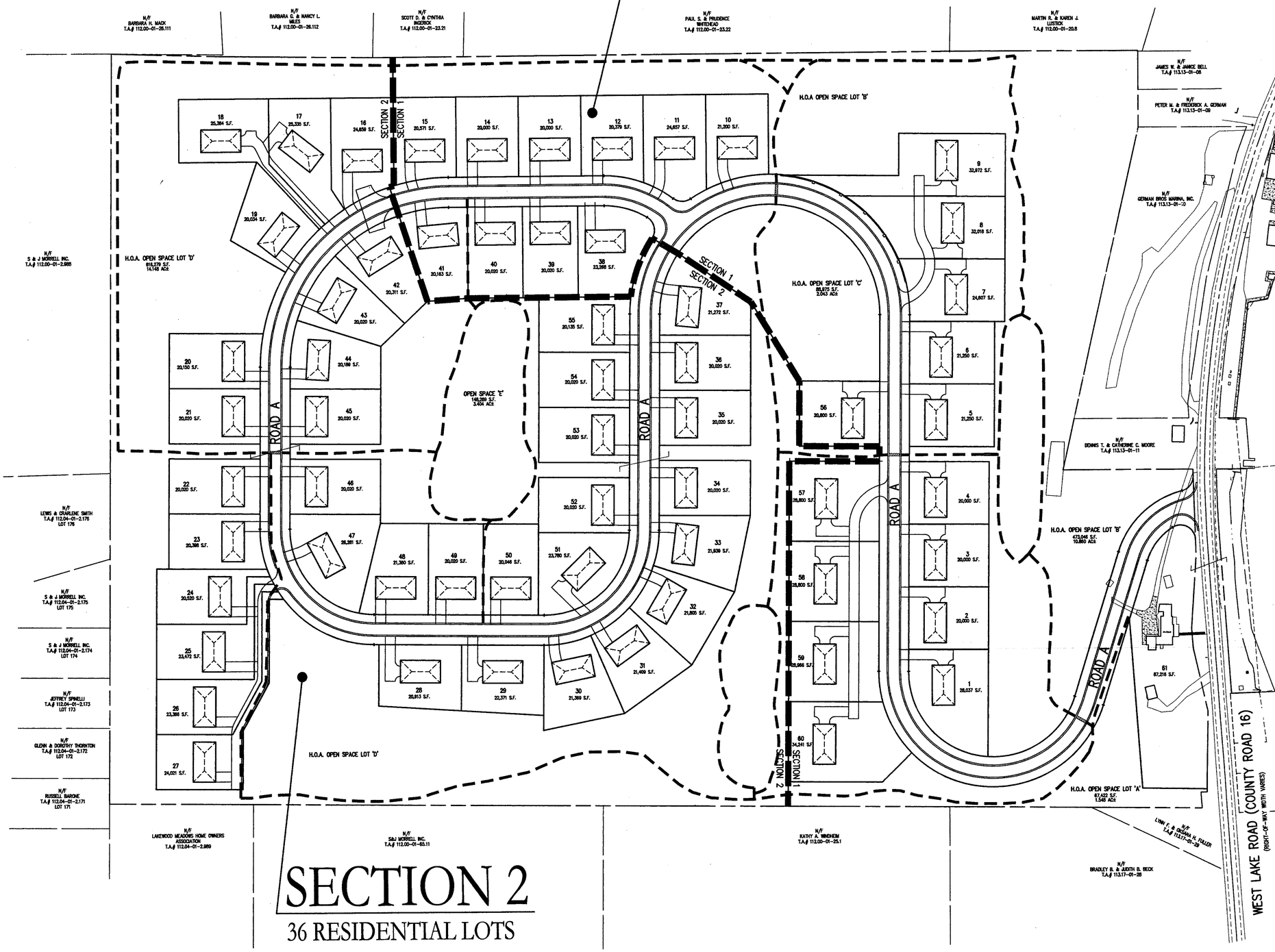
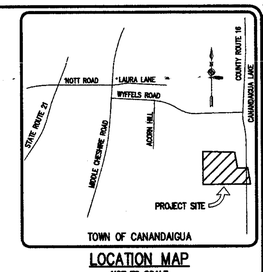
SECTION 1

