

**Canandaigua Town Board  
Meeting Agenda  
December 19, 2016  
6:00pm**

- Call To Order and Pledge of Allegiance
  - Pledge led by Kevin Reynolds, Town Councilman
- Roll Call
  - Town Clerk Confirmation meeting was properly advertised
- Circulation of Written Communications and Correspondence Call
  - Letter, Charter Communications, Chris Mueller, Director of Government Affairs, Programming Updates, December 7, 2016
  - Newsletter, Cornell University Cooperative Extension, Annual Report for 2016, November 28, 2016
  - Letter, New York State Department of Environmental Conservation, SPDES Comprehensive Inspection, November 21, 2016
  - Letter, Department of Health, Community Water Supply, November 18, 2016
  - Letter, Charter Communications, Chris Mueller, Director of Government Affairs, Programming Updates, November 16, 2016
  - Newsletter, American Farmland Trust, Fall 2016
- Privilege of the Floor
- Presentations
  - Year in Review – Special Events Committee ~ 5 minutes
  - Town of Canandaigua's 225<sup>th</sup> Anniversary Celebration Volunteer Recognition

➤ Public Hearings

*Continued Public Hearings:*

- Public Hearing on the proposed City of Canandaigua Fire Service Contract – Attachment 1
- Public Hearing on Chapter 220 for Solar Energy and Amendments to Chapter 1 Definitions

*New Public Hearings:*

- Public Hearing on proposed improvements to the Canandaigua-Farmington Water District and the Canandaigua-Hopewell Water District – Attachment 2
- Public Hearing and intent to declare lead agency for the Town of Canandaigua Sewer Master Plan

➤ Priority Business



➤ Reports of Town Officials and Department Heads

*Written reports prepared by the following officials are included with this agenda. These reports are identified as Attachment 3 to the agenda. These reports are also available for review on the Town's website and are on file with the Town Clerk's office.*

- A. Director of Parks & Recreation
  - a. Miller Park Update
- B. Highway / Water Superintendent
- C. Assessor

- D. Development Director
- E. Historian
- F. Town Clerk
- G. Supervisor
  - 1. Monthly Financial Report for November 2016
    - a. Revenue & Expense Report
    - b. EFPR Solutions Executive Summary
    - c. Bank Reconciliation Report
    - d. Overtime Report All Departments
    - e. Overtime Report –Highway & Water
- Reports of Boards and Committees
  - A. Planning Board, Chairman Schwartz
  - B. Zoning Board of Appeals, Chairman Robinson
  - C. Environmental Conservation Board, Chairwoman Marthaller. *This report is identified as Attachment 4 to the agenda. This report is also available for review on the Town’s website and is on file with the Town Clerk’s office.*
  - D. Public Works Committee, Chairman Fennelly
  - E. Finance Committee, Chairman Westbrook
  - F. Technology Committee, Chairman Reynolds
    - 1. Report & Recommendation on Social Media, Website
    - 2. Update on Internet and Social Media Use Policy
    - 3. Frontier Proposal
  - G. Public Safety and Security Committee, Chairman Cutri
  - H. Citizens Implementation Committee
  - I. Parks & Recreation Committee, Chairwoman Schenk
  - J. Trails Committee
  - K. Special Event Committee
- Privilege of the Floor
- Resolutions

*Continued Resolutions:*

**RESOLUTION NO. 2016–257: CITY OF CANANDAIGUA FIRE SERVICES PROTECTION AGREEMENT**

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Canandaigua for a public hearing to be held by the Town Board on October 17, 2016, at 6:00 p.m. at the Town Hall at 5440 Route 5 & 20W., Canandaigua, New York, to hear all interested parties on a proposed a Fire Services Agreement with the City of Canandaigua Fire Department to continue fire services in certain areas of the Town, (“Agreement”), Attachment 1, at the expiration of the current Fire Services Agreement, and

**WHEREAS**, the public hearing was duly noticed, and

**WHEREAS**, the public hearing was held on October 17, 2016, at 6:00 p.m. at the Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the Agreement, and

**WHEREAS**, the public hearing was continued to November 28 and December 19 at the Town Hall located at 5440 Route 5 & 20W., Canandaigua, New York; and

**WHEREAS**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua to approve the Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Canandaigua hereby approves the Agreement, and be it further

**RESOLVED**, that the Supervisor is authorized to execute the Agreement.

**RESOLUTION NO. 2016 – 263: EMERGENCY MANAGEMENT PLAN**

**WHEREAS**, the Public Safety Committee has recommended the adoption of the Proposed Emergency Management Plan; and

**WHEREAS**, the Town Board and the Highway Superintendent have reviewed the plan; and

**NOW, THEREFORE BE IT RESOLVED**, that the Canandaigua Town Board hereby adopts the Emergency Management Plan dated 8/15/2016.

**RESOLUTION NO. 2016 – 275: APPROVAL OF AIA DOCUMENT FOR DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTATION, AND BIDDING PHASES OF PROPOSED NEW HIGHWAY FACILITY**

**WHEREAS**, Schematic Design documents prepared by MRB Group for the proposed new highway facility have been studied and approved by the Town Board and made available to the public by submitting to news media, at several public information meeting, and on file with the Town Clerk's office; and

**WHEREAS**, the Canandaigua Town Board wishes to move to the next architectural phase of the proposed new highway facility project; and

**WHEREAS**, MRB Group has submitted an AIA Document: Standard Form of Agreement between Owner and Architect for the Design Development phase, Construction Documentation phase, and Bidding Phase services for the proposed new highway facility; and

**WHEREAS**, a copy of the AIA Document presented to the Town Board for consideration is included with this resolution and is identified as Attachment 5 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the cost for this service is \$ 291,600.00 to be paid from the Capital Reserve Fund (H.\_\_\_\_); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby:

1. approves the AIA Document: Standard Form of Agreement between Owner and Architect with MRB Group;
2. directs the Town Supervisor to sign this agreement;
3. directs the Town Clerk to keep a fully executed copy of this agreement on file in the Town Clerk's office.

*New Resolutions:*

**RESOLUTION NO. 2016 – 294: ACCEPTANCE OF THE MONTHLY FINANCIAL REPORTS**

**WHEREAS**, the Town Board is responsible for the general oversight of the Town’s operations and finances; and

**WHEREAS**, the Town Supervisor, as Chief Financial Officer, is responsible for providing financial reports to the Town Board; and

**WHEREAS**, the Town Supervisor has provided the Town Board with hard copies and electronic copies of the November 2016 Monthly Revenue/Expense Control Report, bank reconciliation reports, cash summary report, EFPR Solutions Executive Summary Report, as well as the and Highway/Water Department Overtime Report and All Department Overtime Report; and

**WHEREAS**, copies of these documents are included with this agenda and are identified as Attachment 3 to the agenda; this information is also is available for review on the Town’s website and is on file with the Town Clerk’s office; and

**NOW THEREFORE BE IT RESOLVED**, the Canandaigua Town Board hereby confirms receipt and acceptance of these items.

**RESOLUTION NO. 2016 – 295: ESTABLISHING 2017 SALARY EMPLOYEE WAGE RATES & PAYMENT SCHEDULE**

The Town Board does hereby fix employee wages and frequency of payment as noted below:

<b>Name</b>	<b>Position</b>	<b>2017 Rate</b>	<b>Wage Calculated</b>	<b>Frequency</b>
David Prull	Town Justice	\$23,956.00	Annual Stipend	Bi-weekly
Walter Jones	Town Justice	\$23,956.00	Annual Stipend	Bi-weekly
	Budget Officer	\$3,000.00	Annual Stipend	Bi-weekly
KS	Bookkeeper	\$27,050.00	Annual Salary	Bi-weekly
	Town Supervisor	\$56,000.00	Annual Stipend	Bi-weekly
	Town Board Members	\$4,868.00	Annual Stipend	Bi-weekly
	Planning Board, Chair	\$3,490.00	Annual Stipend	Quarterly
	Planning Board Members	\$2,194.00	Annual Stipend	Quarterly
	Zoning Board of Appeals, Chair	\$1,801.00	Annual Stipend	Quarterly
	Zoning Board Members (4)	\$816.00	Annual Stipend	Quarterly
	ZBA Alternate	\$0.00	Per Voting Meeting	Quarterly
	Environmental Conservation Board Members	\$600.00	Annual Stipend	Quarterly
	Assess. Board of Review, Chair	\$500.00	Annual Stipend	Quarterly
	Assess. Board of Review Members	\$250.00	Annual Stipend	Quarterly

Jim Fletcher	Water Superintendent	\$15,606.00	Annual Stipend	Bi-weekly
Greg Westbrook	Deputy Supervisor	\$2,000.00	Annual Stipend	Bi-weekly
Jim Fletcher	Highway Superintendent	\$71,877.00	Annual Stipend	Bi-weekly
Pat Curran	Deputy Highway Superintendent	\$3,008.00	Annual Stipend	Bi-weekly
Jean Chrisman	Town Clerk	\$56,681.00	Annual Stipend	Bi-weekly
Jean Chrisman	Registrar of Vital Statistics	\$1,800.00	Annual Stipend	Quarterly
BH	Deputy Registrar of Vital Statistics	\$250.00	Annual Stipend	Quarterly
DB	Health Officer	\$1,200.00	Annual Stipend	Quarterly
RH	Town Historian	\$3,121.00	Annual Stipend	Quarterly
EC	Zoning Inspector	\$39,270.00	Annual Salary	Bi-weekly
CJ	Code Enforcement Officer	\$64,500.00	Annual Salary	Bi-weekly
DZ	Code Enforcement Officer	\$58,500.00	Annual Salary	Bi-weekly
DF	Director of Development	\$85,233.00	Annual Salary	Bi-weekly
CL	Assessor	\$64,505.00	Annual Salary	Bi-weekly
DB	Director of Parks & Recreation	\$25,500.00	Annual Stipend	Bi-weekly

**RESOLUTION NO. 2016 – 296: ACCEPTANCE OF THE TOWN OF CANANDAIGUA ENVIRONMENTAL CONSERVATION BOARD ANNUAL REPORT**

**WHEREAS**, the Town of Canandaigua Town Code § 18-6 requires that the Environmental Conservation Board (ECB) submit an annual report to the Town Board not later than the first day of each year concerning the activities and work of the ECB and from time to time shall submit such reports and recommendations as may be required; and

**WHEREAS**, the Town Board of the Town of Canandaigua has received the annual report of the Town of Canandaigua Environmental Conservation Board; and

**WHEREAS**, the Town Board wishes to acknowledge receipt of said report; and

**WHEREAS**, a copy of the Environmental Conservation Board Annual Report presented to the Town Board for consideration is included with this resolution and is identified as Attachment 4 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua acknowledges and accepts the December 2016 report of the Town of Canandaigua Environmental Conservation Board; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua wishes to thank the ECB for their diligent work in 2016 including public educational forums and outreach; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Director of Development shall submit a copy of the 2016 Annual ECB Report to the NYS Department of Environmental Conservation so that it is received prior to January 1, 2017 due date, and;

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua acknowledges the ECB's proposed projects for 2017 and directs the ECB to work with the Director of Development to advance such proposals to the Town Board for consideration.

**RESOLUTION NO. 2016 – 297: APPROVING PROPOSED INCREASE AND IMPROVEMENT OF FACILITIES TO THE CANANDAIGUA-FARMINGTON WATER DISTRICT AND THE CANANDAIGUA-HOPEWELL WATER DISTRICT**

**WHEREAS**, the Town Board of the Town of Canandaigua has duly caused to be prepared a map, plan and estimate of the cost for the increase and improvement of the facilities of the Canandaigua-Farmington Water District and the Canandaigua-Hopewell Water District, consisting of construction of a meter vault at the intersection of Andrews Road and Arnold Road in the Town of Canandaigua, New York; and

**WHEREAS**, the increase and improvement of these facilities have a maximum estimated cost of \$83,950 with the Canandaigua-Farmington Water District being responsible for \$41,975 of this cost and the Canandaigua-Hopewell Water District being responsible for \$41,975 of the cost; and

**WHEREAS**, the Town Board of the Town of Canandaigua duly adopted a resolution on November 28, 2016, calling a public hearing to consider said proposed increase and improvement and estimate of expense, to be held at the Canandaigua Town Hall, 5440 Routes 5 & 20 West, Canandaigua, New York, on the 19<sup>th</sup> day of December, 2016, at 6:00 p.m.; and

**WHEREAS**, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

**WHEREAS**, said public hearing was duly held at the time and place aforesaid, at which all persons interested were duly heard; and

**WHEREAS**, the Town Board has considered all the evidence given at such public hearing; and now therefore be it

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Canandaigua, on behalf of the Canandaigua-Farmington Water District and on behalf of the Canandaigua-Hopewell Water District, that it is in the public interest to provide for the aforesaid increases and improvements of the facilities of the Canandaigua-Farmington Water District and the Canandaigua-Hopewell Water District, as described in the preambles hereof, at a total estimated cost of \$83,950, with each district responsible for half of such cost, and the same is hereby authorized.

**RESOLUTION NO. 2016 – 298: SOIL EROSION AND SEDIMENT CONTROL SURETY FOR 4113 ONNALINDA DRIVE (TAX MAP # 113.1-1-16.000)**

**WHEREAS**, the Town of Canandaigua Planning Board has granted a single-stage site plan approval for the construction of a single family dwelling on 4113 Onnalinda Drive, Canandaigua; and

**WHEREAS**, the Town of Canandaigua Planning Board has determined that a soil erosion and sediment control surety is to be provided and accepted by the Town Board prior to the issuance of building permits; and

**WHEREAS**, the town engineer (MRB Group) has reviewed the proposed estimates and found them to be satisfactory to meet the conditions of approval and the work to be completed; and

**WHEREAS**, the applicant has provided a check in the amount of \$ 1,265.00 for the purposes of the soil erosion and sediment control surety; and

**WHEREAS**, a copy of the surety review and estimate presented to the Town Board for consideration is included with this resolution and is identified as Attachment 6 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby approve and accept a soil erosion and sediment control surety in the total amount of \$ 1,265.00 in the form of a check.

**RESOLUTION NO. 2016 – 299: ACCEPTING THE RESIGNATION OF PLANNING BOARD MEMBER RICHARD GENTRY**

**WHEREAS**, Richard Gentry, Planning Board Member, has tendered his resignation from the Town of Canandaigua Planning Board; and

**WHEREAS**, Mr. Gentry has served with as a Canandaigua Planning Board member since January 1, 2010; and

**WHEREAS**, during Mr. Gentry's tenure, the Planning Board took action on several large development projects in the Town of Canandaigua including the Lakewood Meadows and Fox Ridge housing developments, the Veterans' Housing, Happiness House, and DePaul Trolley Station apartment developments, as well as the remodeling of the Stella's Flowers property; and

**WHEREAS**, Mr. Gentry also participated in the planning of the Padelford Brook Greenway, reviewed the Agricultural Enhancement and Sewer Master Plans, and provided feedback on numerous local laws and text code amendments, including code updates to the Residential Lake Zoning District and Solar Energy Law; and

**WHEREAS**, throughout his years of service, Mr. Gentry has been committed to the residents of the Town of Canandaigua, the Planning Board and its mission; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby accepts the resignation of Mr. Gentry, and thanks him for his years of service to the Town of Canandaigua and its residents, and wishes him well with future endeavors.

**RESOLUTION NO. 2016 – 300: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF THE TOWN OF CANANDAIGUA AGRICULTURAL ENHANCEMENT PLAN**

**WHEREAS**, the Town of Canandaigua Town Board (hereinafter referred to as "Town Board") is considering adoption of a Town of Canandaigua Agricultural Enhancement Plan (hereinafter referred to as "Plan" as specifically identified as an action item in the 2011 Town of Canandaigua Comprehensive Plan Update and subsequent 2015 revisions, and;

**WHEREAS**, the Town Board of the Town of Canandaigua was delighted to receive the support and the assistance of the Agriculture Project Team members including: Gary Davis, Oksana Fuller, Tim Riley, Bob Hilliard, Ray Henry, through the Citizen's Implementation Committee, and;

**WHEREAS**, the Town of Canandaigua Town Board made a grant application (Resolution # 2014 – 190) and was awarded an Agriculture Protection Plan Grant (Resolution # 2015 – 226) in the amount of \$ 25,000 (Contract # T800831) from the New York State Department of Agriculture and Markets, and;

**WHEREAS**, the Town Board authorized the issuance of the Agriculture Project Team's RFQ/RFP for the Town of Canandaigua Agriculture Enhancement Plan (Resolution # 2015 – 80), and;

**WHEREAS**, the Town Board accepted the Project Team and CIC's recommendation to utilize LaBella Associates (Resolution # 2015 – 276) to assist with the development of the Agriculture Enhancement Plan, and;

**WHEREAS**, the Agriculture Project Team has been working on the plan and reporting updates, status, and recommendations to the Citizen's Implementation Committee (CIC), and;

**WHEREAS**, the Agriculture Project Team held public information meetings and forums on the Agriculture Enhancement Plan on March 23, 2016, July 27, 2016, September 20, 2016, October 6, 2016, and November 1, 2016, and;

**WHEREAS**, the plan has been referred to the Ontario County Agriculture Enhancement Board and reviewed on December 15, 2016, and;

**WHEREAS**, the plan has been referred to the NYS Department of Agriculture and Markets, and;

**WHEREAS**, the Town Board held a public hearing on November 28, 2016 regarding the draft Town of Canandaigua Agricultural Enhancement Plan, and;

**WHEREAS**, the draft plan was referred to the Town of Canandaigua Planning Board, Environmental Conservation Board, and Zoning Board of Appeals for discussion in a joint public meeting on October 12, 2016, and;

**WHEREAS**, the Town Board adopted Resolution # 2016-280 noticing intent to declare Lead Agency Status classified as an UNLISTED Action under SEQR Regulations per §617 for the adoption of the plan, and;

**WHEREAS**, the Environmental Conservation Board, Planning Board, and Zoning Board of Appeals have no objection to the Canandaigua Town Board assuming Lead Agency Status for this action, and;

**WHEREAS**, the Town Board of the Town of Canandaigua determines said proposed action known as the adoption of the Agriculture Enhancement Plan is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law, and;

**WHEREAS**, the Town of Canandaigua Development Office has coordinated the review of the proposed action, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form, and;

**WHEREAS**, a copy of the Short Environmental Assessment Form presented to the Town Board for consideration is included with this resolution and is identified as Attachment 7 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as lead agency for the described action, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed adoption of the Town of Canandaigua Agriculture Enhancement Plan, and;

**BE IT FURTHER RESOLVED**, the Town Supervisor is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts the Town of Canandaigua Agriculture Enhancement Plan, and;

**BE IT FINALLY RESOLVED**, the Town Board wishes to extend sincere appreciation to the Agriculture Project Team, and the Citizen's Implementation Committee for all of their efforts in the development of the Town of Canandaigua Agriculture Enhancement Plan.

