

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

PLANNING BOARD

Tuesday, January 28, 2014, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz

BOARD MEMBERS: Richard Gentry, Daniel O'Bine, Charles Oyler, One Vacancy

SECRETARY: Kathy Gingerich

STAFF MEMBERS: Lance Brabant, MRB Group
Christian Nadler, Planning Board Attorney

Pledge of Allegiance

Introduction of Board Members and Staff

Overview of Emergency Evacuation Procedure

Attest to the Publishing of Legal Notices

Privilege of the Floor

SKETCH PLANS: *None at this time*

CONTINUED PUBLIC HEARINGS:

CPN-090-13 Thomas Welch, owner of property at 2532 County Road 22, TM#71.00-1-74.110, is requesting single stage subdivision approval for a 3-lot subdivision in the AR-1 zoning district. *(Continued to 6/10 meeting per applicant request)*

NEW PUBLIC HEARINGS:

CPN-092-13 Elgin Ludwig, owner of property at 4953 Emerson Road, TM#56.04-2-38.000, is requesting special use permit approval for a major home occupation (boutique) in the R-1-30 zoning district.

CPN-096-13 James Mueller, representing the Cheshire Volunteer Fire Department, owner of property
CPN-097-13 at 5439 Routes 5 & 20, TM#83.00-1-19.000, is requesting special use permit approval and one stage site plan approval to construct a fire house in the AR-2 zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS:

CPN-008-14 Venezia Associates, representing Joy Wegman, owner of property at 4417 County Road 16, TM#126.16-2-3.300, is requesting final subdivision approval for a 2-lot subdivision in the RLD zoning district.

CONTINUED PRELIMINARY (PHASED) SITE PLANS: *None at this time*

NEW PRELIMINARY (PHASED) SITE PLANS: *None at this time*

CONTINUED FINAL (PHASED) / ONE-STAGE SITE PLANS: *None at this time*

NEW FINAL (PHASED) / ONE-STAGE SITE PLANS:

CPN-104-13 McMahan-LaRue, representing Debra Petrisak, owner of property at 3491 Lakeview Lane, TM#98.13-1-27.000, is requesting one stage site plan approval to construct a single-family dwelling in the RLD zoning district.

BOARD BUSINESS

- ☐ Approval of January 14, 2014 meeting minutes
 - ☐ Referrals from Town Board: *None at this time*
 - ☐ Recommendations to Zoning Board of Appeals:
 - ☐ Recommendations to the Code Enforcement Officer: *None at this time*
 - ☐ Resubdivision / Annexations: *None at this time*
 - ☐ Letter of Credit/Bond Releases: *None at this time*
 - ☐ Comprehensive Plan – General Discussion
 - ☐ Other Business as Required: *None at this time*
-

STAFF REPORTS:

- ☐ Town Consulting Engineer
- ☐ Planning Board Attorney
- ☐ Director of Development
- ☐ Board Member Reports
- ☐ Topics

UPCOMING APPLICATIONS

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ELGIN LUDWIG – 4953 EMERSON ROAD
CPN 092-13 – TM#56.04-2-38.000
SPECIAL USE PERMIT – MAJOR HOME OCCUPATION
SEQR RESOLUTION- TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a Special Use Permit to operate a 132 sq. ft. boutique out of the existing home located at 4953 Emerson Road in a R-1-30 Zoning District, to sell comfort caps to those experiencing hair loss due to chemotherapy or other medical treatment with no site improvements proposed, and

WHEREAS, the Planning Board did review the Ontario County Planning Board's Referral # 167-2013 and 167.1-2013 dated December 2013; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
One Vacancy -
Thomas Schwartz -

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ELGIN LUDWIG – 4953 EMERSON ROAD
CPN 092-13 – TM#56.04-2-38.000
SPECIAL USE PERMIT – MAJOR HOME OCCUPATION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a Special Use Permit to operate a 132 sq. ft. boutique out of the existing home located at 4953 Emerson Road in a R-1-30 Zoning District, to sell comfort caps to those experiencing hair loss due to chemotherapy or other medical treatment with no site improvements proposed, and

WHEREAS, the Planning Board did review the Ontario County Planning Board's Referral # 167-2013 and 167.1-2013 dated December 2013; and

WHEREAS, the Planning Board has classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations thereby completing the environmental review; and

WHEREAS, the Planning Board has received a waiver from the requirements of Chapter 220 Section 220-65 (A) for the preparation of professionally prepared site plan dated January 24, 2014; and

