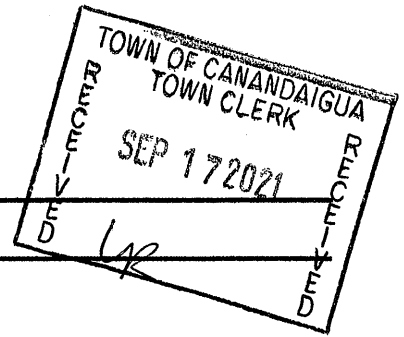


# Town of Canandaigua

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



## Planning Board Decision Notification

**Meeting Date: September 14, 2021**

**Project: CPN-21-056**

**Applicant**

BME Associates  
c/o James G. Cretekos,  
P.E.  
10 Lift Bridge Lane East  
Fairport, NY 14450

**Owners**

Canandaigua  
Crossings LLC  
(Apogee Development  
LLC)  
415 Park Avenue  
Rochester, NY 14607

**Project Type**

Single-Stage Site  
Plan

**Project Location**

2536 Rochester  
Road

**Tax Map #**

70.11-01-7.110

**TYPE OF APPLICATION:**

- ☐ Preliminary    ☐ Final Phased    ☒ One/Single Stage  
☐ Subdivision    ☒ Site Plan    ☐ Special Use Permit

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):**

- ☐ Type I    ☐ Type II    ☒ Unlisted

☒ See Attached resolution(s):

**Applicant Request:**

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

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

Positive Declaration Date:

**Recommendation To:**

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

Recommendation:

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

**Surety Requirements:**

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

**Surety Release:**

Certified By:

Chairperson, Planning Board

Date:

9/15/21

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Single-Stage Site Plan Approval to construct a two-story, 6,400 square foot commercial/retail building with parking, stormwater management, and other associated site improvements in the Community Commercial (CC) zoning district located at 2536 Rochester Road and detailed on site plans dated June 9, 2021, last revised September 3, 2021, prepared by BME Associates, and all other relevant information submitted as of September 14, 2021 (the current application); and

**WHEREAS**, the Planning Board has reviewed the Short Environmental Assessment Form Part 1, prepared by the applicant's engineer on the above referenced Site Plan application (hereinafter referred to as Action); and

**WHEREAS**, the Planning Board determines that said Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

**WHEREAS**, the Planning Board has determined that the proposed development is subject to a single agency review pursuant to Part 617.6(b) (4) of the SEQR Regulations; and

**WHEREAS**, the Planning Board determines that it is the most appropriate agency for making the determination of significance thereon under the SEQR Regulations; 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 the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Planning Board has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**NOW, THEREFORE BE IT RESOLVED** that the Planning Board does hereby designate itself as lead agency for the proposed development above herein; and

**BE IT FURTHER 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;

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION**

- (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) the site is not located within an identified archaeological sensitive area;
- (vi) there will not be an increase in the use of either the quantity or type of energy resulting from the proposed Action;
- (vii) there will not be any hazard created to human health;
- (viii) there will not be a change in the use of active agricultural lands that receive an agricultural use tax exemption or that will ultimately result in the loss of ten acres of such productive farmland;
- (ix) there will not be a larger number of persons attracted to the site for more than a few days when compared to the number of persons who would come to the site 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; and
- (xii) there are not two or more related Actions which would have a significant impact on the environment.

**BE IT FURTHER RESOLVED**, 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.

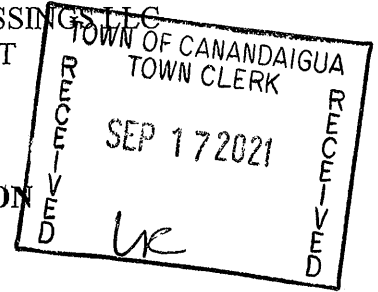
**BE IT FINALLY RESOLVED**, that the Planning Board does hereby make a Determination of Non-Significance on the proposed development, and the Planning Board Chairman is hereby directed to sign the Short Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Planning Board’s determination.

