

P.VanDyne – This is a heavily traveled road both in the morning and evening as it is a short cut to Rochester from Naples.

T.Fennelly – Something is just going to have to give there as the County isn't going to like it.

A.Freeman – We will submit it to the County for their comments.

T.Fennelly – If I was going to have a raised bed system, I would like it tucked away out of site rather than right out front.

J.Maslyn – The best option would be for you to reduce those drives to 3 instead of 5.

CONTINUED PUBLIC HEARINGS

CPN-125-05 RSM West Lake Road LLC, owners of property at 3950-3952 County Road 16, TM#112.00-1-24.100, and representing German Brothers Marina, owner of property at 3907 County Road 16, TM#113.13-1-10.000. *Public hearing continued to unspecified date awaiting acceptance of Draft Environmental Impact Statement.*

CPN-148-05 BME Associates, representing Charles J. Normand Builders (Metrose Builders) owner of property at 5100 Bristol Road, TM#83.00-1-7.000. *Continued to unspecified future date on August 30, 2006.*

CPN-006-06 BME Associates for S&J Morrell Builders representing K&P Associates Ltd (Pleasure Acres), owners of property at 3990 Middle Cheshire Road and Middle Cheshire Road (White Cliff Drive) TM#112.00-1-32.111 and 112.04-1-2.999, is seeking re-approval of the overall preliminary plat for an additional 69 single-family dwelling lots and two open space lots in the Lakewood Meadows Subdivision, Sections 9 and 10. *Continued to September 26, 2006.*

CPN-025-06 Kathleen Guy, owner of property at 3423 County Road 16, TM#98.13-1-041.000, is requesting preliminary and final subdivision approval for a 2-lot subdivision in the R-1-20 zoning district. *Continued to September 26, 2006.*

CPN-063-06 BME Associates, representing Morrell Builders, Inc. on behalf of Virginia Miller, owner of property on State Route 21 South, TM#97.02-1-40.111, are seeking preliminary subdivision approval for a 54-lot subdivision in the SCR-1 zoning district.

Linc Swedrock, BME Associates, Scott Morrell and John Miller in attendance.

L.Swedrock – We are requesting preliminary subdivision approval for the Miller property tonight. We did our presentation at the beginning of the public hearing on

August 22, 06. I would like to go over the comments that were received at that meeting.

T.Fennelly brought up the removal of top soil from the site. We will use as much on the site as we can.

With regard to the maintenance schedule of the open space, we are proposing a wildflower seed mix in the open space. Patrick brought up semi annual mowing and maintenance of the open space areas. Also herbicides/pesticides. We will establish an HOA for this property, and will try to establish it with section 2 rather than 1. We would recommend the use of environmentally friendly fertilizers in this establishment.

Also, questions about the architecture and size of the market of the homes were raised.

S.Morrell - They will be in the range of \$180-\$190,000 up to \$275 - \$300,000 and both ranch and small 2 story types. I have done this before at Quail Ridge Commons off of Lane Road . We would probably mix it the way the market is right now as it works out well.

In the past, we haven't had to use any fertilizers as we have used meadow type plantings.

P.VanDyne - When will the HOA start and be at completion?

S.Morrell - We have the whole format down, but it is waiting for the Attorney General. We will apply for it immediately, and get it done as soon as possible. I think it will be done in Section 1 though.

J.Maslyn - When will you start?

S.Morrell - We will move forward with the final approval so possibly it could be in 6 months.

T.Fennelly questioned the proposed setbacks for accessory structures.

L.Swedrock - I believe it is just 15' under the Code.

S.Morrell - I think we would like to have it at 10'.

R.Brand - These are all things you would specify at final, but something to keep in mind.

T.Fennelly - We want the site looked at by the Town Engineer once a week with you funding it.

P.VanDyne - I appreciate your addressing our questions from last time, and the one that was bothering me most was the herbicides/pesticides issue.

R.Brand – At your last meeting, you designated yourselves as the lead agency for your coordinated review and I sent you a draft Part II for your review and input based on the responses that we received. There are a few things that were amended from the draft that was sent out. The impact on aesthetic resources, small to moderate, on scenic situations. The other was the impact on transportation, putting in an intersection on St. Rt. 21, with a potential of small to moderate on that. The last was likely to be operating noise exceeding what is out there today during construction and also small to moderate. So those changes have been made to Part II.

The next step in the process is for you, as lead agency, to determine using the 12 step criteria in the SEQR Regs, whether there is likely to be a potentially small or large impact as a result of you issuing a positive declaration. I did not hear anything so I have prepared a resolution for a negative declaration.

P.VanDyne offered a motion to approve the negative dec. resolution as read. Motion was seconded by B.Mincer and carried.

R.Brand – With SEQR having been satisfied, T.Fennelly must sign Part I. The next step is to take a look at the preliminary action.

The public hearing was opened.

With no public comments, the public hearing was closed.

R.Brand I have prepared a resolution for preliminary approval.

George Barden made a recommendation to the County on September 1st, that there is sanitary sewer there on the East side, and he would like to continue that line westerly to the edge of your property. Also, normally when we give preliminary approval, we have street names, so have this done at final.

P.VanDyne offered a motion to accept the resolution for preliminary approval as conditioned. Motion was seconded by J.Maslyn and carried.

CPN-065-06 BME Associates, representing Old Brookside LP, owners of property at Buffalo Street Ext., TM#83.00-1-5.111, are seeking final subdivision approval for a 22-lot subdivision (Section 3) in the PUD zoning district. *Continued to September 26, 2006.*

NEW PUBLIC HEARINGS

None at This Time.

CLOSED PUBLIC HEARINGS

None at This Time.

NEW COMMERCIAL/RESIDENTIAL SITE PLANS

CPN-018-06 Darryl Rossi, representing Louis and Arlene Rossi, owners of property at 2810 County Road 10, TM#71.00-1-26.200, is requesting final site plan approval to expand an existing structure in the IND zoning district.

TOWN OF CANANDAIGUA

5440 Route 5 & 20 West
Canandaigua NY 14424
(585) 394-1120

**PLANNING BOARD
DECISION NOTIFICATION FORM**

Meeting Date: September 11, 2006

Project No.: CPN-063-06

Project Location	Tax Map #	Project Description	Applicant	Owner
St.Rt.21 South	97.02-1-40.111	Preliminary Subdivision	BME Assoc/Morrell Builders	Virginia Miller

TYPE OF APPLICATION

- ☒ Preliminary ☐ Final
☒ Subdivision ☐ Special Use Permit ☐ Site Plan
☐ Sign: Bldg ☐ Sign: Ground
☒ Granted ☐ Denied ☐ Tabled
☒ See attached resolution(s)

Continued to:

SEQRType: ☐ Type I ☐ Type II ☐ Unlisted☒ See attached resolution(s)

Negative Declaration Date: 9/11/06

Positive Declaration Date:

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

Recommendation:

PLANNING BOARD CHAIR SIGNATURE
REQUIRED BY 3-10-07
(DATE)

FAILURE TO HAVE THIS SIGNATURE WILL
NULL/VOID ANY PLANNING BOARD APPROVAL.

