

# *Town of Canandaigua*

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

*Established 1791*

The following resolution was acted upon by the Canandaigua Town Board on September 12, 2022:

**RESOLUTION NO. 2022 – 240: AUTHORIZATION TO PROCEED WITH MIXED USE ZONING, REFERRAL TO PLANNING BOARD FOR ADVISORY REPORT**

**WHEREAS**, on August 12, 2022, the Town Clerk received a Petition to Amend the Official Zoning Map (Mixed Use Overlay) application from Venezia Group LLC to rezone property at 2435 Brickyard Road (TM#70.00-1-67.111) from Industrial to Mixed Use Overlay, and

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) has received a request to amend the official zoning map from the Town Clerk; and

**WHEREAS**, per Town Code §220-33(D) and per the recommendation from the Town Planner dated August 29, 2022. The Town Board has interpreted that this property is located within the MUO District boundaries as depicted on the Town’s Official Zoning Map signed/dated December 15, 2021; and

**WHEREAS**, the Town Clerk and the Planner have reviewed the application and Town Code §220-33; and

**WHEREAS**, the Town Board, after review of the application, may by Town Code §220-33(C) refer such requests to the Town of Canandaigua Planning Board for an advisory report; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby refers the rezoning request of 2435 Brickyard Road (TM#70.00-1-67.111) from Industrial to Mixed Use Overlay to the Town of Canandaigua Planning Board pursuant to Town Code §220-33(C)(2) and further requests the Planning Board provide such report to the Town Board of the Town of Canandaigua within sixty (60) days from the date of this resolution; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide a copy of this resolution to the Town Manager, the Town Planner, and to the Chairman of Town of Canandaigua Planning Board.

Motion made by Councilman Fennelly, seconded by Councilwoman DeMay

Discussion in regard to reducing industrial zoning in that area of the Town. It was explained that it is procedural to send it to the Planning Board for a recommendation. It does say that the Town Board is in favor or against of the proposed rezoning request.

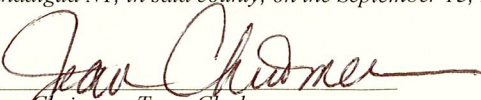
4 Ayes: DeMay, Fennelly, Rudolph, Simpson

STATE OF NEW YORK}  
County of Ontario}  
Town of Canandaigua}

*I DO HEREBY CERTIFY that I have compared the preceding with the original thereof, on file and on record in the Town Clerk's office, and that the same is a correct copy and transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board held at Canandaigua, New York, on September 12, 2022.*

SEAL

*Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on the September 13, 2022.*

  
Jean Chrisman, Town Clerk

# *Town of Canandaigua*

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*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER/S:** Uptowne Point, LLC

**PROPERTY ADDRESS:** 2435 Brickyard Road

**TAX MAP NUMBER:** 70.00-1-67.111

**ZONING DISTRICT:** I-Industrial

### **DETERMINATION REFERENCE:**

Petition to Amend the Official Zoning Map- Mixed Use Overlay District, dated 8/12/20022, received 08/12/2022.

Conceptual Plan titled, "Uptowne Pointe Phase 1," prepared by Rocco A. Venezia, Land Surveyor, dated 8/12/2022, received 8/12/2022.

### **PROJECT DESCRIPTION:**

The applicant is requesting to rezone the property from I-Industrial to MUO-Mixed Use Overlay.

### **DETERMINATION:**

The parcel is located within Mixed Use Overlay, Subarea #1. This area has been identified as a growth node in the Town of Canandaigua Comprehensive Plan.

### **REFERRAL TO TOWN BOARD FOR:**

The Town Board may refer the rezoning request to the Town of Canandaigua Planning Board for an advisory report.

