



Marks Engineering
42 Beeman St.
Canandaigua, NY 14424

March 18, 2020

Town of Canandaigua
c/o Kyle Ritts
5440 Routes 5 & 20 W
Canandaigua, NY 14424

Re: CPN 20-015 – Felix Tao – 1947 ST RTE 332 – Letter of Intent

Dear Mr. Ritts:

Dr. Felix Tao has contracted our firm to provide civil engineering design for a new optometry medical office building on a vacant site at the above referenced address. Dr. Tao has been operating his current practice at Pearle Vision in the City of Canandaigua (across from the Wegman's Plaza). Dr. Tao is in the process of purchasing the property and plans to operate a new optometry practice under his own name at this location. The property is currently owned by Simmons Rockwell Realty. His business will be providing vision testing and treatment for his patients. The intent of this development and application is provide site improvements to support a new medical office building on this vacant site.

Formerly, the site was occupied by a farming operation and currently a silo and foundations remain on the site. The site was previously subject to environmental remediation and two underground storage tanks were removed. A recent phase I indicated additional clean-up required on the site. This was limited to general debris and investigating the site for additional buried materials or contaminants. The seller of the property is conducting the Phase II investigation and all remediation work will be completed or handled in accordance w/ NYSDEC regulations.

The site improvements for the new building include the development of a 19-space parking lot, driveway, and an emergency vehicle turn-around. The new paved driveways, parking lots, sidewalk and building will be screened and buffered with several new plantings and landscape beds. Paved surfaces will be illuminated using several building and pole mounted light fixtures. There will be a private entrance to the building for the developer on the southeast side. Trash totes will be used for general refuse. These will be located adjacent to the building on the southeast side. A new landscape feature planting bed will be constructed using salvage staves from the existing silo to promote a connection to the agricultural surrounding and previous uses of the site. The silo on the site is how many people recognize the location.

Currently, there are no other intentions for future development on the site however the developer wants to preserve as much open space as possible for future development and other like business to join his on this property.

Water will be supplied to the building for general bathroom and breakroom fixtures. The medical office does not require water for any of its procedures. Wastewater will be disposed of in a new on-site wastewater system located at the rear of the building. The soils are not conducive to a standard conventional trench system so the design reflects a proposed raised system with sand fill to treat wastewater from the building.



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The site primarily drains from west to east with a discharge point being at the north east corner of the site. There is an existing stormwater pond on the site which receives water from the NYSDOT right of way. Parking lots and driveways will be graded such that stormwater runoff will mostly be directed to the stormwater pond. The runoff from the new roof tops will be directed to the stormwater pond via underground pipes. The pond will be enlarged and improved with a new outlet structure to provide retention for the improvements. The pond outlet pipe will be directed toward the existing outfall point from the site.

In order to fit everything on this site we are requesting a 20-foot front yard setback variance from the 150 feet required. The purpose of locating the building 20 feet closer to the road than allowed by the current zoning code is requested for the following reasons:

- 1) This is a financial and exposure hardship for a business located on Route 332. The neighboring Town of Farmington has a 100' minimum setback from the Major Thoroughfare (see attached MTOD code from the Town of Farmington). The new business located in this corridor are in competition for the same building exposure and attention for passing by traffic heading from the thruway to Route 5&20. This business requires significant exposure to develop gain patients and attract business. If the building is setback further than other buildings in the same corridor it will be less recognized as the perception of the corridor is set by the preceding buildings. We are providing the following table of other businesses on Route 332, their setbacks and distance from the proposed site. We have specifically excluded other encroaching building up town area as the density of the community changes and speed limit is less therefore, we feel these are not relative to this project.

Development	Front Setback	Distance
Aldi's	112 feet	2.86 miles
Farmington Plaza Corner of 96 & 332 (w/ sterling optical)	83 feet	3 miles
Ace Hardware	117 feet	0.67 miles
Farmington Dental	101 feet	1.5 miles
Care-a-lot Daycare	102 feet	1.6 miles
Farnsworth Chevy Dealership	75 feet	1.6 miles

- 2) The elevation changes approximately 10 feet from the edge of pavement of Route 332 and the eastern property line. The finish floor elevation is set approximately 2 feet lower than the road. The finish floor elevation of the building is set by gravity discharge to the new septic system and adequate drainage for stormwater to flow to the existing pond. The septic system is placed in an optimum location as it is not at the lowest and wettest portion of the site. The septic system is also located as close as possible to the rear property line and north property line. An area is provided east of the proposed system location for complete replacement as required by the NYSDEC. Moving the building back 20 feet would require relocation of the septic to other portions of the site and installation of a septic pump. Additionally, 24" of stone fill would need to be hauled to the site for the parking lot and building construction.
- 3) The building is oriented facing due south for best exposure for solar panels to be installed on the roof. The developer intends to put solar panels on the roof to generate electric and promote sustainability. The building could be oriented parallel to the road and it is possible that setbacks could be met but there would be little opportunity for solar energy generation.



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- 4) The building is located nearest possible to the pond for geothermal heating. The developer intends to use the pond as a heat sink for geo-thermal heating and cooling. This method of heating is part of the developer's intent to be carbon neutral and environmentally sustainable.

Please understand that the supporting information presented above is the developer's intent and justification for the developer's requests. Please feel free to contact myself with any questions or comments.

Sincerely,

Brennan Marks, P.E.
Marks Engineering, P.C.

585-905-0360

Bmarks@marksengineering.com

Cc: Dr. Felix Tao - Applicant

boundary of the MTOD. Any use of land lying within the boundary of the MTOD shall first be subject to the provisions and restrictions of the underlying zoning district and the provisions set forth in this section of the Town Code.