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

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

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSING LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

SEQR – DETERMINATION OF NON-SIGNIFICANCE RESOLUTION



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

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

# 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.

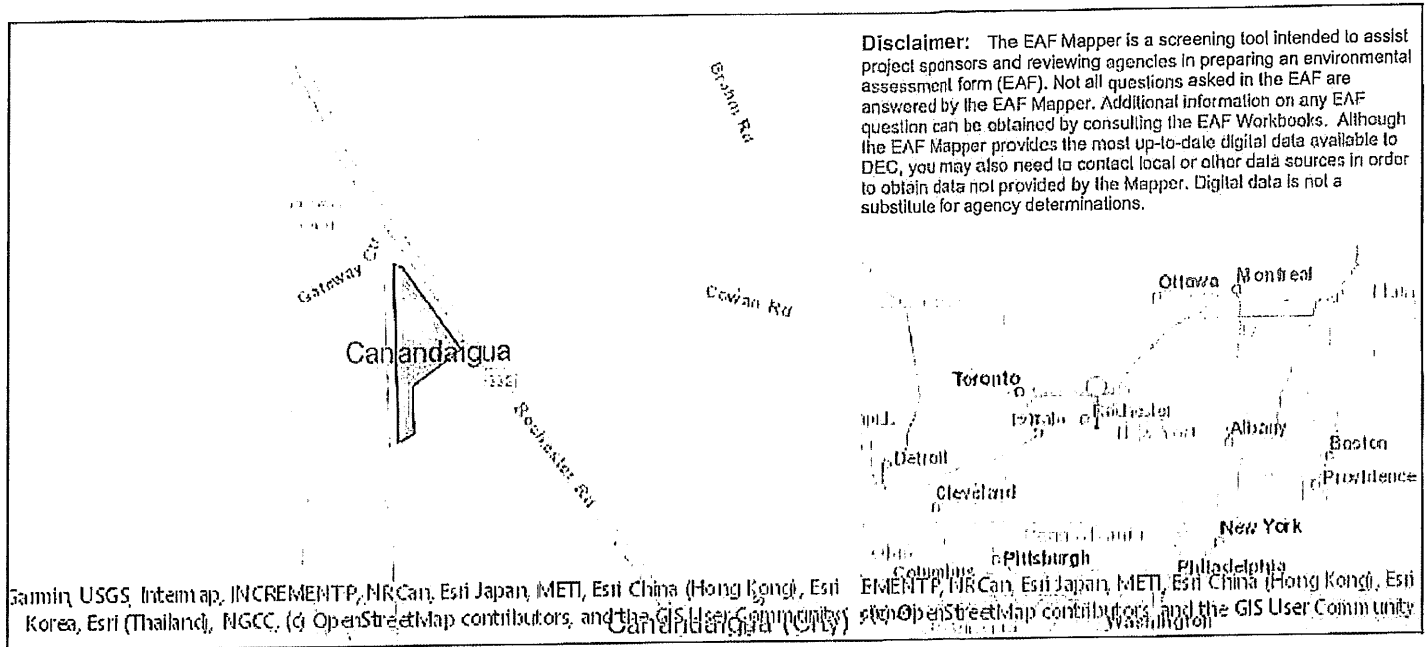
<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project:			
2536 Rochester Rd / NYS Route 332			
Project Location (describe, and attach a location map):			
2536 Rochester Rd, Canandaigua, NY 14424 TA # 70.11-01-7.11			
Brief Description of Proposed Action:			
Proposed 2-Story (6,000 sf footprint) commercial/retail building with supporting site improvements. Access will be provided at an existing curb cut connection onto Rochester Road in the north portion of the site, and at a second point through the existing curb cut at the Monroe Muffler located immediately to the south of the site via an existing access easement.			
Name of Applicant or Sponsor:		Telephone: 516-880-4502	
Apogee Development LTD		E-Mail: bill.dowell@gmail.com	
Address:			
415 Park Avenue			
City/PO:		State:	Zip Code:
Rochester		NY	14607
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
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.			YES
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO
If Yes, list agency(s) name and permit or approval: Zoning Board (Area Variance), Planning Board (Site Plan), NYSDOT (Access/Utility Permits), OCDPW (Sewer), Farmington Water/Sewer			YES
			<input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.68 acres	district (water), NYSDOH (Water)
b. Total acreage to be physically disturbed?		1.68 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.68 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" 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: _____ _____	<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: _____ _____	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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: _____ _____ _____			

