



**Marks**Engineering

4303 Routes 5 & 20  
Canandaigua, NY 14424

October 7th, 2022

Town of Canandaigua  
% Ms. Shawna Bonshak, Town Planner  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424

Re: Sunset Ridge Residential Development - 3535 Route 364 - Town of Canandaigua -  
Response to Conditions listed by Town of Canandaigua

Dear Ms. Bonshak,

On behalf of our client, Mr. Licciardello, we offer the following in response to Preliminary Subdivision Approval resolution conditions listed in the decision notification from the Town of Canandaigua dated 06/15/2022. Responses are directly correlated to the comments beginning on page 3 of the document:

1. *"The Preliminary Overall Subdivision Plan Approval with conditions as specified is valid for a period of 180 days from today. If revised Preliminary Overall Subdivision Plans meeting all conditions of approval have not been submitted and signed prior to the end of this period, then this resolution shall become null and void unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution."*  
**Acknowledged.**
2. *"Once the Preliminary Overall Subdivision Plans are signed by the Planning Board Chairman they're to be filed in the office of the Ontario County Clerk within sixty-two (62) days from the date of approval or such approval shall expire (NYS Town Law Section 276-11)."*  
**Acknowledged.**
3. *"Preliminary Overall Subdivision Plans are to be signed and filed with the County Clerk's Office and Town prior to receiving an approval of Final Subdivision Plans for any Section/Phase."*  
**Acknowledged.**
4. *"Payment of a fee in lieu of a set aside of parkland shall be made at the time of issuance of building permits pursuant to Town Code Chapter 111 and NYS Town Law."*  
**Acknowledged.**



5. *"A Management and Operation Plan/ Agreement and HOA documents for the overall project shall be submitted to the Town Attorney for review and approval and such approval shall be obtained prior to the Planning Board Chairman's signature being affixed to the Preliminary Overall Subdivision Plans."*  
**See attached letter dated 5/16/22 from Salvatore Licciardello, Esq. describing the intent of the HOA Management Plan. The developer is currently working with Woods Oviatt Gilman, LLP to prepare HOA documents for submission to NYS Attorney General. We are requesting that the preliminary approval condition be revised to read ".....prior to the Planning Board Chairman's Signature being affixed to Final Subdivision Plats for each section of this subdivision."**
6. *"The comments within the Town Engineer comment letter and any subsequent reviews are to be addressed to the satisfaction of the Town Engineer prior to Preliminary Overall Subdivision Plans being signed by the Planning Board Chairman."*  
**Acknowledged.**
7. *"The comments within the Town Highway & Water Superintendent comment letter and any subsequent reviews are to be addressed to the satisfaction of the Town Highway & Water Superintendent prior to Preliminary Overall Subdivision Plans being signed by the Planning Board Chairman."*  
**Acknowledged. We have been, and will continue, working with Mr. Fletcher on the plans.**
8. *"All comments from Canandaigua Lake County Sewer District are to be addressed and approval of the sanitary sewer design and district extension are to be obtained and submitted to the Town prior to the approval of **Final** Subdivision Plan for any Section/ Phase."*  
**Acknowledged.**
9. *"All comments from NYS Department of Transportation (DOT) are to be addressed and approval of the design prior to the approval of Final Subdivision Plan for any Section/ Phase."*  
**Acknowledged.**
10. *"The Management and Operation Plan/ Agreement for the Conservation Easement shall be submitted to the Town Attorney for review and approval and such approval shall be obtained prior to the approval of Final Subdivision Plan for any Section/ Phase."*  
**Acknowledged.**
11. *"Lots 20-31 will require individual site plan approval from the Town of Canandaigua Planning Board prior to issuance of permits and construction taking place on said lots. A note is to be added to the Preliminary Overall Subdivision Plans to this effect."*  
**Note has been added to site plan, sheet c100.**



12. "Lots 1-19 as part of the building permit application for each lot are to be forwarded to the Town PRC meeting for review and compliance with the Final Subdivision Plans, then PRC will forward the individual lot plan to the Planning Board for review and approval."

**Acknowledged.**

13. "A road maintenance agreement between the Town of Hopewell and the Town of Canandaigua regarding proposed Road 'B' is to be completed and approved by the Town of Canandaigua Town Board prior to receiving signatures on the Preliminary Overall Subdivision Plans."