[Amended 5-25-1999 by L.L. No. 3-1999; 9-23-2008 by L.L. No. 2-2008; 1-24-2012 by L.L. No. 1-2012]

- C. Permitted principal uses. Permitted principal uses within the Major Thoroughfare Overlay District shall be those allowed with the underlying or base zoning district within which the property lies and shall be subject to the appropriate principal use provisions and restrictions of that district.
- D. Permitted accessory uses. Permitted accessory uses within the Major Thoroughfare Overlay District shall be those allowed within the underlying or base zoning district within which the property lies and shall be subject to the appropriate accessory use provisions and restrictions of that district.
- E. Special permit uses. Uses within the Major Thoroughfare Overlay District which are permitted subject to special permit review and approval by the Town Planning Board shall be those subject to such permit within the underlying or base zone district within which the property lies and shall also be subject to the appropriate special permit provisions and restrictions of that district, as well as of § 165-99 of this chapter.
- F. Dimensional requirements. Dimensional requirements for development within the Major Thoroughfare Overlay District shall be those setbacks, lot size and lot coverage provisions of the underlying or base zoning district within which the subject property lies, as outlined in Schedule I of this Zoning Chapter,^[1] unless otherwise provided by this chapter.
[1] *Editor's Note: Schedule I is included at the end of this chapter.*
- G. Setbacks. Properties located in the Major Thoroughfare Overlay District shall be governed by the following setbacks:
 - (1) Side yard: 30 feet.
 - (2) Setback from an access road: 50 feet.
 - (3) Setback from Route 332 or Route 96: 100 feet.
- H. Additional site plan and special use permit provisions and requirements. The requirements of §§ 165-44, 165-57B, 165-60C, 165-99C and 165-100 shall apply in the review and approval of any site development plan or special use permit required for property within the Major Thoroughfare Overlay District.
- I. General access management requirements.
 - (1) Regulations applicable to all zoning districts within the MTOD Overlay District:
 - (a) The location and design of driveways and other site layout, parking and access management conditions shall conform to all state and local requirements, including and not limited to those established in this section.
 - (b) The site layout, location and design of driveways, parking and other access management conditions should be based on full development of a lot.
 - (c) Driveways should be limited to one per lot. More than one driveway may be permitted if:
 - [1] The additional driveway(s) does not degrade traffic operations and safety on the public road system; and
 - [2] The additional driveway(s) will improve the safe and efficient movement of traffic between the lot and the abutting public road.

- (d) Driveways to properties with frontage on two or more roads shall be provided to the road with the lowest functional classification serving the proposed development.
- (e) Driveways may be required to be located so as to provide shared driveways and/or cross-access driveways with an abutting lot or lots.
 - [1] Shared driveways and/or cross-access driveways shall be of sufficient width (minimum 20 feet, 6.0 meters) to accommodate two-way travel for automobiles and emergency service and loading vehicles. Wider driveways may be required to serve traffic to major developments or large vehicles.
 - [2] Shared driveways, cross-access driveways, interconnected parking and private roads constructed to provide access to properties internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.
- (f) Except when located at a signalized intersection, a motor vehicle service station, convenience store/petroleum station and petroleum station located in the MTOD district must meet both the spacing standards detailed in § 165-77D as well as all the spacing standards detailed in this § 165-34. A motor vehicle service station, convenience store/petroleum station and petroleum station located at a signalized intersection need only meet the spacing standards detailed in this § 165-34.
[Added 12-12-2000 by L.L. No. 1-2000]

J. Driveway standards.

- (1) Spacing standards. Regulations relate to the required separation, location and standards for driveways providing access to and from roads listed in the MTOD Overlay District. Each driveway constructed within the MTOD shall comply with the following:
 - (a) Driveways shall be located so as to meet or exceed the driveway spacing standards shown in Table 1.

Table 1
Minimum Driveway Spacing Standards

Type of Development/ Type of Road	Small Development (0 - 150 PHT)	Moderate Development (151 - 300 PHT)	Large Development (301 PHT or more)
All state roads	220 feet	330 feet	550 feet
Local collectors and arterials	150 feet	250 feet	400 feet
Access and Development	50% of the required frontage	65% of the required frontage	80% of the required frontage

- [1] PHT, peak hour trips, will be determined through application of the Institute of Transportation Engineers trip generation methods and statistics. With permission from the Town Planning Board, another methodology or other statistics for determination of peak hour trips may be used.
- [2] PHT, peak hour trips, should be based on full build-out of the lot.
- [3] The larger of the minimum driveway spacing standards for the proposed subdivision or development or existing developments at abutting properties will apply. Driveways for in-fill development must meet the minimum driveway spacing standards to driveways at abutting properties on both sides.

- (b) Driveway spacing standards shall apply to driveways located on the same side of a road.
 - (c) Driveway spacing is to be measured along the road from the center line of the driveway to the center line of the next driveway.
- (2) Corner clearance.
- (a) Corner clearance is to be measured along the road from the center line of the driveway to the closest edge of the road determined by the State Department of Transportation, unless otherwise specified elsewhere in this chapter.
 - (b) Driveways for corner properties where there is no traffic light, either existing or planned, shall meet or exceed the minimum corner clearance requirements as follows:
 - [1] Full access (all driveway movements) where there is no median barrier involved: 220 feet; or
 - [2] Partial access (restricted driveway movements) where there is a median barrier involved: spacing shall be as required in Table 1 of these regulations.^[2]
 - [2] *Editor's Note: See Subsection J(1) above.*
 - (c) Driveways for corner properties where there is a traffic light, either existing or planned, shall meet or exceed the minimum corner clearance requirements set forth in Subsection J(2)(b) above, unless said driveway is located within the functional boundary of the intersection as delineated on the Town of Farmington Routes 96 and 332 Corridor Development Plan Map, adopted by the Town Board.^[3] In those instances, said driveway is to be located based upon the results of a traffic impact statement and permit issued by the appropriate regional office of the State Department of Transportation.
 - [3] *Editor's Note: Said map is on file in the Town offices.*
- (3) Driveway location.
- (a) Driveway location will be based on a site plan which has been approved by the Town Planning Board in consultation with the New York State Department of Transportation or the Town Engineer/Town Highway Superintendent.
 - (b) For the purpose of driveway locations, median openings shall be treated as intersections, and driveways to properties opposing a median opening shall be located so as to meet or exceed the minimum corner clearance standards, except where a median opening is specifically constructed or reconstructed to provide vehicular access to such properties.
 - (c) Driveways shall be located so as to meet or exceed the minimum driveway spacing standards and the minimum corner clearance standards.
 - (d) The Town Planning Board may allow the location of driveways at less than the minimum driveway spacing standards and corner clearance standards if:
 - [1] A dual-driveway system, cross-access driveway system or shared driveway is proposed and this improves the safe and efficient movement of traffic between the lot and the road; or
 - [2] A driveway or driveways could be located so as to meet the minimum driveway spacing standards and corner clearance standards, but the characteristics of the lot or the physical or operational characteristics of the road are such that a change of location will improve the safe and efficient movement of traffic between the lot and the road; or
 - [3] Conformance with the driveway spacing standards or corner clearance standards imposes undue hardship on the lot owner.