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 type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" 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
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ Stormwater runoff will drain into the existing NYSDOT storm sewer system as it does under existing conditions.		
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
Underground stormwater chamber system for developed portions of the property and temporary ponding area for off-site drainage to be bypass through the project site.	<input type="checkbox"/>	<input checked="" 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
Property was previously a gas station, but remediation activities have been completed.	<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>James Cretekus P.E. (BME Assoc) As Agent</u> Date: <u>6/9/21</u> Signature: <u>[Signature]</u> Title: <u>Project Manager</u>		

# EAF Mapper Summary Report

Friday, June 4, 2021 12:15 PM



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]	No
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]	Yes



Project: Canandagua Crossings

Date: September 14, 2021

## *Short Environmental Assessment Form*

### *Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### ***Short Environmental Assessment Form Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Planning Board, as the designated lead agency for this Action, under the provisions of Part 617 of the State Environmental Quality Review Regulations, has given a thorough and comprehensive evaluation of the impacts likely to result from the proposed Action. Based upon this evaluation, the Planning Board, in a separate resolution adopted on September 14, 2021 as determined the proposed Action will not likely result in a significant adverse impact upon the environment and that a Negative Declaration is issued.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Canandaigua Planning Board

September 14, 2021

Name of Lead Agency

Date

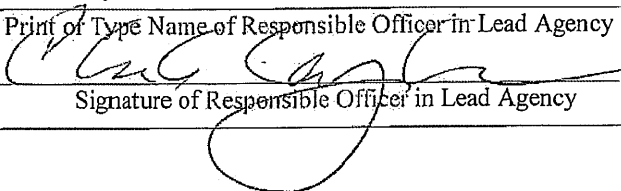
Charles Oyler

Planning Board Chairman

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Lance S. Brabant - MRB Group

  
Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**SITE PLAN APPROVAL RESOLUTION**

**WHEREAS**, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Single-Stage Site Plan Approval to construct a two-story, 6,400 square foot commercial/retail building with parking, stormwater management, and other associated site improvements in the Community Commercial (CC) zoning district located at 2536 Rochester Road and detailed on site plans dated June 9, 2021, last revised September 3, 2021, prepared by BME Associates, and all other relevant information submitted as of September 14, 2021 (the current application); and

**WHEREAS**, the requested variances were granted at the ZBA meeting on July 20, 2021; and

**WHEREAS**, the Town of Canandaigua is in the process of adopting a Form-Based Code for this area of the Town and the Planning Board through its review of this application has encourage the applicant to try and revised the plans to comply with the “future” code; and

**WHEREAS**, the applicant has decided to address the Planning Board concerns and revised the plans to meet most of the “future” Form-Based Code requirements; and

**WHEREAS**, due to the proposed plan changes to meet the Form-Based Code, the application will be required to go back to the ZBA for additional area variances; and

**WHEREAS**, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

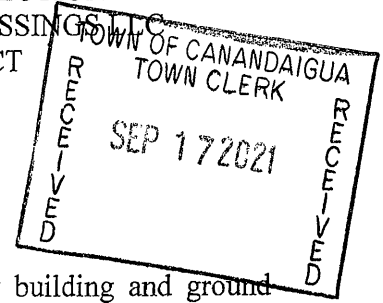
**WHEREAS**, the Planning Board has determined the proposed action to be an Unlisted action and subject to a single agency review pursuant to Part 617.6(b)(4) of the SEQR Regulations; and