Letter of Credit / Bond Requirements:

Landscaping: \$

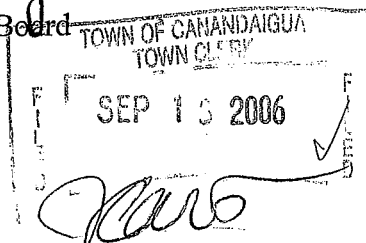
Soil Erosion: \$

Other (specify):

\$

Certified By: Rebecca PennellyDate: 9/15/06

Chairperson, Planning Board



**TOWN OF CANANDAIGUA
PLANNING BOARD RESOLUTION
CPN - 063 -06**

Applicant: BME Associates, representing Morrell Builders, Inc., on behalf of Virginia Miller
Action Resolution

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) has considered the above referenced Application for a (check the appropriate box):

X Preliminary Plat

Final Plat

Final Site Plan

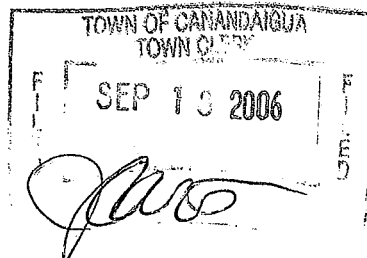
Special Use Permit Final Sign Site Plan

and has made a Determination of Significance thereon under the State Environmental Quality Review (SEQR) Regulations; and,

WHEREAS, the Planning Board has reviewed the public record on said Action.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board **Approves without Conditions; X Approves with the following Conditions; or Denies the application for the following reasons:**

1. A Soil Erosion Bond in the amount of \$ N/A is required. The bond amount must be provided to and accepted by the Town prior to any permits being issued by the Town's Code Enforcement Officer.
2. A Landscaping Bond in the amount of \$ N/A is required. The bond amount must be provided to and accepted by the Town prior to any permits being issued by the Town's Code Enforcement Officer.
3. Other Bond – please specify (i.e. Traffic Study, Asphalt Top Maintenance, etc.)
_____ in the amount of \$ N/A is required. The bond amount must be provided to and accepted by the Town prior to any permits being issued by the Town's Code Enforcement Officer.
4. Preliminary Plat Approval, with the conditions set forth herein, is made based upon the Preliminary Subdivision Plans and associated drawings prepared by BME Associates, Inc., identified as "Preliminary Plans for the Miller Property," drawing numbers 01 through 12, project number 2191 and last revised date June 29, 2006.
5. The Town Planning Board Preliminary Plat approval is hereby granted and is made subject to the approval to be granted by the New York State Department of Transportation of the design and location for the proposed curb cut onto State Route 21 (Bristol Road). Prior to the submission of a Final Plat Map, the applicant shall provide the Town with documentation of the State DOT's acceptance to the proposed point of access to their highway.



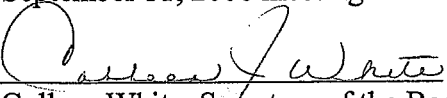
6. The Town Planning Board finds that the proposed subdivision plat does not present a proper case for requiring a park for playground or other recreational purposes. Therefore, the Planning Board requires a recreational fee, in the amount established by the Town Board, to be paid to the Town at the time of issuance of building permits for development of each of the proposed lots.
7. All open areas located within the proposed subdivision shall be owned and maintained by a Homeowner's Association. Prior to the submission of a Final Plat for approval the applicant is to provide to and receive acceptance of by the Town Attorney a Homeowner's Association Agreement. Said Agreement shall specify the timeline for the creation of the Homeowner's Association and who will be responsible for the maintenance of all open space areas shown on the Final Plat Map. The Final Plat Map shall identify in the form of a note who will be responsible for the ownership and maintenance of all open lands located within the project.
8. Prior to the issuance of any Building Permit, a street lighting district is to be created and all site lighting shall comply with the Town Lighting Regulations contained in Chapter 105 of the Town Code. In addition, there shall be "dark sky" compliant decorative street lights and poles installed at the intersection of Road "A" with State Route 21 (Bristol Road) and within the subdivision at the intersection of the loop Road "A," prior to the issuance of the first Certificate of Occupancy.
9. The applicant is to install street trees across the frontage of the site located along the south side of State Route 21 (Bristol Road). These street trees are to be spaced fifty (50) feet on center commencing at the east property line and continuing to the west property line. In addition, street trees are to be installed across the fronts of the proposed lots located within the subdivision tract. The applicant is to install 3-inch caliper deciduous street trees. Finally, the applicant is to install street trees that are to be planted along the entrance Road "A" commencing at the intersection with Bristol Road extending south to the intersection with the loop Road "A." Then continuing east along loop Road "A" to the proposed lots identified as Lots # 1 and # 32. Said street trees are to be spaced fifty (50) feet on center and staggered on opposite sides of Road "A." All of these trees are to be installed within either six (6) months of the dedication of said Road "A" to the town or by June first of the following calendar year.
10. The applicant is to install a sanitary sewer line across the entire frontage of the site along the south side of New York State Route 21 (Bristol Road) thereby providing a connection between the property to the east now owned by Sheryl Lynn Ridley and the one to the west now owned by Zocor LLC unless the Ontario County Department of Public Works determines that such utility line is not warranted. Should the County determine such utility line is not warranted the Final Plat Map shall contain a note to this effect. Should the County determine such utility line is warranted the Final Plat Map shall show the design and location of said utility, and note shall be added to the Final Plat committing the applicant to the installation of this sewer line and the filing of the easement as may be required by the County.
11. The proposed Road "A" must have an official street name approved by the County in compliance with the Ontario County 911 Local Law. Said street name is to be shown on the Final Plat Map.

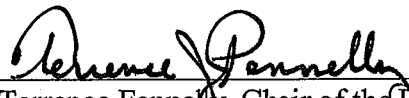
12. Prior to Final Plat approval, the applicant is to submit necessary documentation for creating the sewer district extension, the water district extension, the lighting district and drainage district. All easements shall be identified on the Final Plat Map with their respective liber and page identified.
13. The Planning Board chairperson's signature must be affixed to the preliminary subdivision plat within 180 days from today or this Preliminary Plat approval shall expire unless an extension thereto has been granted by the Planning Board.
14. Prior to the submission of the Final Subdivision Plat, all building envelopes shall be shown for each lot located on the Final Subdivision Plat.
15. The Final Plat Map shall clearly delineate those lots that are to have full and half walkouts.
16. A condition of final plat approval will be the applicant agrees to pay for the Town Engineer's weekly inspection of the site during construction until ground cover has been established

The above Resolution was offered by P. VanDyne and seconded by J. Maslyn at a regular scheduled Planning Board Meeting held on Monday, September 11, 2006. Following discussion, a roll call vote was recorded:

Robert Mincer -	AYE
Joseph Maslyn -	AYE
Patrick McCabe -	EXCUSED
Patricia VanDyne -	AYE
Terrence Fennelly -	Aye

I, Colleen White, Secretary of the Board, do hereby attest to the accuracy of the above Resolution being acted upon and recorded in the minutes of the Canandaigua Planning Board for the September 11, 2006 meeting.


Colleen White, Secretary of the Board


Terrence Fennelly, Chair of the Board

TOWN OF CANANDAIGUA PLANNING BOARD

CPN - 063 - 06

APPLICANT: BME ASSOCIATES FOR MORRELL BUILDERS, INC.

REPRESENTING VIRGINIA MILLER SUBDIVISION

Criteria for Determining Significance of said Action

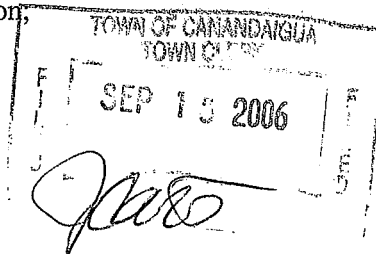
Whereas, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) as the designated lead agency under Part 617 of the State Environmental Quality Review (SEQR) Regulations has determined the proposed Virginia Miller Subdivision Plat (hereinafter referred to as Action) to be an Unlisted Action; and

Whereas, the Planning Board has conducted a public hearing on said action, has given consideration to the comments provided at said public hearing, and to the comments received by the involved and interested agencies during the coordinated review of said Action; 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 Parts I and II of the Full Environmental Assessment Form.