**We request this condition to be amended to read: "A road maintenance agreement between the Town of Hopewell and the Town of Canandaigua regarding proposed Road 'B' is to be completed and approved by the Town of Canandaigua Town Board prior to receiving signatures on Final Subdivision Plats for the sections including said road."**

**-or-**

**"A road maintenance agreement between the Town of Hopewell and the Town of Canandaigua regarding proposed Road 'B' is to be completed and approved by the Town of Canandaigua Town Board prior to the dedication of said road."**

14. "Proposed Road 'B' as depicted on the Preliminary Overall Subdivision Plans for Section 3 and Section 4 is to be a public road and dedicated to the Town of Canandaigua. A note is to be added to the plans."

**Note has been added to General notes on sheet c001.**

15. "The Preliminary Subdivision Plans are to be revised to depict conservation easement markers/ plaques along the property lines of each proposed lot along the conservation easement and a detail of the conservation easement marker is to be added to the plans."

**Conservation easement markers have been added to the subdivision plat. Detail of the markers is on the detail sheet.**

16. "The applicant's proposed Deed Restriction language is to be submitted to the Town of Canandaigua Town Attorney for review and approval prior to signatures being affixed to the Preliminary Overall Subdivision Plans."

**See attached deed restriction language.**

17. "The Preliminary Overall Subdivision Plans are to be revised to update the construction sequence identifying that the stormwater management facility is to be installed prior to issuance of building permits."

**Construction sequence on sheet c001 has been updated.**



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18. *"All easements identified on the Preliminary Overall Subdivision Plans are to be forwarded to the Town of Canandaigua for review and approval by the Town Attorney prior to signatures being affixed to the plans."*

***Proposed easement descriptions will be forwarded to the Town for Final Subdivision review for each section. We request that the town conduct their review at that time and this does not hold up the preliminary approval. This should be worded "prior to signatures being affixed to final subdivision plans for individual sections".***

19. *"The Preliminary Overall Subdivision Plans are to be updated to indicate that sidewalks along NYS Route 364 are to be installed from the southern property line of Lot 19 to the northern property line of Lot 1 and to be constructed as part of Section 1."*

***The Preliminary Overall Site Plan has been updated and now shows a note describing the construction of the sidewalk. Location of sidewalk will be shown on the plans.***

20. *"The U.S. Army Corps of Engineers (ACOE) jurisdictional review and determination letter is to be provided to the Town of Canandaigua prior to signatures being affixed to the Final Subdivision Plans for any section."*

**Acknowledged.**

Please do not hesitate to contact me with any questions.

Sincerely,

Brennan Marks, P.E.

Marks Engineering, P.C.

585-905-0360

**Salvatore Licciardello, Esq.**

Attorney & Counselor at Law  
2004 Pebbleview Dr • Victor, NY 14564  
(585) 317-2795 • SalLicci.Esq@gmail.com

May 16, 2022

Mr. Nadler,

I am writing this letter in response to your request for a summary of the Sunset Ridge/Lakewood Custom Homes Homeowners Association's ("HOA") functions and responsibilities, and a description of the proposed easements shown on the submitted plans.

There will be one HOA for all 31 lots proposed in the subdivision that will pay HOA fees in 31 equal shares. The HOA will be responsible for maintaining the two (2) stormwater ponds in the subdivision, mowing grass in the common areas, and maintaining the one (1) street light at the State Route 364 Entrance.

Regarding maintenance of the stormwater ponds, the HOA will be bound by a maintenance agreement to maintain them in accordance with all applicable design and maintenance standards. The HOA will hire a professional contractor to perform this work, and will use HOA fees to pay for it. A portion of the HOA fees collected will be allocated for future dredging that will likely occur every 10 to 20 years, as needed. The HOA will also be responsible for regular grass mowing in all common areas, including but not limited to the pond areas, the grass inside both cul-de-sacs, and grass near the entrance ways. The one street light on the Site near the State Route 364 entrance will be a solar light that will require little to no maintenance. However, the HOA will be responsible for maintaining the light and eventually replacing it when necessary.