24 RESIDENTIAL LOTS



SECTION 2

36 RESIDENTIAL LOTS



LOCATION MAP
NOT TO SCALE

FINAL SUBDIVISION PLANS

THE RESIDENCES AT WEST LAKE

DWG NO.	TITLE
2145B-01	COVER SHEET
2145B-02	SUBDIVISION PLAT (1 OF 2)
2145B-03	SUBDIVISION PLAT (2 OF 2)
2145B-04	UTILITY PLAN (1 OF 2)
2145B-05	UTILITY PLAN (2 OF 2)
2145B-06	GRADING PLAN (1 OF 2)
2145B-07	GRADING PLAN (2 OF 2)
2145B-08	CONSTRUCTION AND EROSION CONTROL PLAN (1 OF 5)
2145B-09	CONSTRUCTION AND EROSION CONTROL PLAN (2 OF 5)
2145B-10	CONSTRUCTION AND EROSION CONTROL PLAN (3 OF 5)
2145B-11	CONSTRUCTION AND EROSION CONTROL PLAN (4 OF 5)
2145B-12	CONSTRUCTION AND EROSION CONTROL PLAN (5 OF 5)
2145B-13	LANDSCAPE PLAN
2145B-14	LATERAL PLAN (1 OF 2)
2145B-15	LATERAL PLAN (2 OF 2)
2145B-16	PROFILE SHEET (1 OF 5)
2145B-17	PROFILE SHEET (2 OF 5)
2145B-18	PROFILE SHEET (3 OF 5)
2145B-19	PROFILE SHEET (4 OF 5)
2145B-20	PROFILE SHEET (5 OF 5)
2145B-21	DETAIL SHEET (1 OF 4)
2145B-22	DETAIL SHEET (2 OF 4)
2145B-23	DETAIL SHEET (3 OF 4)
2145B-24	DETAIL SHEET (4 OF 4)
2145B-25	EXISTING CONDITIONS PLAN (1 OF 2)
2145B-26	EXISTING CONDITIONS PLAN (2 OF 2)

FINAL SUBDIVISION PLANS

THE RESIDENCES AT WEST LAKE

TOWN OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK

PREPARED FOR:

RSM WEST LAKE ROAD, LLC
197 WEST MAIN STREET
VICTOR, NEW YORK 14564

BME ASSOCIATES
ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

DWG. NO. 2145B-01 SCALE: 1"=80' DECEMBER 2009

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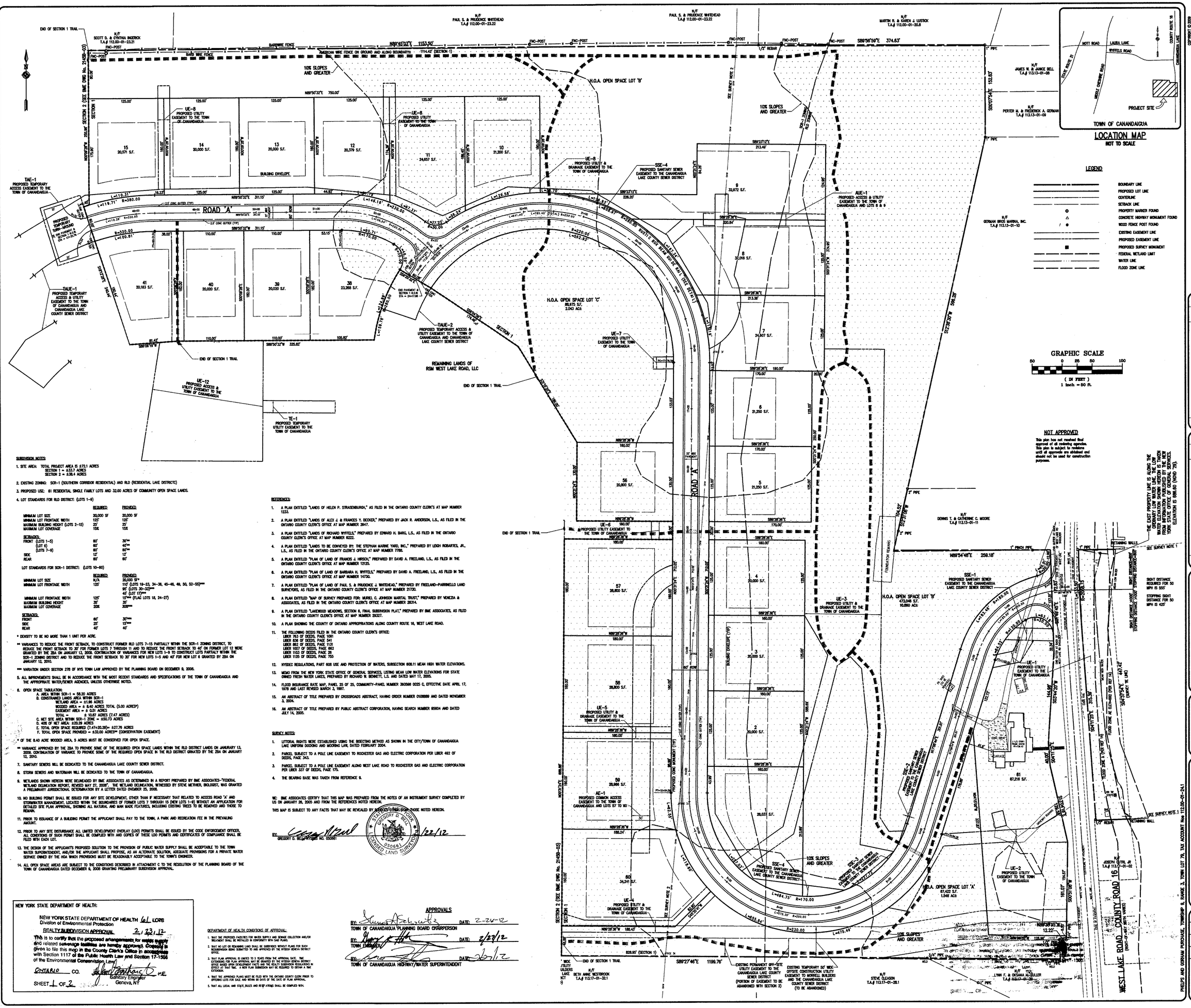
BME Associates


N/F PAUL S. & PRUDENCE WHITEHEAD T.A.# 112.00-01-23.22
N/F SCOTT D. & CYNTHIA INGERICK T.A.# 112.00-01-23.21
N/F MARTIN R. & KAREN J. LUSTICK T.A.# 112.00-01-20.8
N/F JAMES W. & JANICE BELL T.A.# 113.13-01-08
N/F PETER M. & FREDERICK A. GERMAN T.A.# 113.13-01-09
N/F GERMAN BROS MARINA, INC. T.A.# 113.13-01-10
N89°45'03"E 1153.50'
N89°56'59"E 374.63'
S89°50'32"W 311.15'
N89°50'32"E 750.00'
S00°07'34"E 132.83'
S00°07'34"E 598.26'
S37°26'30"W 598.26'
1114.42' (SECTION 1)
BARBWIRE FENCE
BARB WIRE FENCE
CHAINLINK WIRE FENCE ON GROUND AND ALONG BOUNDARYS
FNC-POST
END OF SECTION 1 TRAIL
10% SLOPES AND GREATER
H.O.A. OPEN SPACE LOT 'B'
H.O.A. OPEN SPACE LOT 'C'
H.O.A. OPEN SPACE LOT 'A'
ROAD 'A'
WEST LAKE ROAD COUNTY ROAD 16
BUILDING ENVELOPE
UE-8 PROPOSED UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-8 PROPOSED UTILITY & DRAINAGE EASEMENT TO THE TOWN OF CANANDAIGUA
SSE-4 PROPOSED SANITARY SEWER EASEMENT TO THE CANANDAIGUA LAKE COUNTY SEWER DISTRICT
AUE-1 PROPOSED ACCESS & UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA AND LOTS 8 & 9
TAE-1 PROPOSED TEMPORARY ACCESS EASEMENT TO THE TOWN OF CANANDAIGUA
TAUE-1 PROPOSED TEMPORARY ACCESS & UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA AND CANANDAIGUA LAKE COUNTY SEWER DISTRICT
TAUE-2 PROPOSED TEMPORARY ACCESS & UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA AND CANANDAIGUA LAKE COUNTY SEWER DISTRICT
UE-12 PROPOSED ACCESS & UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
TE-1 PROPOSED TEMPORARY UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-7 PROPOSED UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-6 PROPOSED UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-3 PROPOSED UTILITY & DRAINAGE EASEMENT TO THE TOWN OF CANANDAIGUA
UE-1 PROPOSED UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-2 PROPOSED UTILITY EASEMENT TO THE TOWN OF CANANDAIGUA
UE-4 PROPOSED UTILITY & DRAINAGE EASEMENT TO THE TOWN OF CANANDAIGUA
UE-5 PROPOSED UTILITY & DRAINAGE EASEMENT TO THE TOWN OF CANANDAIGUA
AE-1 PROPOSED COMMON ACCESS EASEMENT TO THE TOWN OF CANANDAIGUA AND LOTS 57 TO 60
REMAINING LANDS OF RSM WEST LAKE ROAD, LLC
SEE SURVEY NOTE 1
SEE SURVEY NOTE 2
SEE SURVEY NOTE 3
SEE SURVEY NOTE 4
SEE SURVEY NOTE 5
SEE SURVEY NOTE 6
SEE SURVEY NOTE 7
SEE SURVEY NOTE 8
SEE SURVEY NOTE 9
SEE SURVEY NOTE 10
SEE SURVEY NOTE