**CODE SECTIONS:** Chapter §220-33(D)

DATE: 8/29/22

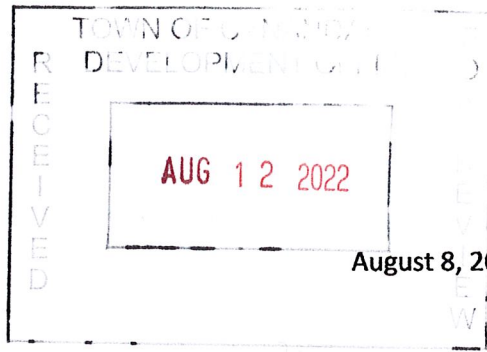
BY: Shawna Bonshak  
Shawna Bonshak Town Planner/Zoning Officer

**CPN- 22-065**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property Owner  
Town Clerk

Venezia Group LLC  
Rocco Venezia LS  
5120 Laura Lane  
Canandaigua, NY 14424



**COPY**

Town of Canandaigua Development Office  
Atten: Town Board  
5440 NYS Route 5&20 West  
Canandaigua, NY 14424

RE: Uptowne Pointe development / TM# 70.00-1-67.111 Re-Zoning request for MUO

Dear Sirs/Madams:

We are writing to request a re-zoning to MUO for the area on Airport Road as shown on the attached proposed Plat, presently zoned Industrial. We are proposing a Phase 1 development of 5 residential building lots.

The entire parcel owned by Uptowne Point LLC consists of 44.2 Acres and has frontage on both Brickyard Road and Airport Road. The Area of the proposed 5 Lots (Phase 1) is 1.970 Acres. The gas line that traverses the property can be utilized for a future walking trail.

Future Phase 2, as shown on the attached Plat consists of 19 proposed residential building lots with a proposed Uptowne Pointe Blvd access road. The future intent of Uptowne Pointe Blvd is to traverse through the subject property and eventually intersect with Thomas Road.

We would like to ask for re-zoning for the area covering both Phase 1 and Phase 2.

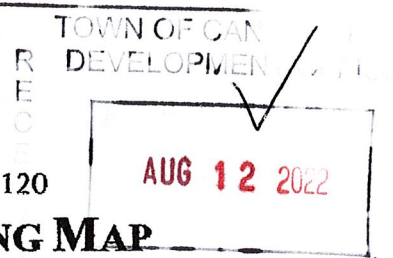
Four 3 Acre industrial building Lots on Brickyard Road were recently approved by the Planning Board.

Thank you for your consideration of this project. Please contact us for any further information you may require.

Sincerely  
Rocco Venezia  
Venezia Group



**COPY**



*Town of Canandaigua*

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**PETITION TO AMEND THE OFFICIAL ZONING MAP  
MIXED USE OVERLAY DISTRICT**

1. Name and Address of the Applicant: Bocco Venezia  
5120 Laura Lane Canandaigua 14424  
Applicant Telephone and E-mail Address: 585-396-3267
2. Name and Address of Applicant's Attorney (if applicable): Donald Cheney ESQ  
336 N. Main St, Cdga 14424  
Attorney Telephone and E-mail Address: dcheney@cheneyfirm.com 919-6210
3. Interest of Applicant in Property: Owner: (Uptonone Pointe LLC)
4. Name and Address of Property Owner, if different :  
  
Owner Telephone and E-mail Address: rocco@veneziasurvey.com
5. Subject Property Address and Tax Map Number: 70.00-1-67.111
6. Current Zoning and MUO Classification: Industrial
7. Requested Amended Zoning Classification: MUO
8. Existing Land Use and/or Buildings: Vacant
9. Proposed Land Use and/or Buildings: Residential

\*Signature of Property Owner P. Venezia Date: 2-1-22 8/12/22 R.V.

\*Signature of Applicant R. Venezia Date: 2-1-22 8/12/22 R.V.

**IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST**  
(Required by NYS General Municipal Law § 809)

1. ***If the Applicant is an Individual:*** Is the applicant or any of the immediate family members of the applicant (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) related to any officer or employee of the Town of Canandaigua?  
YES      NO
  
2. ***If the Applicant is a Corporate Entity:*** Are any of the officers, employees, partners, or directors, or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?  
YES      NO
  
3. ***If the Applicant is a corporate entity:*** Are any of the stockholders or partnership members (holding 5% or more of the outstanding shares), or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?  
YES      NO
  
4. ***If the Applicant has made any agreements contingent upon the outcome of this application:***  
If the applicant has made any agreements, express or implied, whereby said applicant may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of this application, petition, or request, are any of the parties to said agreement officers or employees of the Town of Canandaigua?  
YES      NO