Regarding the proposed easements, the Plans call for a Sanitary Sewer Easement, a Storm Sewer Easement, a Water Line Easement, an Access Easement, a Utility Line Easement, and a Conservation Easement area. The Sanitary Sewer, Storm Sewer, Water

Line, and Utility Line Easements delineate the areas where the corresponding utility lines will be located and are marked as such on the easement plan that we submitted. The Access Easements will provide access to the Town to enter and perform work in the stormwater pond areas and those easements cover the entirety of the stormwater ponds. Upon the Town's request, we will also be including a Pedestrian Easement over the Water Line Easement connecting the upper and lower portions of the Site, through the Conservation Easement Area. The Conservation Easement Area delineates the steep slope area of the site dividing the lower (western) and upper (eastern) portions of the site. The Conservation Easement will prohibit tree removal, regrading, and any other controls necessary to preserve the natural buffer between the upper and lower portions.

Please contact me if you would like further information or have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Salvatore Licciardello".

**Salvatore Licciardello, Esq.**

(585) 317-2795

SalLicci.Esq@gmail.com

## DECLARATION OF PROTECTIVE COVENANTS

\_\_\_\_\_ LLC, a New York limited liability company, hereinafter referred to as “the Owner.”

WHEREAS, the Owner is the owner of the real property hereinafter described as lots 1 thru 19 of the Lakewood Custom Homes Subdivision and lots 20 thru 31 of the Sunset Ridge Estates Subdivision, as shown on a subdivision map filed in the Ontario County Clerk’s Office in Liber \_\_\_\_\_ of Maps at pages \_\_\_\_\_, and

WHEREAS, the Owner desires to provide for the preservation of the values and amenities in said community and for the maintenance of said open spaces and other common facilities, and, to this end, desires to subject the real property described above to the covenants and restrictions hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof; and

WHEREAS, the Owner has deemed it desirable, for the efficient preservation of the values and amenities in said community; and

WHEREAS, the Owner is desirous of having the following restrictions run with the land:

1. All lots within the premises shall be used for single-family residential purposes only and for no other purposes.
2. No lot shall be divided unto any lot smaller than that shown on the above-referenced subdivision map, for purposes of creating another building lot. Nothing shall prohibit re-subdivision of lots altering lot lines if additional lots are not created.
3. All plans and construction must conform with the approved site plan and the approved grading plan. Any proposed alterations must be approved by the Town of Canandaigua.
4. In accordance with the grading plan, walkout basements may not be constructed on lots: 3, 6, 8, 9, 10, 11, 12, 13, 17, and 18 without obtaining approval from the Town of Canandaigua.
5. **Prohibition on “clear cutting”:** there shall be no “clear cutting” of mature trees, excluding scrub/brush, except as necessary for the footprint of the home, related utilities and ingress/egress (the “Building Area”). Efforts shall be made to keep any healthy pre-existing north American hardwood species with a radius of 6” or greater (a “Significant Tree”) outside of the Building Area. In the event that a lot owner removes a Significant Tree outside of the Building Area, he shall replace it with a similar quality and type of tree elsewhere on the lot.
6. Homes may not be constructed with highly reflective building materials or devices which have the effect of intensifying reflected light, such as Scotchlite, Dayglo, glass beads and luminous paint.
7. No motor vehicles not currently registered and licensed, no boat, trailer, camper, mobile home, commercial or recreational vehicle may be store or parked on any portion of the property unless stored in a closed garage.
8. No equipment or supplies of any kind may be stored on the premises except in a closed garage.

9. No animals of any kind shall be raised, bred or kept in any dwelling or lot except that dogs, cats or other domesticated household animals may be kept inside the dwelling provided that they are not kept, bred or maintained for commercial purposes.
10. No Radio, television, or similar tower or antennae shall be erected on any lot or attached to the exterior wall of any building.
11. All plans and construction are subject to the architectural review and approval of the Owner, in its sole discretion.
12. These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them, until \_\_\_\_\_, 2032, at which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years, unless by a vote of the majority of the then owners of the lots in the subdivision, it is agreed to change the said covenants and restrictions in whole or in part.
13. If any owner of lots in this subdivision shall violate or attempt to violate any of the covenants or restrictions herein contained, or as amended in accordance with the provisions hereof, it shall be lawful for any other person or persons owning any other lots in said subdivision to prosecute any proceedings at law or in equity (including an injunction or damages) against the person or persons violating or attempting to violate any such covenants or restrictions. In addition, the Town of Canandaigua shall have authority to require the Homeowner's Association to take action against any lot owner not in conformance with these provisions.
14. Invalidity of any one of these covenants by judgement or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS HEREOF, the Owner has caused its company seal and their hands to be hereunto affixed and those present to be signed by its authorized member this \_\_\_\_ day of \_\_\_\_\_, 2022.