NEW YORK STATE DEPARTMENT OF HEALTH:

DEPARTMENT OF HEALTH CONDITIONS OF APPROVAL:

1. THAT THE PROPOSED FACILITIES FOR WATER SUPPLY AND SEWAGE COLLECTION AND/OR TREATMENT SHALL BE INSTALLED IN CONFORMITY WITH SAID PLANS.
2. THAT NO LOT OR REMAINING LAND SHALL BE SUBDIVIDED WITHOUT PLANS FOR SUCH SUBDIVISION BEING SUBMITTED TO AND APPROVED BY THE WYSDOH GENESEE DISTRICT OFFICE.
3. THAT PLAN APPROVAL IS LIMITED TO 5 YEARS FROM THE APPROVAL DATE. TIME EXTENSIONS FOR PLAN APPROVAL MAY BE GRANTED BY THE WYSDOH GENESEE DISTRICT OFFICE BASED UPON DEVELOPMENT FACTS AND THE REALTY SUBDIVISION REGULATIONS IN EFFECT AT THAT TIME. A NEW PLAN SUBMISSION MAY BE REQUIRED TO OBTAIN A TIME EXTENSION.
4. THAT THE APPROVED PLANS MUST BE FILED WITH THE ONTARIO COUNTY CLERK PRIOR TO OFFERING LOTS FOR SALE AND WITHIN 90 DAYS OF THE DATE OF PLAN APPROVAL.
5. THAT ALL LOCAL AND STATE RULES AND REGULATIONS SHALL BE COMPLIED WITH.

NOT APPROVED

This plan has not received final approval of all reviewing agencies. This plan is subject to revisions until all approvals are obtained and should not be used for construction purposes.

APPROVALS

BY: _____ DATE: 2-28-12
TOWN OF CANANDAIGUA PLANNING BOARD CHAIRPERSON

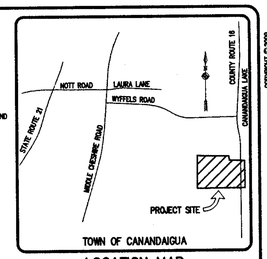
BY: _____ DATE: 2/27/12
TOWN ENGINEER

BY: _____ DATE: 2/27/12
TOWN OF CANANDAIGUA HIGHWAY/WATER SUPERINTENDENT

GRAPHIC SCALE
50 0 25 50 100
(IN FEET)
1 inch = 50 ft.

