

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

PLANNING BOARD

Established February 20, 1962

Tuesday, December 13, 2022 • 6:00 p.m.

MINUTES—DRAFT #1—SUBJECT TO CHANGE

The following minutes are the official and permanent record of the actions taken by the Town of Canandaigua Planning Board. Remarks delivered during discussions are summarized and are not intended to be verbatim transcriptions. An audio recording of the meeting is retained for three months.

The meeting was conducted at the Canandaigua Town Hall and via remote video conference.

R = Attended via remote video conference.

Meeting called by: Charles Oyler, *Chairperson*

Board members present: Robert Lacourse—**R**
Scott Neal
Mark Tolbert (6:20 p.m.)
Amanda VanLaeken

Alternate: Position vacant

Staff present: Shawna Bonshak, Town Planner
Lance S. Brabant, CPESC, MRB Group, D.P.C.
Kimberly Burkard, Remote Access Facilitator
Christian Nadler, Esq., Planning Board Attorney

Attending:
Fritz Cermak—**R**
Jonathan Jones, Marks Engineering, 42 Beeman Street, Canandaigua, N.Y. 14424
Greg Westbrook, 4096 Onnalinda Drive, Canandaigua, N.Y. 14424

MEETING OPENING:

Recite the USA Pledge of Allegiance
Overview of video conference meeting procedures

Introduction of board members and staff
Overview of emergency evacuation procedures
Privilege of the Floor: *None*
Attest to the Publication of Legal Notice: *None*

3. AMENDED SINGLE-STAGE SITE PLAN

CPN-22-029 **Marks Engineering, c/o Logan Rockcastle, 42 Beeman Street, Canandaigua, N.Y. 14424; representing Simmons Rockwell Realty Associates LLC, 1160 County Road 66, Hornell, N.Y. 14843; owner of property at 1947 State Route 332**
TM #56.00-1-13.210
Requesting an Amended Single-Stage Site Plan approval for construction of a lawn and garden equipment shop, driveways, parking lots and associated site and drainage improvements located at 1947 State Route 332 and within the CC Zoning District, and detailed on Site Plans titled “Diversified Equipment LLC” prepared by Marks Engineering dated October 26, 2022, last revised December 6, 2022, and all other relevant information submitted as of December 13, 2022.

This application was reviewed by the Planning Review Committee (PRC) on May 16, 2022.

The PRC referred this application to the following Town offices and agencies:

Robin MacDonald, Canandaigua–Farmington Water and Sewer District
Chris Jensen, Town Code Enforcement Officer
Town Environmental Conservation Board
Bob DiCarlo, Town Agricultural Advisory Committee
MRB Group, D.P.C.
Ontario County Planning Board
Ontario County Agricultural Enhancement Board
Frank Magnera, Chief, Canandaigua City Fire Department
Greg Trost, New York State Department of Transportation
Sheryl Robbins, P.E., New York State Department of Health

On June 29, 2022, the Planning Board classified this application as an Unlisted Action under the State Environmental Quality Review Act (SEQRA), determined that the application will not result in any significant adverse environmental impacts, made a determination of Non-Significance on the proposed development, and approved the Single-Stage Site Plan with conditions (*see* Planning Board minutes of June 29, 2022, pp. 11–18, for the discussion of the application).

Mr. Jones (Marks Engineering) presented this application.

Mr. Oyler said that the applicant has changed engineering design firms and that revised plans have been prepared and submitted to the Town by Marks Engineering.

Mr. Jones said that the only changes from the originally approved plans are the addition of a driveway loop for vehicle circulation, the relocation of a stormwater pond and revisions to the on-site wastewater treatment system. These changes were reviewed on the revised drawing which was displayed on the video screen.

Mr. Oyler asked if there are any changes in the operation of the business. Mr. Jones said no. He said that the operations are intended to remain the same [as originally presented in June].

Mr. Jones acknowledged receipt of the MRB Group engineering comment letter of December 9, 2022. He said that there are no issues with the comments and that they have been addressed in Marks Engineering response letters of December 6, 2022, and December 13, 2022 (*see* letters in the project file).

Mr. Lacourse said that he made a site visit to the property today. He asked if equipment would be made available for rentals. Mr. Jones said that the notation on the plans regarding a rental component to the business operation is an error. He confirmed that the applicant will not provide any rentals from the facility. Services will include equipment repair and the storage of vehicles in repair or to be repaired. Mr. Nadler said that references to rental operations are to be crossed out and initialed on the site plans.

Mr. Jones asked about the procedure to be followed if the applicant were to offer equipment rentals. Mr. Nadler and Ms. Bonshak said that the applicant would have to file the appropriate Planning Board application for an Amended Site Plan. Ms. Bonshak also said that the Town staff would review the zoning of this property to determine if equipment rental was a permitted use if an Amended Site Plan for this purpose were to be submitted.

(Mr. Tolbert arrived at 6:20 p.m.)

Mr. Oyler said that Mr. Lacourse also had a question regarding the display of equipment in the front of the property. He referred to Condition #9 of the site plan approval resolution of June 29, 2022, which Mr. Brabant read aloud:

Condition #9: Goods display shall only be allowed under the cover of the building roof and only during working hours. No uncovered display will be permitted.