- (e) For properties unable to meet the minimum driveway spacing standards or corner clearance standards, a temporary driveway may be granted. The granting of a temporary driveway will be conditioned on obtaining a shared driveway, cross-access driveway or unified parking and circulation with an abutting lot, and closure of the temporary driveway, in the future.
 - (f) For properties unable to meet the minimum corner clearance requirements, driveways shall be located as far as practicable from the intersection. In such cases, driveway movements may be restricted and only one driveway will be permitted along the road frontage not meeting the minimum corner clearance requirement.
- (4) Driveway design.
- (a) Driveways shall be designed so as to provide for the safe and efficient movement of traffic between the public road and the lot and to eliminate the potential for the queuing of vehicles along the public road due to congestion in or at the driveway.
 - (b) Vehicle circulation systems on the lot shall be designed so as to provide for the safe and efficient movement of traffic between the driveway and the parking area.
 - (c) Driveway width, radii, flare, throat length, internal circulation systems and other design elements for driveways to developments generating more than 150 peak hour trips shall be based upon traffic, engineering and design data provided by a traffic engineer/consultant who is recognized and accepted by the Town Planning Board. In the event that a traffic engineer/consultant is not provided, the Town shall have the right to retain such traffic engineer/consultant at the cost of the applicant.
- (5) Driveway movements.
- (a) Driveway movements (cross, left turn in, left turn out, right turn in and right turn out) may be restricted so as to provide for the safe and efficient movement of traffic between the road and the lot.
 - (b) Driveways shall be designed and constructed to provide only the allowable movements.
- (6) Changes in access.
- (a) The Town Planning Board may establish provisions for and require future alteration of the lot layout, the location and design of driveways, parking and other access features based on phased development, additional development or a change in use of a lot, or development of or a change in use at an abutting lot.
 - (b) On completion of a side, access or service road abutting a lot with a driveway connection to a public road, the Town Planning Board may require a driveway or driveways to the side, access or service road and closure of the driveway connection to the public road.
 - (c) For any change or use of a lot which requires a Town permit or approval and increases peak hour trips, the Town Planning Board may:
 - [1] Require the closure or relocation or consolidation of driveways so as to meet the minimum driveway spacing standard for the new level of peak hour trips.
 - [2] Require shared driveways and cross-access driveways with abutting lots.
 - [3] Require alteration of the lot-layout and parking which allow for the circulation of traffic between abutting properties.
- (7) Medians.

- (a) The type, location and length of medians on state roads will be determined by the New York State Department of Transportation. This determination will be made in consultation with the Town Planning Board and will be based on existing and projected traffic conditions; the type, size and extent of development and traffic generated by development; traffic control needs; and other factors.
 - (b) The minimum spacing between median openings will be 1,320 feet for median openings which restrict the directional movements of vehicles using the opening and 2,640 feet for median openings which do not restrict the directional movements of vehicles using the opening.
 - (c) The minimum spacing between median openings may be waived with the mutual agreement of the Town Planning Board and the New York State Department of Transportation.
 - (d) Median openings intended to serve a driveway or driveways to a development or developments must meet or exceed the minimum spacing standards between median openings and must also be justified by a traffic impact analysis approved by the New York State Department of Transportation in consultation with the Town Planning Board when driveways are proposed to connect to state roads, or the Town Planning Board when driveways are proposed to connect to local roads. The cost for preparation of the traffic impact analysis and construction of the median opening or openings, including installation and operation of signals and other improvements where warranted, shall be born by the applicant.
- K. Classification of large development within the MTOD Overlay District. Development within the MTOD is classified as either small development, medium development, or large development. Table I of these regulations establishes the standards for all three types of development.^[4] Large developments are likely to have the potential for significant adverse impacts on the environment and, therefore, are further subject to the following criteria:
- (1) For purposes of this section, large developments shall include residential developments and mixed-use subdivisions whose combined trip generation from all lots exceeds 150 peak hour trips; commercial, retail and industrial developments whose trip generation exceeds 300 peak hour trips; and any use which will, in the opinion of a qualified traffic engineer, detrimentally impact the safe and efficient movement of traffic along public roads.
 - (2) Large developments may be required to mitigate the traffic impacts of their development. Required mitigation may include but is not limited to the construction or signals, turning lanes, medians, combined and shared driveways, internal service or access roads and implementation of transit improvements and/or traffic demand management strategies. This requirement may be waived with:
 - (a) New York State Department of Transportation approval for mitigation required on or along a state road.
 - (b) Town approval for mitigation required on or along a local road.
 - (3) Required mitigation will be identified through a SEQRA review or transportation impact study.
- [4] *Editor's Note: See Subsection J(1) above.*
- L. Land subdivision criteria. All proposed development of land located within the MTOD, which involves the subdivision of a parcel of land not in effect as of the effective date of the adoption of these regulations, shall be subject to the following criteria in addition to that set forth in Chapter 144, Subdivision of Land, of the Code of the Town of Farmington.

- (1) Planned access shall be provided for lots which are the result of subdivisions occurring after the effective date of this section.
- (2) Planned access shall address the provisions of this section and the following:
 - (a) Lots which are the result of a subdivision do not have the right of individual access to public roads. The number of driveways or other connections shall be the minimum number necessary to provide reasonable access to these lots, not the maximum available for the frontage.
 - (b) Driveways shall be provided to the road with the lowest functional classification serving the proposed land use.
 - (c) Access should be internalized. Access to lots within a subdivision should be obtained from an access road or interior road.
 - (d) The access system for the proposed subdivision should be coordinated with existing, proposed and planned streets outside the subdivision.
- (3) Shared driveways, cross-access driveways, interconnected parking and private roads constructed to provide access to lots internal to a subdivision shall be recorded as an easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.