LEGEND

- BOUNDARY LINE
- PROPOSED LOT LINE
- CENTERLINE
- SETBACK LINE
- PROPERTY MARKER FOUND
- CONCRETE HIGHWAY MONUMENT FOUND
- WOOD FENCE POST FOUND
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED SURVEY MONUMENT
- FEDERAL WETLAND LIMIT
- WATER LINE
- FLOOD ZONE LINE



TOWN OF CANANDAIGUA

LOCATION MAP
NOT TO SCALE

SUBDIVISION NOTES:

1. SITE AREA: TOTAL PROJECT AREA IS ±72.1 ACRES
   SECTION 1 = ±33.7 ACRES
   SECTION 2 = ±38.4 ACRES
2. EXISTING ZONING: SCR-1 (SOUTHERN CORRIDOR RESIDENTIAL) AND RLD (RESIDENTIAL LAKE DISTRICTS)
3. PROPOSED USE: 61 RESIDENTIAL SINGLE FAMILY LOTS AND 32.00 ACRES OF COMMUNITY OPEN SPACE LANDS.
4. LOT STANDARDS FOR RLD DISTRICT: (LOTS 1-9)

	REQUIRED:	PROVIDED:
MINIMUM LOT SIZE	20,000 SF	20,000 SF
MINIMUM LOT FRONTAGE WIDTH	125'	125'
MAXIMUM BUILDING HEIGHT (LOTS 2-15)	25'	25'
MAXIMUM LOT COVERAGE	15%	15%
SETBACKS:		
FRONT (LOTS 1-5)	60'	30'**
(LOT 6)	60'	40'**
(LOTS 7-9)	60'	60'**
SIDE	12'	12'
REAR	60'	60'

LOT STANDARDS FOR SCR-1 DISTRICT: (LOTS 10-60)

	REQUIRED:	PROVIDED:
MINIMUM LOT SIZE	N/A	20,000 SF*
MINIMUM LOT FRONTAGE WIDTH	125'	110' (LOTS 19-23, 34-38, 45-48, 49, 50, 52-55)***
		85' (LOTS 30-33)***
		45' (LOT 17)***
MINIMUM LOT FRONTAGE WIDTH	125'	125'** (FLAG LOTS 18, 24-27)
MAXIMUM BUILDING HEIGHT	35'	35'
MAXIMUM LOT COVERAGE	20%	20%***
SETBACKS:		
FRONT	60'	30'**
SIDE	25'	15'**
REAR	40'	40'

* DENSITY TO BE NO MORE THAN 1 UNIT PER ACRE.

** VARIANCES TO REDUCE THE FRONT SETBACK, TO CONSTRUCT FORMER RLD LOTS 7-15 PARTIALLY WITHIN THE SCR-1 ZONING DISTRICT, TO REDUCE THE FRONT SETBACK TO 30' FOR FORMER LOTS 7 THROUGH 11 AND TO REDUCE THE FRONT SETBACK TO 40' ON FORMER LOT 12 WERE GRANTED BY THE ZBA ON JANUARY 13, 2008. CONTINUATION OF VARIANCES FOR NEW LOTS 1-9 TO CONSTRUCT LOTS PARTIALLY WITHIN THE SCR-1 ZONING DISTRICT AND TO REDUCE THE FRONT SETBACK TO 30' FOR NEW LOTS 1-5 AND 40' FOR NEW LOT 6 GRANTED FROM ZBA ON 1/12/10.

*** VARIATION UNDER SECTION 278 OF NYS TOWN LAW APPROVED BY THE PLANNING BOARD ON DECEMBER 9, 2008.

5. ALL IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE MOST RECENT STANDARDS AND SPECIFICATIONS OF THE TOWN OF CANANDAIGUA AND THE APPROPRIATE WATER/SEWER AGENCIES, UNLESS OTHERWISE NOTED.
6. OPEN SPACE TABULATION:
   A. AREA WITHIN SCR-1 = 58.30 ACRES
   B. CONSTRAINED LANDS AREA WITHIN SCR-1
      WETLAND AREA = ±1.90 ACRES
      WOODED AREA = ± 8.40 ACRES TOTAL (5.00 ACRES*)
      EASEMENT AREA = ± .54 ACRES
      TOTAL = ± 10.87 ACRES (7.47 ACRES)
   C. NET SITE AREA WITHIN SCR-1 ZONE = ±50.73 ACRES
   D. 40% OF NET AREA: ±20.29 ACRES
   E. TOTAL OPEN SPACE REQUIRED (7.47+20.29)= ±27.76 ACRES
   F. TOTAL OPEN SPACE PROVIDED = ±32.00 ACRES** (CONSERVATION EASEMENT)

* OF THE 8.40 ACRE WOODED AREA, 5 ACRES MUST BE CONSERVED FOR OPEN SPACE.

