

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

PLANNING BOARD
Established February 20, 1962

Tuesday, November 9, 2022 • 6:00 p.m.

MINUTES—DRAFT #2—SUBJECT TO CHANGE

1. PRELIMINARY (PHASED) OVERALL SUBDIVISION: FIRST 90-DAY EXTENSION

CPN-22-012 **Marks Engineering, c/o Brennan Marks, P.E., 42 Beeman Street, Canandaigua, N.Y. 14424; representing Angelo Licciardello, 8242 East Bluff Drive, Penn Yan, N.Y. 14527; owner of property at 3535 State Route 364 (Sunset Ridge Estates/Lakewood Custom Homes Residential Development) TM #98.19-1-20.100**

Requesting the first 90-day extension of the Preliminary (Phased) Overall Subdivision approval to divide a 33.18-acre parcel into 31 single-family lots ranging in size from ±0.46 acres to ±2.74 acres and for the construction of 31 single-family residential dwellings and associated roadways, utilities, infrastructure and other improvements in the Residential R-1-20 Zoning District located at 3535 State Route 364 and detailed on site plans dated February 1, 2022; last revised May 2, 2022; and sheets C100, C101, C102, PLAT and EASEMENT, all last revised May 17, 2022; all prepared by Marks Engineering, and all other relevant information submitted as of November 9, 2022 (the current application).

This application was reviewed by the Planning Review Committee on February 14, 2022.

On March 8, 2022, the Planning Board declared its intention to be named the Lead Agency under the State Environmental Quality Review (SEQR) regulations for making the determination of significance on this application, and established the SEQR 30-day coordinated review period which ended on Friday, April 15, 2022.

The Public Hearing on this application was opened on April 12, 2022. The hearing was reconvened on May 10, 2022; May 24, 2022; and June 14, 2022.

The Public Hearing was closed on June 14, 2022, at which meeting the SEQR determination was approved (the Action will not result in any significant adverse

environmental impacts) and the Preliminary (Phased) Overall Subdivision Plat was approved with conditions.

The Preliminary Overall Subdivision Plat will expire on December 11, 2022.

On October 7, 2022, Brennan Marks, P.E. (the applicant's engineer) submitted a letter to the Development Office requesting the Planning Board's reconsideration of several conditions of the Preliminary Overall Subdivision Plat which had been approved on June 14, 2022 (*see* Planning Board minutes, June 14, 2022, pp. 7–30):

Condition #5: Regarding a Management and Operation Plan/ Agreement and HOA documents.

Condition #13: Regarding a road maintenance agreement between the Town of Hopewell and the Town of Canandaigua.

Condition #18: Regarding easements to be forwarded to the Town for review and approval by the Town Attorney prior to signatures being affixed to the plans.

(*See* the letter from Brennan Marks, P.E., of Marks Engineering, and related correspondence from Salvatore Licciardello, Esq., in the project file.)

Salvatore Licciardello presented this application in the meeting room. Angelo Licciardello and Mr. Marks attended via remote video conference.

Salvatore Licciardello said that they are making good progress to address the conditions of subdivision approval of June 14, 2022. He said that there are three outstanding conditions (listed above) which they hope to resolve prior to December 11, 2022, but that they wanted to submit an extension request to be proactive and to avoid possible additional delays which may occur during the upcoming holiday season.

He said that they are awaiting approvals from several outside agencies and that the law firm of Woods Oviatt Gilman of Rochester, N.Y., is close to the completion of the homeowner's association documents which they hope to submit for review to Town Attorney Christian Nadler as early as next week.

Mr. Oyler said that the Preliminary (Phased) Overall Subdivision Plat will be signed following completion of the remaining conditions of approval and confirmation by the Town staff and the Town engineer. He said that the applicant will then pursue the final approval of the one of the sections of the subdivision. Mr. Licciardello said that they plan to begin with Section 1.

■ A motion was made by MR. NEAL, seconded by MS. VANLAEKEN, that the application of Marks Engineering representing Angelo Licciardello, owner of property at 3535 State Route 364 (Sunset Ridge Estates/Lakewood Custom Homes Residential

Development), requesting the first 90-day extension of the Preliminary (Phased) Overall Subdivision approval to divide a 33.18-acre parcel into 31 single-family lots ranging in size from ± 0.46 acres to ± 2.74 acres and for the construction of 31 single-family residential dwellings and associated roadways, utilities, infrastructure and other improvements in the Residential R-1-20 Zoning District located at 3535 State Route 364 and detailed on site plans dated February 1, 2022; last revised May 2, 2022; and sheets C100, C101, C102, PLAT and EASEMENT, all last revised May 17, 2022; all prepared by Marks Engineering, and all other relevant information submitted as of November 9, 2022 (the current application), be approved. The new expiration date is **MARCH 11, 20223**.

Mr. Brabant said that the expiration will be March 11, 2023, which is a correction to the date on the draft approval resolution.

Mr. Tolbert asked about the intended purpose of the expiration dates on approved applications. Mr. Brabant said that the expiration dates and extension requests provide the Planning Board with opportunities to review applications following the initial 180-day approval time limit. He said that this review also enables the Planning Board to determine if applications continue to comply with Town codes and other requirements which may have changed over a period of time.

Mr. Tolbert asked if the Planning Board should be concerned that this is not the first time limit which the applicant has missed, a reference to the denial by the Town Board of the applicant's request for a 90-day extension of Preliminary Site Plan approval conditioned upon the rezoning of the property to a Mixed Use Over Zoning District, for the applicant's previously proposed project on this parcel; *see* Town Board Resolution #2021-247, October 18, 2021.)

Mr. Licciardello said that Mr. Tolbert was referring to the applicant's petition to rezone the property which was for a completely different project. Mr. Licciardello said that he was not speaking out of turn in saying that they have "hit" their deadlines with their current project, that they are making progress on [addressing the] conditions [of approval], and that there has been a great deal of coordination with the Town of Hopewell and other outside agencies.

Mr. Marks said that the plans have been submitted to the New York State Department of Health (DOH) and to the Canandaigua Lake County Sewer District. He said that it usually takes approximately six months to hear back from the DOH and that he believes that they will hear back from that agency shortly.

Mr. Brabant said that the Canandaigua Lake County Sewer District has been coordinating with several municipalities on a study of sanitary sewer capacity which could affect this project. He said that the study took longer than anticipated, that it was completed in August or September, and that this was one element which may have played a role in the delay [of the sewer district's response to the applicant].

Mr. Marks also said that they have been working with the U.S. Army Corps of Engineers and that dealing with the Federal government is also a slow process.

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

Motion carried by voice vote.