**RESOLUTION NO. 2016 – 301: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF THE TOWN OF CANANDAIGUA SEWER MASTER PLAN**

**WHEREAS**, the Town of Canandaigua Town Board (hereinafter referred to as "Town Board") is considering adoption of a Town of Canandaigua Sewer Master Plan (hereinafter referred to as "plan" as specifically identified as an action item in the 2011 Town of Canandaigua Comprehensive Plan Update and subsequent 2015 revisions, and;

**WHEREAS**, the Town Board of the Town of Canandaigua was delighted to receive the support and the assistance of the Sewer Master Plan Project Team members including: Supervisor Pam

Helming, Highway Superintendent Jim Fletcher, Gary Davis, Lew Smith, Dave Emery, and Jerry Bellis, through the Citizen's Implementation Committee, and;

**WHEREAS**, the Town Board authorized (Resolution # 2015-54) the use of MRB for professional services to assist the Sewer Master Plan project team, and;

**WHEREAS**, the Sewer Master Plan Project Team has been working on the plan and reporting updates, status, and recommendations to the Citizen's Implementation Committee (CIC), and;

**WHEREAS**, the Town Board held a public hearing on December 19, 2016 regarding the draft Town of Canandaigua Sewer Master Plan, and;

**WHEREAS**, a public informational review and update on the plan was held during a joint meeting of the Town Board, Planning Board, Zoning Board of Appeals, Environmental Conservation Board, and CIC on October 26, 2015, and;

**WHEREAS**, the CIC presented the plan along with a letter of recommendation of adoption on March 21, 2016, and subsequently reviewed updates to the plan on November 15, 2016, and;

**WHEREAS**, the Planning Board reviewed the plan at meetings on March 22, 2016, June 28, 2016, and July 12, 2016, and December 13, 2016, and;

**WHEREAS**, the Environmental Conservation Board reviewed the plan at meetings on July 7, 2016, and August 4, 2016, September 1, 2016, and December 1, 2016, and;

**WHEREAS**, the Town Board adopted Resolution # 2016-281 noticing intent to declare Lead Agency Status classified as an UNLISTED Action under SEQR Regulations per §617 for the adoption of the plan, and;

**WHEREAS**, the Town Board of the Town of Canandaigua determines said proposed action known as the adoption of the Agriculture Enhancement Plan is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law, and;

**WHEREAS**, the Town of Canandaigua Development Office has coordinated the review of the proposed action, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Part 1, and;

**WHEREAS**, the Environmental Conservation Board, Planning Board, and Zoning Board of Appeals have no objection to the Canandaigua Town Board assuming Lead Agency Status for this action, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Full Environmental Assessment Form, and;

**WHEREAS**, a copy of the Full Environmental Assessment Form presented to the Town Board for consideration is included with this resolution and is identified as Attachment 8 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as lead agency for the described action, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed adoption of the Town of Canandaigua Sewer Master Plan, and;

**BE IT FURTHER RESOLVED**, the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact, and;

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts the Town of Canandaigua Sewer Master Plan, and;

**BE IT FINALLY RESOLVED**, the Town Board wishes to extend sincere appreciation to the Sewer Master Plan Project Team, and the Citizen's Implementation Committee for all of their efforts in the development of the Town of Canandaigua Sewer Master Plan.

**RESOLUTION NO. 2016 – 302: SEQR DETERMINATION OF NON-SIGNIFICANCE AND ADOPTION OF A TEXT CODE AMENDMENT (LOCAL LAW # 10) FOR TOWN CODE § 220, ZONING AND BY AMENDING TOWN CODE CHAPTER 1, GENERAL PROVISIONS; KNOWN AS SOLAR ENERGY LAW**

**WHEREAS**, the Town Board of the Town of Canandaigua is considering a Text Code Amendment(s) to update to amend Town Code Chapter 220 by creating a new section §220-77.1 to be titled "Solar Energy, and a new section §220-62.2 to be titled "Large Scale Solar Energy Systems", and amend §220-34(C) relating to the Planning Board, and amend §1-17 Definitions, and;

**WHEREAS**, the Text Code Amendment(s) shall include amendments to the following sections of Town Code: §220-14(E)(17), §220-23(E), §220-26(D), §220-34, as further defined in the local law, and;

**WHEREAS**, the above described proposed Text Code Amendments identified are attached, and;

**WHEREAS**, the Town Board of the Town of Canandaigua determines said proposed Text Code Amendments are classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town of Canandaigua Development Office has coordinated the review of the proposed Text Code Amendments with a number of agencies and stakeholders including the Town of Canandaigua Planning Board, Town of Canandaigua Zoning Board of Appeals, Town of Canandaigua Environmental Conservation Board, and the Ontario County Planning Board; and

**WHEREAS**, the Town Board of the Town of Canandaigua held a public hearing(s) on the proposed Text Code Amendments on October 17, 2016, November 28, 2016, and December 19, 2016, and;

**WHEREAS**, the Town Board of the Town of Canandaigua in a joint meeting with the Town of Canandaigua Planning Board, Town of Canandaigua Zoning Board of Appeals, and Town of Canandaigua Environmental Conservation Board reviewed the Solar Code Amendments on October 12, 2016, and;

**WHEREAS**, the Town of Canandaigua Planning Board reviewed and discussed the proposed solar code revisions and the need for solar regulations at their meeting(s) on March 8, 2016, July 26, 2016, August 9, 2016, October 25, 2016, November 9, 2016, and November 29, 2016, and;

**WHEREAS**, the Town of Canandaigua Environmental Conservation Board reviewed and discussed the proposed solar code revisions at their meeting on October 6, 2016, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Short Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has completed Part 2 and Part 3 of the Short Environmental Assessment Form; and

**WHEREAS**, a copy of the Short Environmental Assessment Form presented to the Town Board for consideration is included with this resolution and is identified as Attachment 9 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as lead agency for the described Text Code Amendments; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance on the proposed Text Code Amendments; and

**BE IT FURTHER RESOLVED**, the Town Supervisor is hereby directed to sign the Short Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town Board has determined the proposed action will not result in any significant adverse environmental impact; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby adopts Local Law No. 10 of the Year 2016; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua, after due deliberation, finds it in the best interest of the Town of Canandaigua, the community to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to include SEQR, findings, and narrative of the Town Board of the Town of Canandaigua as it pertains to this Local Law for filing purposes; and

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Town Clerk to enter Local Law No. 10 of the Year 2016 in the minutes of this meeting, and in the Local Law Book of the Town of Canandaigua, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

**RESOLUTION NO. 2016 – 303: APPOINTMENT OF ADELINE RUDOLPH, DAVID SAUTER, AND KAREN PARKHURST TO THE PARKS & RECREATION COMMITTEE**

**WHEREAS**, the Town Board of the Town of Canandaigua on October 17, 2016 approved Resolution # 2016 – 251 which adopted Local Law # 8 for 2016, an amendment to Chapter 152 of the Town of Canandaigua Town Code, known as Parks and Recreation, and;

**WHEREAS**, Local Law # 8 established a seven member plus one youth member Parks and Recreation Committee, and;

**WHEREAS**, the intent of the new Parks and Recreation Committee is to include the previous Trails Committee in the advisement to the Town Board of parkland and recreational needs, and;

**WHEREAS**, there exist two vacancies on the Parks and Recreation Committee as a result of the adoption of Local Law # 8, and;

**WHEREAS**, two of the former Trails Committee members have requested to serve on the new Parks and Recreation Committee, and;

**WHEREAS**, there exists a third vacancy on the Parks and Recreation Committee as a result of the resignation of an existing member; and

**WHEREAS**, a town resident has expressed interest in serving on the new Parks and Recreation Committee and that resident has been speaking with the Director of Parks and Recreation about the committee, and;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board does hereby appoint Adeline Rudolph and David Sauter to the Town of Canandaigua Parks and Recreation Committee each for a five year term, each expiring on December 31, 2021; and

**BE IT FURTHER RESOLVED**, that the Town Board does hereby appoint Karen Parkhurst to fill the current vacancy on the Town of Canandaigua Parks and Recreation Committee with a term expiring December 31, 2019.

**RESOLUTION NO. 2016 – 304: AUTHORIZATION FOR TOWN OF CANANDAIGUA TOWN SUPERVISOR TO SIGN STORMWATER CONTROL FACILITIES MAINTENANCE AGREEMENT FOR 2375 STATE ROUTE 332 (VISION NISSAN)**

**WHEREAS**, the Town of Canandaigua and 2418 State Route 332, LLC (the property owner of 2375 State Route 332, Canandaigua), wish to enter into a stormwater control facilities maintenance agreement to provide for the long term maintenance and continuation of permanent stormwater control measures, located at 2375 State Route 332, as detailed in plans titled “Vision Nissan Grading Plan” last revised March 11, 2015 and approved by the Town of Canandaigua Planning Board on March 26, 2015, and;

**WHEREAS**, the Town of Canandaigua as an MS4 is required to obtain storm water control facilities maintenance agreements on new projects located within the Town of Canandaigua, and;

**WHEREAS**, the Town and the property owner desire that the permanent stormwater control measures be constructed, as detailed on the approved project plans, and thereafter be maintained, cleaned, repaired, replaced, and continued in perpetuity by the property owner (Vision Nissan) in order to ensure optimum performance of the components, and;

**WHEREAS**, the property owner (2418 State Route 332, LLC) shall be responsible for all expenses related to the maintenance of the stormwater control measures; and

**WHEREAS**, a copy of the Stormwater Control Facilities Maintenance Agreement presented to the Town Board for consideration is included with this resolution and is identified as Attachment 10 to the agenda; this information is also available for review on the Town’s website and is on file with the Town Clerk’s office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua authorizes the Town Supervisor to sign the Stormwater Control Facilities Maintenance Agreement between the Town of Canandaigua and 2418 State Route 332, LLC for the stormwater facilities located at 2375 State Route 332.

**RESOLUTION NO. 2016 – 305: SETTING A PUBLIC HEARING REGARDING THE REMOVAL OF AN ENVIRONMENTAL CONSERVATION BOARD MEMBER**

**WHEREAS**, the Town of Canandaigua Town Board is considering the removal of Jenifer Kehoe from the Environmental Conservation Board (hereinafter referred to as ECB), and;

**WHEREAS**, the ECB member identified has not met the minimum required annual training hours as stated in the Canandaigua Town Code § 18-7: Members shall maintain a minimum number of hours of training annually, and specified in the Rules of Procedure for the ECB: A total of four (4) training hour credits are required for each member of the Board on a yearly basis, and;

**WHEREAS**, the ECB member identified has not attended the regularly scheduled meetings nor any of the specially scheduled meetings, and;

**WHEREAS**, the Town Board has reviewed and considered the information provided herein, and;

**WHEREAS**, the Town Board of the Town of Canandaigua has been informed by the Director of Development that upon consultation with the NYS Department of State a public hearing shall be established as the proper procedure for the removal of an appointed ECB member, and;

**WHEREAS**, the Town Board would like to hear from residents regarding the removal of said member from the Environmental Conservation Board; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on January 9, 2017 at 6:00 pm at the Canandaigua Town Hall for the purposes of considering the removal of Jenifer Kehoe from the appointed position of Environmental Conservation Board member.

**RESOLUTION NO. 2016 – 306: SETTING A PUBLIC HEARING AND PROVIDING NOTICE REGARDING THE BUILDING LOCATED 2411 STATE ROUTE 332**

**WHEREAS**, the Town of Canandaigua Town Code §88-6 specifies the duties of the Town of Canandaigua Town Board (hereinafter referred to as the Town Board) upon receipt of a report from Code Enforcement of an Unsafe Building per Town Code Chapter 88, and;

**WHEREAS**, on September 26, 2016 the Code Enforcement Officer visited the site at 2411 State Route 332 and declared the building to be dangerous, and;

**WHEREAS**, on November 4, 2016 the Code Enforcement Officer generated a memo to the Town Board regarding the building's condition, and;

**WHEREAS**, per §88-6(A) written notice shall be provided to the owner, occupant, mortgagee, lessee, agent and all other persons have an interest in said building, and;

**WHEREAS**, per §88-6(B) the Town Board shall hold a public hearing on the matter, and;

**WHEREAS**, per §88-6(C) the Town Board shall make written findings of fact from testimony pursuant to §88-6(B) as to whether the building in question is a dangerous building within terms hereof, and;

**WHEREAS**, per §88-6(D-F) identifies possible steps that Town Board may consider, and;

**WHEREAS**, the Town Board has reviewed the history and the Code Enforcement Officer's report of said property (including past projects, pictures, correspondence, and notice of violation) a copy of packet which is Attachment 11 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the Town Board per §88-6(B) wishes to set a public hearing, and;

**WHEREAS**, the identified owner of property located at 2411 State Route 332 (Tax Map ID # 70.00-1-16.100) on record with the Ontario County Clerk is identified as Charles W. & Jane W. Gavett of 4520 Kear Road Canandaigua, NY 14424, and;

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on January 9, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424, and;

**BE IT FURTHER RESOLVED**, the Town Clerk is directed to provide notice of said public hearing, and;

**BE IT FINALLY RESOLVED**, the Town Board directs the Development Office to cause notice of said public hearing to be sent via certified mail to the property owner identified above and any other parties interested pursuant to Town Code §88-6(A).

**RESOLUTION NO. 2016 – 307: SOIL EROSION AND SEDIMENT CONTROL SURETY FOR 4246 COUNTY ROAD 16 (TAX MAP # 126.12-2-14.000)**

**WHEREAS**, the Town of Canandaigua Planning Board has granted a single-stage site plan approval for the construction of a single family dwelling on 4246 County Road 16, Canandaigua; and

**WHEREAS**, the Town of Canandaigua Planning Board has determined that a soil erosion and sediment control surety is to be provided and accepted by the Town Board prior to the issuance of building permits; and

**WHEREAS**, the town Code Enforcement Officer has reviewed the proposed estimates and found them to be satisfactory to meet the conditions of approval and the work to be completed; and

**WHEREAS**, the applicant has provided a check in the amount of \$ 600.00 for the purposes of the soil erosion and sediment control surety; and

**WHEREAS**, a copy of the Control Surety Estimate Review presented to the Town Board for consideration is included with this resolution and is identified as Attachment 12 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby approve and accept a soil erosion and sediment control surety in the total amount of \$ 600.00 in the form of a check.

**RESOLUTION NO. 2016 – 308: SETTING PUBLIC HEARING AND SEQR TOWN BOARD INTENT TO DECLARE LEAD AGENCY FOR ROUTE 5&20 WETLAND AND WATERSHED RESTORATION PROJECT ALONG SUCKER BROOK**

**WHEREAS**, the Town of Canandaigua Town Board working with the City of Canandaigua, and the Canandaigua Lake Watershed Council is considering a Sucker Brook Watershed and Wetland restoration project at 5575 Route 5 & 20, Canandaigua, and;

**WHEREAS**, the proposed project includes the acceptance of easements on two separate parcels, and;

**WHEREAS**, the Canandaigua Lake Watershed Council Manager has been working with the property owners, and the property owners are considering the proposed easements, and;

**WHEREAS**, the proposed project is part of action previously supported by the City of Canandaigua through Resolution # 2015-060, and the Town of Canandaigua Resolution # 2015-158, and Resolution # 2016-227, and;

**WHEREAS**, the Town Board of the Town of Canandaigua would like to coordinate Lead Agency Status pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (6 NYCRR Part 617), and;

**WHEREAS**, the Town Board of the Town of Canandaigua intends to determine the proposed action to be classified as a Type I Action under SEQR Regulations per §617 and has received a

full environmental assessment form (Part 1) from the Canandaigua Lake Watershed Council Manager, and;

**WHEREAS**, the Town Board of the Town of Canandaigua seeks Lead Agency Status for the environmental review of the proposed action, and;

**WHEREAS**, the it is the intent of the Town Board of the Town of Canandaigua to hold a public hearing on the proposed project and at their meeting on January 9, 2017, and;

**WHEREAS**, the Town Board of the Town of Canandaigua would like to coordinate Lead Agency status with the following involved agencies and interested parties/stakeholders: Town of Canandaigua Planning Board, Town of Canandaigua Zoning Board of Appeals, Town of Canandaigua Environmental Conservation Board, Ontario County Planning Board, City of Canandaigua, Canandaigua Lake Watershed Council, NYS DEC, Town of Canandaigua Highway Superintendent, Ontario County Department of Public Works, US Army Corps of Engineers, and;

**WHEREAS**, a copy of the information presented to the Town Board for consideration is included with this resolution and is identified as Attachment 13 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua directs the Director of Development and the Town Clerk to submit copies of this resolution, lead agency coordination request form, the full EAF (part 1) for referral to the Town of Canandaigua Planning Board, Town of Canandaigua Zoning Board of Appeals, Town of Canandaigua Environmental Conservation Board, Ontario County Planning Board, City of Canandaigua, Canandaigua Lake Watershed Council, NYS DEC, Town of Canandaigua Highway Superintendent, Ontario County Department of Public Works, US Army Corps of Engineers, and;

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing on the proposed action, and SEQR determination to be held on January 9, 2017 at 6:00pm at the Canandaigua Town Hall for the purposes of providing the public an opportunity to provide comment on the proposed project before the Town Board makes a determination of significance on SEQR for the proposed action.

**RESOLUTION NO. 2016 – 309: SUPPORTING RESEARCH AND FUNDING TO ADDRESS HARMFUL ALGAL BLOOMS IN THE FINGER LAKES**

**WHEREAS**, The Finger Lakes are a valuable natural resource and economic asset to upstate New York communities, greatly contributing to both the economy and the quality of life for residents in and around Ontario County; and

**WHEREAS**, although Blue-Green algae appears naturally in most bodies of fresh water in low numbers as part of the aquatic environment, toxic Harmful Algal Blooms ("HABS") are increasingly abundant in Honeoye, Canandaigua, and Seneca Lakes over the last several years; and

**WHEREAS**, in 2016 HABS have been confirmed or suspected in seventy (70) of New York State's lakes and fifty-two (52) ponds, negatively impacting the water quality of our lakes; and

**WHEREAS**, these HABS may produce harmful toxins that pose dangerous health risks to people and animals, and if left unchecked can threaten drinking water supplies, lead to

decreases in property value, and reduce the recreational value of our lakes, all resulting in an adverse impact on the economy of our County; and

**WHEREAS**, additional research and funding is essential to determining how to prevent the formation of HABS in our lakes and how to dissipate these harmful blooms; and

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Canandaigua, Town Board hereby recommends that our representatives in the State and Federal Government work to allocate resources and funding to the Environmental Protective Agency, the New York State Department of Environmental Conservation, the New York State Department of Health as well as qualified local agencies to research the cause, determine best management practices for controlling HABS, and provide funding opportunities to implement these best management practices in Ontario County; and further

**RESOLVED**, that Ontario County is prepared to lead efforts where possible and continue to actively partner with our experienced watershed, county and local entities to request funding for research and implementation and support effective strategies to control HABS when identified; and further

**RESOLVED**, that certified copies of this resolution be forwarded by the Clerk of this Board to the Commissioner of Health, the Commissioner of the Department of Environmental Conservation, the Inter County Association of Western New York, the New York State Association of Counties, Senators Charles E. Schumer and Kirsten Gillibrand, Congressmen Chris Collins and Thomas W. Reed II, Governor Andrew Cuomo, Senators Michael F. Nozzolio and Rich Funke, and Assemblyman Brian M. Kolb.

**RESOLUTION NO. 2016 – 310: RECOGNIZING CITIZENS FOR THEIR HARD WORK FOR THE TOWN OF CANANDAIGUA 225<sup>TH</sup> ANNIVERSARY CELEBRATIONS**

**WHEREAS**, the Town Board of the Town of Canandaigua highly values citizen participation and involvement in our greater community; and

**WHEREAS**, many citizens and employees of the Town of Canandaigua volunteered to help the Special Events Committee with the Town of Canandaigua's 225<sup>th</sup> Anniversary celebrations including the Fourth of July Parade, Town of Canandaigua at the Fair, Square Dance at Cheshire Fire Hall and Halloween at Onanda Park; and

**WHEREAS**, the Town Board would like to show our appreciation for these individuals; and

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua would like to extend our deepest gratitude to all of our volunteers for your hard work and efforts during the Town of Canandaigua's 225<sup>th</sup> Anniversary Celebrations.

**RESOLUTION NO. 2016 – 311: INTEGRATED SYSTEMS PROFESSIONAL AGREEMENT**

**WHEREAS**, the Town of Canandaigua's existing service contract with Integrated Systems for 100 hours at \$75 per hour is about to expire; and

**WHEREAS**, the Town's current provider, Integrated Systems, has provided the Town with a quote for 100 hours at \$75 per hour; and

**WHEREAS**, a copy of the Professional Services Agreement is included with this agenda and are identified as Attachment 14 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua authorizes the Supervisor to execute the 100-hour agreement with Integrated Systems.

**RESOLUTION NO. 2016 – 312: ESTABLISHMENT OF PETTY CASH FOR RECEIVER OF TAXES**

**WHEREAS**, the Receiver of Taxes has determined that \$300 in petty cash is sufficient to provide change to payers for their Town / County tax bills for the months of January through March 2017; and

**WHEREAS**, the Receiver of Taxes accepts fiscal responsibility for the petty cash monies; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board acknowledges the need for the petty cash and hereby approves the petty cash amount of \$300 for the Receiver of Taxes.

**RESOLUTION NO. 2016 – 313: REQUEST TO ACCEPT 284 AGREEMENT FOR THE EXPENDITURE OF 2017 HIGHWAY MONEYS**

**WHEREAS**, the Highway Superintendent has provided a 284 Agreement for the proposed 2017 expenditures of highway moneys; and

**WHEREAS**, the amount of the proposed funds to be used is \$1,643,621.00 for the maintenance of 102.60 miles of town roads; and

**WHEREAS**, copies of these documents are included with this agenda and are identified as Attachment 15 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby accepts the 2017 Agreement for the Expenditure of Highway Moneys and directs the Town Clerk to retain one copy of the executed agreement and to forward a second copy to the Ontario County Highway Superintendent.