**WHEREAS**, on September 14, 2021 the Planning Board made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Board does hereby approves the requested Single-Stage Site Plan with the following conditions:

1. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. The comments within the Town Engineer’s letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
3. Prior to the issuance of a C/O an approval from the Canandaigua Lake County Sewer District regarding their review of the sanitary sewer design is to be provided to the Town of Canandaigua.
4. Prior to signatures being affixed to the plans all comments from the Canandaigua-Farmington Water & Sewer District Superintendent are to be addressed.
5. A soil stabilization and erosion control surety estimate is to be prepared by the applicant and provided to the Town Development Office for review and processing in accordance with Local Law 19 of 2017 Amending Chapter 174, Section 174-32(F).

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL



**SITE PLAN APPROVAL RESOLUTION**

6. A separate approval by the Planning Board is required for any building and ground signage.
7. All site security lighting is to comply with the Town lighting regulations contained in §220-77 of the Town Code.
8. Site Plan approval is conditioned on obtaining area variances from the ZBA.
9. The site plans are to be revised to provide adequate lighting for all spaces and if needed providing additional lighting.
10. The following notes regarding phosphorous use are to be added to the landscaping plans:
  - No Phosphorous shall be used at planting time unless soil testing has been completed and tested by a Horticultural Testing Lab and the soil tests specifically indicate a phosphorous deficiency that is harmful, or will prevent new lawns and plantings from establishing properly.
  - If soil tests indicate a phosphorous deficiency that will impact plant and lawn establishment, phosphorous shall be applied at the minimum recommended level prescribed in the soil test following all NYSDEC requirements.

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

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

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

 L. S.  
John Robortella, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

1. The Planning Board has received an application for a Single-Stage Site Plan Approval to construct a two-story, 8,000 square foot commercial/retail building with parking, stormwater management, and other associated site improvements in the Community Commercial (CC) zoning district located at 2536 Rochester Road.
2. Detailed on site plans dated June 9, 2021, last revised September 3, 2021, prepared by BME Associates, and all other relevant information submitted as of September 14, 2021.
3. On Tuesday, July 27, 2021 and on August 10, 2021, and August 24, 2021 in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application.
4. The Planning Board has classified the project as an Unlisted Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations.
5. On September 14, 2021 the Planning Board made a determination of non-significance and filed a negative declaration thereby concluding review pursuant to SEQR.
6. A Zoning Determination was completed by the Zoning Officer dated June 23, 2021:

**DETERMINATION:**

- Applicant proposes a commercial structure 57' from front parcel boundary when 150' is required.
- Applicant proposes a commercial structure 33' from the rear parcel boundary when 40' is required.
- Commercial structures are a principally permitted use within the CC zoning district.

**REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board due to the parcel's proximity to State Route 332.

**REFERRAL TO ZONING BOARD OF APPEALS FOR:**

- Applicant requires a 93' front setback area variance.
- Applicant requires a 7' rear setback area variance.

**REFERRAL TO PLANNING BOARD FOR:**

- This application is required to be reviewed by the Town of Canandaigua Planning Board as the development which exceeds 1,000 square feet in 'CC' zoning district. Parking requirements shall be determined by the Town of Canandaigua Planning Board in the course of their respective reviews of any site plan.