WHEREAS, the Planning Board does hereby determine the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35, of the Town Code; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approves the requested special use permit with the following conditions:

1. There shall be no outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit.
2. All proposed site lighting shall be compliant with the Town Code requirements.
3. In the event of any complaints about the proposed Special Use Permit operations being filed with the Code Enforcement Officer and failure to take corrective action by the applicant shall be brought to the attention of the Planning Board.
- 4.
- 5.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
One Vacancy -
Thomas Schwartz -

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
ELGIN LUDWIG – 4953 EMERSON ROAD
CPN 092-13 – TM#56.04-2-38.000
SPECIAL USE PERMIT – MAJOR HOME OCCUPATION

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
ELGIN LUDWIG – 4953 EMERSON ROAD
CPN 092-13 – TM#56.04-2-38.000
SPECIAL USE PERMIT – MAJOR HOME OCCUPATION

1. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations.
2. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
3. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
4. The applicant is requesting a Special Use Permit to operate a 132 sq. ft. boutique out of the existing home located at 4953 Emerson Road, Canandaigua NY within an R-1-30 Zoning District.
5. The applicant proposes to sell comfort caps to those experiencing hair loss due to chemotherapy or other medical treatment.
6. No construction or site improvements are proposed with this application.
7. The applicant has submitted a waiver from the requirements of Chapter 220 Section 220-65 (A) for the preparation of professionally prepared site plan dated January 24, 2014.
8. The Planning Board reviewed the submitted site plan titled *Clifford & Diane E. Stanley* and prepared by Years Boundary Land Surveying Services. The Site Plans identify the existing property and size, residence, and existing driveway locations.
9. The existing driveway can accommodate 4-5 cars.
10. The Planning Board discussed parking and determined that additional parking was not warranted based on the type of occupation proposed.
11. Pursuant to Chapter 111 of Town Code and NYS Town Law the Planning Board may choose to require set aside of parkland or payment of a fee in lieu thereof when reviewing plans for residential development.
12. The Planning Board has determined that set aside of parkland or payment of a fee in lieu thereof will not be required as this application consists of an established property and an existing house.
13. The Planning Board has determined the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35 of the Town Code.
14. The Planning Board discussed outdoor storage. No outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit is permitted.
15. The Planning Board discussed site lighting. All site lighting (existing and proposed) are to be compliant with the Town Code requirements.
16. An area variance was requested to operate a major home occupation within a single family dwelling on an existing .7 acre parcel where the existing lot does not contain a minimum of 1 acre and the dwelling does not meet the required setback.
17. The ZBA granted the requested area variance at the January 21, 2014 meeting.
18. A referral to the Ontario County Planning Board (OCPB) was required.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
ELGIN LUDWIG – 4953 EMERSON ROAD
CPN 092-13 – TM#56.04-2-38.000
SPECIAL USE PERMIT – MAJOR HOME OCCUPATION

19. The Planning Board did review the Ontario County Planning Board's Referral # 167-2013 & 167.1-2013 dated December 2013 which stated that no significant county-wide or inter-municipal impacts were identified and classified it as a Class 1 with comments.

20.

21.

22.

23.

DRAFT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JAMES MUELLER FOR CHESHIRE VOLUNTEER FIRE DEPARTMENT
5439 STATE ROUTE 5 & 20
CPN 096-13 TM# 83.00-1-19.000
SIGNLE-STAGE SITE PLAN REVIEW – CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a single-stage site plan approval for the construction of a 7,900 sf fire station including nine (9) parking spaces, stormwater management areas, utility improvements, an entrance off NYS Route 5 & 20 in the AR-2 zoning district and as described in the Site Plans dated November 12, 2013 and last revised December 5, 2013 and all other relevant information submitted as of January 28, 2014 (the current application), and

WHEREAS, the Planning Board has determined that the application is a Type 1 Action and subject to a coordinated review and approval by other involved agencies under the SEQR Regulations; and

WHEREAS, the Planning Board has declared their intent to become lead agency at the January 14, 2014 Planning Board Meeting and cannot make a SEQR Determination until the February 25, 2014 Planning Board Meeting; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table the application and continue the Public Hearing to their February 25, 2014 Planning Board Meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby request the Applicant to provide the following information on or before noon on Friday, February 7, 2014:

1. The site plans are to be revised to address the Town Engineers comment letter dated January 24, 2014.
2. The site plans are to be revised to address the Town Highway and Water Superintendents comment letter dated January 13, 2014.
- 3.
- 4.
- 5.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
One Vacancy -
Thomas Schwartz -