If the answer to any of the above questions is YES, please state the name and address of the related officer(s) or employee(s) as well as the nature and extent of such relationship:

\_\_\_\_\_ Patricia Venezia ECB \_\_\_\_\_

**Property Owner is responsible for any consultant fees**  
**(Town Engineer, Town Attorney, etc.) incurred during the application process.**

Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

Bocco Venezia  
(property owner print)

\*LaVez  
(property owner signature)

OFFICE USE ONLY

Date Filed: \_\_\_\_\_ Date Referred to Planning Board: \_\_\_\_\_

Planning Board Action: \_\_\_\_\_

Publication: (dates) \_\_\_\_\_ (location) \_\_\_\_\_

Notice Mailing Date (attach mailing list): \_\_\_\_\_

Hearing: (date) \_\_\_\_\_ (time) \_\_\_\_\_ (location) \_\_\_\_\_

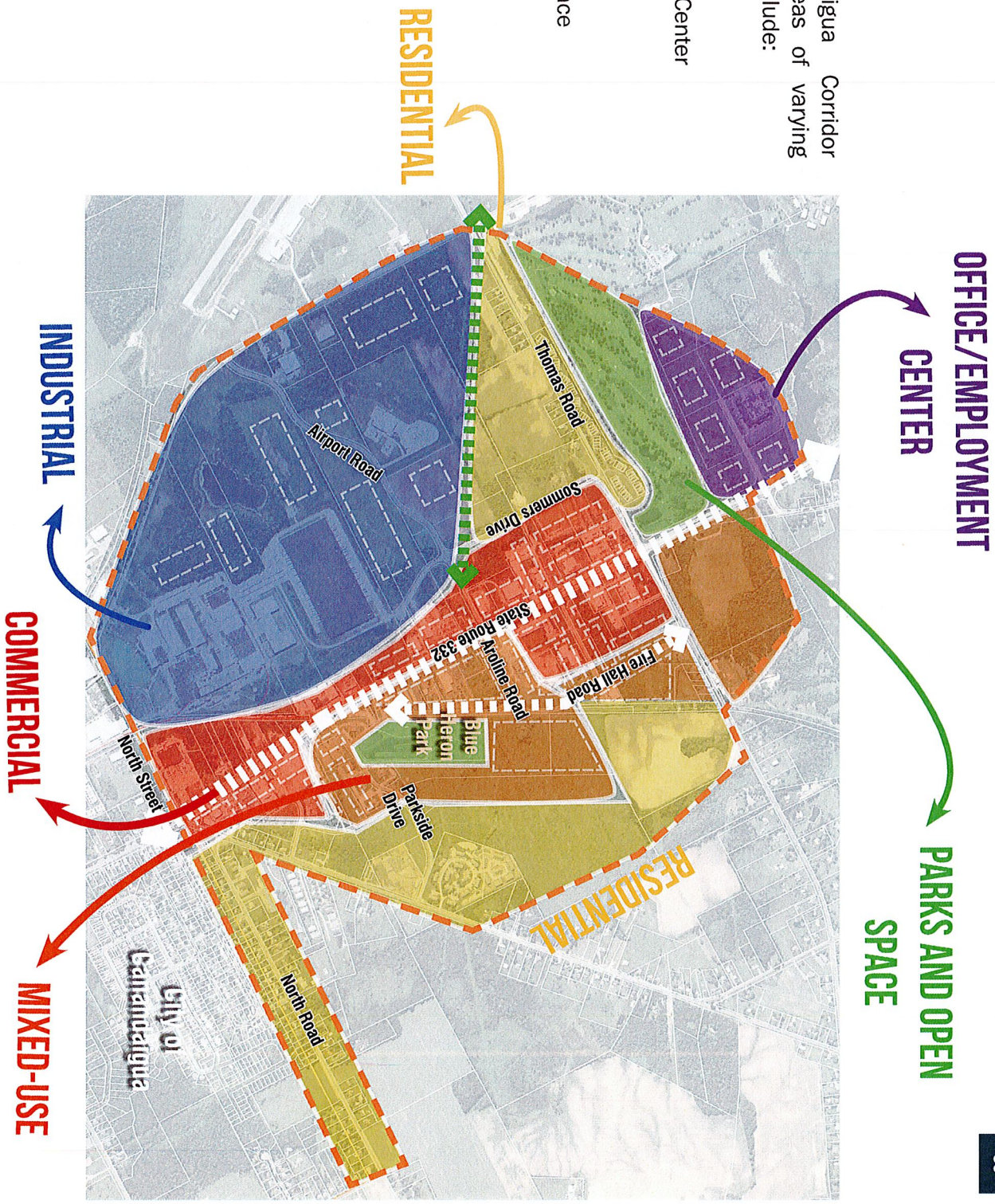
Order: \_\_\_\_\_



# CHARACTER AREAS

The Uptown Canandaigua Corridor is comprised of six areas of varying character. These areas include:

1. Industrial
2. Office/Employment Center
3. Commercial
4. Mixed-Use
5. Residential
6. Parks and Open Space