**RESOLUTION NO. 2016 – 314: AUTHORIZATION TO ISSUE RFQ'S FOR HIGHWAY DEPARTMENT EQUIPMENT**

**WHEREAS**, the Highway Superintendent is seeking to receive bids for the following equipment: a ¾ ton truck, a 1½ ton truck, a tandem axel trailer, a dump truck with snow plow equipment, and a skid steer; and

**WHEREAS**, funds for the purchase of the above-mentioned equipment are included in the 2017 approved budget at line D.5130.200 (Machinery/Capital Equipment); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Highway Superintendent to issue RFQ's for the purchase of a ¾ ton truck, a 1½ ton truck, a tandem axel trailer, a dump truck with snow plow equipment, and a skid steer.

**RESOLUTION NO. 2016 – 315: AUTHORIZATION TO ISSUE RFQ'S FOR WATER DEPARTMENT EQUIPMENT**

**WHEREAS**, the Water Superintendent is seeking to receive bids for the following materials: fire hydrants, guard valves, valve boxes, anchor pipes, lead-free brass, sleeve couplings, ductile iron tees, traced wire, 8" valves, and a mini excavator trade-in; and

**WHEREAS**, funds for the purchase of the above-mentioned materials are included in the 2017 approved budget at line F.8340.440 (Services & Maintenance); and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Water Superintendent to issue RFQ's for the purchase of fire hydrants, guard valves, valve boxes, anchor pipes, lead-free brass, sleeve couplings, ductile iron tees, traced wire, 8" valves, and a mini excavator trade-in;

**RESOLUTION NO. 2016 – 316: ACCEPTANCE OF A MAINTENANCE BOND FOR TWO YEAR MAINTENANCE AGREEMENT FOR TAX MAP #56.00-1-54.116 (CENTERPOINTE TOWNHOMES)**

**WHEREAS**, Morgan Canandaigua Lands, LLC has constructed a 109 townhomes known as Centerpointe Townhomes complete with a concrete sidewalk and stone dust trail, and;

**WHEREAS**, the sidewalk and trail were inspected to ensure materials and construction complied with the approved site plans and the Town's adopted Site Design and Development Criteria, and;

**WHEREAS**, the Planning Board is recommending the acceptance of a maintenance bond prior to the final Letter of Credit release, and;

**WHEREAS**, the applicant has submitted a two year maintenance bond in the amount of \$ 4,708.00, and;

**WHEREAS**, pursuant to Town Code §174-32, I, 6 acceptance of the maintenance bond is required before release of the remaining funds on the letter of credit that ensured proper installation of the sidewalk and the stone dust trail, and;

**WHEREAS**, a copy of the maintenance bond is included with this agenda and is identified as Attachment 16 to the agenda; this information is also is available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby approves of and accepts the maintenance bond for \$ 4,708.00 for Tax Map parcel number 56.00-1-54.117.

**RESOLUTION NO. 2016 – 317: FINANCIAL STATEMENT AUDIT FOR THE YEAR ENDED DECEMBER 31, 2016**

**WHEREAS**, the Town Board in past years has approved a letter of understanding with Bonadio & Co LLP to conduct its annual audit of the Town's financial statements; and

**WHEREAS**, the Town is in receipt of a letter from Bonadio & Co LLP proposing to conduct the audit of the 2016 financial statements at a cost not to exceed \$9,800 as noted in Attachment 17 to the agenda and on file in the Town Clerk's office; and

**NOW BE IT RESOLVED**, the Town Board hereby approves the proposal from Bonadio & Co LLP to conduct the financial statement audit for the year ending December 31, 2016 and authorizes the Town Supervisor to execute to letter of understanding and provide the Town Clerk's office with an executive copy for the Town's records.

**RESOLUTION NO. 2016 – 318: RECOGNITION OF MR. AL KRAUS FOR HIS SERVICE TO THE TOWN OF CANANDAIGUA**

**WHEREAS**, the Town of Canandaigua hereby recognizes Al Kraus for his commitment to the Public Works Committee, on which he has served for the past three years; and

**WHEREAS**, Mr. Kraus has volunteered many hours of his time and contributed significantly to the committee with his knowledge of large construction and building from his years of military service; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby recognizes Al Kraus for the selfless giving of his time and service to the Town of Canandaigua.

**RESOLUTION NO. 2016 – 319: AUTHORIZATION TO ISSUE AN RFQ FOR NETWORK SERVER**

**WHEREAS**, the Town of Canandaigua received a recommendation from Integrated Systems, the Town's information technology contractor, in 2015 to replace the network server; and

**WHEREAS**, the Town Board allocated \$10,000 in the 2016 budget under A.1680.400 to replace the network server; and

**WHEREAS**, the Town's Technology Committee has received one quote from Integrated Systems to replace the server for a cost not to exceed \$10,000.00; and

**WHEREAS**, to adhere to the Town's Procurement Policy the Technology Committee is required to obtain two additional written quotes; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board approves the Technology Committee to obtain two additional quotes to purchase and install a new network server.

**RESOLUTION NO. 2016 – 320: RESOLUTION TO ENCUMBER FUNDS FOR PROJECTS STARTED IN 2016, FROM THE 2016 ADOPTED TOWN BUDGET TO THE 2017 ADOPTED TOWN BUDGET**

**WHEREAS**, the Town Board of the Town of Canandaigua recognizes that certain projects or contracts have been approved with associated expenses included in the 2016 budget which will not be completed prior to the end of the 2016 budget year, and;

**WHEREAS**, the Town Board wishes to see these projects and contracts completed as originally budgeted in the 2016 Town of Canandaigua budget, and;

**WHEREAS**, the Town Board determines that it is necessary to encumber appropriations from the 2016 Town of Canandaigua budget into 2017 for those item(s) identified as follows:

<u>Description</u>	<u>FROM: 2016 Account #</u>	<u>2016 Budget Amount to Encumber to 2017</u>	<u>TO: 2017 Account #</u>
Stormsewers.Contractual (MS4 Implementation / Grant – City of Canandaigua)	A.8140.400	\$ 11,000.00	A.8140.400
Waste & Recycling. Grant (Transfer Station) Improvements  (corresponds to Rev A.3089 Grant)	A.8160.201	\$ 41,110.55 (balance remaining from original budget of \$50,000?)	A.8160.201  (this line was not funded for 2017)
Purchase of Land/Right of Way.Equip & Cap Outlay (Water Quality Improvement Areas – Sucker Brook)	A.1940.200	\$ 50,000.00	A.1940.200
Purchase of Land/Right of Way.Contractual (Stormwater Mgmt)	A.1940.400	\$ 7,500.00 (nothing spent to date from this line, the contract with MRB is for \$ 18,000 – reimbursable through grant)	A.1940.400
Pine Bank Cemetery Improvements \$7,500.00 Per Res 2016-180	A.8810.400	\$3,600.00 (balance of approved funding for stone work)	A.8810.400
Network Server Replacement	A.1680.400	\$10,000.00 (pending approval of Res on agenda)	A.1680.400

**WHEREAS**, the item(s) identified above are deemed to be in process totaling \$ 123,210.55, and;

**NOW, THEREFORE BE IT RESOLVED**, the Town Board directs the appropriations identified above hereby be encumbered from the Town of Canandaigua 2016 adopted budget, lines as identified, to the Town of Canandaigua 2017 adopted budget as identified in the fund named and for the purposes herein specified.

**RESOLUTION NO. 2016 – 321: BUDGET TRANSFER REQUEST**

**WHEREAS**, the Budget Officer is requesting the following budget transfers:

Account #	Description	To	From
	<b>GENERAL</b>		
A.1110.120	Justices.Court Clerk, PT	4400.00	
A.1110.140	Justices.Court Clerk, PT	2000.00	
A.7550.400	Celebrations	183.33	
A.8810.400	Cemeteries (Res 2016-180)	7500.00	
A.1990.400	Contingency		14083.33
	<b>HIGHWAY</b>		
D.5130.400.101	Machinery.Cont. Car #1	752.00	
D.5130.400.201	Machinery.Cont.Truck #1	20.35	
D.5130.400.203	Machinery.Cont.Truck #3	877.80	
D.5130.400.204	Machinery.Cont.Truck #4	51.30	
D.5130.400.205	Machinery.Cont.Truck #5	147.55	
D.5130.400.207	Machinery.Cont.Truck #7	102.60	
D.5130.400.208	Machinery.Cont. Truck #8	317.82	
D.5130.400.215	Machinery.Cont.Truck #15	131.92	
D.5130.400.217	Machinery.Cont.Truck #17	41.47	
D.5130.400.244R	Machinery.Cont.Truck #44	1457.50	
D.5130.400.312	Machinery.Cont.Grader #12	73.51	
D5130.400.320	Machinery.Cont.Excavator #20	635.29	
D.5130.400.324	Machinery.Cont.Excavator #24	340.75	
D.5130.400.340	Machinery.Cont.Sweeper #40	596.12	
D5130.400.363	Machinery.Cont.Loader #63	635.20	
D.5130.400.0	Machinery.Contratual		6181.18
D.9060.810	Medical/Dental Insurance	21789.65	
D.9060.830	H S A Account	5486.66	
D.9010.800	NYS Retirement		27276.31
	<b>WATER</b>		
F.8320.400	Water Purchases	29776.32	
F.8340.440	Services & Maintenance	267.27	
F.8340.450	Improvements		30043.59

**WHEREAS**, a copy of the Budget Transfer Memo is included with this resolution and is identified as Attachment 18 to the agenda; this information is also available for review on the Town’s website and is on file with the Town Clerk’s office; and

**NOW, THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby approves of the request budget transfers.

- Approval of the following Town Board Meeting Minutes:
  - October 12, 2016 – Joint Meeting: Town Board, Planning Board, Zoning Board of Appeals, Environmental Conservation Board and Citizens Implementation Committee
  - October 17, 2016 – Joint Canandaigua, Farmington, and Hopewell Water Meeting
  - November 28, 2016
  
- Approval of Charge Back Billing –
  - The charge back billing summary presented to the Town Board for consideration is included with this agenda and is identified as Attachment 19 to the agenda. This information is also available for review on the Town’s website and is on file with the Town Clerk’s office.
  
- Payment of the Bills
  - Abstract Claim Fund Totals presented by Town Clerk
  - Voucher Summary Report for Town Board signatures
  - (By signing, Town Board members represent they have reviewed the purchases for compliance with the Town’s approved policies & approve of the prepared Voucher Summary Report and the attached invoices)

Utility Abstract dated 12/08/2016 totaling \$9,388.66  
 General fund \$7,243.71  
 Highway fund \$53.92  
 Water fund \$969.13  
 Lighting districts \$1,121.90

Abstract dated 12/14/2016 totaling \$214,685.51  
 General fund \$77,704.77  
 Highway fund \$133,306.28  
 Water fund \$3,674.46

- Privilege of the Floor
- Other Business
- Privilege of the Floor
- Executive Session, as requested
- Adjournment

# ATTACHMENT 1

**FIRE SERVICES AGREEMENT BETWEEN THE  
CITY OF CANANDAIGUA AND THE TOWN OF CANANDAIGUA**

THIS AGREEMENT commencing the 1st day of January, 2017, by and between the CITY OF CANANDAIGUA, having its principal place of business at 2 North Main Street, Canandaigua, New York, 14424, Ontario County, New York, ("City"), and TOWN OF CANANDAIGUA, having its principal place of business at 5440 Route 5&20 West, Canandaigua, New York 14424 ("Town.") and both parties being municipal corporations organized and existing under and by virtue of the Laws of the State of New York.

WITNESSETH:

WHEREAS, the Town is need of fire protection for specific portions of the Town of Canandaigua Fire Protection District ("Town Fire District"); and

WHEREAS, the City has the equipment, personnel and experience to provide adequate fire protection; and

WHEREAS, the parties are desirous of entering into a contract for said purposes.

NOW THEREFORE, in consideration of the mutual promises and covenants hereinafter contained the parties agree as follows:

1. **SCOPE OF SERVICES.** The City shall provide fire protection and emergency services in case of accidents, calamities, or other emergencies in which the services of firefighters would be required, excluding emergency medical service incidents, in that portion of the Town of Canandaigua designated on Attachment #1, including the list of street, road and highway addresses shown on Attachment #2.

In addition, the City shall also staff Fire Station #2 seven (7) days a week, and twenty-four hours a day.

Scope of Services shall be provided twenty-four hours a day, seven days a week. The City shall promptly dispatch, upon call from the Ontario County 911 Center or upon notification of fire or emergency by any other means, fire-fighting and emergency equipment and personnel to operate the same, and then make diligent efforts to control and extinguish all fires and control or mitigate emergencies.

The City, in providing the services shall use its own means and methods, which shall not be subject to control, direction or supervision by the Town. All fire department equipment and personnel necessary and proper for the performance of this Contract shall be provided by the City at its sole cost and expense, and all persons engaged in fire department matters shall be subject to the exclusive control, direction and supervision of the City. The Town shall not have any right or power with respect to the employment, control, direction, supervision, suspension or discharge of any person who may engage in fire protection and rescue services or activities in the performance of the obligations imposed by this Agreement in furnishing services to the Town. The parties acknowledge that this Agreement contemplates the City delivering governmental services in that portion of the Town identified in Attachment #1 and #2. The Town and the City expect that the City shall enjoy qualified governmental immunity relative to services delivered pursuant to this Agreement, and

as such, the Town shall be liable for services delivered by the City in furtherance of this Agreement. In no event; however, shall the Town be liable for any acts of the City other than those contemplated in this Agreement.

The City Fire Chief shall also be the Fire Marshall for the designated fire protection area and as such shall be an advisor to the Canandaigua Town Board concerning enforcement of the New York State Fire Code.

By April 1st of each year the City shall prepare and provide to the Canandaigua Town Board a written fire service report for the preceding year. This report is to include the date; time and nature of each fire call in the designated fire service area, mutual aid calls to other fire protection areas within the Town Fire District, timeliness of the response, along with manpower and equipment responding to each call. The report shall also provide detail regarding the actual cost of fire service provided to the Town in the preceding year.

The City will present the Town with a copy of the City of Canandaigua's approved Fire Department budget within 30 days after it has been adopted and a copy of the City's fiscal year-end audit, which includes the Fire Department. The City shall provide a person familiar with the budget to appear before the Town Board at the Town Board's request to discuss the budget in open session of a public meeting of the Town Board.

2. **TERM.** This Agreement shall be effective from January 1, 2017 through December 31, 2019.
3. **CONSIDERATION.** Consideration shall be paid by the Town to the City on March 15<sup>th</sup> of each year as follows:
  - March 15, 2017 -\$ \$400,000.00
  - March 15, 2018 -\$ \$400,000.00
  - March 15, 2019 -\$ \$400,000.00

The full amount of annual consideration shall be due and paid by the Town to the City regardless of any termination pursuant to paragraph 9.

From time to time the City may encounter unusual financial needs beyond its reasonable control. These may include, but are not limited to, new regulatory requirements, industry-wide cost increases for items such as fuel and insurance. When the City becomes aware of such needs beyond its reasonable control, it may report those needs to the Town, together with options and a plan to meet those needs. The Town, at its sole discretion may choose, but shall not be required to increase the consideration paid to the City for the remainder of the fiscal year for any portion of such needs that are associated with providing services under this Agreement.

4. **COMPLIANCE WITH RULES, REGULATIONS AND LAWS.** It is mutually agreed that all rules, regulations and laws, excluding local laws of the City of Canandaigua, pertaining hereto shall be deemed to be part of this Agreement, and anything contained herein that may be in whole or in part inconsistent therewith shall be deemed to be hereby amended and modified to comply with such legislation, rules, regulations and laws, for and during such time the same shall be in effect, but at no other time. If any provision contained herein is found now or during the life of this Agreement to be null

and void, in whole or in part as a matter of law, then said clause or part hereof shall be deemed to be severed and deleted from this Agreement leaving all other clauses or parts thereof in full force and effect. It is further agreed that there shall be no gap in the coverage or applicability of said remaining clauses or parts thereof.

5. GOVERNING LAW AND VENUE. The Laws of the State of New York shall govern and control the within Agreement. The parties agree to submit themselves in any legal action or proceeding arising out of or relating to this agreement, or for the recognition and enforcement of any judgment in respect thereof, to the exclusive general jurisdiction of the Supreme Court of the State of New York, Ontario County, if in State Court, or the courts of the United States District Court, Western District of New York, if in Federal Court, and all related appellate courts. The parties agree to be subject to personal jurisdiction in and consent to service of process issued by a court in which venue is proper as defined in this paragraph.
6. HOLD HARMLESS. Town shall at all times save harmless the City of Canandaigua, its officers, and its employees and volunteers, from and against any and all liability, losses, claims, suits, causes of action, costs, expenses, damages or judgments or for the defense or payment thereof, based on any claim, action or cause of action whatsoever, including any action for libel, slander, or personal injury, or any affiliated claims, by reason of any act or failure to act on the part of the Town or its agents, officers, employees and/or volunteers.

The City shall at all times save harmless the Town of Canandaigua, its officers, and its employees and volunteers, from and against any and all liability, losses, claims, suits, causes of action, costs, expenses, damages or judgments or for the defense or payment thereof, based on any claim, action or cause of action whatsoever, including any action for libel, slander, or personal injury, or any affiliated claims, by reason of any negligent act or negligent failure to act on the part of the City or its agents, officers, employees and/or volunteers.

7. NOTICE OF INJURY. In the event that City's employees, or agents, are injured or cause injury or damage while in performance of services under this Agreement then the City shall cause written notice to be served upon the Town Supervisor and Town Clerk at 5440 Routes 5 & 20 West, Canandaigua, New York 14424 within forty-eight hours of any such injury or damage, notwithstanding the general notice provisions of Paragraph #13 below.

Deleted: .

8. DEFAULT. In the event that Town shall fail to comply with the payment provisions of this agreement, the City may, at its option, terminate this Agreement, provided it has given the Town written notice of such default in accordance with the provisions of this Agreement and the Town has failed to cure the same within thirty (30) business days following receipt of such notice with respect to the failure to pay any monies.

9. TERMINATION.

- a.) The Town may terminate this Agreement at any time with 30 days advance written notice if the Town determines that the City is unable or unwilling to provide the scope of work described in this Agreement or the City fails to immediately correct any problems after notification of such problem from the

Town. The Town may also terminate this Agreement upon 180 days advance notice if the Town intends to use another entity to provide for Fire Protection in the service area identified in this Agreement.

- b.) The City may terminate this Agreement immediately upon written notice in the event of bankruptcy, insolvency, or any other financial condition creating reasonable doubt as to Town's ability to provide consideration.
- c.) Upon written notice of termination from either party, the City shall immediately cease all work under this Agreement.
- d.) No such termination shall affect or discharge any obligations of either party, which arose prior to the effective date of termination with respect to indemnification or monies owed.

10. COUNTERPARTS. This Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

11. AMENDMENTS. This Agreement may be amended, modified or extended only by written instrument duly authorized and executed by the parties with the same formality as this Agreement.

12. WAIVER. The failure of either party to insist, in any one or more instances, upon the full performance of any of the terms and conditions of this Agreement, or to exercise any rights it may have hereunder, shall not be construed as a waiver of any legal rights it may have with respect to such nonperformance, or be construed as the Party's condoning of further nonperformance of such terms or conditions.

13. NOTICES. Any notice, ~~other than Notice of Injury pursuant to Paragraph #7 above, or consent required or permitted to be given pursuant to this Agreement shall be given to the Town Supervisor and Town Clerk, or Mayor and City Clerk, as the case may be, in writing, by ordinary, first class mail or otherwise delivered to the addresses listed above, or any other addresses the parties may from time to time designate.~~ Notices and consents, which are sent by mail, shall be deemed received by the other party five (5) days following their deposit in the U.S. Mail. Town agrees to accept service of process at the address listed above in any action brought by the City pursuant to this Agreement.

Deleted:

Deleted: respective parties

14. HEADINGS. Titles, captions, or headings to any provision, article, etc. shall not limit the full contents of the same. Each article has the same full force and effect as if no title existed.

15. MERGER CLAUSE. The parties agree this Fire Service Agreement and the attachments constitute the entire Agreement between the parties and shall supersede any verbal statements or other writings, except an amendment, mutually agreed upon between the parties and in writing, and designated as an amendment to this Agreement, shall supersede or vary the positions herein.