M. Incentives for land development within the MTOD. In accordance with the provisions of § 261-b of New York State Town Law, the Town Board, upon recommendation from the Town Planning Board, may grant incentives to proposed development occurring within the MTOD area when the following conditions are found to exist:

- (1) In order to ensure the safe and efficient movement of traffic along a road and between the road and properties abutting the road, shared driveways, cross-access driveways, access and service roads, internal circulation systems and interconnected parking are encouraged.
- (2) The Town Board, based upon a Town Planning Board recommendation which is first based upon approval of a preliminary site and/or subdivision plan, may grant adjustments to the permissible density, area, height or open space otherwise required in the zoning district when such lot owner elects to provide and maintain shared driveways, cross-access driveways, access and service roads, internal circulation systems, or interconnected parking.
- (3) The Town Planning Board reserves the authority to determine the adequacy of the access management amenities to be accepted and the particular bonus or incentive to be provided to a lot owner.

N. Variance standards for development within the MTOD Overlay District.

- (1) In addition to the standards and criteria for development set forth elsewhere in the Town of Farmington Code, the Town Board hereby enacts the following additional standards for the granting of variances associated with development within the MTOD Overlay District:
 - (a) The granting of an area variance shall be in harmony with the purpose and intent of this section and shall not be considered until every reasonable option for meeting the provisions of this section is explored.
 - (b) Applicants for an area variance must demonstrate unique or special conditions that make strict application of the provisions of this section impractical. This shall include a showing that:
 - [1] Indirect or restricted access cannot be obtained;

- [2] No reasonable engineering or construction solutions can be applied to mitigate the condition; and
 - [3] No reasonable alternative access is available from a road with a lower functional classification than the primary road.
- (c) Under no circumstances shall an area variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety or cause an exceptional and undue hardship on the applicant. No area variance shall be granted where such hardship is self-created.
- (2) Additional provisions and requirements.
- (a) Lot area, bulk and coverage requirements.
- [1] Lot area, bulk and coverage requirements shall be as defined in the Town of Farmington, **Schedule I, Lot Area, Bulk and Coverage Requirements**,^[5] except as otherwise provided for in this chapter.
[5] Editor's Note: Schedule I is included at the end of this chapter.
 - [2] Lots within the MTOD Major Thoroughfare Overlay District which take access to state roads shall have a minimum width which allows the placement of driveways within the minimum driveway spacing standards as defined in Chapter 165, Article IV, § 165-34J. Such width may be reduced, at the discretion of the Town Planning Board, where the lot obtains access through a shared driveway or a cross-access driveway or provides a separate driveway to another road.
 - [3] Lots within the MTOD Major Thoroughfare Overlay District which take access exclusively from a local collector, local arterial, access road or development road shall have a width which allows the placement of driveways within the minimum driveway spacing standards for such roads as defined in Chapter 165, Article IV, § 165-34J. In such cases the minimum lot width required along State Route 332 and State Route 96 shall be as defined in the Town of Farmington, **Schedule I, Lot Area, Bulk and Coverage Requirements**.^[6]
[6] Editor's Note: Schedule I is included at the end of this chapter.



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42 Beeman St.
Canandaigua, NY 14424

March 18, 2020

Town of Canandaigua
c/o Kyle Ritts
5440 Routes 5 & 20 W
Canandaigua, NY 14424

Re: CPN 20-015 – Felix Tao – 1947 ST RTE 332 – Statement of Operations

Dear Mr. Ritts:

The following is a statement of our intended operations at the proposed facility.

1. Hours of operation:

9:00am-7:00pm Tuesday through Saturday. No business will be taking place outside of these hours.

2. Business:

Dr. Felix Tao plans to operate a new vision center dedicated to providing eyeglass and vision solutions to the surrounding community. Currently, Dr. Tao is operating the Pearle Vision on Eastern Blvd. across from the Wegman's plaza in the City of Canandaigua. Dr. Tao plans to open a separate practice in his name.

3. Deliveries:

There will be no large truck deliveries after construction is completed.

4. Number of employees:

Dr. Tao plans to employ up to 5-8 employees with possible future expansions.

5. Noise:

The operation will not create any noise over normal ambient noise in the surrounding community.

6. Security:

The building will be secured with a security system with video surveillance.

7. Lighting:

The building, parking lot, and driveways will be lit with new pole and building mounted LED fixtures. The new fixtures will be dark sky compliant and designed to limit light shed across property boundaries.

8. Outdoor Storage:

There will be no storage of products, equipment or materials outside of the building. There will be normal trash totes located at the south east side of the building for trash and recycling.



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42 Beeman St.

Canandaigua, NY 14424

9. Water Sewer:

The water usage will be limited to domestic waste from bathrooms, sinks and breakrooms only. A new on-site septic system has been designed for treatment and disposal of wastewater.

10. Parking:

It is expected that the employees will need 5-8 parking spaces and there will be up to 5 visitors at a given time. The designed parking lot has 19 spaces. The town code requires 5 spaces per doctor and a space for each employee with the total requirement being 13 spaces. If another doctor is added to the practice than a total of 19 spaces would be required.

11. Energy:

The current power & gas services have enough capacity to operate the new facility.

12. Life Safety/Pollution Control:

The building will not have a fire sprinkler system. The building will be constructed to meet building codes. A turn around space is provided for emergency vehicles. The existing stormwater pond on the site will be enlarged to capture and treat stormwater runoff from the new developments.

Please feel free to contact myself with any questions or comments.

Sincerely,

Brennan Marks, P.E.
Marks Engineering, P.C

585-905-0360

bmarks@marksengineering.com

cc: Dr. Felix Tao - Applicant

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

Copy

PLANNING BOARD APPLICATION SITE PLAN / SPECIAL USE PERMIT

CPN _____

FOR: _____ Sketch Plan Review

☒ One Stage Site Plan Approval (Preliminary & Final Combined)

_____ Two Stage Preliminary Site Plan Approval

_____ Two Stage Final Site Plan Approval

_____ Special Use Permit (New)

_____ Special Use Permit (Renewal)

Permission for on-site inspection for those reviewing application: _____ Yes _____ No

1. Name and address of the property owner: Simmons Rockwell Realty Association
784 County Route 64, Elmira, NY 14903

Telephone Number of property owner: 607-796-5555

Fax # _____ E-Mail Address: brianliddy@simmons-rockwell.com

**If you provide your e-mail address, this will be the primary way we contact you **

2. Name and Address Applicant if not the property owner: Felix Tao
4480 County Rd. 16, Canandaigua, NY 14424

Telephone Number of Applicant: 585-905-4103

Fax # _____ E-Mail Address: oculusdexter@gmail.com

**If you provide your e-mail address, this will be the primary way we contact you **

3. Subject Property Address: 1947 State Route 332

Nearest Road Intersection: Purdy Rd.