Now, therefore, be it resolved that the Planning Board has reasonably concluded the following impacts are expected to result from the proposed Action, when compared against the criteria in Section 617.7 (c):

- (i) there will not be a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) there will not be large quantities of vegetation or fauna removed from the site or destroyed as the result of the proposed action; there will not be substantial interference with the movement of any resident or migratory fish or wildlife species as the result of the proposed action; there will not be a significant impact upon habitat areas on the site; there are no known threatened or endangered species of animal or plant, or the habitat of such species; or, are there any other significant adverse impacts to natural resources on the site;
- (iii) there are no known Critical Environmental Area(s) on the site which will be impaired as the result of the proposed action;
- (iv) the overall density of the site is consistent with the Town's Comprehensive Plan land use recommendations;
- (v) there are no known important historical, archeological, architectural, or aesthetic resources on the site, or will the proposed action impair the existing community or neighborhood character;
- (vi) there will not be a major change in the use of either the quantity or type of energy resulting from the proposed action;



CANANDAIGUA PLANNING BOARD SEQR RESOLUTION

FILE# CPN-063-06

Page two

- (vii) there will not be any hazard created to human health;
- (viii) there will not be a substantial change in the use, or intensity of use, or land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- (ix) there will not be a large number of persons attracted to the sites for more than a few days, when compared to the number of persons who would come to such place absent the action;
- (x) there will not be created a material demand for other actions that would result in one of the above consequences;
- (xi) there will not be changes in two or more of the elements of the environment that when considered together result in a substantial adverse impact;
- (xii) there will not be two or more related actions which would have a significant impact on the environment.

Be it further resolved that 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.

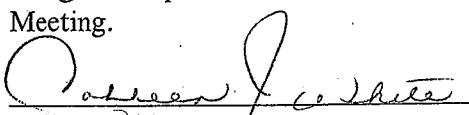
Be it further resolved that the Planning Board does hereby make a Determination of Non-Significance on said Action and directs the Planning Board Chairman to sign and date Part I of the Full Environmental Assessment Form.

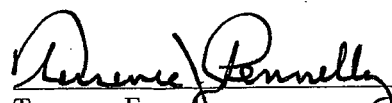
Be it finally resolved that the Planning Board does hereby direct Town Staff to provide copies of this determination to all involved and interested agencies.

The above resolution was offered by P.VanDyne and seconded by B.Mincer at a meeting of the Canandaigua Planning Board held on Monday, September 11, 2006. Following discussion thereon, the following roll call vote was taken and recorded:

Patricia Van Dyne	-	AYE
Patrick McCabe	-	EXCUSED
Joseph Maslyn	-	AYE
Robert Mincer	-	AYE
Terry Fennelly	-	AYE

I, Colleen White, Secretary to the Board, do hereby attest to the accuracy of said action and to it being acted upon and recorded in the official minutes of the September 11, 2006 Planning Board Meeting.


Colleen White
Planning Board Secretary


Terrence Fennelly
Planning Board Chair

Part 2 – PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

BME Associates for Morrell Builders, Inc. representing Virginia Miller **CPN-063-06**

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the questions: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term, and cumulative effects.

Instructions (Read Carefully)

- Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- Maybe** answers should be considered as **Yes** answers.
- If answering **Yes** to a question then check the appropriate box (column 1 or 2) to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?

☐ No ☒ Yes

Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
 - Construction on land where the depth to the water table is less than 3 feet.
 - Construction of paved parking area for 1,000 or more vehicles
 - Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
 - Construction that will continue for more than 1 year or involve more than one phase or stage.
 - Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
 - Construction of expansion of a sanitary landfill.
 - Construction in a designated floodway.
 - Other impacts
2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
- ☒ No ☐ Yes

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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TOWN OF CANANDAIGUA
TOWN CLERK
SEP 10 2006

IMPACT ON WATER

Will the proposed affect any water body designated as protected?
(Under Articles 15, 24, 25 of the Environmental Conservation Law,
ECL)

☐ No ☒ Yes

Class C Tributary #ont66-12-52P and in Canandaigua Lake Watershed

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

4. Will proposed action affect any non-protected existing or new body of water?

☒ No ☐ Yes

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts:

5. Will proposed action affect surface or groundwater quality or quantity?

☐ No ☒ Yes

Examples that would apply to column 2

- Proposed action will require a discharge permit.
- Proposed action requires use of a source of water that does not have approval to serve proposed (project) action
- Proposed action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed action would use water in excess of 20,000 gallons per day.
- Proposed action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed action will allow residential uses in areas without water and/or sewer services.
- Proposed action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.
- Other impacts:

6. Will proposed action alter drainage flow or patterns, or surface water runoff?

☒ No ☐ Yes

Examples that would apply to column 2

- Proposed action would change flood water flows.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated By Project Change
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Small to Moderate Impact | 2
Potential Large Impact | 3
Can Impact Be Mitigated By Project Change |
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- 100

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- 100

100

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated By
Project
Change

4. Will proposed action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14 (g)?

☒ No ☐ Yes

Examples that would apply to column 2

- Proposed action to locate within the CEA?
- Proposed action will result in a reduction in the quantity of the resource?
- Proposed action will result in the reduction in the quality of the resource?
- Proposed action will impact the use, function, or enjoyment of the resource?
- Other impacts:

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☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

No ☒ Yes

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.
- Proposed action will result in major traffic problems.
- Other impacts:

X
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☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

IMPACT ON ENERGY

16. Will proposed action affect the community's sources of fuel or energy supply?

☒ No ☐ Yes

Examples that would apply to column 2

- Proposed action will cause a greater than 5% increase in the use of any form of energy in the municipality.
- Proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.
- Other impacts:

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☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the proposed action?

☐ No ☒ Yes

During Normal Construction Activity Only

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school, or other sensitive facility.
- Odors will occur routinely (more than one hour per day).
- Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
- Proposed action will remove natural barriers that would act as a noise screen.

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X
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☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No
☐ Yes ☐ No

IMPACT ON PUBLIC HEALTH

18. Will proposed action affect public health and safety?

☒ No ☐ Yes

Examples that would apply to column 2

- Proposed action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
- Proposed action may result in the burial of "hazardous wastes" in any form (i.e., toxic, poisonous highly reactive, radioactive, irritating, infectious, etc.)
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.
- Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
- Other impacts:

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated By
Project
Change

☐
☐

☐ Yes ☐ No

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☐

☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐

☐ Yes ☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?

☐ No ☒ Yes

Examples that would apply to column 2

- The permanent population of the city, town, or village in which the project is located is likely to grow by more than 5%.
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
- Proposed action will conflict with officially adopted plans or goals.
- Proposed action will cause a change in the density of land use.
- Proposed action will replace or eliminate existing facilities, structures, or areas of historic importance to the community.
- Development will create a demand for additional community services (e.g. schools, police, and fire, etc.)
- Proposed action will set an important precedent for future projects.
- Proposed action will create or eliminate employment
- Other impacts:

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

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☐ Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?

☒ No ☐ Yes

If any action is Part 2 is Identified as a potential large impact or If you cannot determine the magnitude of impact, Proceed to Part 3.

NEW PUBLIC HEARINGS

CPN-039-06 **Art Parts Signs, representing PJD Canandaigua Properties LLC (Vision Hyundai), owner of property at 2445 State Route 332, TM#70.00-1-15.111, is seeking approval to change the classification of the existing building signs, install a new ground sign and a special use permit modification (second building sign) in the CC zoning district.**

Dave Dillon in attendance.