16. AUTHORIZATION. Each party asserts and acknowledges that the signatory indicated below is authorized and empowered to execute this Agreement on behalf of that party.

17. INSURANCE: The City agrees to maintain insurance coverage, as follows:

Workers' Compensation: Coverage to apply to all volunteers for statutory limits in compliance with the applicable State and Federal laws.

Comprehensive General Liability: Shall have minimum limits of \$2,000,000 per occurrence for bodily injury liability and property damage liability.

Business Auto Policy: Shall have minimum limits of \$2,000,000.00 per occurrence combined for bodily injury liability and property damage liability.

The City shall include the Town as an additional insured on each of the liability policies required to be maintained by this Agreement.

The City shall maintain current, valid insurance policies meeting the requirements stated above during the entire duration of this Agreement. The City shall insure that for any policy of insurance held by the City pursuant to this Agreement that the Town receives any certificates for new insurance policies within thirty (30) days of the effective date of the policy and that the Town receives renewal certificates more than thirty (30) days prior to any expiration date on every policy. The City shall insure that the Town is provided thirty (30) days-notice of any event of a cancellation or modification of any policy of insurance held by the City pursuant to this Agreement. The City shall insure that certificates of insurance meeting the required insurance provisions shall be forwarded to the Town.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below.

CITY OF CANANDAIGUA

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
City Manager

ATTEST: \_\_\_\_\_  
City Clerk/Treasurer

TOWN BOARD OF THE TOWN  
OF CANANDAIGUA

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Town Board Member

\_\_\_\_\_  
Town Board Member

ATTEST: \_\_\_\_\_

Town Clerk

# ATTACHMENT 2

**TO:** Margaret Hilton, Supervisor, Town of Hopewell  
Peter Ingalsbe, Supervisor, Town of Farmington

**COPY:** Jeff Graff, Town Attorney  
Bill Davis, MRB

**FROM:** Gregory Hotaling, P.E.

**DATE:** October 31, 2016

**MRB GROUP PROJECT NO:** 0610.16011

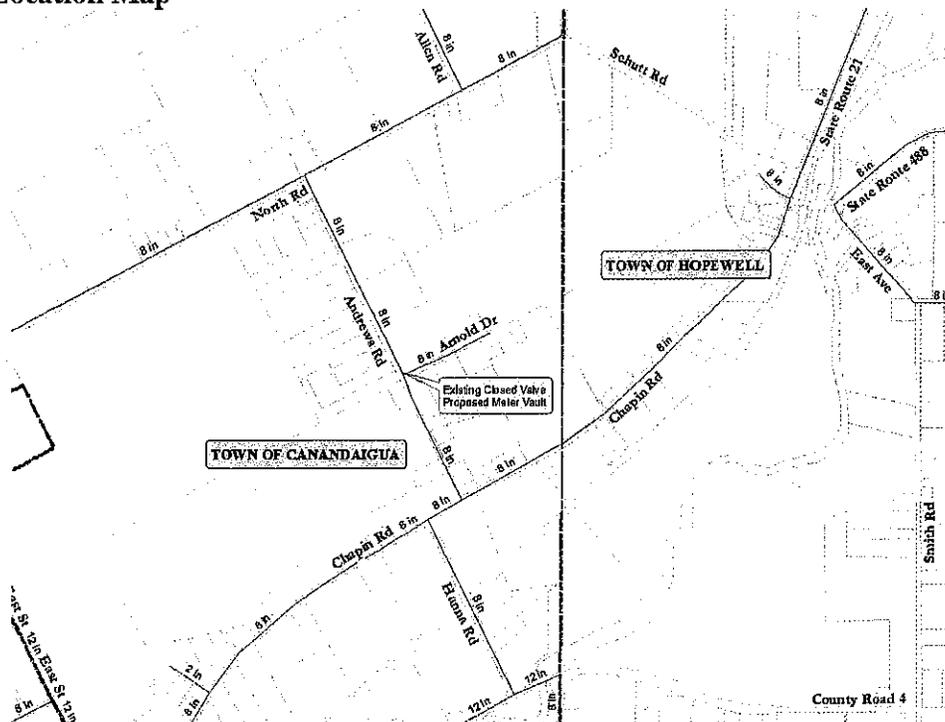
**RE:** ANDREWS ROAD METER VAULT PROJECT - MAP AND PLAN

---

### Project Description

The Towns of Farmington/Hopewell intend to construct jointly a meter vault at the intersection of Andrews Road and Arnold Road in the Town of Canandaigua, New York. See the location map below. The meter vault is intended to eliminate dead-end water mains on Andrews Road, improve water quality and improve available fire flows in both water districts.

### Location Map



## Project Benefits

The interconnection was modeled and determined to reduce the average water age and increases the available fire flow in both the Canandaigua - Farmington Water District and the Canandaigua - Hopewell Water District. The interconnection should also limit the range of water age in the system, reducing the difference between the minimum and maximum water age.

## Project Costs

The following estimate was prepared on 2016 material process and the assumption that all the improvements will be installed by Town forces.

Item	Unit	Qty.	Unit Price	Amount
<b>A. Construction:</b>				
Precast Concrete Vault (ladder, sump pump, vents)	EA	1	\$10,000.00	\$10,000.00
8" TS&V	EA	2	\$4,400.00	\$8,800.00
8" - MJ 90 degree bends	EA	2	\$170.00	\$340.00
4" - FL 90 degree bends	EA	2	\$130.00	\$260.00
8" Restraining Glands for PVC	EA	4	\$60.00	\$240.00
8"x8"x4" Tee	EA	2	\$110.00	\$220.00
8"x6" Reducer	EA	2	\$130.00	\$260.00
4"x2" Reducer	EA	1	\$100.00	\$100.00
2" Mag Meter	EA	1	\$3,500.00	\$3,500.00
6" Mag Meter	EA	1	\$5,100.00	\$5,100.00
6" Control Valve	EA	1	\$3,200.00	\$3,200.00
4" Check Valve	EA	1	\$400.00	\$400.00
4" Gate Valve	EA	2	\$500.00	\$1,000.00
6" Gate Valve	EA	2	\$600.00	\$1,200.00
8" DR-18 PVC	LF	50	\$6.00	\$300.00
Vault piping (PVC)	LS	1	\$200.00	\$200.00
Flange Adapters in Vault	LS	1	\$3,400.00	\$3,400.00
Easement Acquisition	LS	1	\$1,500.00	\$1,500.00
SCADA Connection	LS	1	\$10,000.00	\$10,000.00
RG&E Hook Up	LS	1	\$5,000.00	\$5,000.00
Crushed Stone Drwy.	CY	10	\$18.00	\$180.00
Miscellaneous	LS	1	\$2,000.00	\$2,000.00
Electrical Work (subcontractor)	LS	1	\$5,000.00	\$5,000.00
Subtotal Material & Subcontractors				\$62,200.00
<b>B. +/-10% Contingency</b>				\$6,200.00
<b>C. Technical / Administration (25%)</b>				\$15,550.00
<b>Total Project</b>				<b>\$83,950.00</b>

**THE TOWN OF FARMINGTON  
ANDREWS ROAD METER VAULT PROJECT**

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**ONTARIO COUNTY, NEW YORK 14425**

**SEQR  
SHORT ENVIRONMENTAL ASSESSMENT FORM  
(EAF) PARTS 1-3**

**DECEMBER 2016**

Prepared by

**MRB** | *group*

Engineering, Architecture & Surveying, D.P.C.

**THE CULVER ROAD ARMORY  
145 CULVER ROAD, SUITE 160, ROCHESTER, NEW YORK 14620  
TELEPHONE: (585) 381-9250 FACSIMILE: (585) 381-1008**

## Short Environmental Assessment Form

### Part 1 - Project Information

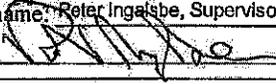
#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: Andrews Road Meter Vault Project			
Project Location (describe, and attach a location map): Intersection of Andrews Road and Arnold Road in the Town of Canandaigua			
Brief Description of Proposed Action: The project includes the construction of a meter vault at the intersection of Andrews Road and Arnold Road in the Town of Canandaigua, New York. The interconnection will include a small flow meter to measure daily demands with check valve that limits flow from Canandaigua-Hopewell Water District to Canandaigua-Farmington Water District. The interconnection will also include a control valve with reduced sized bi-directional flow meter that allow flow in either direction during high demands. The meter vault is intended to eliminate dead-end water mains on Andrews Road, improve water quality and improve available fire flows in both water districts.			
Name of Applicant or Sponsor: Town of Farmington, Town Board		Telephone: 315-986-8193	
		E-Mail: pingalsbe@farmingtonny.org	
Address: 1000 County Road 8			
City/PO: Farmington		State: NY	Zip Code: 14425
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Farmington Town Board - Project Approval NYSDOH			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		+/- 0.2 acres	
b. Total acreage to be physically disturbed?		+/- 0.05 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		+/- 0.2 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: The proposed project will meet the requirements.		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____		NO	YES
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ This project only involves the creation of a water meter vault.		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO	YES
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO	YES
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p>		
<p>Applicant/sponsor name: Peter Ingalsbe, Supervisor</p>		<p>Date: November 9, 2016</p>
<p>Signature: </p>		

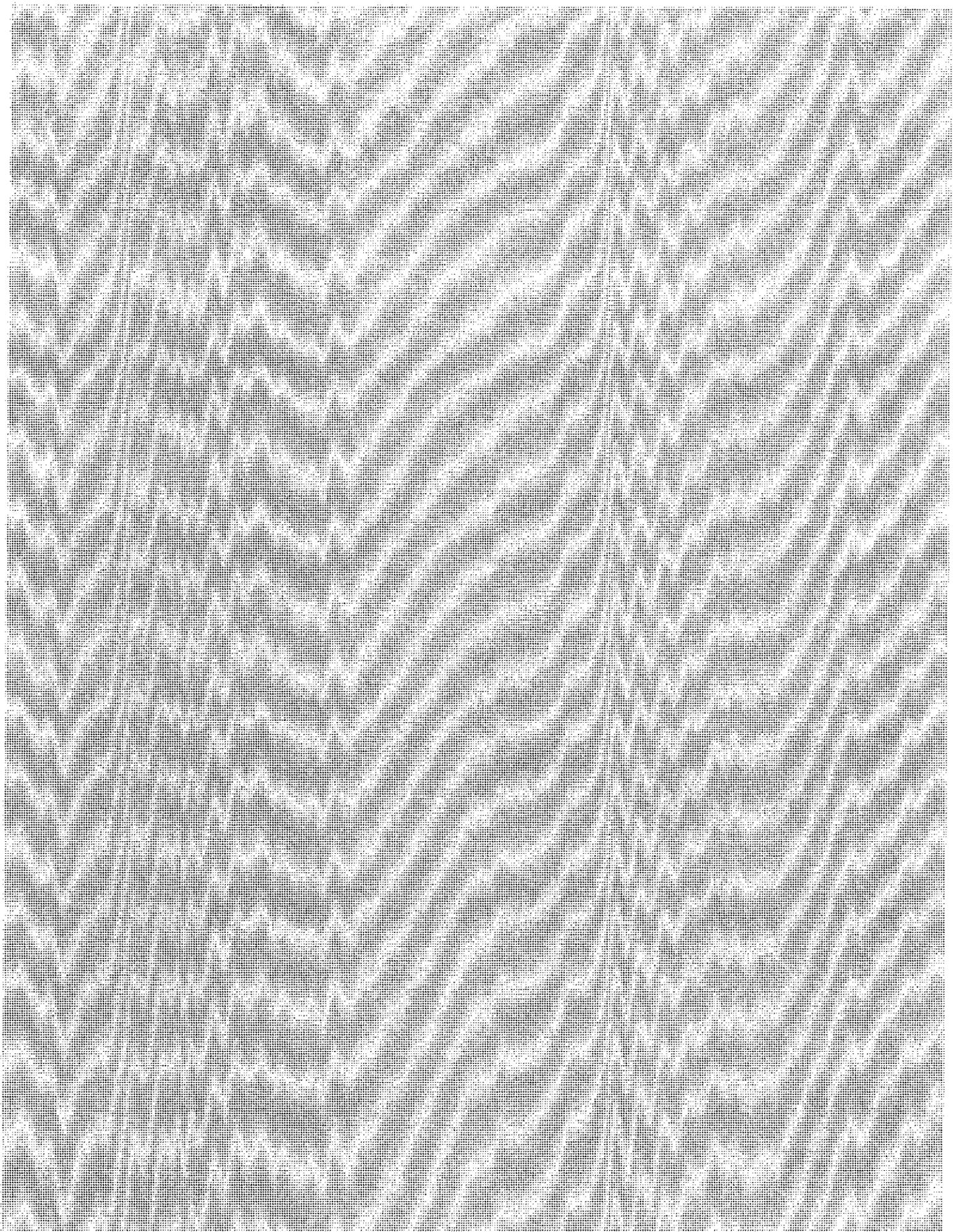
**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Canandaigua

Ottawa Montreal  
Toronto  
Detroit  
Cleveland  
Pittsburgh  
Columbus  
New York  
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong)

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No



Project: Andrews Road Meter Vault Project

Date: December 27, 2016

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Andrews Rd Meter Vault**  
 Date: **December 27, 2016**

**Short Environmental Assessment Form  
 Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Farmington Town Board has reviewed and accepted Parts 1 & 2 of the Short Environmental Assessment Form (EAF) for this action. The Town Board has been established as the lead agency, under SEQR, for making the required determination of significance. In addition, the general public was made aware of the public review and comment period provided by the Town Board. No significant adverse impacts were identified as the result of this review process. Please see the attached documentation supporting the EAF Part 3 in support of this decision.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Town of Farmington Town Board Name of Lead Agency	December 27, 2016 Date
Peter Ingalsbe Print or Type Name of Responsible Officer in Lead Agency	Supervisor Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Note:** All potential impacts that have been identified in the Short EAF Part 2 as No or Small Impacts have been described in this document. Numbering is consistent as outlined in Short EAF Part 2.

#### **10. IMPACTS ON EROSION**

*The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.*

- Portions of the project will be stripped of vegetation and bare soils will be exposed for periods of time during construction. The site will be susceptible to potential erosion with the potential of discharge of sediment into the existing waterways. Approved erosion and sediment control measures as outlined in the site plans will be implemented during construction. Erosion and sediment control measures will be inspected to ensure proper installation and function throughout the construction project.

# FIGURE A

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## PROJECT MAPS

- *WETLANDS MAP*
- *USGS TOPO MAP*



U.S. Fish and Wildlife Service

# National Wetlands Inventory

## Andrews Rd Meter Vault - Wetlands Map



November 9, 2016

-  Estuarine and Marine Deepwater
-  Estuarine and Marine Wetland
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

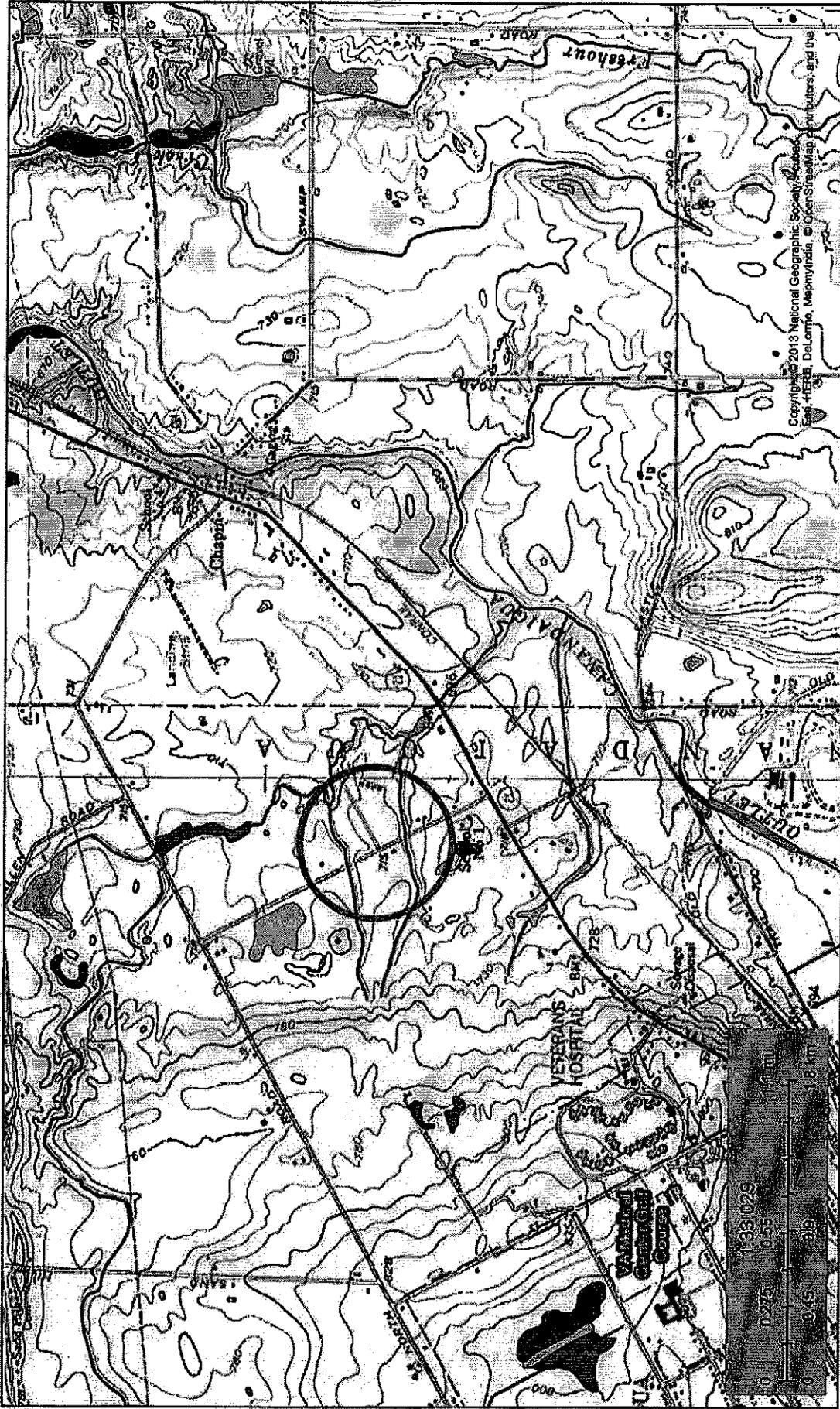
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



U.S. Fish and Wildlife Service

# National Wetlands Inventory

# Andrews Meter Vault - USGS Topo Map



November 9, 2016

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Project: Andrews Road Meter Vault Project

Date: December 27, 2016

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***Short Environmental Assessment Form  
Part 3 Determination of Significance***

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The Town of Farmington Town Board has reviewed and accepted Parts 1 & 2 of the Short Environmental Assessment Form (EAF) for this action. The Town Board has been established as the lead agency, under SEQR, for making the required determination of significance. In addition, the general public was made aware of the public review and comment period provided by the Town Board. No significant adverse impacts were identified as the result of this review process. Please see the attached documentation supporting the EAF Part 3 in support of this decision.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Town of Farmington Town Board

December 27, 2016

Name of Lead Agency

Date

Peter Ingalsbe

Supervisor

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

# ATTACHMENT 3

Dennis Brewer, Director of Parks and Recreation, report to Town Board for  
December 19, 2016

In January, I will be meeting with MLA to set up a timeline for the Parks and  
Recreation Master Plan.

I will be meeting with Katie Outhouse to write up the Town/City Recreation Guide  
for the 2017 season.

The next Park and Recreation Committee meeting will be held January 25 at 6:00  
at town hall.

I want to wish Pam the best. She has done so much for the town, and has been a  
big supporter of parks and recreation.

## Highway and water superintendent 12/19/16

### Highway

1. Snow plowing operations have been going well.
2. Received a letter from the NYS DOT that they do not recommend a reduction of speed on Parrish St. Ext between 21 and 5 & 20. The board had asked for a study back in July.

### Water

1. MRB is working on the Map, Plan and Report for Woolhouse and Rossier road extension. I believe we should rename this to ext. # 42 so the public stops assuming that water is coming all the way on Rossier and Woolhouse.
2. Fourth quarter water meter reading will begin the week of the 12<sup>th</sup>.

### Other items

1. I have sent out an e mail to the board about changes in fees for electronics, tires and a few of the bulky items.
2. The sanitary sewer on Brickyard road is making good progress.