## INDUSTRIAL CHARACTER AREA

The Industrial Character Area lies on the western portion of the Uptown Canandaigua Corridor between North Street and Thomas Road. This area is primarily vacant land. Pactiv Corporation, the largest employer in Ontario County, comprises almost half of this land. Other industrial type uses in this district include the Canandaigua Bus Garage, Corsair Display Systems and Badge Machine Products.

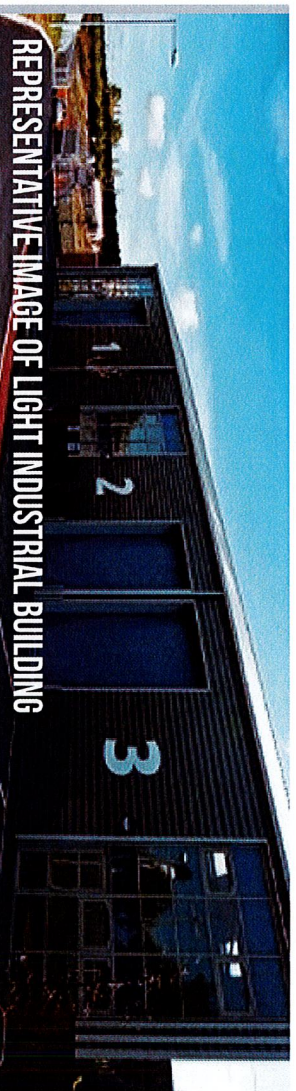
The Town of Canandaigua and the Uptown Canandaigua Corridor benefit immensely from the corporations that exist in this area due to the jobs that are supported. The industrial market has been strengthening in Ontario County and the Town; however, there remains a constrained supply of industrial businesses within the area. This industrial district is important to the future of employment opportunities within the Town.

The Canandaigua Airport, which lies just outside the Uptown area, has the ability to support additional light manufacturing, warehousing, and office space due to its proximity and load capacity.

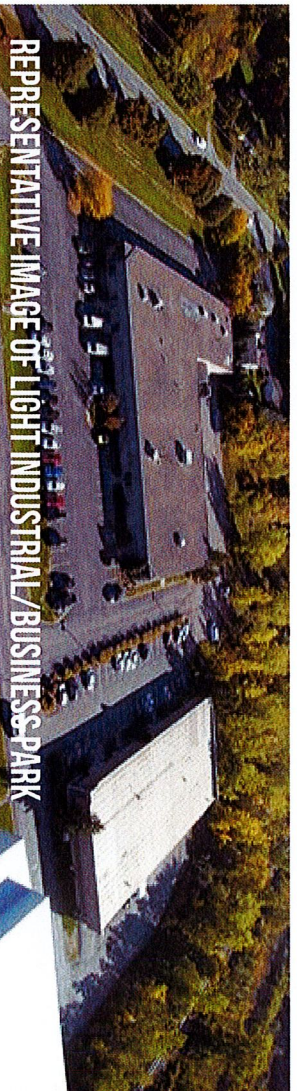
Additional light manufacturing, warehousing, business parks, and employment centers are expected over the next 20 years to foster additional tax base and employment opportunities for the Town and Uptown residents.



POTENTIAL BUILDING LAYOUT



REPRESENTATIVE IMAGE OF LIGHT INDUSTRIAL BUILDING



REPRESENTATIVE IMAGE OF LIGHT INDUSTRIAL/BUSINESS PARK