They are re-branding and want to get their logo on the buildings. They have an existing Hyundai, with channel letters on the right hand side of the building which is currently their secondary building sign. They want to put up a new set which is a bit larger, than the word "Vision" which is on the left which would make that sign primary and "Vision" the secondary sign. Between the 2 signs, both are below the square footage allowed under the SUP. We are not going any larger than we are allowed to go. We want to get the new "Hyundai" up. We had a pole sign that was too big, and denied by the Zoning so is not a part of this application tonight. We will re-apply for that at a later date.

R.Brand advised that this was advertised as a public hearing and that ground sign was advertised to, so we need to take action to deny it without prejudice.

The public hearing was opened.

P.McCabe offered a motion to approve the SEQR as a Type II Action. Motion was seconded by J.Maslyn and carried.

The public hearing was closed.

J.Maslyn offered a motion to approve the SUP and final sign site plan as conditioned. Motion was seconded by P.VanDyne and carried.

CPN-063-06 **BME Associates, representing Morrell Builders, Inc. on behalf of Virginia Miller, owner of property on State Route 21 South, TM#97.02-1-40.111, are seeking preliminary subdivision approval for a 54-lot subdivision in the SCR-1 zoning district.**

Linc Swedrock in attendance with BME.

I am requesting preliminary approval under Section 278 of Town Law to subdivide approximately 54.5 acres into 54 single family lots with 28.6 acres of open space. This is located along the East side of Rt. 21. It is zoned Residential SCR-1 and has been prepared in conformance with the standards as found in Section 105 503.1 of the Canandaigua Town Code as well as those found in Section 105 518 which is the Conservation Subdivision in the SCR-1 District. In accordance with Town Code the density is proposed at 1 dwelling unit per acre.

In accordance with the concerns at concept, minor revisions have been made to the plan and submitted. Depths have been increased to a minimum of 180'. In addition, the lands along the North side have been relocated to provide a buffer for the northern adjoining properties. The proposed plan achieves the Comprehensive Plan goal for the balance of well designed residential development, meaningful open space conservation and natural resource protection. The proposed plan achieves this balance and provides the following benefits. Meaningful open space conservation, in the form of 28.6 acres of open space, 52% of the total 55 acre parcel. This total exceeds the SCR-1 required 40% open space which is on 21.8 acres.

It is the intent of the applicant to establish an HOA for the maintenance of the open space area. Natural resource protection by providing continuous open space corridor or buffer along drainage tributary that goes North through the property. Provides a large block of open space along Rt. 21. There are no frontage lots proposed; all will be within the interior of the property. We have provided an internal open space buffer for the proposed homes inside so that they have an opportunity for passive recreational uses. The lots will be a minimum of 14,400 S.F. with a minimum of 20' front setbacks, 8' side setbacks, 10' rear setbacks and a minimum lot width of 80' at the front setback line. These standards are listed on the Cluster Subdivision plan, and are requested for the clustering provisions of the Town Law in the Canandaigua Zoning Ordinance.

We are proposing dark sky compliant street lighting at both intersections. Street trees are provided at the 50' spacing in accordance with Section 36 of the Town Site Design and Development Criteria.

Consistent with the conventional plan, each of the 54 lots will be serviced by public water and sanitary sewer. Public water will be extended off Rt. 21 and around the whole Road A looping back on itself. The sanitary sewer will also be extended from Bristol Rd. into the site to serve all the proposed lots.

There will be a single point of access to State Rt. 21 and a dedicated street to serve the entire development. Site distance along Rt. 21 has been verified and is adequate for the proposed intersection with Road A. Additional information regarding traffic and development can be found in the Engineer's Report that has been prepared for the project.

On site storm water management facility is being proposed, in which the location was shown on the map. The facility has been designed to serve the entire development and would provide post construction storm water management quantity and quality control as required by the NYS DEC and the Town of Canandaigua. Runoff from the proposed facility will be reduced between 25 & 35% from the existing runoff. It will discharge to the existing tributary and will be conveyed to the northeast and eventually collected in the NYS DOT drainage system on NYS Rt. 5 & 20.

We have prepared a construction erosion control plan.

It is the intent of the applicant to subdivide this 54.5 parcel off of the 72.2 acre parent parcel. This 2 lots subdivision will create the property to be conveyed by Miller to Morrell for the proposed development. The remaining lands will be retained by the Miller and continued to be farmed.

It is an unlisted action under SEQR and Type I per the DOH. We have prepared the long form EAF and completed Coordinate Review as required by a Type I Action. You declared your intent to act as lead agency at the July 11, 2006 meeting, and we have provided the Board with the supplemental information on storm water management, traffic, endangered species, etc., so we are asking you for a negative declaration determination.

We have provided written responses to MRB's and the PRC comments.

There is a 100' buffer along the existing tributary on either side with no proposed construction within that area per Section 105 301 of the Code, and the layout has been revised so that the majority of the buffer is within the designated open space area and the portion of the area on the proposed lots will be placed within a deed restricted area on the lot to restrict construction of structures within the area as required.

T.Fennelly – This subdivision has been done and filed.

P.McCabe – What is the length of road A?

L.Swedrock – 3800'.

T.Fennelly – What about the soil balance on the site?

L.Swedrock – There will be excess top soil. It hasn't been discussed whether it will leave the site or not. We will spread the 6" on the lots as required by the Code and use as much as we can on the site.

T.Fennelly – If there is some way you could use it on site rather than trucking it off, that would be much appreciated.

P.McCabe – The HOA is to maintain the open space?

L.Swedrock – Yes, for the 28 acres of open space. Some will be left in a wild flower mix like we did at Lakewood.

P.McCabe – If you don't mow it once or twice a year, it will turn into woods.

L.Swedrock explained the meadow areas on the map.

T.Fennelly – There have been some back and forth questions regarding the retention areas; what is going to happen there?

G.Hotaling – It had to meet all the specific requirements of the pond. It was a design related issue for a DEC permit.

L.Swedrock – We kept it low enough so we are not creating a damn effect, and we don't want to get involved with that tributary at all.

T.Fennelly – There was a question too on the water temperature.

G.Hotaling – It is unregulated and the DEC doesn't get involved at all. We fall under the nationwide permit.

P.VanDyne – Will there be a bridge over the tributary?

L.Swedrock – No, just culverts, 36" under the proposed road. There is not that much flow that goes through there.

T.Fennelly questioned the plantings around.

G.Hotaling – We will get further along with that at final.

P.VanDyne – You have added, under the landscaping notes, that a 2 year guarantee of plant material will be in effect from date of acceptance.

L.Swedrock – Yes.

G.Hotaling advised that we will be looking for a response from the DEC.

T.Fennelly – We need things done properly, so you guys are going to pay for MRB to go out and look at the site to make sure everything is happening. We need our own guy watching, but we should not have to pay for it.

Does it make any sense to have another access on Rt. 21?

L.Swedrock – They prefer the one access.

T.Fennelly – With regard to the West side, #19 through 27, is it all open space over to Rt. 21?

L.Swedrock – Yes.

P.McCabe – You made the lots bigger?

L.Swedrock – Yes, I believe they were at 12,000 S.F. and now are at 14,000.

T.Fennelly – PRC indicates that the Board should discuss setbacks for accessory structures.

L.Swedrock – We are just requesting the same as what we have done at Lakewood and Waterford. I guess though it is at your discretion.

We will show the building envelope setbacks on all the lots.

B.Mincer questioned the design.

L.Swedrock – They will be 2 story but not sure what their plan is for the housing market.

B.Mincer – What is the market target?

L.Swedrock – Single family, but a different type from Lakewood.

T.Fennelly – Have you considered any kind of herbicide/pesticide bans on the lawns and thereby using environmental friendly materials?

L.Swedrock – We haven't talked about that, but we can.