**CODE SECTIONS:** Chapters §1-17; §220; §220-23; §220-33; §220-64; §220-73

7. This application was referred to the following agencies for review and comment:
  - Robin MacDonald, Canandaigua-Farmington Water and Sewer District
  - Tad Gerace, Ontario County Soil & Water Conservation District
  - Tim McElligott, Canandaigua Lake County Sewer District
  - Chris Jensen, Town CEO
  - Town Environmental Conservation Board
  - James Fletcher, Town Highway and Water Superintendent

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

- MRB Group
- Ontario County Planning Board
- Frank Magnera, Canandaigua City Fire Department
- Greg Trost, NYSDOT
- Finger Lakes Railway

8. A referral to the Ontario County Planning Board (OCPB) was completed and comments were provided.

**Comments**

- 1) What landscaping will be provided around the building foundation or in the area between the sidewalk and the curb? Landscaping may include ground plants, planters, hanging baskets etc.
- 2) Applicant representative clarified
  - a. Drive lane around building is 20' wide.
  - b. 20' light poles with dark sky compliant fixtures will be installed.
  - c. The buffer area where the 5' waiver is requested abuts the rail spur.
  - d. Indicated the open space requirement for this property under current regulations is 30 percent not 40 percent as stated in application materials.

**CLCSD Comments**

- 1) Plans need to be submitted to this office for review and comment. Permit for new connection will be required.

**OCSWCD Comments**

- 1) Outlet of culvert under railway at 775.94 and grading plan shows created berm at 778.84. Alteration of stormwater drainage there may have negative impacts on flow.
- 2) Silt fence placed near railway culvert outlet. May be a problem based on stormwater volume.
- 3) Temporary soil stockpile should have silt fence distance 10' from toe of slope steeper than 3H:1V. Winter conditions require 15'. This area seems too small for soil stockpile under those conditions.
- 4) Concrete washout must be 100' from storm drain inlets (currently <50').
- 5) Bio-retention area location on site of construction staging area. Compaction may be a problem.

9. The Canandaigua Lake County Sewer District provided comments (see OCPB comments).
10. The Ontario County Soil & Water Conservation District provided comments (see OCPB comments).
11. No comments were received from Chris Jensen, Town CEO.
12. No comments were received from Jim Fletcher, Town Highway and Water Superintendent.
13. Comments were received from the Town ECB:

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

**Environmental concerns:**

- There are no woodlands, wetlands or endangered species impacted by this project
- Hydrologic concerns appear to be addressed and mitigation measures are detailed.
- 65% of the site will have impervious covering.
- Although front and rear setbacks fall short of current code, the developer notes compliance with those put forth in the proposed Form Based Code (FBC).
- Moving to a 2-story building helped reduce lot coverage and increase open space, but the parking space coverage seems excessive based on other community standards and there is no reference for the calculations noted on page 2 of the site plan.

**Additional Comments from the ECB Meeting:**

- Mr. Kochersberger noted this parcel is between Tom Wahls and Monroe Muffler.
- Artist renderings were shared from plan documentation for the planned distillery and ski/skateboard shop.
- Ms. Bonshak noted that the plans have just changed and Fullsend may not be moving from Main Street to this location. She also noted that the footprint is a little smaller and that they are asking now for two variances instead of three. Remaining variances are for the front and rear setbacks.
- Mr. Kochersberger said that the Open Space restrictions do not apply because this is not going to be a Multi-Use Overlay project. Ms. Bonshak said they will be under the normal CC zoning.
- Mr. Kochersberger said that they have further reduced parking slots to 67 in a recent letter to the ZBA. He questions their calculation of number of parking spots required as no explanation was given with calculation and it seems high. Ms. Bonshak commented that the plans now are proposing 64 parking spaces.
- Ms. Bonshak said that while FBC is still in draft form, it is going before the Town Board on July 19 and before the Planning Board for their comments. This project meets a lot of the intent of the FBC and is a good “kick-off” project. She noted that the developer enthusiastically embraced the FBC and that she will find out more information on their parking space calculations.
- Mr. Simpson said that any reductions that they can make in paved parking spots would be appreciated. Ms. Bonshak agreed and said she would be finding out more/having discussions about this.
- Ms. Hooker added that the artist rendering implies that there are no parking spaces in front of the building when by the plan there is a

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

whole row of parking. She thinks that changes have happened to the plan and not all documents (ie artist rendering) have been appropriately updated. She offered that this rendering should be either updated to show the parking area (17 spots) or the rendering should not be used. Ms. Bonshak said that if they are amenable to moving the parking behind the building it would be wonderful but this may be an access issue. She will discuss this with the developer.