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JAMES MUELLER FOR CHESHIRE VOLUNTEER FIRE DEPARTMENT
5439 STATE ROUTE 5 & 20
CPN 096-13 TM# 83.00-1-19.000
SIGNLE-STAGE SITE PLAN REVIEW – CONTINUATION

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering final subdivision approval for a 2-lot subdivision and construction of a single family dwelling in the RLD zoning district as described in the Final Subdivision Plans dated January 2, 2014, last revised January 17, 2014 and all other relevant information submitted as of January 28, 2014 (the current application), and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQRA), a determination of significance and a negative declaration was previously adopted by the Town of Canandaigua Planning Board on December 10, 2013; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. A soil erosion surety in the amount to be determined by the Town Engineer shall be provided to and accepted by the Town Board prior to the issuance of any permits.
2. A Landscaping surety in the amount to be determined by the Town Engineer shall be provided to and accepted by the Town Board prior to the issuance of any permits.
3. All comments identified in the Town Engineer's Letter, dated January 24, 2014 are to be addressed prior to the Final Subdivision Plans being signed.
4. All comments identified in the Ontario County Department of Public Works, dated _____ are to be addressed prior to the Planning Board Chairman's signature being affixed to the Final Subdivision Plans.
5. Once all conditions of Final Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Final Subdivision Plans.
6. The Final Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Final Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Final Subdivision Plans.
- 7.
- 8.
- 9.
- 10.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine --
One Vacancy
Thomas Schwartz -

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

GENERAL / REQUIREMENTS

1. The Planning Board finds that the proposed Final Subdivision Plans dated January 2, 2014 and last revised January 17, 2014 are in compliance with the conditions of Preliminary Subdivision Plan approval granted at the January 14, 2014 Planning Board meeting.
2. The Preliminary Subdivision Plans have been signed by the Planning Board Chairman.
3. The applicant has submitted plans for Final Subdivision approval for a two lot subdivision and construction of a single family dwelling in the RLD zoning district as described in the Final Subdivision Plans dated January 2, 2014, last revised January 17, 2014.
4. The applicant is proposing a two-lot subdivision of a 13.572 \pm acre parcel (Tax Map No. 126.16-2-3.300) where Lot 1 will become a 9.8 \pm acre lot (existing residence is located) and Lot 2 will become a 3.7 \pm acre lot (proposed single family dwelling).
5. The project involves the construction of a 4,726 \pm sf single family dwelling on proposed Lot 2, including a 9,590 \pm sf tennis court, public water and sanitary sewer service connections, drainage improvements including pervious pavement areas, infiltration trenches, a rain garden, and landscaping. Lighting is proposed for the tennis court and house and a new driveway connection to West Lake Road including tennis court parking and a court yard are also proposed.
6. The existing house located on proposed Lot 1 and driveway connection to West Lake Road will remain.
7. New public water and sanitary sewer service connections are provided for the proposed single family dwelling located on Lot 2 and the existing single family dwelling located on Lot 1.
8. The applicant and design team has worked extensively with the Planning Board and Town Staff to create a positive design for the project site, especially the driveway.
9. The proposed driveway to Lot 2 has been relocated further south away from the existing gully through multiple design changes. Most of the existing vegetation in this area will remain and those removed will be replaced with landscaping and/or green infrastructure improvements.
10. The proposed house will be constructed within the footprint of the existing tennis court.
11. The Planning Board has discussed the character of the proposed shoreline in relation to the Town's Shoreline Development Guideline requirements. The Planning Board determines that the proposed house is designed according to the Town of Canandaigua's Shoreline Development Guidelines. The proposed house will fit into the existing site features.
12. The proposed house is designed with a flat roof so that the natural vegetation and landscaping behind the house will be visible from the lake.
13. The applicant has demonstrated that the proposed structure's appearance from the water will be softened by the existing vegetation/ landscaping to remain and by the proposed landscaping and green infrastructure to be provided as part of this application.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