Tax Map Number: 56.00-1-13.210

Zoning District: _____

4. Is the Subject Property within 500' of a State or County Road or Town Boundary? (If yes, the Town may refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the Subject Property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application.)

Please circle one:

YES

NO

(Continued on Back)

6. What is your proposed new project?

Construction of a 4,800 sq. ft. structure for an optometry practice that manufactures and dispenses eye glasses.

7. Have the necessary building permit applications been included with this form? If not, please verify which forms are required to be submitted with the Development Office.

8. If applying for Site Plan Approval or Special Use Permit, attach a completed Soil Erosion and Sedimentation Control Plan and Permit Application as described in Chapter 165 of the Town Code.

9. Are you requesting a waiver from a professionally prepared site plan?

Please circle one:

YES

☒ NO

If "yes" the property owner acknowledges and accepts full responsibility for any errors or misrepresentation depicted on the site plan and agrees to indemnify the Town of Canandaigua for any and all expenses, including reasonable attorney's fees, incurred by the Town as a result of any such error or misrepresentation.

_____ (property owner's initials)

10. If no, attach a professionally prepared site plan as described in Chapter 220 Article VII (Site Plan Regulations) of the Town Code.

11. If a Special Use Permit is requested, attach plans and documentation as required in Chapter 220 Article VI (Regulations Governing Special Permit Uses) of the Town Code.

The applicant / property owner is on notice that their personal/bank check submitted to the Town to meet the landscaping/soil erosion surety requirement(s) as noted in the Planning Board decision sheet will be deposited into a Town non-interest bearing bank account.

IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST

(Required by NYS General Municipal Law § 809)

1. ***If the Applicant is an Individual:*** Is the applicant or any of the immediate family members of the applicant (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) related to any officer or employee of the Town of Canandaigua? YES ☒ NO
2. ***If the Applicant is a Corporate Entity:*** Are any of the officers, employees, partners, or directors, or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua? YES ☒ NO
3. ***If the Applicant is a corporate entity:*** Are any of the stockholders or partnership members (holding 5% or more of the outstanding shares), or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua? YES ☒ NO

4. *If the Applicant has made any agreements contingent upon the outcome of this application:* If the applicant has made any agreements, express or implied, whereby said applicant may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of this application, petition, or request, are any of the parties to said agreement officers or employees of the Town of Canandaigua? YES ☒ NO

If the answer to any of the above questions is YES, please state the name and address of the related officer(s) or employee(s) as well as the nature and extent of such relationship:

_____.

***Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

Simmons Rockwell Realty Association
(property owner)

(property owner)

I hereby acknowledge that I have reviewed all the questions contained in this application and certify that the information provided is accurate and complete to the best of my knowledge and ability. Finally, I hereby grant my designated person in Question #2 of this application form, permission to represent me during the application process.

(Signature of Property Owner)

(Date)

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN#: _____

One-Stage (Preliminary & Final) Site Plan Checklist

Applicant: Felix Tao

Project Address: 1947 St. Rte. 332

Tax Map#: 50.00-1-13.210

Zoning District: CCD

Project Description Narrative: Construction of a 4800 SF structure for an optometry practice that manufactures and dispenses eye-glasses.

Per Chapter 220 §220-67-A: One and Two stage review.

- A. Applications for site plans to be reviewed in one stage where no preliminary site plan review is required:
- (1) Shall be processed and reviewed as required in NYS Town Law Article 16, Section 274-a, as may be amended.
 - (2) Shall be submitted in final form.
 - (3) Shall include all information required for preliminary and final site plans as specified in sections Town Code §§ 220-69 and 220-70.
 - (4) The submitted site plan drawing shall be marked as final and shall include a note that no preliminary site plan review was required.

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. A preliminary application shall include an affidavit that the applicant is the owner or equitable owner of the land proposed to be developed or their legal representative.	0		
B. Information shown on the preliminary site plan shall be organized to clearly depict existing and proposed conditions and assist the Planning Board's understanding of potential impacts as well as proposed mitigation.	✓	✓	
C. The preliminary site plan shall be clearly marked as preliminary and show all of the following information:	NA		
(1) General Content	✓	✓	
(a) All dimensions shall be shown in feet and in hundredths of a foot.	✓	✓	
(b) Proposed development name or identifying title (Preliminary Site Plan of Property Owner);	✓	✓	
(c) Name of the owner of the property;	✓	✓	
(d) Names of owners of all abutting land;	✓	✓	
(e) Name and seal of the New York State licensed professional engineer or surveyor responsible for the plan;	✓	✓	
(f) Date, North point and scale. The site plan shall be at a scale of no more than 100 feet to the inch;	✓	✓	
(g) A legible location map;	✓	✓	
(h) A map revision box;	✓	✓	