** VARIANCE APPROVED BY THE ZBA TO PROVIDE SOME OF THE REQUIRED OPEN SPACE LANDS WITHIN THE RLD DISTRICT LANDS ON JANUARY 13, 2008. CONTINUATION OF VARIANCE TO PROVIDE SOME OF THE REQUIRED OPEN SPACE IN THE RLD DISTRICT GRANTED FROM THE ZBA ON 1/13/10.

7. SANITARY SEWERS WILL BE DEDICATED TO THE CANANDAIGUA LAKE COUNTY SEWER DISTRICT.
8. STORM SEWERS AND WATERMAIN WILL BE DEDICATED TO THE TOWN OF CANANDAIGUA.
9. WETLANDS SHOWN HEREON WERE DELINEADED BY BME ASSOCIATES AS DETERMINED IN A REPORT PREPARED BY BME ASSOCIATES-"FEDERAL WETLAND DELINEATION REPORT, REVISED MAY 27, 2008". THE WETLAND DELINEATION, WITNESSED BY STEVE METHER, BIOLOGIST, WAS GRANTED A PRELIMINARY JURISDICTIONAL DETERMINATION BY A LETTER DATED OVEMBER 25, 2008.
10. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY SITE DEVELOPMENT, OTHER THAN IF NECESSARY THAT RELATED TO ACCESS ROAD "A" AND STORMWATER MANAGEMENT, LOCATED WITHIN THE BOUNDARIES OF FORMER LOTS 7 THROUGH 15 (NEW LOTS 1-9) WITHOUT AN APPLICATION FOR DETAILED SITE PLAN APPROVAL, SHOWING ALL NATURAL AND MAN MADE FEATURES, INCLUDING EXISTING TREES TO BE REMOVED AND THOSE TO REMAIN.
11. PRIOR TO ISSUANCE OF A BUILDING PERMIT THE APPLICANT SHALL PAY TO THE TOWN, A PARK AND RECREATION FEE IN THE PREVAILING AMOUNT.
12. PRIOR TO ANY SITE DISTURBANCE ALL LIMITED DEVELOPMENT OVERLAY (LDO) PERMITS SHALL BE ISSUED BY THE CODE ENFORCEMENT OFFICER, ALL CONDITIONS OF SUCH PERMIT SHALL BE COMPLIED WITH AND COPIES OF THESE LDO PERMITS AND CERTIFICATES OF COMPLIANCE SHALL BE FILED WITH EACH LOT.
13. THE DESIGN OF THE APPLICANT'S PROPOSED SOLUTION TO THE PROVISION OF PUBLIC WATER SUPPLY SHALL BE ACCEPTABLE TO THE TOWN WATER SUPERINTENDENT, AND/OR THE APPLICANT SHALL PROPOSE, AS AN ALTERNATE SOLUTION, ADEQUATE PROVISIONS FOR A PRIVATE WATER SERVICE OWNED BY THE HOA WHICH PROVISIONS MUST BE REASONABLY ACCEPTABLE TO THE TOWN'S ENGINEER.
14. ALL OPEN SPACE AREAS ARE SUBJECT TO THE CONDITIONS DESCRIBED IN ATTACHMENT C TO THE RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF CANANDAIGUA DATED DECEMBER 9, 2008 GRANTING PRELIMINARY SUBDIVISION APPROVAL.