P.VanDyne – Will the barn and silo remain?

L.Swedrock – As of now, yes.

P.McCabe – Have you identified walkout lots with the grade change?

L.Swedrock – There are about 5 walkouts, 1-6 with 38, 39, 46, 47, 48, 29, 30 and 31 being half walkouts. We will add a note to the plan indicating which are half and which are full walkouts.

P.McCabe – The interior portion of that open space will remain at that grade.

R.Brand – We talked about an HOA; are we looking at filing it in sections?

L.Swedrock - Yes, 3 sections.

R.Brand – Then at what point would the Board want it established?

The Board agreed it should be in Section 1.

R.Brand – With regard to the street trees along the front of the dwellings, you have quite a length of roadway that is pretty bare and wide open, especially at the entrance to the site.

L.Swedrock – Yes, Lakewood is similar in layout.

B.Mincer questioned the distance from the corner of lot 31 to the corner of the property.

L.Swedrock – I think it is about 20'.

The public hearing was opened.

Bill Palmer – Rosier Road – With regard to what is being mowed, or left to natural and mowed twice a year, as well as the planting of trees in front of the properties, I think it would behoove us to let it go back to Mother Nature and just plant some trees there. We don't have to have it all grass. There were trees there at one time that were cut down for farming – put them back.

With regard to herbicides/pesticides, it will be an uphill battle as the major chemicals in the US have a lot of lobbyists in their pocket. I am currently doing some research on this.

We have to remember we have a big lake, Canandaigua Lake, and we drink from it and we should simply promote, as much as possible, prohibiting the herbicide/pesticide use, as there are alternative products out there. We can control this.

R.Brand – SEQR – We received no objections from the involved agencies, and I have a resolution prepared for lead agency status.

J.Masllyn offered a motion to approve the resolution as read for the lead agency status. Motion was seconded by B.Mincer and carried.

R.Brand – You need to complete Part II of the SEQR process. After going through it, if there are no adverse impacts, we then could make a determination of non-significance and then you would be able to take action on the preliminary plan before you. I would like the opportunity though to prepare a detailed resolution for the plan to make sure everything is addressed and to not be under the gun at a meeting trying to prepare it.

Jean and I went through it this afternoon and we did not identify any large impacts in the Part II form. You can either do it tonight, or refer it back to staff to do tomorrow and have them email you out the findings.

The Board decided they would refer it back to staff.

B.Mincer offered a motion to approve the continuation of the public hearing to the meeting of September 11, 2006 as read. Motion was seconded by P.VanDyne and carried.

CPN-057-06 **Lee & Michelen Parsell, owners of property at 5101 North Road, TM#70.16-4-37.000, are requesting final site plan approval and a special use permit to expand a non-conforming structure (construct covered front porch to existing dwelling) in the R-1-20 zoning district.**

Mr. & Mrs. Parsell in attendance.

We want to build a porch and we are just basically squaring off the front as the garage that was there is now a living room.

R.Brand – Will you have lighting on the porch?

Mrs. Parcel – Maybe just a couple of lights in the ceiling, which will be down lighting

The public hearing was opened.

B.Mincer offered a motion to approve SEQR as a Type II action. Motion was seconded by P.McCabe and carried.

The public hearing was closed.

J.Masllyn offered a motion for final site plan and SUP approval as conditioned. Motion was seconded by P.VanDyne and carried.

TOWN OF CANANDAIGUA

5440 Route 5 & 20 West
Canandaigua NY 14424
(585) 394-1120

**PLANNING BOARD
DECISION NOTIFICATION FORM**

Meeting Date: August 22, 2006

Project No.: CPN-063-06

Project Location	Tax Map #	Project Description	Applicant	Owner
State Route 21 South	97.02-1-40.111	Preliminary Subdivision	BME Associates 10 Lift Bridge Lane East Fairport, NY 14450	Virginia Miller 5420 County Rd. 32 Canandaigua, NY 14424

TYPE OF APPLICATION

- ☒ Preliminary ☐ Final
☒ Subdivision ☐ Special Use Permit ☐ Site Plan
☐ Sign: Bldg ☐ Sign: Ground
☐ Granted ☐ Denied ☐ Tabled
☒ See attached resolution(s)

Continued to: 9/11/06

SEQR

Type: ☐ Type I ☐ Type II ☐ Unlisted
☐ See attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

RECOMMENDATION TO

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

Recommendation:

Letter of Credit / Bond Requirements:

Landscaping: \$

Soil Erosion: \$

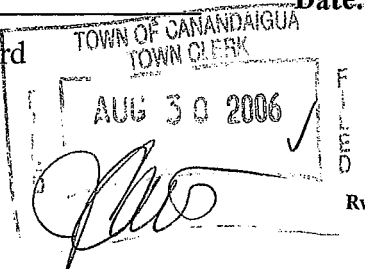
Other (specify):

\$

Certified By: *Doreen Pennelly*

Chairperson, Planning Board

Date: 8/29/06



TOWN OF CANANDAIGUA PLANNING BOARD
CPN- 063-06
APPLICANT: BME/Morrell/Miller
ACTION RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has scheduled the above referenced application for (a public hearing) at tonight's meeting; and

WHEREAS, the Planning Board has determined the need to complete Part 2 of the Full Environmental Assessment Form; and

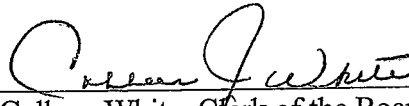
WHEREAS, the Planning Board concurs with the need for a complete application, and a complete environmental assessment narrative for said proposed action;

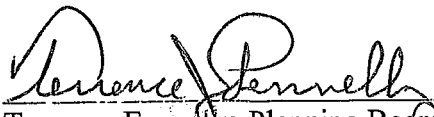
NOW, THEREFORE, BE IT RESOLVED, that the Planning Board does hereby move to table the application and to continue the public hearing on said application to the September 11, 2006, meeting.

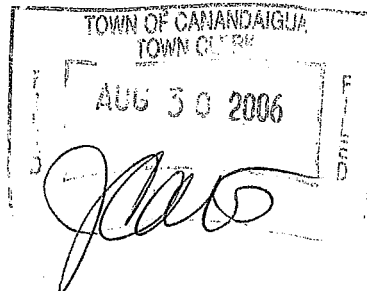
The above resolution was offered by B.Mincer and seconded by P.VanDyne, at a meeting of the Planning Board held on Tuesday, August 22, 2006. Following discussion thereon, the following roll call vote was taken and recorded:

Robert Mincer	AYE
Joseph Maslyn	AYE
Patrick McCabe	AYE
Patricia VanDyne	AYE
Terrence Fennelly	AYE

I, Colleen White, Clerk of the Board, do hereby attest to the accuracy of the above Resolution, and to it being acted upon and recorded in the minutes of the Canandaigua Town Planning Board for the, August 22, 2006 meeting.


Colleen White, Clerk of the Board


Terrence Fennelly, Planning Board Chair



**TOWN OF CANANDAIGUA
PLANNING BOARD RESOLUTION**

**SEQR RESOLUTION
DESIGNATION LEAD AGENCY STATUS – COORDINATED REVIEW**

CPN 063-06

APPLICANT: BME ASSOC. FOR MORRELL BUILDERS, INC., /VIRGINIA MILLER

WHEREAS, the Town of Canandaigua Planning Board, hereinafter referred to as Planning Board, has reviewed the Environmental Record on said Action; and

WHEREAS, the Planning Board determines that said Action, is also subject to review and approval by other involved agencies under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Planning Board does hereby declare its' intent to become the lead agency for the purposes of conducting a coordinated review of this application, under the provisions of SEQR.