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(i) A map legends/key;	✓	✓	
(j) A signature block for the Planning Board Chairperson and others as may be required;	✓	✓	
(k) An area for general map notes;	✓	✓	
(l) A completed agricultural data statement form identifying whether the site lies within an area which is further regulated under § 283-a of Town Law, as amended;	✓	✓	
(m) For lots located within or adjacent to established Ontario County Agricultural District lands the site plans shall have a general note identifies and thereby acknowledges the provisions of the Town's Right-to-Farm Law.	✓	✓	
(n) Current zoning of the land including district boundaries and all setback dimensions for said zoning district(s); <i>see map</i>	✓	✓	
(2) Existing Conditions <i>see map</i>	✓		
(a) All existing property lines, with bearings and distances including the subject (parent) parcel Tax Map numbers;	✓	✓	
(b) Area of the subject lot(s);	✓	✓	
(c) Required building setback lines on each lot;	✓	✓	
(d) Sufficient data to determine readily the location, bearing and length of every existing street, easement, lot and boundary line and to reproduce such lines on the ground, including:	✓	✓	
[1] The length of all straight lines, radii, lengths of curves and tangent bearings for each street; and	✓	✓	
[2] All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.	✓	✓	
(e) The boundaries and nature of all existing easements, deed restrictions and other encumbrances;	✓	✓	
(f) Existing contours at vertical intervals of 20 feet, including the source of the information. In the case of steep or unusual tracts, the Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.	✓	✓	
(g) Existing vegetative land cover;	✓	✓	
(h) Delineation of natural features described in the NRI including;	NA		
[1] existing watercourses	↓	✓	
[2] tree masses and other significant land cover	↓	✓	
[3] land exceeding a slope of 10%	↓	✓	
[4] NYSDEC or Federally regulated wetland	↓	✓	
[5] FEMA Special Flood Hazard Zone boundaries and designations, including the Flood Hazard Zone, Community Map Panel Number and the effective date of the Flood Insurance Mapping as shown;	↓	✓	
[6] other natural features identified in the NRI	↓	✓	
(i) All existing significant man-made features including but not limited to:	✓		
[1] buildings with property line setbacks	✓	✓	
[2] width, location, and sight distances for all private driveways	✓	✓	
[3] limits of pavement and parking areas	✓	✓	

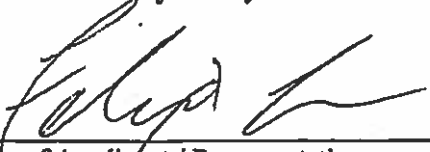
Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
[4] existing streets on or adjacent to the subject lot including names, right-of-way widths and pavement widths	✓	✓	
[5] sanitary and storm sewers	✓	✓	
[6] wastewater treatment systems	NA	✓	
[7] public and private wells, water mains and fire hydrants	✓	✓	
[8] drainage features including, storm water ponds, swales, culverts, and known underground drain tiles	✓	✓	
[9] Location of all other existing utility lines and related facilities including, gas, electric and telephone.	✓	✓	
(j) Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.	NA	✓	
(3) Proposed Conditions: Development	NA		
(a) Delineation of all proposed sections or phases if any;	NA	✓	
(b) Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.	✓	✓	
(c) Existing and proposed contours, at vertical intervals of no more than five feet;	✓	✓	
(d) The boundaries and nature of all proposed easements, deed restrictions and other encumbrances	NA	✓	
(e) The proposed building setback from each property line and other buildings on the same lot;	✓	✓	
(f) Location and dimension of all areas to be protected as open space.	NA	✓	
(g) Location and dimensions of all, public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use;	NA	✓	
(h) Proposed location, boundaries and uses of all buildings.	✓	✓	
(i) Location and description of all swales, ponds, basins, fences, dikes or other devices required to control soil erosion and sedimentation or otherwise comply with the provisions of the Town Soil Erosion and Sedimentation Control Law (see Chapter 165). <i>Drainage Calculations & SWPPP</i>	✓	✓	
(j) Limits of pavement and parking areas of the Town Code);	✓	✓	
(k) Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.	NA	✓	
(l) Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the proposed street right-of-way; proposed finished center-line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and, storm sewer mains, inlets, manholes and culverts;	NA	✓	

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(m) Location and widths of all proposed driveway intersections with streets and sight distances there from. Suitable means of access in accordance with Town Code and Town of Canandaigua Site Design and Development Criteria.	✓	✓	
(n) Location and size of all proposed water mains, laterals, hydrants, meters, and valves;	✓	✓	
(o) Location of any public or private wells	NA	NA	
(p) Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts;	✓	✓	
(q) Location, size and design of proposed on site wastewater treatment systems; <i>provide design</i>	✓	✓	
(r) Location of all other proposed utility lines and related facilities including, gas, electric and telephone;	✓	✓	
(s) Proposed vegetative land cover and landscaping;	✓	✓	
(t) Outdoor lighting;	✓	✓	
(u) Location and design of all signs	NA	NA	
(v) A description of all approvals required from outside agencies.	NA	NA	
(w) Schedule for development including a detailed sequence of construction and estimated dates for start and completion.	✓	✓	
(x) The Planning Board may require an applicant to submit additional information as may be needed to assess the potential impacts from the proposed development and	✓	✓	

Final Site Plan Requirements - Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. Site plan size and legibility.			
(1) Final site plans shall be on sheets no smaller than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches. Where necessary, final site plans may be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.	✓	✓	
B. The final site plan shall be clearly marked as final and shall show thereon or be accompanied by:			
(1) All information provided on the approved preliminary site plan as well as any improvements, modifications and additional information required as part of the preliminary approval;	✓	✓	
(2) The names of developments and proposed streets which have first been approved by the Planning Board and Ontario County 911 Center;	NA	✓	
(2) Detailed sizing and final material specification of all required improvements;	✓	✓	
(4) Permanent reference monuments as required by any proper authority;	NA	✓	
(5) A detailed plan identifying all lands, easements, and rights-of-way which shall be commonly owned with the identification of the association responsible for said ownership and method of managing the commonly owned properties;	NA	✓	
(6) Copies of other proposed easements deed restrictions and other encumbrances;	NA	✓	
(7) Protective covenants, if any, in a form acceptable for recording;	NA	✓	

Final Site Plan Requirements - Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(8) Cost estimates for improvements where surety may be required by the Planning Board including but not limited to: landscaping and storm water and erosion control measures. Sureties shall comply with Town Code § 174-32 "Surety";	✓	⓪	
(9) The owner shall tender offers of cession, in a form certified as satisfactory by the Town Board Attorney, of all land included in streets, highways or parks not specifically reserved by the property owner. Although such tender may be irrevocable, approval of the site plan by the Planning Board shall not constitute an acceptance by the Town of the dedication or gift of any street, highway or park or other open public areas. A dedication or gift of any such improvements may only be accepted by resolution of the Town Board.	✓	✓	

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this completed check list.