## Assessor's Report December 19, 2016

Year to date there have been 122 sales in Town with a median price of around \$254,000.

Senior and enhanced STAR exemption renewals went out last month, so my office is handling the steady stream of renewals with many residents bringing them in person.

The revised STAR program is still generating calls, as all the checks have not yet been issued; none at all for the Mobile Home Parks. Last update from the State indicated that all the checks would be issued by the end of the year.

*Christopher Lyon, IAD*

**Town of Canandaigua**  
Director of Development  
Administrative Report  
December 19, 2016

**ADMINISTRATION / DEVELOPMENT OFFICE:**

**GENERAL:** General permits issued by the Development Office as of this writing on December 12, 2016 total 503. For comparison:

2015 – 609 permits	2014 – 428 permits
2013 – 380 permits	2012 – 451 permits
2011 – 407 permits	

**STEEP SLOPE DRAFT LAW:** Meeting on November 29, 2016 the Planning Board, the Environmental Conservation Board, and the Natural Resources Team met with Town Engineer MRB Group and Canandaigua Lake Watershed Council Manager Kevin Olvany and Kim McGarry to discuss the draft Steep Slope local law. The boards wanted to discuss recent projects and how the proposed local law might have effected those projects. As a result of the meeting, the NRI Team is meeting to discuss some modifications to their proposal on the draft law. It is anticipated the NRI Team, ECB, and Planning Board will make a recommendation to the Town Board in the first quarter of 2017 regarding a proposed steep slope update to the Town Code.

**AGRICULTURE:** The Ag Team met one final time on November 30, 2016 for the purposes of any feedback on the draft Town of Canandaigua Agriculture Enhancement Plan. The Ag Team has worked very hard on the document that has been presented to you for consideration of adoption at your meeting on December 19, 2016. Additionally, John Brennan from the NYS Department of Agriculture and Markets has shared his comments after reviewing the draft plan and has generally been very pleased with the work achieved by the Town of Canandaigua. John mentioned to me that he wanted to commend the Town for taking the proactive step of completing the Agriculture Enhancement Plan while also working on the Town of Canandaigua Sewer Master Plan in order for each plan to reference the important work of the other plan. Additionally, the Ontario County Ag Enhancement Advisory Board has also reviewed the draft document. Maria Rudzinski from Ontario County Planning has shared with me her positive comments regarding the work the Town of Canandaigua has been doing regarding Agricultural Enhancement and Protection. The Ag Team has now completed their work. The next step following adoption of the Agriculture Enhancement Plan, would be for the Town of Canandaigua to consider the creation of an Agriculture Advisory Committee.

**SUCCESSION PLANNING:** One of the action items in the Agriculture Enhancement Plan is to encourage succession planning for members of the agriculture community. The Ag Team hosted a succession planning session at the Town Hall on November 30, 2016. Diann Andrews, from NextStage Legacy Advisors shared her personal and professional experience as her long time family farm has gone through similar planning efforts.

**Town of Canandaigua**  
Director of Development  
Administrative Report  
December 19, 2016

Approximately a half dozen farming operations were in attendance to learn more about agriculture succession planning.

**SEWER MASTER PLAN:** Your December 19<sup>th</sup> Town Board Agenda includes a resolution to adopt the draft Town of Canandaigua Sewer Master Plan. The Sewer Master Plan Team has been working very hard to finish up the document in preparation for your consideration. Meeting on November 15, 2016, the Sewer Master Plan Project Team met with the CIC to go over final details and adjustments including the review of the proposed Implementation Plan. The work of the Sewer Master Plan Project Team is now complete.

**CIC:** The Citizen's Implementation Committee met on December 6, 2016 in order to set the agenda for all of their meetings in 2017 (copy is attached and on the CIC's webpage on the Town website). The CIC meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month at 9am at the Town Hall. The agenda for 2017 includes work on the five goals and action steps identified in the Comprehensive Plan and identified as authorized goals by the Town Board per Resolution # 2016-212. Many of the goals of the CIC for 2017 include work that supports the functions of other goals for 2017, and topics that have recently been discussed.

**PROJECT TEAMS:** The CIC would like to once again include residents and interested stakeholders in project teams to achieve the goals identified for 2017. The CIC would like to provide public notice for those interested residents who may wish to participate in the following teams and topics:

- MIXED USE OVERLAY (*MUO Team*)
- OPEN SPACE AND CONSERVATION PLAN (*Open Space & Conservation Team*)
- COMPLETE STREETS POLICY (*Complete Streets Team*)
- UPDATE SITE DESIGN STANDARDS CRITERIA (*Site Design Team*)

**TDR PROGRAM:** As you are aware, we are currently working on the possibility of a Transfer of Development Rights (TDR) Program. The TDR program ties in very closely with the work proposed for the MUO Team and the Open Space and Conservation Team. The CIC anticipates an update on more information relative to the creation of a TDR Program in February 2017.

**PARKS AND TRAILS MASTER PLAN:** The other goal for 2017 is an update to the Town of Canandaigua Parks and Recreation Master Plan. It is assumed the Parks and Recreation Committee would take the lead on this topic. The Development Office is

**Town of Canandaigua**  
Director of Development  
Administrative Report  
December 19, 2016

willing to provide support for this effort, and Zoning Officer Eric Cooper has been attending these meetings to help facilitate.

**WATER MASTER PLAN:** Additionally, goal #9 of the Town of Canandaigua's Comprehensive Plan includes the action step of the creation of a Town of Canandaigua Water Master Plan. It is believed the Public Works Committee will take the lead on this project in 2017. The CIC has tentatively scheduled June 6, 2017 to request an update on the status of the Water Master Plan.

**WALKING PATH/SIDEWALK REQUEST:** The Development Office has recently received an email from a resident requesting a sidewalk or walking path along Nott Road between Rt 21 and Middle Cheshire Road. A copy of the request has been placed in the communications binder. Perhaps the resident who made the request might be interested in serving on the Complete Streets Team. It would be likely the Complete Streets Team would explore alternatives with the Highway and Parks and Recreation Department and make any recommendation to the Town Board.

As with all of these projects, these recommendations will be presented to the Town Board for consideration once information, review and details have been gathered.

**PUBLIC HEARINGS:** As directed by the Town Board at your meeting on November 28, 2016; your agenda includes resolutions to set two separate public hearings for your January 9, 2017 Town Board meeting. One item concerns an Environmental Conservation Board member, the other an unsafe building at 2411 State Route 332.

**PLANNING BOARD VACANCY:** Your December 19<sup>th</sup> Town Board agenda includes a resolution to accept the resignation of Planning Board member Dick Gentry. We have advertised for the anticipated vacancy with a due date of December 9<sup>th</sup> for letters of interest. We have received two letters, copies of which were placed in your box. Would the Town Board wish to setup interviews with the applicants prior to or at your January 9<sup>th</sup> meeting?

Upcoming Meetings:

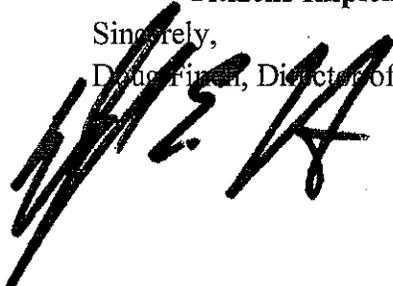
**Planning** – The next scheduled Planning Board meeting is January 10<sup>th</sup> at 6:30pm.

**Zoning** – The Zoning Board of Appeals next meets January 17<sup>th</sup> at 6:00pm.

**Environmental Conservation Board** – January 5<sup>th</sup> at 4:30pm.

**Citizens Implementation Committee** – January 3<sup>rd</sup> at 9:00am.

Sincerely,  
Doris Finca, Director of Development



# *Town of Canandaigua*

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

*Established 1789*

## **CITIZEN'S IMPLEMENTATION COMMITTEE**

### **2017 MEETING SCHEDULE**

The regular meetings of the CIC are at 9:00am on the first and third Tuesday of the month.

**January 3, 2017** – 2017 Plan /  
Update Strategic Session /  
Project Teams / Ag & Sewer M

**January 17, 2017** – Parks &  
Trails Master Plan Update

**February 7, 2017** – TDR  
Program Update & Review

**February 21, 2017** – NRI  
Update – Steep Slopes / Ridge

**March 7, 2017** – Open Space /  
Conservation Plan

**March 21, 2017** – Onsite  
Waste Water Treatment Law

**April 4, 2017**– Complete  
Streets Policy

**April 18, 2017** – Update on  
Site Design Criteria

**May 2, 2017** – TDR Program  
Review & Referral to TB

**May 16, 2017** – MUO Update  
/ Feasibility Plan

**June 6, 2017** – Water Master  
Plan Update

**June 20, 2017** – Parks/Trails

**July 4, 2017** – No meeting

**July 18, 2017** – NRI  
Shorelines

**August 1, 2017** – Ag Plan

**August 15, 2017** – Sewer MP

**September 5, 2017** –  
Complete Streets

**September 19, 2017** – TDR

**October 3, 2017** – Site Design  
Criteria Update

**October 17, 2017** – Open  
Space / Conservation Update

**November 7, 2017** – Strategic  
Planning for 2018

**November 21, 2017** – MUO  
Update / Feasibility Plan

**December 5, 2017** – Year  
Review / Wrap-Up

**December 19, 2017**– 2018

Town Historian's Report for December 19th. 2016

by Ray Henry

1. Worked with the "Special Events" committee to establish the potential events for 2017. Potentials are; a. 4th of July parade, b. square dance - date to be determined, c. Ontario County Fair plan, and d. Halloween at Onanda.
2. Met with Seth Pritchard of the Ontario County Fair on December 12th to discuss 2017 Event at the Mercantile Building. Items discussed were a. an extended time, b. a proposed larger venue, and c. more involvement by other organizations, such as Granger, and additional Historical Societies.
3. Will be working on a Historian's report to be due in early January.
4. On December 19th, I have scheduled a program in the afternoon for the Farmington/Victor Seniors at Mertensia Park about Farmington/Victor Barns and other interesting agricultural structures. (1:00pm)
5. I have scheduled a program for the Centerfield Homemakers on Canandaigua District Schools to be held at the Town Hall.

## Town Clerk Report for the December 19, 2016, Town Board Meeting

1. **Monthly Financial Report:** Revenues collected in the Town Clerk's office for the month of November 2016 totaled \$33,577.86 (see attached).
2. **Online Park Reservations:** My office is still investigating the use of Webervations / Yapstone. I hope to have more information to share with the Town Board at the January 2017 meeting.
3. **Water Bill Payments:** I have met with representatives from Canandaigua National Bank (CNB) regarding the ACH payments for the quarterly water bills. The form that will be required to be completed by the Canandaigua Water District user will be included with their January 1, 2017, water bill. The goal is to begin this payment process with the April 2017 water billing cycle.
4. **Integrated Professional Services Agreement:** At this time, the Town has less than 40 hours remaining on our Agreement with Integrated Systems. The last Agreement with Integrated was approved and signed in December 2015. A resolution is on the agenda to approve the new Professional Services Agreement for 100 hours at \$75 an hour.
5. **2016 Audit:** Attached is a copy of the letter from Bonadio & Co LLP to conduct an audit of the 2016 financial statement for the Town. A resolution is on the agenda to direct the Supervisor to sign the letter.
6. **Network Server:** There is a resolution on the agenda to approve the Technology Committee and staff to issue a Request for Quotes for a new network server. There was \$10,000 allocated in the 2016 budget (A.1680.400) for this purchase.
7. **Sample Peddlers Local Laws:** For your review and as requested at the November 28 Town Board meeting, copies of the following Peddling and Soliciting local laws from the Town of Perinton, Farmington, Victor and Penfield have been placed in your mail box here at Town Hall.
8. **Resolutions:**
  - A. Integrated Systems Professional Services Agreement
  - B. Petty Cash for Receiver of Taxes
  - C. Bonadio & Co LLP

Please let me know if you have any questions.

Submitted by,

*Jean Chrisman*

Jean Chrisman  
Town Clerk

Account#	Account Description	Fee Description	Qty	Local Share
A.2001	Cabins / Halls / Pavilions	Onanda Halls/Lodging	4	1,070.00
	Onanda Cabin NON Residential Daily	Onanda Cabin NON Residential Daily	1	1,225.00
	Outhouse Park Hall Full Day	Outhouse Park Hall Full Day	1	150.00
	WL Schoolhouse Weekend	WL Schoolhouse Weekend	1	60.00
	<b>Sub-Total:</b>			<b>\$2,505.00</b>
A.2590	Building Fee	Building Fee	5	3,663.20
			<b>Sub-Total:</b>	<b>\$3,663.20</b>
A1255	Conservation	Conservation	11	25.46
	Marriage Lic.	Marriage License Fees	1	17.50
	Misc. Fees	Copies	6	11.75
		Marriage Cert	2	20.00
			<b>Sub-Total:</b>	<b>\$74.71</b>
A1603	Misc. Fees	Death Cert	21	210.00
			<b>Sub-Total:</b>	<b>\$210.00</b>
A2110	Plan & Zone	Zoning Fee	3	300.00
			<b>Sub-Total:</b>	<b>\$300.00</b>
A2120	Plan & Zone	Soil Erosion	12	1,800.00
			<b>Sub-Total:</b>	<b>\$1,800.00</b>
A2544	Dog Licensing	Exempt Dogs	1	0.00
		Female, Spayed	31	403.00
		Female, Unspayed	4	76.00
		Male, Neutered	24	312.00
		Male, Unneutered	9	171.00
		Late Fees	12	60.00
				<b>Sub-Total:</b>
A2590	Plan & Zone	Site Development	36	6,367.20
			<b>Sub-Total:</b>	<b>\$6,367.20</b>
A2591	Misc. Fees	Transfer Coupons	180	1,146.00
			<b>Sub-Total:</b>	<b>\$1,146.00</b>
CM-2001	Plan & Zone	Parks And Recreation	9	9,000.00
			<b>Sub-Total:</b>	<b>\$9,000.00</b>
F.2140	Rents Payments	Rents Payments	3	92.71
			<b>Sub-Total:</b>	<b>\$92.71</b>
F.2142	Water Sales	Water Sales	1	190.00
			<b>Sub-Total:</b>	<b>\$190.00</b>
F.2144	Service Hookups	Service Hookups	4	6,350.00
			<b>Sub-Total:</b>	<b>\$6,350.00</b>

Account#	Account Description	Fee Description	Qty	Local Share
			<b>Total Local Shares Remitted:</b>	<b>\$32,720.82</b>
Amount paid to:	NYS Ag. & Markets for spay/neuter program			94.00
Amount paid to:	NYS Environmental Conservation			740.54
Amount paid to:	State Health Dept. For Marriage Licenses			22.50
<b>Total State, County &amp; Local Revenues:</b>		<b>\$33,577.86</b>	<b>Total Non-Local Revenues:</b>	<b>\$857.04</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Jean Chrisman, Town Clerk, Town of Canadaigua during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

_____	_____	_____	_____
Supervisor	Date	Town Clerk	Date

# ATTACHMENT 4

December 5, 2016

TO: Town Board  
FR: Environmental Conservation Board  
RE: Monthly Report – December

### **TOWN BOARD REFERRALS**

At the final meeting of the year the ECB finalized its **2016 Annual Report** to the Town Board. (See attached). We also dispatched several Lead Agency Referrals from the Town Board, having no objections.

### **2017 PROJECTS PLAN**

We discussed a **draft proposal** of possible projects for 2017 which will be finalized at our Organizational Meeting in January and then forward to the Town Board for approval.

We are committed to continue the Invasive Species series for terrestrials and aquatics that were presented during 2016. We have also included a workshop for Oak Wilt Disease in the coming year.

The ECB envisions a Conservation Easement Workshop co-sponsored by the Conservation Easement Team and the Finger Lakes Land Trust for town residents who may be interested in this program. We would like to target the audience to residents with acreage that would be appropriate for such a program. Consideration will also be given to proximity to Trails, other conserved lands, open space, agricultural operations, steep slopes and other protected natural and scenic resources. The ECB will develop maps identifying such properties. We will use various methods of direct contact for this audience. This will also be announced to town residents, in general, through other media. This is an approved Action Step as identified by the CIC and Conservation Easement Team for 2016 and proposed Action Step for 2017.

The Conservation Mapping Sub-Committee of the ECB has offered to participate in the mapping of trails as the new Parks & Recreation Plan gets underway.

The ECB continues to participate in public outreach in the MS4 program. We will be taking a stronger and more informed roll during this year.

In reviewing the strengths and challenges of the past year, we are dedicated to improving our public outreach mandate. We realize the importance of utilizing all of the resources available at Town Hall. We will inform ourselves of the divergent resources at our disposal and plan to use them wisely.

Developing working partnerships to further our goals of informing our residents of environmental issues will be an important function of the ECB this year. Organizations with a like mission can be utilized more effectively to improve our outreach.

Respectfully submitted,  
Joyce Marthaller, Chair  
Environmental Conservation Board

# TOWN OF CANANDAIGUA

## ENVIRONMENTAL CONSERVATION BOARD

### 2016 ANNUAL REPORT

**Purpose:** Town Code (Chapter 18-6) and New York State General Municipal Law (GMU Article 12F Section 239-X Paragraph 1 Subparagraph f) both require that the Environmental Conservation Board (ECB) submit to the Town Board a year end annual report on the work and activities of the ECB. The State law additionally requires that the Town Board forward a copy of the annual report to the Commissioner of Environmental Conservation.

**Open Space Preservation:** On November 2<sup>nd</sup>, the NYS Department of Agricultural and Markets announced the award of a Farmland Implementation Grant (PDR) to Brock Acres through Finger Lakes Trust and the Town of Canandaigua. This PDR award will permanently protect 726 acres of mostly crop farm with approximately 31% prime soils and 40% soils of statewide importance. Since 2014 1,322 acres of farmland have now been awarded/protected PDR status in the Padelford Brook Greenway of the Town of Canandaigua. In total, 1,539 acres of farmland is in the PDR Program of the 14,670 acres in the Town Canandaigua that is actively farmed, An additional 4,550 acres is identified as old field or shrubland that may be suitable for farming.

The Town of Canandaigua was selected as a pilot study by BFJ Planning through a NYSERDA grant to participate in a review of the benefits of a TDR program in preserving pivotal tracts of farmland and other environmentally sensitive open space from development. This Trading of Development Rights Program could substantially assist the Town in protecting natural resources now endangered by development. A concept plan is being reviewed by the Citizens Implementation Committee and BFJ Planning and foresees a proposal offered to the Town of Canandaigua Town Board in the early part of 2017. The ECB continues to support PDR and TDR Programs.

**Open Space Index:** The ECB is charged with maintaining an up to date inventory and map of lands of conservation interest in the Town. The index was mapped with environmentally significant features in 2011 as the Natural Resources Inventory. In 2016 the ECB made no changes to the Open Space portion of the Natural Resources Inventory.

**Open Space Index Referrals:** In 2016 dozens of applications for development in locations of potential environmental significance were referred to the ECB for review. The ECB provided comments to the Planning Board and Zoning Board related to mitigating potential negative impacts.

**Natural Resources Inventory:** In 2016 several representatives from the ECB served on the Town's Comprehensive Plan Citizens Implementation Committee (CIC) and the Natural Resources Inventory subcommittee. The Natural Resources Inventory Team (NRI Team) has worked diligently during the year to develop drafts of a Steep Slope Law and Ridgeline/Viewshed Law. The steep slope draft has been presented for review to the CIC, the Planning Board, and the ECB. The Town's engineer is now reviewing the draft and a Joint Meeting of the Boards on Nov. 29<sup>th</sup> has been planned to assess its impacts in real application scenarios. It is expected that the final draft of the Steep Slope Law will be offered to the Town Board in the early months of 2017.

The NRI Team has also been working on a ridgeline/viewshed draft law. The NRI Team has made concerted effort to study the impacts of protecting these natural resources. Through field trip and mapping exercises the NRI Team is nearing completion of its work and will be presenting a draft to the CIC and at a Joint Meeting of the Boards for their feedback in early 2017.

**Public Education:** The ECB continues its dedication to informing our residents of the environmental issues facing the Town. In 2016 the ECB partnered with the Soil and Water Conservation District and the Canandaigua Lake Watershed Association in two invasive species workshops for the general public: the Hemlock Woolly Adelgid and a demonstration program on Aquatic Invasive Species Near the Shoreline at the Town's Onanda Park on Canandaigua Lake. Both programs were well received and will again be offered in 2017. The ECB realizes the importance of a continued educational effort in regard to the invasive species dilemma.