- Ms. Hooker questioned the access to the location and its curb cut. Plan looked to have a new curb cut by the railroad tracks. Ms. Bonshak thinks this will be the new access point and the older curb cut (by Monroe Muffler) will be abandoned.

**Recommendation:**

- The applicant presents a detailed project design which addresses drainage concerns and embraces aspects of the Form Based Code which is proposed but currently not approved for implementation. The setback variances are consistent with current neighboring properties and consistent with setbacks outlined in the FBC.
- The request for a decrease in open space requirement is related to a rather large number of parking spaces for this building with its proposed purposes. This should be better justified by the applicant. Also, “any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of 10% of those spaces as reserved only for the handicapped”, so accessible parking spaces would need to increase.
- The FCB suggests that consideration be given to the use of permeable ground cover in the parking lot or patio / outdoor dining areas.
- The Form Based Code speaks to supporting a connected environment for bicyclists. The concrete sidewalk could become a future shared use path accommodating pedestrian and bicycle traffic, but would require a wider walkway not possible with this proposal. Paving with this project extends all the way to the sidewalk.

14. MRB Group provided comments in a letter dated July 23, 2021.

15. Comments were received from the Canandaigua City Fire Department in a letter dated July 1, 2021:

The Fire Department has reviewed the proposed Site Plan for 2536 State Route 332.

- Please ensure fire department sprinkler connection (FDC) is a 4" Storz with 30 degree down angle.
- Please install a Knox Box per Fire Department's recommendations.



TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
BME ASSOCIATES REPRESENTING CANANDAIGUA CROSSINGS LLC  
2536 ROCHESTER ROAD – CC ZONING DISTRICT  
CPN 21-056 – TM# 70.11-1-7.110  
SINGLE-STAGE SITE PLAN APPROVAL

**FINDINGS**

16. Greg Trost, NYSDOT, provided comments in an email dated June 23, 2021:

Thanks for sending that. It looks like there is not much going on in the State right-of-way, except for sidewalk and drainage. Those connections will need a permit. The driveway shows it to stay in the same location, so nothing needed for that. Just recently I was discussing this project with BME Associates and let them know I would be interested in their plans and their drainage report. I see something contradictory to the record plans and would like to verify the difference. Also, any utility connections in the State ROW will need a permit.

17. The Canandaigua-Farmington Water & Sewer District provided comments in two emails dated July 9, 2021:

1. Utility Note # 14 Needs to state 4" DR-14 PVC Pipe is to be installed not Ductile iron cement lined class 52
2. Utility Note # 15 Needs to state 3,000 PSI concrete is to be used for water thrust blocking.
3. Water tap is to be on the 12" watermain on 332 for contractor to verify type, size, and location prior to construction and notify design engineer of any discrepancies. Not tapping the 20" Watermain .

Sorry for any confusion. Please Change # 3 to tap 20" watermain and for it to be still verify type, size, and location prior to construction and notify design engineer of and discrepancies.

18. No comments were received from the Finger Lakes Railway.

19. Planning Board has reviewed and considered all comments received.

20. The Town of Canandaigua Town Board is in the process of adopting a new code "Form-Based" Code for this project location and area within the Town of Canandaigua.

21. The Planning Board through its review of the application has encourage the applicant to revise the plans to meet the Form-Based Code requirements designed for this area which have not yet been adopted by the Town.

22. The applicant has worked with the Town and has provided plans that meet most of the requirements of the "soon to be" adopted code.

23. The Planning Board discussed the landscaping requirements for the site and parking area and determined that the site plans are acceptable.

24. The Planning Board discussed the need for a soil stabilization and erosion control surety estimate to be provided prior to the issuance of building permits.