 Signature of Applicant / Representative

03/13/2020
 Date

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

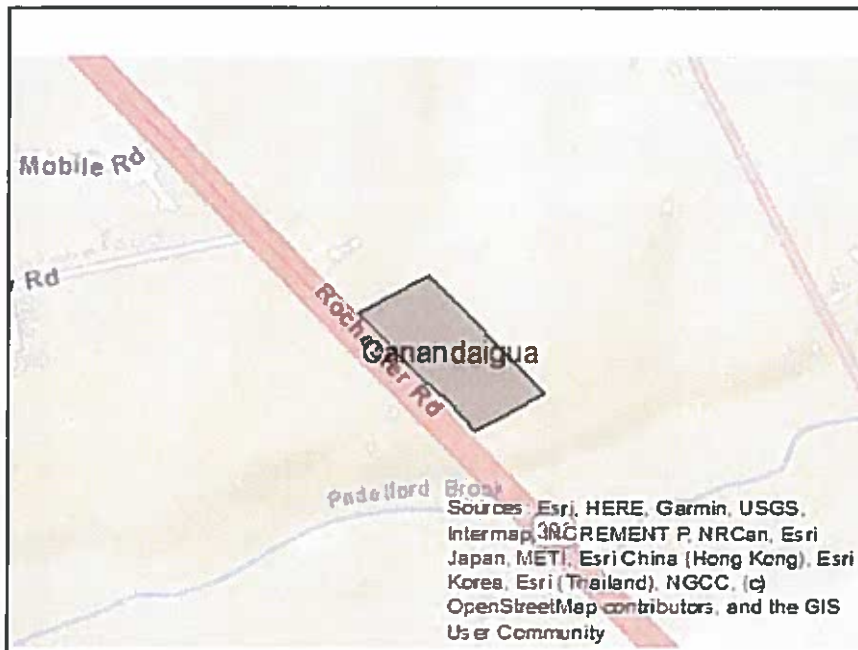
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information							
Name of Action or Project: New Commercial Structure							
Project Location (describe, and attach a location map): 1947 St. Rte. 332 (TM# 56.00-1-13.210)							
Brief Description of Proposed Action: This project consists of construction of a 4,800 sq. ft. structure for an optometry practice that manufactures and dispenses eye glasses. The site improvements include the development of a new parking lot and driveway, landscaping, lighting and a new on-site septic system.							
Name of Applicant or Sponsor: Felix Tao		Telephone: 585-393-0032 E-Mail: oculusdexter@gmail.com					
Address: 4480 County Rd. 16							
City/PO: Canandaigua		State: NY	Zip Code: 14424				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; text-align: center;"> <tr> <td>NO</td> <td>YES</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3. a. Total acreage of the site of the proposed action?		7.4879 acres					
b. Total acreage to be physically disturbed?		2.0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		7.4879 acres					
4. Check all land uses that occur on, are adjoining or near the proposed action:							
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):							
<input type="checkbox"/> Parkland							

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

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
Complete removal of underground storage tanks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Felix Tao</u> Date: <u>02/26/2020</u> Signature: _____ Title: <u>Applicant</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



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

Town of Canandaigua

5440 Route 5 & 20 • Canandaigua, NY 14424 • (585) 394-1120 • Fax: (585) 394-9476
townofcanandaigua.org

NEW STRUCTURE/ADDITION BUILDING PERMIT APPLICATION

1. **Subject Property** Address: 1947 New York State Route 332, Canandaigua NY
Tax Map Number: 56.00-1-13.21 Zoning District: Community Commercial

2. **Property Owner:** Name(s): Simmons Rockwell Ralty Assoc., LLC
Address: 1160 County Route 66 Hornell, NY 14843
Telephone: 607-796-5555 Email: Brianliddy@simmons-rockwell.com

3. **Applicant (if not property owner):** Name(s): Felix Tao
Address: 4480 County Road 16, Canandaigua
Telephone: 585-905-4103 Email: oculusdexter@gmail.com

4. **Scope of work – including the total square footage of the project if applicable:**
Construction of a new structure to be used for a optometry practice that manufactures and
dispenses eye glasses.

5. **Contractor Information:**
General Contractor: _____
Address: _____
Telephone: _____ Email: _____

CONTRACTOR INSURANCE CERTIFICATES REQUIRED PER NYS:

WORKER COMPENSATION (C-105.2 or U-26.3) and (DISABILITY) DB-120.1

OR

CONTRACTORS & HOMEOWNERS MAY COMPLETE A CERTIFICATE OF ATTESTATION OF EXEMPTION (CE-200)

***PLEASE NOTE THAT WE CANNOT ACCEPT ACORD FORMS AS PROOF OF INSURANCE. THANK YOU.**

6. NEW STRUCTURE INFORMATION

1. What is the area (ft ²) of the proposed 1st floor ?	3,650 sq. ft.
2. What is the area (ft ²) of the proposed 2nd floor ?	n/a
3. What is the area (ft ²) of the proposed garage ?	n/a
4. What is the area (ft ²) of the finished basement ?	n/a
5. What is the area (ft ²) of the proposed deck(s) ?	n/a
6. What is the area (ft ²) of the proposed porch(es) ?	n/a
7. What is the area (ft ²) of the proposed patio(s) ?	n/a
8. What is the area (ft ²) of any proposed accessory structure(s) ?	n/a
What is the total area (ft ²) of items 1 - 8?	3,650 sq. ft.

7. NEW STRUCTURE ZONING INFORMATION

Dimensional Description	Applicant to Complete	Development Office Staff to Complete	
	To New Structure	Required By Code	Variance Required
Distance from the road right-of-way	130.00'	100'	
Distance from rear property line	166.36'	40'	
Distance from right side property line	98.76'	20'	
Distance from left side property line	180.51'	20'	
Height of New Structure	30'	35'	
Percentage Building Coverage (All existing and proposed structures)	<5%	35%	
Percentage Lot Coverage <u>RLD ZONING DISTRICT ONLY</u>			

8. EARTHWORK

Square feet (SF) of area to be disturbed:

72,000 sq ft
(length (ft) x width (ft) = SF)

Cubic yards (CY) to be excavated:

(length (ft) x width (ft) x depth (ft) divided by 27 = CY)

9. ENVIRONMENTAL IMPACT

Will this structure be built within:

- a. 100 ft of the bed of a stream carrying water on an average 6 months of the year?

YES

NO

- b. 100 ft of a NYS DEC wetland?

YES

NO

- c. Close proximity to a federal wetland?

YES

NO

(If yes, setback to wetland? _____ ft.)

- d. Steep slopes equal to or greater than 15%?

YES

NO

- e. A wooded area greater than 5 acres?