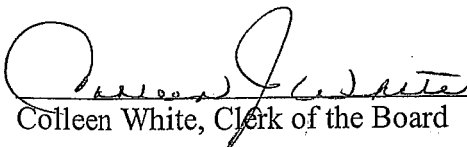
WHEREAS, the Planning Board has requested any written objection(s) to it being designated as the lead agency and having received no written objection thereto,

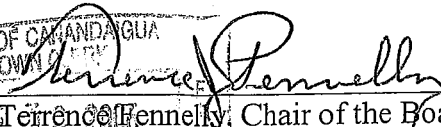

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby designate itself as the lead agency under the SEQR Regulations for the above described action.

The above resolution was offered by J.Maslyn and seconded by B.Mince at a meeting of the Planning Board held on Tuesday, August 22, 2006. Following discussion thereon, the following roll call vote was taken and recorded:

Robert Mincer	AYE
Patrick McCabe	AYE
Joseph Maslyn	AYE
Patricia VanDyne	AYE
Terrence Fennelly	AYE

I, Colleen White, Clerk of the Board, do hereby attest to the accuracy of the above resolution and to it being acted upon by the Planning Board, at a meeting held on Tuesday, August 22, 2006.


Colleen White, Clerk of the Board


TOWN OF CANANDAIGUA
TOWN CLERK
AUG 23 2006
Terrence Fennelly, Chair of the Board


T.Fennelly offered a motion to approve SEQR as a Type II Action. Motion was seconded by P.VanDyne and carried.

Richard Bottorf – I own property immediately North of this property and also own property on the other side of the West Lake Road. You state all of the variances have been cleared, and I thought tonight was to discuss the variances about the driveway.

T.Fennelly – There are no variances and this is the Planning Board.

R. Bottorf – The driveway is within 2' of my property line.

R.Brand – The existing is, but the proposed driveway will be widened to the south away from your property.

T.Fennelly- He is expanding away from you.

R.Bottorf– It is my understanding that the zoning laws call for 12' from the property line or 20' from the property line.

D.Brocklebank – You don't need a variance on a pre-existing configuration.

T.Fennelly – It is not changing in terms of being closer to your property.

R.Bottorf – But this is new construction! There is an opportunity to develop the property so it meets all the zoning requirements, and it would take a variance for any property within 2' of mine. So, I feel, there is an opportunity to comply with the zoning here.

D.Brocklebank – When you have a pre-existing use, you have the right to continue with that use.

It was noted that the property was surveyed just this Spring and explained on the map. It has been there for years and a photo was presented.

G.Westbrook – We look at this as an improvement on the driveway for this structure.

R.Bottorf – The photo that I have not seen, shows a pathway or a road, but there is no garage. It was probably a road for public transportation and not a driveway. There is a garage now, but when that photo was taken, there was nothing for that driveway to go to.

The public hearing was closed.

P.McCabe offered a motion to approved the final site plan and SUP as conditioned. Motion was seconded by P.VanDyne and carried.

CPN-063-06 **BME Associates, representing Morrell Builders, Inc. on behalf of Virginia Miller, owner of property on State Route 21 South, TM#97.02-1-40.111, are seeking preliminary subdivision approval for a 54-lot subdivision in the SCR-1 zoning district.**

There will be no discussion on this tonight. The public hearing won't occur until the August 22, 2006 meeting at which time the applicant will be present and we will receive comments. We are still waiting for replies from other agencies regarding our request to be lead agency.

TOWN OF CANANDAIGUA

5440 Route 5 & 20 West
Canandaigua NY 14424
(585) 394-1120

**PLANNING BOARD
DECISION NOTIFICATION FORM**

Meeting Date: July 25, 2006

Project No.: CPN-063-06

Project Location	Tax Map #	Project Description	Applicant	Owner
State Route 21 South	97.02-1-40.111	Preliminary Subdivision	BME Associates 10 Lift Bridge Lane East Fairport, NY 14450	Virginia Miller 5420 County Rd. 32 Canandaigua, NY 14424

TYPE OF APPLICATION**SEQR**

- ☒ Preliminary ☐ Final
☒ Subdivision ☐ Special Use Permit ☐ Site Plan
☐ Sign: Bldg ☐ Sign: Ground
☐ Granted ☐ Denied ☐ Tabled
☐ See attached resolution(s)

Type: ☐ Type I ☐ Type II ☐ Unlisted
☐ See attached resolution(s)

Continued to: August 22, 2006

Negative Declaration Date:

Positive Declaration Date:

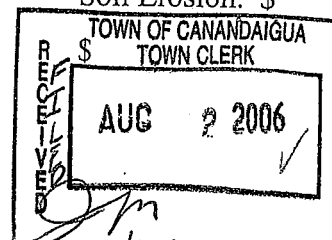
RECOMMENDATION TO

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

Recommendation:

Letter of Credit / Bond Requirements: Landscaping: \$
Other (specify):

Soil Erosion: \$

Certified By: Terence Pennelly

Chairperson, Planning Board

Date: 8/1/06

OK
cw
7/21/06

**Town of Canandaigua
Planning Board Meeting**

5440 Routes 5 & 20 West, Canandaigua

Tuesday, July 11, 2006

Meeting Called By: Terrence Fennelly, Chairperson
Board Members: Joseph Maslyn, Robert Mincer, Patricia VanDyne
Patrick McCabe- Excused
Secretary: Colleen White
Staff Members: Ronald Brand, Town Planner; Derek Brocklebank, Town Attorney;
Greg Hotaling, MRB Group, Town Consultant Engineer

Board Business

Pledge of Allegiance

Introduction of Board Members and Staff

Overview of Emergency Evacuation Procedures

CPN-063-06 – BME Associates for S & J Morrell, Inc., for Virginia Miller, TM#97.02-1-40.111. Declaration of Intent to be Lead Agency.

T.Fennelly advised that we are to declare our intent for lead agency on this application. None of you have that package yet, but will for the next meeting. This is on the corner of Rt. 32 and Rt. 21 and involves approximately 56-57 acres including the parent parcel.

R.Brand read the resolution as prepared.

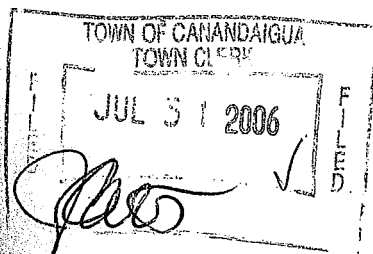
B.Mincer offered a motion to accept the resolution as read, seconded by P. VanDyne and carried.

Finger Lakes United Cerebral Palsy, Inc., (Happiness House), TM#83.00-1-3.112. Discuss revised landscaping plan.

Mary Boatfield, Executive Director in attendance.

M.Boatfield – In April of 05, the Board approved a resolution to obtain a \$26,000 bond, and at that time we thought it was pretty hefty. When we went back to re-bid this year, it was \$40,000, which is extremely high for a non-profit organization. I asked the landscaper to re-do it at the \$26,000 figure and are asking you to re-visit and approve this revised plan.

T.Fennelly – This is for about 154 trees/shrubs. What was it before?



**TOWN OF CANANDAIGUA
PLANNING BOARD RESOLUTION
CPN # 063-06**

**APPLICATION: S&J MORRELL, INC., FOR VIRGINIA MILLER SUBDIVISION
SEQR RESOLUTION – DECLARING INTENT TO BE LEAD AGENCY –
COORDINATED REVIEW**

WHEREAS, the Town of Canandaigua Planning Board, hereinafter referred to as Planning Board, has reviewed the Environmental Record on said Action; and

WHEREAS, the Planning Board determines that said Action is also subject to review and approval of by other involved agencies under the State Environmental Quality Review (SEQR) Regulations; and

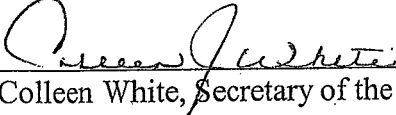
WHEREAS, the Planning Board does hereby declare its intent to become the lead agency for the purposes of conducting a coordinated review of this application under the provisions of SEQR.