Because of the high temperatures and an unusually dry start to the summer, a Water Conservation Advisory was issued by our Water Superintendent. In response to this advisory, an ECB member prepared a list of comprehensive water conservation tips. This 'Tips' sheet was provided to residents in the new Town of Canandaigua Newsletter and also appeared on the Town's website and Facebook page. The ECB continues to bring environmental news and information in the Town via these outlets.

Members of the ECB attended a public information meeting hosted by the Finger Lakes Land Trust in a discussion of conservation tools available to private landowners. This discussion was in preparation to assist the Conservation Easement Team, a subcommittee of the CIC, in their efforts in public outreach to interested landowners in the benefits of conservation easements to them and the Town. The ECB and Conservation Easement Team have discussed a public workshop to address the topic in 2017.

Public education and education of the ECB go hand in hand. All members of the ECB have fulfilled their yearly education requirements as prescribed in the Environmental Conservation Board Rules of Procedure.

**Proposed ECB Projects for 2017:** The following projects are being considered by the ECB and will be submitted to the Town Board for their approval in January 2017.

Continue to develop environment related public education opportunities for the Hemlock Woolly Adelgid, Aquatic Invasive Species, and Oak Wilt.

Partner with the Conservation Easement Team to present a workshop to identify and encourage private landowners in conservation easement options.

Continue to work with the CIC and the NRI Team to strengthen Town Code for the protection of natural resources.

Strengthen the relationships with other agencies/organizations with similar missions.

Implement the directives of the MS4, Minimum Control Measure (MCM)#1 and MCM #3.

Respectfully submitted by Joyce Marthaller, Chairperson -- on behalf of the Environmental Conservation Board  
December 1, 2016

# ATTACHMENT 5

 **Document B101™ – 2007**

**Standard Form of Agreement Between Owner and Architect**

AGREEMENT made as of the 21st day of November in the year 2016  
(In words, indicate day, month and year.)

BETWEEN the Architect's client identified as the Owner:  
(Name, legal status, address and other information)

Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

and the Architect:  
(Name, legal status, address and other information)

MRB Group  
145 Culver Road, Suite 160  
Rochester, NY 14620

for the following Project:  
(Name, location and detailed description)

Town of Canandaigua Highway Department  
5440 Route 5 & 20 West  
Canandaigua, New York 14424

The Owner and Architect agree as follows.

Per the Request of the Canandaigua Town Board, MRB Group shall prepare Design Development and Construction Documentation services for the proposed new Town Highway Garage Facility (approx. 40,000 S.F), Cold Storage addition and renovations, Transfer Station enhancements, relocated Fuel Station, and other site improvements. The approved Schematic Design site plan, floor plan layout, exterior elevations and building system layout will act as the "basis of design" and will be further developed in the effort to finalize all the design decisions and document the design sufficient for public bidding. The schematic design estimate and approved project budget for this project is \$5,967,695.

Professional services provided shall include site, architectural, structural, mechanical, electrical, plumbing and fire protection design, as described in Article 3 "Scope of Architect's Basic Services". MRB Group will also provide Bidding Phase services in preparing contract drawings and specifications (electronic version on CD disk), assist the Owner with Advertising the Project, respond to Contractor's RPIs, prepare addenda, coordinate a pre-bid meeting, attend the bid opening, prepare a bid review summary, prepare a Notice of Award and a Notice to Proceed.

At the time of Schematic Design completion, some work was identified as being provided by the Town, including existing building demolition, asphalt removal, grading, new base/binder/paving, stormwater management system, storm sewers and catch basins. Geotechnical consultations/reports, hazardous materials identification and abatement are other Town provided items as identified in Article 3.

If any additional services become required, or are requested, they will be provided per Article 4 "Additional Services" in this agreement. From the Town's authorization to proceed, we anticipate a six (6) month duration to complete Design Development and Construction Documentation Services. Project Bidding is anticipated to be 3-4 weeks.

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

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**EXHIBIT A INITIAL INFORMATION**

**ARTICLE 1 INITIAL INFORMATION**

§ 1.1 This Agreement is based on the Initial Information set forth in this Article 1 and in optional Exhibit A, Initial Information:

*(Complete Exhibit A, Initial Information, and incorporate it into the Agreement at Section 13.2, or state below Initial Information such as details of the Project's site and program, Owner's contractors and consultants, Architect's consultants, Owner's budget for the Cost of the Work, authorized representatives, anticipated procurement method, and other information relevant to the Project.)*

§ 1.2 The Owner's anticipated dates for commencement of construction and Substantial Completion of the Work are set forth below:

- .1 Commencement of construction date:

July 1, 2017 (anticipated)

- .2 Substantial Completion date:

October 1, 2018 (anticipated)

§ 1.3 The Owner and Architect may rely on the Initial Information. Both parties, however, recognize that such information may materially change and, in that event, the Owner and the Architect shall appropriately adjust the schedule, the Architect's services and the Architect's compensation.

**ARTICLE 2 ARCHITECT'S RESPONSIBILITIES**

§ 2.1 The Architect shall provide the professional services as set forth in this Agreement.

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§ 2.2 The Architect shall perform its services consistent with the professional skill and care ordinarily provided by architects practicing in the same or similar locality under the same or similar circumstances. The Architect shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.

§ 2.3 The Architect shall identify a representative authorized to act on behalf of the Architect with respect to the Project.

§ 2.4 Except with the Owner's knowledge and consent, the Architect shall not engage in any activity, or accept any employment, interest or contribution that would reasonably appear to compromise the Architect's professional judgment with respect to this Project.

§ 2.5 The Architect shall maintain the following insurance for the duration of this Agreement. If any of the requirements set forth below exceed the types and limits the Architect normally maintains, the Owner shall reimburse the Architect for any additional cost:  
*(Identify types and limits of insurance coverage, and other insurance requirements applicable to the Agreement, if any.)*

.1 General Liability

Each Occurrence: \$1,000,000 / General Aggregate: \$2,000,000

.2 Automobile Liability

Combined Single Limit: \$1,000,000

.3 Workers' Compensation

Employer's Liability: \$1,000,000 EA Employee / Accident; Disease: \$1,000,000 EA Employee

.4 Professional Liability

Per Claim: \$2,000,000 / Aggregate: \$2,000,000

.5 Umbrella Liability

Each Occurrence: \$5,000,000 / Aggregate: \$5,000,000

### ARTICLE 3 SCOPE OF ARCHITECT'S BASIC SERVICES

§ 3.1 The Architect's Basic Services consist of those described in Article 3 and include usual and customary structural, mechanical, and electrical engineering services. Services not set forth in this Article 3 are Additional Services.

§ 3.1.1 The Architect shall manage the Architect's services, consult with the Owner, research applicable design criteria, attend Project meetings, communicate with members of the Project team and report progress to the Owner.

§ 3.1.2 The Architect shall coordinate its services with those services provided by the Owner and the Owner's consultants. The Architect shall be entitled to rely on the accuracy and completeness of services and information furnished by the Owner and the Owner's consultants. The Architect shall provide prompt written notice to the Owner if the Architect becomes aware of any error, omission or inconsistency in such services or information.

§ 3.1.3 As soon as practicable after the date of this Agreement, the Architect shall submit for the Owner's approval a schedule for the performance of the Architect's services. The schedule initially shall include anticipated dates for the commencement of construction and for Substantial Completion of the Work as set forth in the Initial Information. The schedule shall include allowances for periods of time required for the Owner's review, for the performance of the Owner's consultants, and for approval of submissions by authorities having jurisdiction over the Project. Once approved by the Owner, time limits established by the schedule shall not, except for reasonable cause, be exceeded

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by the Architect or Owner. With the Owner's approval, the Architect shall adjust the schedule, if necessary, as the Project proceeds until the commencement of construction.

§ 3.1.4 The Architect shall not be responsible for an Owner's directive or substitution made without the Architect's approval.

§ 3.1.5 The Architect shall, at appropriate times, contact the governmental authorities required to approve the Construction Documents and the entities providing utility services to the Project. In designing the Project, the Architect shall respond to applicable design requirements imposed by such governmental authorities and by such entities providing utility services.

§ 3.1.6 The Architect shall assist the Owner in connection with the Owner's responsibility for filing documents required for the approval of governmental authorities having jurisdiction over the Project.

*(Paragraphs deleted)*

### § 3.3 DESIGN DEVELOPMENT PHASE SERVICES

§ 3.3.1 Based on the Owner's approval of the Schematic Design Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Design Development Documents for the Owner's approval. The Design Development Documents shall illustrate and describe the development of the approved Schematic Design Documents and shall consist of drawings and other documents including plans, sections, elevations, typical construction details, and diagrammatic layouts of building systems to fix and describe the size and character of the Project as to architectural, structural, mechanical and electrical systems, and such other elements as may be appropriate. The Design Development Documents shall also include outline specifications that identify major materials and systems and establish in general their quality levels.

§ 3.3.2 The Architect shall update the estimate of the Cost of the Work.

§ 3.3.3 The Architect shall submit the Design Development Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, and request the Owner's approval.

### § 3.4 CONSTRUCTION DOCUMENTS PHASE SERVICES

§ 3.4.1 Based on the Owner's approval of the Design Development Documents, and on the Owner's authorization of any adjustments in the Project requirements and the budget for the Cost of the Work, the Architect shall prepare Construction Documents for the Owner's approval. The Construction Documents shall illustrate and describe the further development of the approved Design Development Documents and shall consist of Drawings and Specifications setting forth in detail the quality levels of materials and systems and other requirements for the construction of the Work. The Owner and Architect acknowledge that in order to construct the Work the Contractor

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will provide additional information, including Shop Drawings, Product Data, Samples and other similar submittals, which the Architect shall review in accordance with Section 3.6.4.

§ 3.4.2 The Architect shall incorporate into the Construction Documents the design requirements of governmental authorities having jurisdiction over the Project.

§ 3.4.3 During the development of the Construction Documents, the Architect shall assist the Owner in the development and preparation of (1) bidding and procurement information that describes the time, place and conditions of bidding, including bidding or proposal forms; (2) the form of agreement between the Owner and Contractor; and (3) the Conditions of the Contract for Construction (General, Supplementary and other Conditions). The Architect shall also compile a project manual that includes the Conditions of the Contract for Construction and Specifications and may include bidding requirements and sample forms.

§ 3.4.4 The Architect shall update the estimate for the Cost of the Work.

§ 3.4.5 The Architect shall submit the Construction Documents to the Owner, advise the Owner of any adjustments to the estimate of the Cost of the Work, take any action required under Section 6.5, and request the Owner's approval.

### § 3.5 BIDDING OR NEGOTIATION PHASE SERVICES

#### § 3.5.1 GENERAL

The Architect shall assist the Owner in establishing a list of prospective contractors. Following the Owner's approval of the Construction Documents, the Architect shall assist the Owner in (1) obtaining either competitive bids or negotiated proposals; (2) confirming responsiveness of bids or proposals; (3) determining the successful bid or proposal, if any; and, (4) awarding and preparing contracts for construction.

#### § 3.5.2 COMPETITIVE BIDDING

§ 3.5.2.1 Bidding Documents shall consist of bidding requirements and proposed Contract Documents.

§ 3.5.2.2 The Architect shall assist the Owner in bidding the Project by

- .1 procuring the reproduction of Bidding Documents for distribution to prospective bidders;
- .2 distributing the Bidding Documents to prospective bidders, requesting their return upon completion of the bidding process, and maintaining a log of distribution and retrieval and of the amounts of deposits, if any, received from and returned to prospective bidders;
- .3 organizing and conducting a pre-bid conference for prospective bidders;
- .4 preparing responses to questions from prospective bidders and providing clarifications and interpretations of the Bidding Documents to all prospective bidders in the form of addenda; and
- .5 organizing and conducting the opening of the bids, and subsequently documenting and distributing the bidding results, as directed by the Owner.

§ 3.5.2.3 The Architect shall consider requests for substitutions, if the Bidding Documents permit substitutions, and shall prepare and distribute addenda identifying approved substitutions to all prospective bidders.

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*(Paragraphs deleted)*

**ARTICLE 4 ADDITIONAL SERVICES**

**§ 4.1** Additional Services listed below are not included in Basic Services but may be required for the Project. The Architect shall provide the listed Additional Services only if specifically designated in the table below as the Architect's responsibility, and the Owner shall compensate the Architect as provided in Section 11.2.

*(Designate the Additional Services the Architect shall provide in the second column of the table below. In the third column indicate whether the service description is located in Section 4.2 or in an attached exhibit. If in an exhibit, identify the exhibit.)*

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Additional Services	Responsibility (Architect, Owner or Not Provided)	Location of Service Description (Section 4.2 below or in an exhibit attached to this document and identified below)
§ 4.1.1 Programming (B202™-2009)		
§ 4.1.2 Multiple preliminary designs		
§ 4.1.3 Measured drawings		
§ 4.1.4 Existing facilities surveys		
§ 4.1.5 Site Evaluation and Planning (B203™-2007)		
§ 4.1.6 Building Information Modeling (E202™-2008)		
§ 4.1.7 Civil engineering		
§ 4.1.8 Landscape design		
§ 4.1.9 Architectural Interior Design (B252™-2007)		
§ 4.1.10 Value Analysis (B204™-2007)		
§ 4.1.11 Detailed cost estimating		
§ 4.1.12 On-site Project Representation (B207™-2008)		
§ 4.1.13 Conformed construction documents		
§ 4.1.14 As-Designed Record drawings		
§ 4.1.15 As-Constructed Record drawings		
§ 4.1.16 Post occupancy evaluation		
§ 4.1.17 Facility Support Services (B210™-2007)		
§ 4.1.18 Tenant-related services		
§ 4.1.19 Coordination of Owner's consultants		
§ 4.1.20 Telecommunications/data design		
§ 4.1.21 Security Evaluation and Planning (B206™-2007)		
§ 4.1.22 Commissioning (B211™-2007)		
§ 4.1.23 Extensive environmentally responsible design		
§ 4.1.24 LEED® Certification (B214™-2012)		
§ 4.1.25 Fast-track design services		
§ 4.1.26 Historic Preservation (B205™-2007)		
§ 4.1.27 Furniture, Furnishings, and Equipment Design (B253™-2007)		

§ 4.2 Insert a description of each Additional Service designated in Section 4.1 as the Architect's responsibility, if not further described in an exhibit attached to this document.

§ 4.3 Additional Services may be provided after execution of this Agreement, without invalidating the Agreement. Except for services required due to the fault of the Architect, any Additional Services provided in accordance with this Section 4.3 shall entitle the Architect to compensation pursuant to Section 11.3 and an appropriate adjustment in the Architect's schedule.

§ 4.3.1 Upon recognizing the need to perform the following Additional Services, the Architect shall notify the Owner with reasonable promptness and explain the facts and circumstances giving rise to the need. The Architect shall not proceed to provide the following services until the Architect receives the Owner's written authorization:

- 1 Services necessitated by a change in the Initial Information, previous instructions or approvals given by the Owner, or a material change in the Project including, but not limited to, size, quality, complexity, the Owner's schedule or budget for Cost of the Work, or procurement or delivery method;

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- .2 Services necessitated by the Owner's request for extensive environmentally responsible design alternatives, such as unique system designs, in-depth material research, energy modeling, or LEED® certification;
- .3 Changing or editing previously prepared Instruments of Service necessitated by the enactment or revision of codes, laws or regulations or official interpretations;
- .4 Services necessitated by decisions of the Owner not rendered in a timely manner or any other failure of performance on the part of the Owner or the Owner's consultants or contractors;
- .5 Preparing digital data for transmission to the Owner's consultants and contractors, or to other Owner authorized recipients;
- .6 Preparation of design and documentation for alternate bid or proposal requests proposed by the Owner;
- .7 Preparation for, and attendance at, a public presentation, meeting or hearing;
- .8 Preparation for, and attendance at a dispute resolution proceeding or legal proceeding, except where the Architect is party thereto;
- .9 Evaluation of the qualifications of bidders or persons providing proposals;
- .10 Consultation concerning replacement of Work resulting from fire or other cause during construction; or
- .11 Assistance to the Initial Decision Maker, if other than the Architect.

§ 4.3.2 To avoid delay in the Construction Phase, the Architect shall provide the following Additional Services, notify the Owner with reasonable promptness, and explain the facts and circumstances giving rise to the need. If the Owner subsequently determines that all or parts of those services are not required, the Owner shall give prompt written notice to the Architect, and the Owner shall have no further obligation to compensate the Architect for those services:

- .1 Reviewing a Contractor's submittal out of sequence from the submittal schedule agreed to by the Architect;
- .2 Responding to the Contractor's requests for information that are not prepared in accordance with the Contract Documents or where such information is available to the Contractor from a careful study and comparison of the Contract Documents, field conditions, other Owner-provided information, Contractor-prepared coordination drawings, or prior Project correspondence or documentation;
- .3 Preparing Change Orders and Construction Change Directives that require evaluation of Contractor's proposals and supporting data, or the preparation or revision of Instruments of Service;
- .4 Evaluating an extensive number of Claims as the Initial Decision Maker;
- .5 Evaluating substitutions proposed by the Owner or Contractor and making subsequent revisions to Instruments of Service resulting therefrom; or
- .6 To the extent the Architect's Basic Services are affected, providing Construction Phase Services 60 days after (1) the date of Substantial Completion of the Work or (2) the anticipated date of Substantial Completion identified in Initial Information, whichever is earlier.

*(Paragraphs deleted)*

§ 4.3.4 If the services covered by this Agreement have not been completed within ( ) months of the date of this Agreement, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as Additional Services.

#### ARTICLE 5 OWNER'S RESPONSIBILITIES

§ 5.1 Unless otherwise provided for under this Agreement, the Owner shall provide information in a timely manner regarding requirements for and limitations on the Project, including a written program which shall set forth the Owner's objectives, schedule, constraints and criteria, including space requirements and relationships, flexibility, expandability, special equipment, systems and site requirements. Within 15 days after receipt of a written request from the Architect, the Owner shall furnish the requested information as necessary and relevant for the Architect to evaluate, give notice of or enforce lien rights.

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§ 5.2 The Owner shall establish and periodically update the Owner's budget for the Project, including (1) the budget for the Cost of the Work as defined in Section 6.1; (2) the Owner's other costs; and, (3) reasonable contingencies related to all of these costs. If the Owner significantly increases or decreases the Owner's budget for the Cost of the Work, the Owner shall notify the Architect. The Owner and the Architect shall thereafter agree to a corresponding change in the Project's scope and quality.

§ 5.3 The Owner shall identify a representative authorized to act on the Owner's behalf with respect to the Project. The Owner shall render decisions and approve the Architect's submittals in a timely manner in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

§ 5.4 The Owner shall furnish surveys to describe physical characteristics, legal limitations and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designated wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.

§ 5.5 The Owner shall furnish services of geotechnical engineers, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.

§ 5.6 The Owner shall coordinate the services of its own consultants with those services provided by the Architect. Upon the Architect's request, the Owner shall furnish copies of the scope of services in the contracts between the Owner and the Owner's consultants. The Owner shall furnish the services of consultants other than those designated in this Agreement, or authorize the Architect to furnish them as an Additional Service, when the Architect requests such services and demonstrates that they are reasonably required by the scope of the Project. The Owner shall require that its consultants maintain professional liability insurance as appropriate to the services provided.

§ 5.7 The Owner shall furnish tests, inspections and reports required by law or the Contract Documents, such as structural, mechanical, and chemical tests, tests for air and water pollution, and tests for hazardous materials.

§ 5.8 The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 5.9 The Owner shall provide prompt written notice to the Architect if the Owner becomes aware of any fault or defect in the Project, including errors, omissions or inconsistencies in the Architect's Instruments of Service.

§ 5.10 Except as otherwise provided in this Agreement, or when direct communications have been specially authorized, the Owner shall endeavor to communicate with the Contractor and the Architect's consultants through the Architect about matters arising out of or relating to the Contract Documents. The Owner shall promptly notify the Architect of any direct communications that may affect the Architect's services.

§ 5.11 Before executing the Contract for Construction, the Owner shall coordinate the Architect's duties and responsibilities set forth in the Contract for Construction with the Architect's services set forth in this Agreement. The Owner shall provide the Architect a copy of the executed agreement between the Owner and Contractor, including the General Conditions of the Contract for Construction.

§ 5.12 The Owner shall provide the Architect access to the Project site prior to commencement of the Work and shall obligate the Contractor to provide the Architect access to the Work wherever it is in preparation or progress.

