

EXHIBIT D

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(585) 394-1120

Fax: (585) 394-9476

Established 1789

January 3, 2012

Mr. Russ Corey
Advanced Living Properties, Inc.
4294 Avon Caledonia Road
Caledonia, New York 14423

RE: Fallbrook Manufactured Home Community
Property @ 3260 State Route 364
Tax Map # 98.08-1-8.100

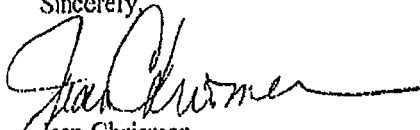
Dear Mr. Corey:

Per your request, the Town has modified the Certificate of Non-Conformity to correct the required front setback for Lot 6 (three feet) and have agreed to modify the required front setback for Lots 7 and 19 to five (5) feet).

Enclosed is your copy of the amended Certificate of Non-Conformity that was filed with the Town Clerk earlier today. Keep this document in your records. As previously stated, with the issuance of this Certificate of Non-Conformity, there is no longer a requirement for you to seek variances to the NYS Fire Prevention and Building Code for any existing structures that are shown on the site plan received at the Town on February 22, 2011.

Do not hesitate to contact me should you have any questions.

Sincerely,


Jean Chrisman
Zoning Officer

Enc.

Town of Canandaigua

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CERTIFICATE OF NON-CONFORMITY

Name of Park: Fallbrook Manufactured Home Community

Zoning District: MH

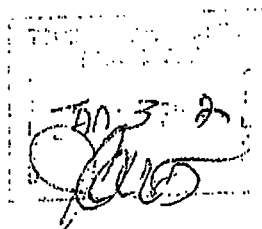
Address: 3260 State Route 364

Tax Map #: 98.08-1-8.100

Park Owner: Advanced Living Properties Inc.

Description of Non-Conformity:

- Community consist of 43 manufactured home sites and 1 one-bedroom apartment
- Site plan received by the park owner on February 22, 2011
- The installation of or construction of any additions to all existing / future manufactured homes shall meet the following front setback requirements from the interior road as long as a minimum of 25 feet private road width is maintained:
 - Lot 4 shall maintain a front setback of 4 feet
 - Lot 5 shall maintain a front setback of 11 feet
 - Lot 6 shall maintain a front setback of 3 feet
 - Lot 7 shall maintain a front setback of 5 feet (exception lot / shown as 10 feet on site plan)
 - Lot 9 shall maintain a front setback of 1 foot
 - Lot 10 shall maintain a front setback of 1 foot
 - Lot 11 shall maintain a front setback of 1 foot
 - Lot 12 shall maintain a front setback of 4 feet
 - Lot 14 shall maintain a front setback of 4 feet
 - Lot 15 shall maintain a front setback of 2 feet
 - Lot 17 shall maintain a front setback of 6 feet
 - Lot 18 shall maintain a front setback of 7 feet
 - Lot 19 shall maintain a front setback of 5 feet (exception lot / shown as 18 feet on site plan)
 - Lot 20 shall maintain a front setback of 2 feet
 - Lot 21 shall maintain a front setback of 9 feet
 - Lot 22 shall maintain a front setback of 7 feet
 - Lot 23 shall maintain a front setback of 21 and 8 feet
 - Lot 24 shall maintain a front setback of 8 feet
 - Lot 25 shall maintain a front setback of 8 feet
 - Lot 26 shall maintain a front setback of 8 feet
 - Lot 27 shall maintain a front setback of 8 feet
 - Lot 28 shall maintain a front setback of 7 feet
 - Lot 29 shall maintain a front setback of 3 feet
 - Lot 30 shall maintain a front setback of 8 feet
 - Lot 31 shall maintain a front setback of 6 feet
 - Lot 32 shall maintain a front setback of 6 feet
 - Lot 33 shall maintain a front setback of 6 feet



- Lot 34 shall maintain a front setback of 5 and 12 feet
- Lot 35 shall maintain a front setback of 27 and 6 feet
- Lot 36 shall maintain a front setback of 10 feet
- Lot 37 shall maintain a front setback of 8 feet
- Lot 38 shall maintain a front setback of 7 feet
- Lot 39 shall maintain a front setback of 9 feet 6 inches
- Lot 40 shall maintain a front setback of 3 feet
- Lot 41 shall maintain a front setback of 2 feet 6 inches
- Lot 43 shall maintain a front setback of 8 feet
- Lot 44 shall maintain a front setback of 5 feet
- Lot 45 shall maintain a front setback of 6 feet
- Lot 46 shall maintain a front setback of 6 feet
- Lot 47 shall maintain a front setback of 5 feet
- Lot 48 shall maintain a front setback of 10 feet
- Lot 49 shall maintain a front setback of 14 feet
- Lot 50 shall maintain a front setback of 23 feet

The existing one-bedroom apartment building shall not be expanded. This includes construction of additional living space, decks, porches, attached garage, carport, etc.

This Certificate of Non-Conformity is being issued per Chapter 134 of the Town's Manufactured Home Parks regulations and the site plan received on February 25, 2011. This Certificate is a report of the findings made by the Town Zoning Officer.

This Certificate of Non-Conformity only verifies the location of the structures existing on this date.


This Certificate of Non-Conformity does not permit any expansion without authorization from the Town of Canandaigua (Chapter 134, Section 134-36-B).

Permits shall be required for any new construction/installation of any new structures (manufactured homes, sheds, pools, porches, decks, fences, etc.) within said park per Town Code Chapter 134 and/or NYS Uniform Fire Prevention and Building Code.

All existing accessory structures (storage sheds) less than 10 feet from another structure shall not be used for the storage of flammable liquids. The installation of all future accessory structures shall adhere to the requirements described in Chapter 134.

This Certificate of Non-Conformity does not negate any requirements for the property owner or their assigns to adhere to the NYS Uniform Fire and Prevention and Building Code.

Continuance of a non-conforming use is subject to the provisions of Town Code, Chapter 134 Section 134-37 (Renewal of License).

 12/30/2011
Jean Chrisman, Zoning Officer / Date

(See attached evidence: site plan)

FALLBROOK

Manufactured Home Community
3260 NYS Route 364
Canandaigua, NY 14424
Tax Map# 98.08-01-8.100

TOWN OF CANANDAIGUA FOR REVIEW
DEVELOPMENT OFFICE
FEB 22 2011
RECEIVED