—*Approval Resolution, June 29, 2022*

Mr. Jones said that, as he is aware, it [original Condition #9] is still the same.

Mr. Oyler referred to the initial discussion of this application on June 29, 2022, during which the applicant said that a waterfall feature will be installed in the front of the property and that the existing silo will be retained and painted to become part of the landscape design including shrubs around the base of the structure as shown on the approved plan.

Mr. Jones said that he did not know the applicant's exact intentions at this time regarding landscaping around the silo.

Mr. Oyler requested that a condition of Amended Site Plan approval be added to the draft resolution that the silo will be painted and the landscaping around the silo will be planted as originally approved in June. He said that this issue had been discussed at length at that time.

Mr. Oyler asked about the tree line at the driveway. Mr. Lacourse said that this tree line is not on the applicant's property. Mr. Jones said that it is existing. Mr. Oyler said that the New York State Department of Transportation (DOT) does not permit landscaping to be planted within the State right-of-way.

Mr. Oyler said that the Town Environmental Conservation Board requested that a vegetative buffer be planted in the back of the property [to separate the applicant's development from agricultural land] and has been provided for on the revised plan, but he said that the landscaping seems barren in the front of the property.

He also said that the revised drainage design is an improvement [over the initial design].

Following discussion by Mr. Oyler, Mr. Lacourse and Mr. Brabant, it was suggested that a condition of Amended Site Plan approval be added that the landscaping around the silo and in front of the building reflect the original approvals and that the plantings be of native species.

Mr. Oyler said that a gate has been added to the site plan. He said that the board discussed security and the applicant was not concerned about this on the original application. Mr. Jones said that the gate has been added and is shown on the Amended Site Plan.

Mr. Oyler said that the number of parking spaces and the location of the parking spaces match the original application. He also said that the entrance (throat) of the driveway at State Route 332 has been widened. Mr. Oyler asked if the DOT highway permit has been received. Mr. Jones said that they have not heard back yet. Mr. Oyler said that the DOT permit regarding the driveway entrance and associated improvements within the State Route 332 right-of-way are to be provided to the Town prior to the issuing of permits (*see* draft Condition #6).

Mr. Oyler asked who approves the on-site wastewater treatment system. Ms. Bonshak said that these plans were to be approved by Town Code Enforcement Officer Chris Jensen.

Mr. Oyler asked if vehicles would be restricted to right turns only when leaving the site. Mr. Jones said yes. Mr. Oyler said that this is expected to be part of the DOT highway permit and will require the proper signage.

Mr. Oyler asked if a no-impact letter has been received from the State Historic Preservation Office (SHPO). Mr. Jones said yes.

Mr. Oyler asked about the most recent revision date on the plan of December 6, 2022. Mr. Jones confirmed that this is the correct date.

Mr. Brabant said that he prepared a new State Environmental Quality Review (SEQR) resolution due to the revisions from the original plan which include a revised driveway routing and revised stormwater management design. Mr. Nadler concurred with this.

There were no additional comments or questions on this application this evening.

■ A motion was made by MS. VANLAEKEN, seconded by MR. NEAL, that the Planning Board has reviewed the Short Environmental Assessment Form (EAF) Part 1, prepared by the applicant on the above referenced subdivision application (hereinafter referred to as Action); that the Planning Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; that the Planning Board determines that the proposed development is subject to a single agency review pursuant to Part 617.6 (b) (4) of the SEQR Regulations; that the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; that the Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7 (c) (1) of the SEQR Regulations and the information contained in the Short EAF Part 1; that the Planning Board has completed Part 2 and Part 3 of the Short EAF; that the Planning Board does hereby designate itself as Lead Agency for the proposed development above herein; 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; that the Planning Board does hereby make a Determination of Non-Significance on the proposed development; and that the Planning Board Chairperson is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board's determination.

Motion carried by voice vote.

Mr. Tolbert recused himself from voting on this resolution due to his absence from the complete discussion.

■ A motion was made by MR. NEAL, seconded by MR. LACOURSE, that the application of Marks Engineering, representing Simmons Rockwell Realty Associates LLC, owner of property at 1947 State Route 332, requesting an Amended Single-Stage Site Plan approval for construction of a lawn and garden equipment shop, driveways, parking lots and associated site and drainage improvements located at 1947 State Route 332 and within the CC

Zoning District, and detailed on Site Plans titled “Diversified Equipment LLC” prepared by Marks Engineering dated October 26, 2022, last revised December 6, 2022, and all other relevant information submitted as of December 13, 2022, be approved with conditions.

Mr. Brabant then reviewed the conditions of approval.

The following amendments were offered:

Revised Condition #9: Equipment display shall only be allowed under the cover of the building roof and only during working hours. No uncovered display will be permitted.

New Condition #11: The site plans and the application materials are to be revised and resubmitted to remove the notes referencing “renting of equipment” as that has not been requested by the applicant nor permitted by the Town.

New Condition #12: The landscaping plan is to be revised to depict the location of the existing silo and updated to match the previously approved landscaping plan for the areas around the silo and along the fronts of the buildings facing NYS Route 332.

Motion to approve the resolution as amended carried by voice vote.

Mr. Tolbert recused himself from voting on this resolution due to his absence from the complete discussion.