14. There are multiple trees of approximately 70' in height between the proposed tennis court and West Lake Road. These trees will shield the view from West Lake Road so the tennis court and the house will not be visible.
15. The proposed tennis court will be constructed at an elevation of 760' while West Lake Road is 30' above at an elevation of 790'. This will further shield the view from West Lake Road.
16. The proposed tennis court will be approximately 211' from West Lake Road, approximately 217' from the lake, and approximately 115' from the adjoining property line to the North.
17. The proposed tennis court will have 8 light poles of 26' each. Said lights will be dark sky compliant pursuant to the Town Code. Applicant submitted a lighting plan showing that the lights will not radiate outside the property. The lighting will all be facing downward and shielded so as to direct the light onto the tennis court area only. The lighting for the tennis court will be dark sky compliant in accordance with Town Code.
18. Applicant's representatives indicated that the tennis court lights would only be lit while the tennis court area is being used.
19. The tennis court will not be visible to neighboring properties or from West Lake Road, lighting for the tennis court will be dark sky compliant, the property is unique in its shape and size and therefore shields the proposed developments, and the proposed house will be constructed within the Town of Canandaigua's Shoreline Development Guidelines.
20. The proposed house will be constructed at an elevation of 718' while Canandaigua Lake sits at an elevation of 689'.
21. Pursuant to the Town of Canandaigua Town Code, §174-16 Conservation Subdivision, the proposed project is required to address the conservation subdivision requirements.
22. The Planning Board has determined that the proposed subdivision does not meet all four (4) of the criteria described in Town of Canandaigua Town Code, §174-16 B(1) Conservation Subdivision requirements and is subject to preliminary and final subdivision review and the conservation subdivision process.
23. Pursuant to the Conservation Subdivision requirements described in §174-16 C(1), a Density Calculation worksheet was provided by the applicant signed by the Zoning Officer with a date of October 10, 2013. The worksheet determines the base density or the maximum number of residential dwellings allowed on the site based on the site characteristics/ zoning requirements.
24. According to the density calculations worksheet, a total of 29 single family dwellings lots could be subdivided from the existing 13.572 acres where 2 lots are proposed.
25. Pursuant to the Conservation Subdivision requirements described in §174-16 C(2), a Conservation Analysis dated October 13, 2013 was provided by the applicant identifying areas with conservation value and describing how these areas are being preserved. The

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

Planning Board hereby approves this Conservation Analysis as sufficient to meet the requirements of Town Code.

26. The Planning Board has determined that the proposed project does meet the Conservation Subdivision requirements identified within §174-16 of the Town of Canandaigua Town Code. The constrained lands identified within the Conservation Analysis and on the Town of Canandaigua Natural Resource Inventory (NRI) Map including the gully, steep slopes areas, and Canandaigua Lake have been preserved and protected with the proposed subdivision and site improvements.
27. The Planning Board heard from Mark Bayer, a NYS Licensed Landscape Architect, who presented an updated landscape plan, and indicated that native plantings would be used to revegetate, screen, and enhance the driveway so as to screen the development from the lake, road, and from the property to the North. Native stone and plants will be used to make the driveway appear as if it was originally part of the ravine.

SEQR PROCESS

28. The project was reviewed in compliance with applicable procedural requirements including a coordinated review pursuant to State Environmental Quality Review Act (SEORA), Conservation Subdivision pursuant to Town Code §174-16, and the Town of Canandaigua Planning Board's Rules of Procedure.
29. The application is classified as an Unlisted Action in accordance with implementing regulations of State Environmental Quality Review Act (NYCRR Part 617).
30. A SEQR Full Environmental Assessment Form Part 1 was completed by the applicant and establishment of lead agency and a coordinated review was completed.
31. On October 25, 2013 the Planning Board notified all known involved and interested agencies of its intent to serve as lead agency for purposes of reviewing the Preliminary Subdivision Plans for potential environmental impacts.
32. On November 26, 2013 the Planning Board designated itself as lead agency as no objections from the involved agencies were received.
33. On December 10, 2013 the Planning Board as lead agency, reviewed the revised subdivision application dated December 4, 2013, completed Part 2 and Part 3 of the Full Environmental Assessment Form (EAF), and determined that the proposed action **WILL NOT** result in any significant adverse environmental impacts, made a Determination of Non-Significance and issued a Negative Declaration (*Town of Canandaigua Planning Board Resolution for the Venezia Associates –Joy R. Wegman Two Lot Subdivision, CPN 077-13 TM# 126.16-2-3.300, SEQR Determination of Significance*).
34. On December 17, 2013, notices to all involved agencies were sent out regarding the Negative Declaration.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