REFERENCES:

1. A PLAN ENTITLED "LANDS OF HELEN P. STRASENBURGH," AS FILED IN THE ONTARIO COUNTY CLERK'S AT MAP NUMBER 1233.
2. A PLAN ENTITLED "LANDS OF ALEX J. & FRANCES Y. DECKER," PREPARED BY JACK R. ANDERSON, L.S., AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 2647.
3. A PLAN ENTITLED "LANDS OF RICHARD WYFFELS," PREPARED BY EDWARD H. BARG, L.S., AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 6222.
4. A PLAN ENTITLED "LANDS TO BE CONVEYED BY: THE STEPHAN MARINE YARD, INC.," PREPARED BY LEIGH ROBARTES, JR., L.S., AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 7788.
5. A PLAN ENTITLED "PLAN OF LAND OF FRANCIS J. HIRSCH," PREPARED BY DAVID A. FREELAND, L.S., AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 12135.
6. A PLAN ENTITLED "PLAN OF LAND OF BARBARA H. WYFFELS," PREPARED BY DAVID A. FREELAND, L.S., AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 14730.
7. A PLAN ENTITLED "PLAN OF LAND OF PAUL S. & PRUDENCE J. WHITEHEAD," PREPARED BY FREELAND-PARRINELLO LAND SURVEYORS, AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 21730.
8. A PLAN ENTITLED "MAP OF SURVEY PREPARED FOR: MUREL C. JOHNSON MARITAL TRUST," PREPARED BY MENEZA & ASSOCIATES, AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 28314.
9. A PLAN ENTITLED "LAKEWOOD MEADOWS, SECTION 6, FINAL SUBDIVISION PLAT," PREPARED BY BME ASSOCIATES, AS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE AT MAP NUMBER 28327.
10. A PLAN SHOWING THE COUNTY OF ONTARIO APPROPRIATIONS ALONG COUNTY ROUTE 18, WEST LAKE ROAD.
11. THE FOLLOWING DEEDS FILED IN THE ONTARIO COUNTY CLERK'S OFFICE:
    LIBER 783 OF DEEDS, PAGE 1091
    LIBER 836 OF DEEDS, PAGE 541
    LIBER 862 OF DEEDS, PAGE 1121
    LIBER 1007 OF DEEDS, PAGE 862
    LIBER 1153 OF DEEDS, PAGE 26
    LIBER 1125 OF DEEDS, PAGE 755
12. NYSDEC REGULATIONS, PART 608 USE AND PROTECTION OF WATERS, SUBSECTION 608.11 MEAN HIGH WATER ELEVATIONS.
13. MEMO FROM THE NEW YORK STATE OFFICE OF GENERAL SERVICES, LISTING MEAN LOW WATER ELEVATIONS FOR STATE OWNED FRESH WATER LAKES, PREPARED BY RICHARD W. BENNETT, L.S. AND DATED MAY 17, 2005.
14. FLOOD INSURANCE RATE MAP, PANEL 25 OF 25, COMMUNITY-PANEL NUMBER 360568 0025 C, EFFECTIVE DATE APRIL 17, 1978 AND LAST REVISED MARCH 3, 1997.
15. AN ABSTRACT OF TITLE PREPARED BY CROSSROADS ABSTRACT, HAVING ORDER NUMBER 0108888 AND DATED NOVEMBER 3, 2004.
16. AN ABSTRACT OF TITLE PREPARED BY PUBLIC ABSTRACT CORPORATION, HAVING SEARCH NUMBER 85804 AND DATED JULY 14, 2005.

SURVEY NOTES:

1. THE BEARING BASE WAS TAKEN FROM REFERENCE 9.

WE: BME ASSOCIATES CERTIFY THAT THIS MAP WAS PREPARED FROM THE NOTES OF AN INSTRUMENT SURVEY COMPLETED BY US ON JANUARY 26, 2005 AND FROM THE REFERENCES NOTED HEREON.

THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY SOURCES OTHER THAN THOSE NOTED HEREON.

BY: _____ DATE: 2/22/12
GREGORY D. BELL P.L.S. NO. 050661

NEW YORK STATE DEPARTMENT OF HEALTH APPROVAL
Division of Environmental Protection
REALTY SUBDIVISION APPROVAL 2/23/12
This is to certify that the proposed arrangements for water supply and related sewerage facilities are hereby approved as shown on this plan and given to file this map in the County Clerk's Office in accordance with Section 1117 of the Public Health Law and Section 17-1505 of the Environmental Conservation Law.
ONTARIO CO. _____ P.E.
Sanitary Engineer
Geneva, NY
SHEET 2 OF 2

Drawing Alteration:
The following is an excerpt from the New York State Education Law Article 145 Section 7209 and applies to this drawing:
"It is a violation of this law for any person, unless he is acting under the direction of a licensed professional engineer or land surveyor to alter any item in any way. If an item bearing the seal of an engineer or land surveyor is altered, the altering engineer or land surveyor shall affix to the item his seal and the notation "altered by" followed by his signature and the date of such alteration, and a specific description of the alteration."