#### ARTICLE 6 COST OF THE WORK

§ 6.1 For purposes of this Agreement, the Cost of the Work shall be the total cost to the Owner to construct all elements of the Project designed or specified by the Architect and shall include contractors' general conditions costs, overhead and profit. The Cost of the Work does not include the compensation of the Architect, the costs of the land,

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rights-of-way, financing, contingencies for changes in the Work or other costs that are the responsibility of the Owner.

§ 6.2 The Owner's budget for the Cost of the Work is provided in Initial Information, and may be adjusted throughout the Project as required under Sections 5.2, 6.4 and 6.5. Evaluations of the Owner's budget for the Cost of the Work, the preliminary estimate of the Cost of the Work and updated estimates of the Cost of the Work prepared by the Architect, represent the Architect's judgment as a design professional. It is recognized, however, that neither the Architect nor the Owner has control over the cost of labor, materials or equipment; the Contractor's methods of determining bid prices; or competitive bidding, market or negotiating conditions. Accordingly, the Architect cannot and does not warrant or represent that bids or negotiated prices will not vary from the Owner's budget for the Cost of the Work or from any estimate of the Cost of the Work or evaluation prepared or agreed to by the Architect.

§ 6.3 In preparing estimates of the Cost of Work, the Architect shall be permitted to include contingencies for design, bidding and price escalation; to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents; to make reasonable adjustments in the program and scope of the Project; and to include in the Contract Documents alternate bids as may be necessary to adjust the estimated Cost of the Work to meet the Owner's budget for the Cost of the Work. The Architect's estimate of the Cost of the Work shall be based on current area, volume or similar conceptual estimating techniques. If the Owner requests detailed cost estimating services, the Architect shall provide such services as an Additional Service under Article 4.

§ 6.4 If the Bidding or Negotiation Phase has not commenced within 90 days after the Architect submits the Construction Documents to the Owner, through no fault of the Architect, the Owner's budget for the Cost of the Work shall be adjusted to reflect changes in the general level of prices in the applicable construction market.

§ 6.5 If at any time the Architect's estimate of the Cost of the Work exceeds the Owner's budget for the Cost of the Work, the Architect shall make appropriate recommendations to the Owner to adjust the Project's size, quality or budget for the Cost of the Work, and the Owner shall cooperate with the Architect in making such adjustments.

§ 6.6 If the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall

- .1 give written approval of an increase in the budget for the Cost of the Work;
- .2 authorize rebidding or renegotiating of the Project within a reasonable time;
- .3 terminate in accordance with Section 9.5;
- .4 in consultation with the Architect, revise the Project program, scope, or quality as required to reduce the Cost of the Work; or
- .5 implement any other mutually acceptable alternative.

§ 6.7 If the Owner chooses to proceed under Section 6.6.4, the Architect, without additional compensation, shall modify the Construction Documents as necessary to comply with the Owner's budget for the Cost of the Work at the conclusion of the Construction Documents Phase Services, or the budget as adjusted under Section 6.6.1. The Architect's modification of the Construction Documents shall be the limit of the Architect's responsibility under this Article 6.

#### ARTICLE 7 COPYRIGHTS AND LICENSES

§ 7.1 The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project. If the Owner and Architect intend to transmit Instruments of Service or any other information or documentation in digital form, they shall endeavor to establish necessary protocols governing such transmissions.

§ 7.2 The Architect and the Architect's consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights. Submission or distribution of Instruments of Service to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the reserved rights of the Architect and the Architect's consultants.

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§ 7.3 Upon execution of this Agreement, the Architect grants to the Owner a nonexclusive license to use the Architect's Instruments of Service solely and exclusively for purposes of constructing, using, maintaining, altering and adding to the Project, provided that the Owner substantially performs its obligations, including prompt payment of all sums when due, under this Agreement. The Architect shall obtain similar nonexclusive licenses from the Architect's consultants consistent with this Agreement. The license granted under this section permits the Owner to authorize the Contractor, Subcontractors, Sub-subcontractors, and material or equipment suppliers, as well as the Owner's consultants and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services or construction for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Section 9.4, the license granted in this Section 7.3 shall terminate.

§ 7.3.1 In the event the Owner uses the Instruments of Service without retaining the author of the Instruments of Service, the Owner releases the Architect and Architect's consultant(s) from all claims and causes of action arising from such uses. The Owner, to the extent permitted by law, further agrees to indemnify and hold harmless the Architect and its consultants from all costs and expenses, including the cost of defense, related to claims and causes of action asserted by any third person or entity to the extent such costs and expenses arise from the Owner's use of the Instruments of Service under this Section 7.3.1. The terms of this Section 7.3.1 shall not apply if the Owner rightfully terminates this Agreement for cause under Section 9.4.

§ 7.4 Except for the licenses granted in this Article 7, no other license or right shall be deemed granted or implied under this Agreement. The Owner shall not assign, delegate, sublicense, pledge or otherwise transfer any license granted herein to another party without the prior written agreement of the Architect. Any unauthorized use of the Instruments of Service shall be at the Owner's sole risk and without liability to the Architect and the Architect's consultants.

## ARTICLE 8 CLAIMS AND DISPUTES

### § 8.1 GENERAL

§ 8.1.1 The Owner and Architect shall commence all claims and causes of action, whether in contract, tort, or otherwise, against the other arising out of or related to this Agreement in accordance with the requirements of the method of binding dispute resolution selected in this Agreement within the period specified by applicable law, but in any case not more than 10 years after the date of Substantial Completion of the Work. The Owner and Architect waive all claims and causes of action not commenced in accordance with this Section 8.1.1.

§ 8.1.2 To the extent damages are covered by property insurance, the Owner and Architect waive all rights against each other and against the contractors, consultants, agents and employees of the other for damages, except such rights as they may have to the proceeds of such insurance as set forth in AIA Document A201-2007, General Conditions of the Contract for Construction. The Owner or the Architect, as appropriate, shall require of the contractors, consultants, agents and employees of any of them similar waivers in favor of the other parties enumerated herein.

§ 8.1.3 The Architect and Owner waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination of this Agreement, except as specifically provided in Section 9.7.

### § 8.2 MEDIATION

§ 8.2.1 Any claim, dispute or other matter in question arising out of or related to this Agreement shall be subject to mediation as a condition precedent to binding dispute resolution. If such matter relates to or is the subject of a lien arising out of the Architect's services, the Architect may proceed in accordance with applicable law to comply with the lien notice or filing deadlines prior to resolution of the matter by mediation or by binding dispute resolution.

§ 8.2.2 The Owner and Architect shall endeavor to resolve claims, disputes and other matters in question between them by mediation which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Mediation Procedures in effect on the date of the Agreement. A request for mediation shall be made in writing, delivered to the other party to the Agreement, and filed with the person or entity administering the mediation. The request may be made concurrently with the filing of a complaint or other appropriate demand for binding dispute resolution but, in such event, mediation shall proceed in advance of binding dispute resolution proceedings, which shall be stayed pending mediation for a period of 60 days from the date of filing, unless stayed for a longer period by agreement of the parties or court order. If an arbitration

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proceeding is stayed pursuant to this section, the parties may nonetheless proceed to the selection of the arbitrator(s) and agree upon a schedule for later proceedings.

§ 8.2.3 The parties shall share the mediator's fee and any filing fees equally. The mediation shall be held in the place where the Project is located, unless another location is mutually agreed upon. Agreements reached in mediation shall be enforceable as settlement agreements in any court having jurisdiction thereof.

§ 8.2.4 If the parties do not resolve a dispute through mediation pursuant to this Section 8.2, the method of binding dispute resolution shall be the following:  
(Check the appropriate box. If the Owner and Architect do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, the dispute will be resolved in a court of competent jurisdiction.)

- Arbitration pursuant to Section 8.3 of this Agreement
- Litigation in a court of competent jurisdiction
- Other (Specify)

### § 8.3 ARBITRATION

§ 8.3.1 If the parties have selected arbitration as the method for binding dispute resolution in this Agreement, any claim, dispute or other matter in question arising out of or related to this Agreement subject to, but not resolved by, mediation shall be subject to arbitration which, unless the parties mutually agree otherwise, shall be administered by the American Arbitration Association in accordance with its Construction Industry Arbitration Rules in effect on the date of this Agreement. A demand for arbitration shall be made in writing, delivered to the other party to this Agreement, and filed with the person or entity administering the arbitration.

§ 8.3.1.1 A demand for arbitration shall be made no earlier than concurrently with the filing of a request for mediation, but in no event shall it be made after the date when the institution of legal or equitable proceedings based on the claim, dispute or other matter in question would be barred by the applicable statute of limitations. For statute of limitations purposes, receipt of a written demand for arbitration by the person or entity administering the arbitration shall constitute the institution of legal or equitable proceedings based on the claim, dispute or other matter in question.

§ 8.3.2 The foregoing agreement to arbitrate and other agreements to arbitrate with an additional person or entity duly consented to by parties to this Agreement shall be specifically enforceable in accordance with applicable law in any court having jurisdiction thereof.

§ 8.3.3 The award rendered by the arbitrator(s) shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

### § 8.3.4 CONSOLIDATION OR JOINDER

§ 8.3.4.1 Either party, at its sole discretion, may consolidate an arbitration conducted under this Agreement with any other arbitration to which it is a party provided that (1) the arbitration agreement governing the other arbitration permits consolidation; (2) the arbitrations to be consolidated substantially involve common questions of law or fact; and (3) the arbitrations employ materially similar procedural rules and methods for selecting arbitrator(s).

§ 8.3.4.2 Either party, at its sole discretion, may include by joinder persons or entities substantially involved in a common question of law or fact whose presence is required if complete relief is to be accorded in arbitration, provided that the party sought to be joined consents in writing to such joinder. Consent to arbitration involving an additional person or entity shall not constitute consent to arbitration of any claim, dispute or other matter in question not described in the written consent.

§ 8.3.4.3 The Owner and Architect grant to any person or entity made a party to an arbitration conducted under this Section 8.3, whether by joinder or consolidation, the same rights of joinder and consolidation as the Owner and Architect under this Agreement.

#### ARTICLE 9 TERMINATION OR SUSPENSION

§ 9.1 If the Owner fails to make payments to the Architect in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Architect's option, cause for suspension of performance of services under this Agreement. If the Architect elects to suspend services, the Architect shall give seven days' written notice to the Owner before suspending services. In the event of a suspension of services, the Architect shall have no liability to the Owner for delay or damage caused the Owner because of such suspension of services. Before resuming services, the Architect shall be paid all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.2 If the Owner suspends the Project, the Architect shall be compensated for services performed prior to notice of such suspension. When the Project is resumed, the Architect shall be compensated for expenses incurred in the interruption and resumption of the Architect's services. The Architect's fees for the remaining services and the time schedules shall be equitably adjusted.

§ 9.3 If the Owner suspends the Project for more than 90 cumulative days for reasons other than the fault of the Architect, the Architect may terminate this Agreement by giving not less than seven days' written notice.

§ 9.4 Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.

§ 9.5 The Owner may terminate this Agreement upon not less than seven days' written notice to the Architect for the Owner's convenience and without cause.

§ 9.6 In the event of termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses then due and all Termination Expenses as defined in Section 9.7.

§ 9.7 Termination Expenses are in addition to compensation for the Architect's services and include expenses directly attributable to termination for which the Architect is not otherwise compensated, plus an amount for the Architect's anticipated profit on the value of the services not performed by the Architect.

§ 9.8 The Owner's rights to use the Architect's Instruments of Service in the event of a termination of this Agreement are set forth in Article 7 and Section 11.9.

#### ARTICLE 10 MISCELLANEOUS PROVISIONS

§ 10.1 This Agreement shall be governed by the law of the place where the Project is located, except that if the parties have selected arbitration as the method of binding dispute resolution, the Federal Arbitration Act shall govern Section 8.3.

§ 10.2 Terms in this Agreement shall have the same meaning as those in AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 10.3 The Owner and Architect, respectively, bind themselves, their agents, successors, assigns and legal representatives to this Agreement. Neither the Owner nor the Architect shall assign this Agreement without the written consent of the other, except that the Owner may assign this Agreement to a lender providing financing for the Project if the lender agrees to assume the Owner's rights and obligations under this Agreement.

§ 10.4 If the Owner requests the Architect to execute certificates, the proposed language of such certificates shall be submitted to the Architect for review at least 14 days prior to the requested dates of execution. If the Owner requests the Architect to execute consents reasonably required to facilitate assignment to a lender, the Architect shall execute all such consents that are consistent with this Agreement, provided the proposed consent is submitted to the

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Architect for review at least 14 days prior to execution. The Architect shall not be required to execute certificates or consents that would require knowledge, services or responsibilities beyond the scope of this Agreement.

§ 10.5 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Owner or Architect.

§ 10.6 Unless otherwise required in this Agreement, the Architect shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to, hazardous materials or toxic substances in any form at the Project site.

§ 10.7 The Architect shall have the right to include photographic or artistic representations of the design of the Project among the Architect's promotional and professional materials. The Architect shall be given reasonable access to the completed Project to make such representations. However, the Architect's materials shall not include the Owner's confidential or proprietary information if the Owner has previously advised the Architect in writing of the specific information considered by the Owner to be confidential or proprietary. The Owner shall provide professional credit for the Architect in the Owner's promotional materials for the Project.

§ 10.8 If the Architect or Owner receives information specifically designated by the other party as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except to (1) its employees, (2) those who need to know the content of such information in order to perform services or construction solely and exclusively for the Project, or (3) its consultants and contractors whose contracts include similar restrictions on the use of confidential information.

#### ARTICLE 11 COMPENSATION

§ 11.1 For the Architect's Basic Services described under Article 3, the Owner shall compensate the Architect as follows:

*(Insert amount of, or basis for, compensation.)*

\$291,600 (two hundred ninety-one thousand and six hundred dollars)

§ 11.2 For Additional Services designated in Section 4.1, the Owner shall compensate the Architect as follows:  
*(Insert amount of, or basis for, compensation. If necessary, list specific services to which particular methods of compensation apply.)*

Negotiated Fee

§ 11.3 For Additional Services that may arise during the course of the Project, including those under Section 4.3, the Owner shall compensate the Architect as follows:  
*(Insert amount of, or basis for, compensation.)*

Hourly or mutually agreed lump sum fee.

§ 11.4 Compensation for Additional Services of the Architect's consultants when not included in Section 11.2 or 11.3, shall be the amount invoiced to the Architect plus percent ( %), or as otherwise stated below:

Hourly or mutually agreed lump sum fee.

§ 11.5 Where compensation for Basic Services is based on a stipulated sum or percentage of the Cost of the Work, the compensation for each phase of services shall be as follows:

	percent (		%)
Design Development Phase	percent (	30	%)
Construction Documents	percent (	65	%)
Phase			
Bidding or Negotiation Phase	percent (	5	%)
	percent (		%)

Total Basic Compensation one hundred percent ( 100 %)

§ 11.8 When compensation is based on a percentage of the Cost of the Work and any portions of the Project are deleted or otherwise not constructed, compensation for those portions of the Project shall be payable to the extent services are performed on those portions, in accordance with the schedule set forth in Section 11.5 based on (1) the lowest bona fide bid or negotiated proposal, or (2) if no such bid or proposal is received, the most recent estimate of the Cost of the Work for such portions of the Project. The Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Construction Phase is commenced.

§ 11.7 The hourly billing rates for services of the Architect and the Architect's consultants, if any, are set forth below. The rates shall be adjusted in accordance with the Architect's and Architect's consultants' normal review practices.

*(If applicable, attach an exhibit of hourly billing rates or insert them below.)*

Employee or Category	Rate
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#### § 11.8 COMPENSATION FOR REIMBURSABLE EXPENSES

§ 11.8.1 Reimbursable Expenses are in addition to compensation for Basic and Additional Services and include expenses incurred by the Architect and the Architect's consultants directly related to the Project, as follows:

- .1 Transportation and authorized out-of-town travel and subsistence;
- .2 Long distance services, dedicated data and communication services, teleconferences, Project Web sites, and extranets;
- .3 Fees paid for securing approval of authorities having jurisdiction over the Project;
- .4 Printing, reproductions, plots, standard form documents;
- .5 Postage, handling and delivery;
- .6 Expense of overtime work requiring higher than regular rates, if authorized in advance by the Owner;
- .7 Renderings, models, mock-ups, professional photography, and presentation materials requested by the Owner;
- .8 Architect's Consultant's expense of professional liability insurance dedicated exclusively to this Project, or the expense of additional insurance coverage or limits if the Owner requests such insurance in excess of that normally carried by the Architect's consultants;
- .9 All taxes levied on professional services and on reimbursable expenses;
- .10 Site office expenses; and
- .11 Other similar Project-related expenditures.

§ 11.8.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus zero percent (0 %) of the expenses incurred.

*(Paragraphs deleted)*

#### § 11.10 PAYMENTS TO THE ARCHITECT

§ 11.10.1 An initial payment of zero (\$ 0 ) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account in the final invoice.

§ 11.10.2 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid sixty (60) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.

*(Insert rate of monthly or annual interest agreed upon.)*

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1.5 % per month

§ 11.10.3 The Owner shall not withhold amounts from the Architect's compensation to impose a penalty or liquidated damages on the Architect, or to offset sums requested by or paid to contractors for the cost of changes in the Work unless the Architect agrees or has been found liable for the amounts in a binding dispute resolution proceeding.

§ 11.10.4 Records of Reimbursable Expenses, expenses pertaining to Additional Services, and services performed on the basis of hourly rates shall be available to the Owner at mutually convenient times.

#### ARTICLE 12 SPECIAL TERMS AND CONDITIONS

Special terms and conditions that modify this Agreement are as follows:

#### ARTICLE 13 SCOPE OF THE AGREEMENT

§ 13.1 This Agreement represents the entire and integrated agreement between the Owner and the Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Architect.

§ 13.2 This Agreement is comprised of the following documents listed below:

.1 AIA Document B101™-2007, Standard Form Agreement Between Owner and Architect

.2 Other documents:

*(List other documents, if any, including Exhibit A, Initial Information, and additional scopes of service, if any, forming part of the Agreement.)*

This Agreement entered into as of the day and year first written above.

OWNER

ARCHITECT

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Printed name and title)*

\_\_\_\_\_  
*(Printed name and title)*

Int.

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(1785031537)

## **Additions and Deletions Report for AIA® Document B101™ – 2007**

This Additions and Deletions Report, as defined on page 1 of the associated document, reproduces below all text the author has added to the standard form AIA document in order to complete it, as well as any text the author may have added to or deleted from the original AIA text. Added text is shown underlined. Deleted text is indicated with a horizontal line through the original AIA text.

Note: This Additions and Deletions Report is provided for information purposes only and is not incorporated into or constitute any part of the associated AIA document. This Additions and Deletions Report and its associated document were generated simultaneously by AIA software at 18:48:58 on 11/10/2016.

PAGE 1

AGREEMENT made as of the 21st day of November in the year 2016

...

Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

...

MRB Group  
145 Culver Road, Suite 160  
Rochester, NY 14620

...

Town of Canandaigua Highway Department  
5440 Route 5 & 20 West  
Canandaigua, New York 14424

The Owner and Architect agree as follows.

Per the Request of the Canandaigua Town Board, MRB Group shall prepare Design Development and Construction Documentation services for the proposed new Town Highway Garage Facility (approx. 40,000 S.F.), Cold Storage addition and renovations, Transfer Station enhancements, relocated Fuel Station, and other site improvements. The approved Schematic Design site plan, floor plan layout, exterior elevations and building system layout will act as the "basis of design" and will be further developed in the effort to finalize all the design decisions and document the design sufficient for public bidding. The schematic design estimate and approved project budget for this project is \$5,967,695.

Professional services provided shall include site, architectural, structural, mechanical, electrical, plumbing and fire protection design, as described in Article 3 "Scope of Architect's Basic Services". MRB Group will also provide Bidding Phase services in preparing contract drawings and specifications (electronic version on CD disk), assist the Owner with Advertising the Project, respond to Contractor's RFIs, prepare addenda, coordinate a pre-bid meeting, attend the bid opening, prepare a bid review summary, prepare a Notice of Award and a Notice to Proceed.

At the time of Schematic Design completion, some work was identified as being provided by the Town, including existing building demolition, asphalt removal, grading, new base/binder/paving, stormwater management system, storm sewers and catch basins. Geotechnical consultations/reports, hazardous materials identification and abatement are other Town provided items as identified in Article 3.