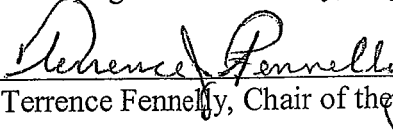
NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby direct Town Staff to prepare the Project Notification Form, the Notification Cover Letter and to submit copies thereof along with a copy of the complete application to all involved and interested agencies.

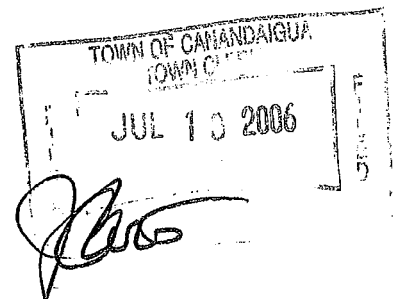
The above resolution was offered by R.Mincer and seconded by P. VanDyne at a meeting of the Planning Board held on Tuesday, July 11, 2006. Following discussion thereon, the following roll call vote was taken and recorded:

Robert Mincer -	Aye
Patrick McCabe -	Excused
Joseph Maslyn -	Aye
Patricia VanDyne -	Aye
Terrence Fennelly -	Aye

I, Colleen White, Secretary of the Board, do hereby attest to the accuracy of the above resolution and to it being acted upon by the Planning Board, at a meeting held on Tuesday, July 11, 2006


Colleen White, Secretary of the Board


Terrence Fennelly, Chair of the Board



PLANNING Board Minutes

05 / 09 / 2006
to
09 / 26 / 2006

File 2

A-264

1. Purpose. For the purpose of providing for the future growth and development of the town and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population, the town board may, by resolution, authorize and empower the planning board to approve preliminary and final plats of subdivisions showing lots, blocks or sites, with or without streets or highways, within that part of the town outside the limits of any incorporated village.

2. Authorization for review of previously filed plats. For the same purposes and under the same conditions, the town board may, by resolution, authorize and empower the planning board to approve the development of plats, entirely or partially undeveloped, which were filed in the office of the clerk of the county in which such plat is located prior to the appointment of such planning board and grant to the board the power to approve such plats. The term "undeveloped" shall mean those plats where twenty percent or more of the lots within the plat are unimproved unless existing conditions, such as poor drainage, have prevented their development.

3. Filing of certificate. The clerk of every town which has authorized its planning board to approve plats as set forth herein shall immediately file a certificate of that fact with the clerk or register of the county in which such town is located.

4. Definitions. When used in this article the following terms shall have the respective meanings set forth herein except where the context shows otherwise:

(a) "Subdivision" means the division of any parcel of land into a number of lots, blocks or sites as specified in a local ordinance, law, rule or regulation, with or without streets or highways, for the purpose of sale, transfer of ownership, or development. The term "subdivision" may include any alteration of lot lines or dimensions of any lots or sites shown on a plat previously approved and filed in the office of the county clerk or register of the county in which such plat is located. Subdivisions may be defined and delineated by local regulation, as either "major" or "minor", with the review procedures and criteria for each set forth in such local regulations.

(b) "Preliminary plat" means a drawing prepared in a manner prescribed by local regulation showing the layout of a proposed subdivision including, but not restricted to, road and lot layout and approximate dimensions, key plan, topography and drainage, all proposed facilities unsized, including preliminary plans and profiles, at suitable scale and in such detail as local regulation may require.

(c) "Preliminary plat approval" means the approval of the layout of a proposed subdivision as set forth in a preliminary plat but subject to the approval of the plat in final form in accordance with the provisions of this section.

(d) "Final plat" means a drawing prepared in a manner prescribed by local regulation, that shows a proposed subdivision, containing in such additional detail as shall be provided by local regulation all information required to be shown on a preliminary plat and the modifications, if any, required by the planning board at the time of approval of the preliminary plat if such preliminary plat has been so approved.

(e) "Conditional approval of a final plat" means approval by a planning board of a final plat subject to conditions set forth by the planning board in a resolution conditionally approving such plat. Such conditional approval does not qualify a final plat for recording nor authorize issuance of any building permits prior to the signing of the plat by a duly authorized officer of the planning board and recording of the plat in the office of the county clerk or register as herein provided.

(f) "Final plat approval" means the signing of a plat in final form by a duly authorized officer of a planning board pursuant to a planning board resolution granting final approval to the plat or after conditions specified in a resolution granting conditional approval of the plat are completed. Such final approval qualifies the plat for recording in the office of the county clerk or register in the county in which such plat is located.

5. Approval of preliminary plats. (a) Submission of preliminary plats. All plats shall be submitted to the planning board for approval in final form provided, however, that where the planning board has been authorized to approve preliminary plats, the owner may submit or the planning board may require that

the owner submit a preliminary plat for consideration. Such a preliminary plat shall be clearly marked "preliminary plat" and shall conform to the definition provided in this section.

(b) Coordination with the state environmental quality review act. ¹ The planning board shall comply with the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations.

(c) Receipt of a complete preliminary plat. A preliminary plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act. The time periods for review of a preliminary plat shall begin upon filing of such negative declaration or such notice of completion.

(d) Planning board as lead agency under the state environmental quality review act; public hearing; notice; decision.

(i) Public hearing on preliminary plats. The time within which the planning board shall hold a public hearing on the preliminary plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:

(1) If such board determines that the preparation of an environmental impact statement on the preliminary plat is not required, the public hearing on such plat shall be held within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board; or

(2) If such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the preliminary plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the preliminary plat shall be held within sixty-two days of filing the notice of completion.

(ii) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(iii) Decision. The planning board shall approve, with or without modification, or disapprove such preliminary plat as follows:

(1) If the planning board determines that the preparation of an environmental impact statement on the preliminary plat is not required such board shall make its decision within sixty-two days after the close of the public hearing; or

(2) If the planning board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the preliminary plat. Within thirty days of the filing of such final environmental impact statement, the planning board shall issue findings on the final environmental impact statement and make its decision on the preliminary plat.

(iv) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

(e) Planning board not as lead agency under the state environmental quality review act; public hearing; notice; decision.

(i) Public hearing on preliminary plats. The planning board shall, with the agreement of the lead agency, hold the public hearing on the preliminary plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact statement, the planning board shall hold the public hearing on the preliminary plat within sixty-two days after the receipt of a complete preliminary plat by the clerk of the planning board.

(ii) Public hearing; notice, length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. The hearing on the preliminary plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(iii) Decision. The planning board shall by resolution approve with or without modification or disapprove the preliminary plat as follows:

(1) If the preparation of an environmental impact statement on the preliminary plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on the preliminary plat.

(2) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the preliminary plat within sixty-two days after the close of the public hearing on such preliminary plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer.

(iv) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board. When so approving a preliminary plat, the planning board shall state in writing any modifications it deems necessary for submission of the plat in final form.

(f) Certification and filing of preliminary plat. Within five business days of the adoption of the resolution granting approval of such preliminary plat, such plat shall be certified by the clerk of the planning board as having been granted preliminary approval and a copy of the plat and resolution shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner.

(g) Filing of decision on preliminary plat. Within five business days from the date of the adoption of the resolution stating the decision of the board on the preliminary plat, the chairman or other duly authorized member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

(h) Revocation of approval of preliminary plat. Within six months of the approval of the preliminary plat the owner must submit the plat in final form. If the final plat is not submitted within six months, approval of the preliminary plat may be revoked by the planning board.