NO.	DATE	BY	REVISIONS
14			
13			
12			
11			
10			
9			
8			

NO.	DATE	BY	REVISIONS
7	9/14/09	MTG	REVISED FOR TOWN ENGINEER COMMENTS
6	7/29/09	MTG	REVISED TO 7/24/09 MARK CLUB REMOVED
5	7/29/09	DC	REFERENCES TO 7/24/09 MARK CLUB REMOVED
4	7/23/09	DC	REVISED PER AGENCY COMMENTS
3			
2			
1			REVISED PER PRC COMMENTS

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ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS
10 LIFT BRIDGE LANE EAST
FAIRPORT, NEW YORK 14450
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FAX: 585-377-7509
WWW.BMEPC.COM

STATE OF NEW YORK ★ GREGORY D. BELL ★ 050661 ★ LICENSED PROFESSIONAL SURVEYOR

PROJECT: THE RESIDENCES AT WEST LAKE
LOCATION: TOWN OF CANANDAIGUA ONTARIO COUNTY NEW YORK
CLIENT: PSN WEST LAKE ROAD, LLC 197 WEST MAIN STREET VICTOR, NEW YORK 14564
DRAWING TITLE: SUBDIVISION PLAT

PROJECT MANAGER: BG BONCKE
PROJECT SURVEYOR: GD BELL
DRAWN BY: GD BELL
SCALE: 1"=50'
DATE ISSUED: DECEMBER 2009
PROJECT NO.: 2145B
DRAWING NO.: 03 (SHEET 2 OF 2)

PHELPS AND GORHAM PURCHASE, TOWNSHIP 9, RANGE 3, TOWN LOT 79, TAX ACCOUNT Nos 112.00-01-24.1 & 113.13-01-10

R|B Reeve Brown PLLC
Attorneys

C. Allan Reeve, Esq.
Marc S. Brown, Esq.
Jose A. Butler, Esq.
Christian M. Nadler, Esq.
Guy A. Talia, Esq.

October 17, 2017

Mr. Doug Finch, Town Manager
Town of Canandaigua
5440 Routes 5 & 20
Canandaigua, NY 14424

RE: RSM West Lake LLC (3950 County Road 16)

Dear Mr. Finch,

You have asked me to render a legal opinion on the validity of RSM West Lake LLC ("RSM")'s subdivision approval. Specifically, the following issue has been called to my attention: has RSM's subdivision approval expired pursuant to Town Code § 220-72.

Town Code § 220-72(A) states that "[o]ne year after the date of the Planning Board Chair signature on an approved final site plan, said plan shall expire if all permits required to begin construction have not been obtained. Upon request of the applicant, the Planning Board may grant individual extensions of one year each if, in its opinion, such extension is warranted." However, this applies to *site plan approval* only. RSM received *subdivision* approval from the Planning Board on March 9, 2010.

Town Code § 220-64(B)(2) specifically exempts from the requirement of site plan approval "[s]ingle-family dwelling units that have received final approval as part of a final subdivision plat approval by the Planning Board pursuant to the provisions of Chapter 174 of the Town Code, unless such individual site plan approval was required by the Planning Board at the time of final subdivision plat approval."

Therefore, RSM's filed subdivision plat and the approval RSM received from the Planning Board on March 9, 2010 are still valid.

Please do not hesitate to contact me if you have any further questions.

Sincerely,

REEVE BROWN PLLC

By: _____

Christian M. Nadler, Esq.
Direct Dial: (585) 310-1608
cnadler@reevebrownlaw.com

CMN:eko

CC: Lance Brabant (MRB Group)
Greg Hotaling (MRB Group)
Chris Jensen (Code Enforcement)
Eric Cooper (Zoning Officer)
Jim Fletcher (Highway Superintendent)
Tom Schwartz (Planning Board)