YES

NO

10. PROFESSIONALLY PREPARED PLANS

Per Article 145 of NYS Education Law - To alterations to any building or structure costing more than twenty thousand dollars or to projects which involve changes affecting the structural safety or public safety - No official of NY state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans, specifications, or geologic drawings or reports that are not stamped.

Project Cost (Including Labor) exceeds \$20,000?

YES

NO

11. IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST

(Required by NYS General Municipal Law § 809)

- a. *If the Applicant is an Individual:* Is the applicant or any of the immediate family members of the applicant (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) related to any officer or employee of the Town of Canandaigua?
YES NO
- b. *If the Applicant is a Corporate Entity:* Are any of the officers, employees, partners, or directors, or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?
YES NO
- c. *If the Applicant is a corporate entity:* Are any of the stockholders or partnership members (holding 5% or more of the outstanding shares), or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?
YES NO
- d. *If the Applicant has made any agreements contingent upon the outcome of this application:* If the applicant has made any agreements, express or implied, whereby said applicant may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of this application, petition, or request, are any of the parties to said agreement officers or employees of the Town of Canandaigua?
YES NO

If the answer to any of the above questions is YES, please state the name and address of the related officer(s) or employee(s) as well as the nature and extent of such relationship:

***Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

12. Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$1,000 per unit) if required as part of the conditions of approval.

Owner's Signature: _____ Date: _____

All applications made to the Town for new uses or development will be reviewed for compliance to the Town of Canandaigua Code and Uniform Code. Additional information may be required by the Zoning Officer or Code Enforcement Officer to complete a review and issue permit.

**PLEASE INCLUDE APPLICABLE CONSTRUCTION PLANS
AND A SITE PLAN DETAILING THE PROPOSED PROJECT.**

The undersigned represents and agrees as a condition to the issuance of this permit that the development will be accomplished in accordance with the Town Zoning Law, the New York State Uniform Fire Prevention and Building Code, and the plans and specifications annexed hereto.

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

PERMIT WILL NOT BE ISSUED WITHOUT PROPERTY OWNER(S) SIGNATURE.

Please **DO NOT** send payment with this application.
Payment shall not be made until the fee is determined and the permit is issued.

For Office Use Only

Application requires review by Planning Board and/or Zoning Board of Appeals?

YES **NO**

Application has been reviewed by Planning Board and all approval(s) required have been granted?

N/A **YES** **NO** Approval Date: _____

Application has been reviewed by Zoning Board and all variances(s) required have been granted?

N/A **YES** **NO** Approval Date: _____

Zoning Officer

Date

Floodplain Development Permit Required?

YES **NO**

Flood Hazard Area: _____ FEMA FIRM Panel # _____

Within environmentally sensitive, open, deed restricted or conservation easement area?

YES **NO**

Comments:

Permit Application Approved?

YES **NO**

Code Enforcement Officer

Date

Permit Issued	Permit Number	Fee
Building Permit Fee		
Soil Erosion Permit Fee		
Recreation Fee		
Total Permit	(non-refundable)	

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: _____

ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: _____ Yes _____ No

1. Name and address of the property owner: Simmons Rockwell Realty Association
784 County Route 64, Elmira, NY 14903

Telephone Number of property owner: 607-796-5555

Fax # _____ E-Mail Address: brianliddy@simmons-rockwell.com

****If you provide your e-mail address, this will be the primary way we contact you****

2. Name and Address of Applicant *if not the property owner*: _____
Felix Tao 4480 County Rd. 16, Canandaigua, NY 14424

Telephone Number of Applicant: 585-905-4103

Fax # _____ E-Mail Address: oculusdexter@gmail.com

****If you provide your e-mail address, this will be the primary way we contact you****

3. Subject Property Address: 1947 State Route 332

Nearest Road Intersection: Purdy Rd.

Tax Map Number: 56.00-1-13.210 Zoning District: Community Commerical

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one: YES NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one: YES NO

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
Construction of a 4,800 sq ft structure for an optometry practice that manufactures and dispenses eye glasses. A 20' front setback variance from 150' required for the new building to be located 130' from NYS Route 332 right of way.
-
7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted.
Yes, the new structure permit has been completed.
8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law.
Shown on site plan.
All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*
Shown on existing conditions page of the site plan.
9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.
Site plan, letter of intent and EAF form has been completed and submitted.
10. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.
Site plan and a letter of intent has been completed and submitted.
11. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.
Not applicable.

I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.

I hereby grant my designee permission to represent me during the application process.

(Signature of Property Owner)

(Date)

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

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(property owner)

(property owner)



TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.
(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

No, the neighborhood is primarily vacant. The majority of commercial buildings in this corridor are closer than the setback requires.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

No, the site constraints limit available locations for the septic system and building. The orientation and location of the building is also set by the owners intent to be environmentally friendly and utilize green energy.

- (3) Whether the requested area variance is substantial.

No, the requested variance is not substantial because it is less than twenty percent of the required setback.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No, physical and or environmental impact will be mitigated by the use of new landscaping buffers, enlarging the existing stormwater pond to capture and treat runoff from both the NYSDOT highway as well as the new building site.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

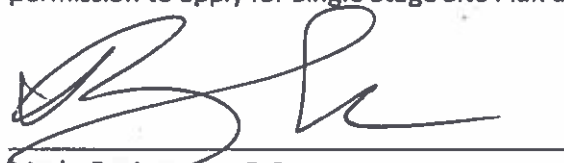
Yes, The owner wishes to develop this site. The requirement of the variance is due to the constraints of the site on the design of the new structure, grading, and wastewater system.

March 4, 2020

Town of Canandaigua
5440 Route 5& 20 West
Canandaigua, NY 14424

To Whom It May Concern,

This letter serves as affirmation that the landowner of 1947 State Route 332 (Simmons Rockwell Realty Association) in the Town of Canandaigua, has granted Dr. Felix Tao and Marks Engineering, P.C. permission to apply for Single Stage Site Plan approval with the Town of Canandaigua.



Marks Engineering, P.C.

Date 3/20/20



Dr. Felix Tao

Date 03/04/2020


Simmons Rockwell Realty Association
3/5/2020 8:29:54 AM EST

Simmons Rockwell Realty Association

Date 03/05/2020