6. Approval of final plats. (a) Submission of final plats. Final plats shall conform to the definition provided by this section.

(b) Final plats which are in substantial agreement with approved preliminary plats. When a final plat is submitted which the planning board deems to be in substantial agreement with a preliminary plat approved pursuant to this section, the planning board shall by resolution conditionally approve with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days of its receipt by the clerk of the planning board.

(c) Final plats when no preliminary plat is required to be submitted; receipt of complete final plat. When no preliminary plat is required to be submitted, a final plat shall not be considered complete until a negative declaration has been filed or until a notice of completion of the draft environmental impact statement has been filed in accordance with the provisions of the state environmental quality review act.

The time periods for review of such plat shall begin upon filing of such negative declaration or such notice of completion.

(d) Final plats; not in substantial agreement with approved preliminary plats, or when no preliminary plat is required to be submitted. When a final plat is submitted which the planning board deems not to be in substantial agreement with a preliminary plat approved pursuant to this section, or when no preliminary plat is required to be submitted and a final plat clearly marked "final plat" is submitted conforming to the definition provided by this section the following shall apply:

(i) Planning board as lead agency; public hearing; notice; decision.

(1) Public hearing on final plats. The time within which the planning board shall hold a public hearing on such final plat shall be coordinated with any hearings the planning board may schedule pursuant to the state environmental quality review act, as follows:

(a) if such board determines that the preparation of an environmental impact statement is not required, the public hearing on a final plat not in substantial agreement with a preliminary plat, or on a final plat when no preliminary plat is required to be submitted, shall be held within sixty-two days after the receipt of a complete final plat by the clerk of the planning board; or

(b) if such board determines that an environmental impact statement is required, and a public hearing on the draft environmental impact statement is held, the public hearing on the final plat and the draft environmental impact statement shall be held jointly within sixty-two days after the filing of the notice of completion of such draft environmental impact statement in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the public hearing on the final plat shall be held within sixty-two days following filing of the notice of completion.

(2) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(3) Decision. The planning board shall make its decision on the final plat as follows:

(a) if such board determines that the preparation of an environmental impact statement on the final plat is not required, the planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat, within sixty-two days after the date of the public hearing; or

(b) if such board determines that an environmental impact statement is required, and a public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of such public hearing in accordance with the provisions of the state environmental quality review act. If no public hearing is held on the draft environmental impact statement, the final environmental impact statement shall be filed within forty-five days following the close of the public hearing on the final plat. Within thirty days of the filing of the final environmental impact statement, the planning board shall issue findings on such final environmental impact statement and shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board.

(ii) Planning board not as lead agency; public hearing; notice; decision.

(1) Public hearing. The planning board shall, with the agreement of the lead agency, hold the public hearing on the final plat jointly with the lead agency's hearing on the draft environmental impact statement. Failing such agreement or if no public hearing is held on the draft environmental impact

statement, the planning board shall hold the public hearing on the final plat within sixty-two days after the receipt of a complete final plat by the clerk of the planning board.

(2) Public hearing; notice, length. The hearing on the final plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if held independently of the hearing on the draft environmental impact statement, or fourteen days before a hearing held jointly therewith. The planning board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. The hearing on the final plat shall be closed upon motion of the planning board within one hundred twenty days after it has been opened.

(3) Decision. The planning board shall by resolution conditionally approve, with or without modification, disapprove, or grant final approval and authorize the signing of such plat as follows:

(a) If the preparation of an environmental impact statement on the final plat is not required, the planning board shall make its decision within sixty-two days after the close of the public hearing on the final plat.

(b) If an environmental impact statement is required, the planning board shall make its own findings and its decision on the final plat within sixty-two days after the close of the public hearing on such final plat or within thirty days of the adoption of findings by the lead agency, whichever period is longer. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the planning board.

7. Approval and certification of final plats. (a) Certification of plat. Within five business days of the adoption of the resolution granting conditional or final approval of the final plat, such plat shall be certified by the clerk of the planning board as having been granted conditional or final approval and a copy of such resolution and plat shall be filed in such clerk's office. A copy of the resolution shall be mailed to the owner. In the case of a conditionally approved plat, such resolution shall include a statement of the requirements which when completed will authorize the signing thereof. Upon completion of such requirements the plat shall be signed by said duly authorized officer of the planning board and a copy of such signed plat shall be filed in the office of the clerk of the planning board or filed with the town clerk as determined by the town board.

(b) Approval of plat in sections. In granting conditional or final approval of a plat in final form, the planning board may permit the plat to be subdivided and developed in two or more sections and may in its resolution granting conditional or final approval state that such requirements as it deems necessary to insure the orderly development of the plat be completed before said sections may be signed by the duly authorized officer of the planning board. Conditional or final approval of the sections of a final plat may be granted concurrently with conditional or final approval of the entire plat, subject to any requirements imposed by the planning board.

(c) Duration of conditional approval of final plat. Conditional approval of the final plat shall expire within one hundred eighty days after the resolution granting such approval unless all requirements stated in such resolution have been certified as completed. The planning board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the planning board's opinion, such extension is warranted by the particular circumstances.

8. Default approval of preliminary or final plat. The time periods prescribed herein within which a planning board must take action on a preliminary plat or a final plat are specifically intended to provide the planning board and the public adequate time for review and to minimize delays in the processing of subdivision applications. Such periods may be extended only by mutual consent of the owner and the planning board. In the event a planning board fails to take action on a preliminary plat or a final plat within the time prescribed therefor after completion of all requirements under the state environmental quality review act, or within such extended period as may have been established by the mutual consent of the owner and the planning board, such preliminary or final plat shall be deemed granted approval. The certificate of the town clerk as to the date of submission of the preliminary or final plat and the failure of the planning board to take action within the prescribed time shall be issued on demand and shall be sufficient in lieu of written endorsement or other evidence of approval herein required.

9. Filing of decision on final plat. Within five business days from the date of the adoption of the resolution stating the decision of the board on the final plat, the chairman or other duly authorized

member of the planning board shall cause a copy of such resolution to be filed in the office of the town clerk.

10. Notice to county planning board or agency or regional planning council. When a county planning board or agency or a regional planning council has been authorized to review subdivision plats pursuant to section two hundred thirty-nine-n of the general municipal law, the clerk of the planning board shall refer all applicable preliminary and final plats to such county planning board or agency or regional planning council as provided in that section.

11. Filing of final plat; expiration of approval. The owner shall file in the office of the county clerk or register such approved final plat or a section of such plat within sixty-two days from the date of final approval or such approval shall expire. The following shall constitute final approval: the signature of the duly authorized officer of the planning board constituting final approval by the planning board of a plat as herein provided; or the approval by such board of the development of a plat or plats already filed in the office of the county clerk or register of the county in which such plat or plats are located if such plats are entirely or partially undeveloped; or the certificate of the town clerk as to the date of the submission of the final plat and the failure of the planning board to take action within the time herein provided. In the event the owner shall file only a section of such approved plat in the office of the county clerk or register, the entire approved plat shall be filed within thirty days of the filing of such section with the town clerk in each town in which any portion of the land described in the plat is situated. Such section shall encompass at least ten percent of the total number of lots contained in the approved plat and the approval of the remaining sections of the approved plat shall expire unless said sections are filed before the expiration of the exemption period to which such plat is entitled under the provisions of subdivision two of section two hundred sixty-five-a of this article.

12. Subdivision abandonment. The owner of an approved subdivision may abandon such subdivision pursuant to the provisions of section five hundred sixty of the real property tax law.

13. *Repealed.*