REVIEWS

35. The proposed project is in substantial compliance with the Zoning Law Determination dated November 22, 2010 regarding the existing gully being classified as a stream which carries water more than six (6) months out of the year and the 100' buffer requirements to any structure.
36. The proposed project is in substantial compliance with the Zoning Law Determination dated October 7, 2013 regarding the classification of a structure (i.e. driveway and retaining wall) and the location of a tennis court within the front yard in the RLD.
37. Area variances to allow a 50' rear yard setback where 60' is required, placement of an accessory structure (tennis court) in the front yard, and a variance to construct a 10,000 sf accessory structure in the front yard were requested.
38. The variances were approved at the December 17, 2013 Zoning Board of Appeals meeting.
39. This application was referred to the following agencies for review and comment:
 - John Berry, Canandaigua lake County Sewer District
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Michael Miller, Chief of the Cheshire Volunteer Fire Department
 - George Barden, Canandaigua Lake Watershed Inspector
 - Kevin Olvany, Canandaigua Lake Watershed program Manager
 - MRB Group, Town Engineer
40. A referral to the Ontario County Planning Board (OCPB) was required (exemption list #1 and 11).
41. In an email dated December 6, 2013 to the Town of Canandaigua Zoning Officer, Michael Miller of the Cheshire Volunteer Fire Department stated that they have no fire related issues with the proposed development.
42. A Geotechnical Report was provided by Foundation Design, P.C. regarding the existing soil characteristics and supporting the proposed project design and site improvements including green infrastructure.
43. A Stormwater Pollution Prevention Plan (SWPPP) dated October 15, 2013 and last revised December 4, 2013 was provided.
44. This application is in compliance with Town and NYSDEC General Permit requirements regarding water quality and quantity mitigation.
45. A comment letter dated January 24, 2014 was received from the Town Engineer.
46. A comment letter dated _____ was received from Ontario County department of Public Works.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – JOY R. WEGMAN TWO LOT SUBDIVISION
4417 COUNTY ROAD 16
CPN 077-13 TM# 126.16-2-3.300
FINAL SUBDIVISION PLAN APPROVAL

PUBLIC COMMENT

47. The Planning Board has conducted a public hearing for this application. Applicant has appeared in front of the Planning Board on multiple occasions to present its proposed project. The Planning Board has heard, and received letters and other materials, from nearby residents and their representatives on this issue, including Christine Farin, Joel Hochman, and Alan Knauf, Esq. The Planning Board finds that the concerns raised in these letters and during the public hearings have been adequately addressed by applicant.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DEBRA PETRISAK – 3491 LAKEVIEW LANE
CPN 104-13 – TM#98.13-1-27.000
SINGLE-STAGE SITE PLAN APPROVAL
SEQR RESOLUTION- TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a single-stage site plan approval for the construction of a 4,093 sq. ft. dwelling with a 760 sq. ft. attached garage, including utility and grading improvements to the site located at 3491 Lakeview Lane in the RLD Zoning District and as described in the Final Site/ Utility Plan dated December 6, 2013, last revised December 23, 2013 and all other relevant information submitted as of January 28, 2014 (the current application), and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
One Vacancy -
Thomas Schwartz -

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DEBRA PETRISAK – 3491 LAKEVIEW LANE
CPN 104-13 – TM#98.13-1-27.000
SINGLE-STAGE SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a single-stage site plan approval for the construction of a 4,093 sq. ft. dwelling with a 760 sq. ft. attached garage, including utility and grading improvements to the site located at 3491 Lakeview Lane in the RLD Zoning District and as described in the Final Site/ Utility Plan dated December 6, 2013, last revised December 23, 2013 and all other relevant information submitted as of January 28, 2014 (the current application), and

WHEREAS, the Planning Board completed a formal review of the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. A landscaping surety in the amount to be determined by the Town Code Enforcement Officer / Town Engineer is to be provided and accepted by the Town Board prior to the issuance of a any permits.
2. A soil erosion surety in the amount to be determined by the Town Code Enforcement Officer / Town Engineer shall be provided to and accepted by the Town Board prior to the issuance of any permits.
3. The area variances granted by the ZBA on January 21, 2014 are to be labeled on the Site Plans.
4. All comments identified in the Ontario County Public Works letter dated January 16, 2014 are to be addressed prior to the Code Enforcement officer issuing a Certificate of occupancy.
5. The Town Engineers signature block is to be removed from the site plans.
6. As the property is within the RLD, a "Permit Application for Development in the Flood Hazard Areas" must be completed and submitted to the Development Office for review by the Town CEO.
7. The Base Flood Elevation Community Panel Number and Effective Date are to be added to the Site Plans.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DEBRA PETRISAK – 3491 LAKEVIEW LANE
CPN 104-13 – TM#98.13-1-27.000
SINGLE-STAGE SITE PLAN APPROVAL

8. The calculation of the average finish grade as well as the height of the proposed structures measured from the average finished grade to the peak of the structure are to be added the elevation drawings.
9. Site Plan Approval with conditions specified above 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.
- 10.
- 11.
- 12.
- 13.
- 14.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on January 28, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
One Vacancy -
Thomas Schwartz -

I, Kathleen Gingerich, 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 January 28, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
DEBRA PETRISAK – 3491 LAKEVIEW LANE
CPN 104-13 – TM#98.13-1-27.000
SINGLE-STAGE SITE PLAN APPROVAL

1. The applicant has submitted plans for single-stage site approval for the construction of a 4,093 sq. ft. dwelling with a 760 sq. ft. attached garage with two first floor porches totaling 120 sq. ft. and two second story decks totaling 132 sq. ft.
2. The proposed site is located at 3491 Lakeview Lane in the RLD Zoning District and as better described in the Final Site/ Utility Plan dated December 6, 2013, last revised December 23, 2013 and all other relevant information submitted as of January 28, 2014.
3. The existing parcel of land proposed for development is vacant.
4. The applicant is proposing to reuse the existing water and sanitary sewer service laterals.
5. The project was reviewed in compliance with applicable procedural requirements including a coordinated review pursuant to State Environmental Quality Review Act (SEQRA), Conservation Subdivision pursuant to Town Code §174-16, and the Town of Canandaigua Planning Board's Rules of Procedure.
6. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations.
7. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
8. This application was referred to the following agencies and Staff for review and comment:
 - John Berry, Canandaigua lake County Sewer District
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Michael Miller, Chief of the Cheshire Volunteer Fire Department
 - George Barden, Canandaigua Lake Watershed Inspector
 - Kevin Olvany, Canandaigua Lake Watershed program Manager
 - Dale Zukaitis, Code Enforcement Officer
9. A referral to the Ontario County Planning Board (OCPB) was required.
10. The Planning Board did review the Ontario County Planning Board's Referral #6-2014 dated January 8, 2014 which classified the application as a Class 2 with comments and recommended Disapproval.
11. Area variances for the front yard setback requesting 50 feet, where 60 feet is required and a variance for the rear yard setback requesting 25.5, where 60 feet is required.
12. Area variances for the left and right side yard setback requesting 10 feet, where 12 feet is required and a variance for the percentage of building coverage requesting 29.9%, where the maximum allowable is 15%.
13. The area variances were approved at the January 21, 2014 Zoning Board of Appeals meeting.
14. The proposed application is in compliance with the Zoning Law Determination dated January 15, 2014 regarding the setback requirements for a single-family dwelling in an RLD.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
DEBRA PETRISAK – 3491 LAKEVIEW LANE
CPN 104-13 – TM#98.13-1-27.000
SINGLE-STAGE SITE PLAN APPROVAL

15. No comment letter was received from the Canandaigua Lake Watershed Program Manager or Inspector.
16. A comment letter dated January 16, 2014 was received from Ontario County Department of Public Works requiring the applicant to locate the existing lateral and perform a pipeline video inspection in the presence of a district representative to determine if the existing line is suitable for reuse.
17. The Ontario County Department of Public Works request is to be completed prior to the issuance of a Certificate of Occupancy by the Town CEO.
18. Pursuant to Chapter 111 of Town Code and NYS Town Law the Planning Board may choose to require set aside of parkland or payment of a fee in lieu thereof when reviewing plans for residential development.
19. The Planning Board has determined that set aside of parkland or payment of a fee in lieu thereof will not be required as this application consists of an established property and an existing house.
- 20. The Planning Board has discussed the character of the proposed shoreline in relation to the Town's Shoreline Development Guideline requirements. The Planning Board determines that the proposed house is designed according to the Town of Canandaigua's Shoreline Development Guidelines. The proposed house will fit into the existing site features.**
21. As the property is within the RLD, a "Permit Application for Development in the Flood Hazard Areas" must be completed and submitted.
22. Any new construction within an "A" type flood zone cannot have a finish floor (including basement and crawl spaces) below an elevation of 694.
23. The Base Flood Elevation Community Panel Number, and Effective Date (**are labeled/ not labeled**) on the plans.
24. The calculation of the average finish grade as well as the height of the proposed structures measured from the average finished grade to the peak of the structure (**are shown on/ need to be added to**) the elevation drawings.