If any additional services become required, or are requested, they will be provided per Article 4 "Additional Services" in this agreement. From the Town's authorization to proceed, we anticipate a six (6) month duration to complete Design Development and Construction Documentation Services. Project Bidding is anticipated to be 3-4 weeks.

PAGE 2

July 1, 2017 (anticipated)

...

October 1, 2018 (anticipated)

PAGE 3

Each Occurance: \$1,000,000 / General Aggregate: \$2,000,000

...

Combined Single Limit: \$1,000,000

...

Employer's Liability: \$1,000,000 EA Employee / Accident; Disease: \$1,000,000 EA Employee

.4 Professional Liability

Per Claim: \$2,000,000 / Aggregate: \$2,000,000

.5 Umbrella Liability

Each Occurance: \$5,000,000 / Aggregate: \$5,000,000

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**§ 3.2 SCHEMATIC DESIGN PHASE SERVICES**

**§ 3.2.1** The Architect shall review the program and other information furnished by the Owner, and shall review laws, codes, and regulations applicable to the Architect's services.

**§ 3.2.2** The Architect shall prepare a preliminary evaluation of the Owner's program, schedule, budget for the Cost of the Work, Project site, and the proposed procurement or delivery method and other Initial Information, each in terms of the other, to ascertain the requirements of the Project. The Architect shall notify the Owner of (1) any inconsistencies discovered in the information, and (2) other information or consulting services that may be reasonably needed for the Project.

**§ 3.2.3** The Architect shall present its preliminary evaluation to the Owner and shall discuss with the Owner alternative approaches to design and construction of the Project, including the feasibility of incorporating environmentally responsible design approaches. The Architect shall reach an understanding with the Owner regarding the requirements of the Project.

**§ 3.2.4** Based on the Project's requirements agreed upon with the Owner, the Architect shall prepare and present for the Owner's approval a preliminary design illustrating the scale and relationship of the Project components.

**§ 3.2.5** Based on the Owner's approval of the preliminary design, the Architect shall prepare Schematic Design Documents for the Owner's approval. The Schematic Design Documents shall consist of drawings and other documents including a site plan, if appropriate, and preliminary building plans, sections and elevations; and may include some combination of study models, perspective sketches, or digital modeling. Preliminary selections of major building systems and construction materials shall be noted on the drawings or described in writing.

~~§ 3.2.5.1 The Architect shall consider environmentally responsible design alternatives, such as material choices and building orientation, together with other considerations based on program and aesthetics, in developing a design that is consistent with the Owner's program, schedule and budget for the Cost of the Work. The Owner may obtain other environmentally responsible design services under Article 4.~~

~~§ 3.2.5.2 The Architect shall consider the value of alternative materials, building systems and equipment, together with other considerations based on program and aesthetics, in developing a design for the Project that is consistent with the Owner's program, schedule and budget for the Cost of the Work.~~

~~§ 3.2.6 The Architect shall submit to the Owner an estimate of the Cost of the Work prepared in accordance with Section 6.3.~~

~~§ 3.2.7 The Architect shall submit the Schematic Design Documents to the Owner, and request the Owner's approval.~~

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### ~~§ 3.5.3 NEGOTIATED PROPOSALS~~

~~§ 3.5.3.1 Proposal Documents shall consist of proposal requirements and proposed Contract Documents.~~

~~§ 3.5.3.2 The Architect shall assist the Owner in obtaining proposals by~~

- ~~1 procuring the reproduction of Proposal Documents for distribution to prospective contractors, and requesting their return upon completion of the negotiation process;~~
- ~~2 organizing and participating in selection interviews with prospective contractors; and~~
- ~~3 participating in negotiations with prospective contractors, and subsequently preparing a summary report of the negotiation results, as directed by the Owner.~~

~~§ 3.5.3.3 The Architect shall consider requests for substitutions, if the Proposal Documents permit substitutions, and shall prepare and distribute addenda identifying approved substitutions to all prospective contractors.~~

### ~~§ 3.6 CONSTRUCTION PHASE SERVICES~~

#### ~~§ 3.6.1 GENERAL~~

~~§ 3.6.1.1 The Architect shall provide administration of the Contract between the Owner and the Contractor as set forth below and in AIA Document A201™ - 2007, General Conditions of the Contract for Construction. If the Owner and Contractor modify AIA Document A201 - 2007, those modifications shall not affect the Architect's services under this Agreement unless the Owner and the Architect amend this Agreement.~~

~~§ 3.6.1.2 The Architect shall advise and consult with the Owner during the Construction Phase Services. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement. The Architect shall not have control over, charge of, or responsibility for the construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, nor shall the Architect be responsible for the Contractor's failure to perform the Work in accordance with the requirements of the Contract Documents. The Architect shall be responsible for the Architect's negligent acts or omissions, but shall not have control over or charge of, and shall not be responsible for, acts or omissions of the Contractor or of any other persons or entities performing portions of the Work.~~

~~§ 3.6.1.3 Subject to Section 4.3, the Architect's responsibility to provide Construction Phase Services commences with the award of the Contract for Construction and terminates on the date the Architect issues the final Certificate for Payment.~~

#### ~~§ 3.6.2 EVALUATIONS OF THE WORK~~

~~§ 3.6.2.1 The Architect shall visit the site at intervals appropriate to the stage of construction, or as otherwise required in Section 4.3.3, to become generally familiar with the progress and quality of the portion of the Work completed, and to determine, in general, if the Work observed is being performed in a manner indicating that the~~

Work, when fully completed, will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. On the basis of the site visits, the Architect shall keep the Owner reasonably informed about the progress and quality of the portion of the Work completed, and report to the Owner (1) known deviations from the Contract Documents and from the most recent construction schedule submitted by the Contractor, and (2) defects and deficiencies observed in the Work.

~~§ 3.6.2.2 The Architect has the authority to reject Work that does not conform to the Contract Documents. Whenever the Architect considers it necessary or advisable, the Architect shall have the authority to require inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Contractor, Subcontractors, material and equipment suppliers, their agents or employees or other persons or entities performing portions of the Work.~~

~~§ 3.6.2.3 The Architect shall interpret and decide matters concerning performance under, and requirements of, the Contract Documents on written request of either the Owner or Contractor. The Architect's response to such requests shall be made in writing within any time limits agreed upon or otherwise with reasonable promptness.~~

~~§ 3.6.2.4 Interpretations and decisions of the Architect shall be consistent with the intent of and reasonably inferable from the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and decisions, the Architect shall endeavor to secure faithful performance by both Owner and Contractor, shall not show partiality to either, and shall not be liable for results of interpretations or decisions rendered in good faith. The Architect's decisions on matters relating to aesthetic effect shall be final if consistent with the intent expressed in the Contract Documents.~~

~~§ 3.6.2.5 Unless the Owner and Contractor designate another person to serve as an Initial Decision Maker, as that term is defined in AIA Document A201-2007, the Architect shall render initial decisions on Claims between the Owner and Contractor as provided in the Contract Documents.~~

#### ~~§ 3.6.3 CERTIFICATES FOR PAYMENT TO CONTRACTOR~~

~~§ 3.6.3.1 The Architect shall review and certify the amounts due the Contractor and shall issue certificates in such amounts. The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's evaluation of the Work as provided in Section 3.6.2 and on the data comprising the Contractor's Application for Payment, that, to the best of the Architect's knowledge, information and belief, the Work has progressed to the point indicated and that the quality of the Work is in accordance with the Contract Documents. The foregoing representations are subject (1) to an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, (2) to results of subsequent tests and inspections, (3) to correction of minor deviations from the Contract Documents prior to completion, and (4) to specific qualifications expressed by the Architect.~~

~~§ 3.6.3.2 The issuance of a Certificate for Payment shall not be a representation that the Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, sequences or procedures, (3) reviewed copies of requisitions received from Subcontractors and material suppliers and other data requested by the Owner to substantiate the Contractor's right to payment, or (4) ascertained how or for what purpose the Contractor has used money previously paid on account of the Contract Sum.~~

~~§ 3.6.3.3 The Architect shall maintain a record of the Applications and Certificates for Payment.~~

#### ~~§ 3.6.4 SUBMITTALS~~

~~§ 3.6.4.1 The Architect shall review the Contractor's submittal schedule and shall not unreasonably delay or withhold approval. The Architect's action in reviewing submittals shall be taken in accordance with the approved submittal schedule or, in the absence of an approved submittal schedule, with reasonable promptness while allowing sufficient time in the Architect's professional judgment to permit adequate review.~~

~~§ 3.6.4.2 In accordance with the Architect approved submittal schedule, the Architect shall review and approve or take other appropriate action upon the Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. Review of such submittals is not for the purpose of determining the accuracy and completeness of other information such as dimensions, quantities, and installation or performance of equipment or systems, which are the Contractor's responsibility. The Architect's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by the Architect, of any construction means, methods, techniques, sequences or procedures. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component.~~

~~§ 3.6.4.3 If the Contract Documents specifically require the Contractor to provide professional design services or certifications by a design professional related to systems, materials or equipment, the Architect shall specify the appropriate performance and design criteria that such services must satisfy. The Architect shall review Shop Drawings and other submittals related to the Work designed or certified by the design professional retained by the Contractor that bear such professional's seal and signature when submitted to the Architect. The Architect shall be entitled to rely upon the adequacy, accuracy and completeness of the services, certifications and approvals performed or provided by such design professionals.~~

~~§ 3.6.4.4 Subject to the provisions of Section 4.3, the Architect shall review and respond to requests for information about the Contract Documents. The Architect shall set forth in the Contract Documents the requirements for requests for information. Requests for information shall include, at a minimum, a detailed written statement that indicates the specific Drawings or Specifications in need of clarification and the nature of the clarification requested. The Architect's response to such requests shall be made in writing within any time limits agreed upon, or otherwise with reasonable promptness. If appropriate, the Architect shall prepare and issue supplemental Drawings and Specifications in response to requests for information.~~

~~§ 3.6.4.5 The Architect shall maintain a record of submittals and copies of submittals supplied by the Contractor in accordance with the requirements of the Contract Documents.~~

### ~~§ 3.6.5 CHANGES IN THE WORK~~

~~§ 3.6.5.1 The Architect may authorize minor changes in the Work that are consistent with the intent of the Contract Documents and do not involve an adjustment in the Contract Sum or an extension of the Contract Time. Subject to the provisions of Section 4.3, the Architect shall prepare Change Orders and Construction Change Directives for the Owner's approval and execution in accordance with the Contract Documents.~~

~~§ 3.6.5.2 The Architect shall maintain records relative to changes in the Work.~~

### ~~§ 3.6.6 PROJECT COMPLETION~~

~~§ 3.6.6.1 The Architect shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion; issue Certificates of Substantial Completion; receive from the Contractor and forward to the Owner, for the Owner's review and records, written warranties and related documents required by the Contract Documents and assembled by the Contractor; and issue a final Certificate for Payment based upon a final inspection indicating the Work complies with the requirements of the Contract Documents.~~

~~§ 3.6.6.2 The Architect's inspections shall be conducted with the Owner to check conformance of the Work with the requirements of the Contract Documents and to verify the accuracy and completeness of the list submitted by the Contractor of Work to be completed or corrected.~~

~~§ 3.6.6.3 When the Work is found to be substantially complete, the Architect shall inform the Owner about the balance of the Contract Sum remaining to be paid the Contractor, including the amount to be retained from the Contract Sum, if any, for final completion or correction of the Work.~~

~~§ 3.6.6.4 The Architect shall forward to the Owner the following information received from the Contractor: (1) consent of surety or sureties, if any, to reduction in or partial release of retainage or the making of final payment; (2) affidavits, receipts, releases and waivers of liens or bonds indemnifying the Owner against liens; and (3) any other documentation required of the Contractor under the Contract Documents.~~

§ 3.6.6.5 Upon request of the Owner, and prior to the expiration of one year from the date of Substantial Completion, the Architect shall, without additional compensation, conduct a meeting with the Owner to review the facility operations and performance.

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§ 4.3.3 The Architect shall provide Construction Phase Services exceeding the limits set forth below as Additional Services. When the limits below are reached, the Architect shall notify the Owner:

1. ~~( )~~ reviews of each Shop Drawing, Product Data item, sample and similar submittal of the Contractor
2. ~~( )~~ visits to the site by the Architect over the duration of the Project during construction
3. ~~( )~~ inspections for any portion of the Work to determine whether such portion of the Work is substantially complete in accordance with the requirements of the Contract Documents
4. ~~( )~~ inspections for any portion of the Work to determine final completion

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Arbitration pursuant to Section 8.3 of this Agreement

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\$291,600 (two hundred ninety-one thousand and six hundred dollars)

...

Negotiated Fee

...

Hourly or mutually agreed lump sum fee.

...

Hourly or mutually agreed lump sum fee.

...

Schematic Design Phase	percent (		)
Design Development Phase	percent (	30	)
Construction Documents Phase	percent (	65	)
Bidding or Negotiation Phase	percent (	5	)
Construction Phase	percent (		)

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§ 11.8.2 For Reimbursable Expenses the compensation shall be the expenses incurred by the Architect and the Architect's consultants plus zero percent ( 0 %) of the expenses incurred.

...

~~§ 11.9 COMPENSATION FOR USE OF ARCHITECT'S INSTRUMENTS OF SERVICE~~

~~If the Owner terminates the Architect for its convenience under Section 9.5, or the Architect terminates this Agreement under Section 9.3, the Owner shall pay a licensing fee as compensation for the Owner's continued use of the Architect's Instruments of Service solely for purposes of completing, using and maintaining the Project as follows:~~

§ 11.10.1 An initial payment of zero (\$ 0 ) shall be made upon execution of this Agreement and is the minimum payment under this Agreement. It shall be credited to the Owner's account in the final invoice.

§ 11.10.2 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Architect's invoice. Amounts unpaid sixty ( 60 ) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Architect.

PAGE 16

1.5 % per month

...

~~2~~ AIA Document E201™ 2007, Digital Data Protocol Exhibit, if completed, or the following:

...

~~3~~ 2 Other documents:

**Certification of Document's Authenticity**  
**AIA® Document D401™ – 2003**

I, Scott E. Bova, AIA, hereby certify, to the best of my knowledge, information and belief, that I created the attached final document simultaneously with its associated Additions and Deletions Report and this certification at 16:48:58 on 11/10/2016 under Order No. 3087955730\_1 from AIA Contract Documents software and that in preparing the attached final document I made no changes to the original text of AIA® Document B101™ – 2007, Standard Form of Agreement Between Owner and Architect, as published by the AIA in its software, other than those additions and deletions shown in the associated Additions and Deletions Report.

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*(Signed)*

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*(Title)*

---

*(Dated)*

# ATTACHMENT 6

November 30, 2016

Mrs. Jean Chrisman, Town Clerk  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

**RE: ROBERT PAPENFUSS – 4113 ONNALINDA DRIVE  
EROSION AND SEDIMENT CONTROL SURETY ESTIMATE REVIEW  
TAX MAP NO. 113.1-1-16  
CPN NO. 068-16  
MRB PROJECT NO. 0300.12001.000 PHASE 89**

Dear Mrs. Chrisman,

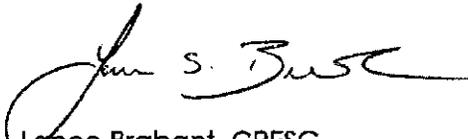
Please be advised that MRB Group has completed a review of the submitted Erosion and Sediment Control Surety Estimate dated November 28, 2016 for the above referenced project prepared by Venezia and Associates.

Based on our review of the submitted estimate, we recommend that an Erosion and Sediment Control Surety be approved in the amount of **\$1,265.00** for the above referenced project. The breakdown of the estimate amount is attached.

Please note that the original surety documentation regarding the establishment of the Erosion and Sediment Control Surety is required to be submitted to the Town Clerk for processing. Once the original is received by the Town Clerk, all information will be forwarded to the Town Attorney for review prior to being placed onto the Town Board agenda.

Any questions and/or comments you may have in this regard, please feel free to contact us at your earliest convenience.

Sincerely,



Lance Brabant, CPESC  
Senior Planning Associate

n:\0300.12001.000\corres\093-papenfuss\surety estimate review.doc



Enclosures:

- Erosion Control Surety Estimate dated November 28, 2016

C Pamela Helming, Supervisor  
Kristine Singer, Town Bookkeeper  
Doug Finch, Director of Development  
Jim Fletcher, Highway and Water Superintendent  
Chris Jensen, P.E., Code Enforcement Officer  
Anthony Venezia, L.S. – Venezia and Associates



**Surety Estimate – Erosion and Sediment Control at 4113 Onnalinda Drive**

Prepared by: Venezia and Associates

Prepared For: Robert H. Papenfuss

Section A: Erosion Control	\$1,150.00
10% Contingency:	\$115.00
<b>TOTAL ESTIMATE:</b>	<b>\$1,265.00</b>

By Venezia and Associates

Anthony A. Venezia LS      November 28, 2016

**Section A: Erosion Controls**

Item Description	Estimated Quantity	Unit	Unit Price (\$)	Estimate
Stabilized Construction Entrance	1	EA	500.00	\$500.00
Silt Fence	325	LF	2.00**	\$650.00
<b>TOTAL SECTION A:</b>				<b>\$1,150.00</b>

Source: \*NYS DOT Weighted Average Item Price Report -- July 1, 2013 to June 30, 2014 (Avg of all Regions)  
 Source: \*\*Town of Canandaigua Development Office

# ATTACHMENT 7

# Short Environmental Assessment Form

## Part 1 - Project Information

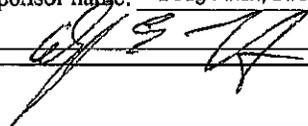
### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Town of Canandaigua Agriculture Enhancement Plan			
Name of Action or Project: Adoption of Town of Canandaigua Agricultural Enhancement Plan			
Project Location (describe, and attach a location map): Town of Canandaigua - townwide			
Brief Description of Proposed Action: Adoption of the Town of Canandaigua Agricultural Enhancement Plan			
Name of Applicant or Sponsor: Town of Canandaigua		Telephone: 585-394-1120	
		E-Mail: dod@townofcanandaigua.org	
Address: 5440 Routes 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: <u>Doug Finch, Director of Development</u>      Date: <u>November 21, 2016</u></p> <p>Signature: <u></u></p>		

Project: Ag Plan

Date: December 19, 2016

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: Ag PlanDate: December 19, 2016

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Canandaigua, Town Board	December 19, 2016
Name of Lead Agency	Date
Pamela Helming	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

# ATTACHMENT 8

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Town of Canandaigua Sewer Master Plan		
Project Location (describe, and attach a general location map): Land area of the Town surrounding the City of Canandaigua south of Padelford Brook (See attached Location Map)		
Brief Description of Proposed Action (include purpose or need): The Sewer Master Plan is a direct Goal/Action Item from the adopted 2011 Comprehensive Plan. A Sewer Master Project Team (SMPPT) was established to work closely with MRB Group from April 2015 to the present. The purpose of this Sewer Master Plan is to provide the Town with a comprehensive planning tool that would provide factual data and other information relative to the sewer system serving the Town. The Sewer Master Plan evaluates the collection system as a whole and provides information back to the Town to assist in their decisions.		
Name of Applicant/Sponsor: Town of Canandaigua / Pamela Helming, Supervisor		Telephone: 585-394-1120 E-Mail: phelming@townofcanandaigua.org
Address: 5440 5 & 20 West		
City/PO: Canandaigua	State: NY	Zip Code: 14424
Project Contact (if not same as sponsor; give name and title/role): James Fletcher, Highway/Water Superintendent		Telephone: 585-394-3300 E-Mail: jfletcher@townofcanandaigua.org
Address: 5440 & 20 West		
City/PO: Canandaigua	State: NY	Zip Code: 14424
Property Owner (if not same as sponsor):		Telephone: E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board - Adoption	
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Ontario County Planning Board - Referral	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
<u>Canandaigua Lake, Canandaigua Outlet and Hathaway Brook Watersheds</u>	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
<u>Agricultural Enhancement Plan (Draft), Parks and Recreation Master Plan (2007), Prioritizing Farmland and Scenic Views (2008), Farmland and Open Space Conservation Program (2004)</u>	
_____	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
AR-1, AR-2, CC, I, IZ, MR, MUO-1-1, NC, PUD, R-1-20, R-20/278, R-120/281, R-1-30, R-1-30/278, RB-1, RLD, RLD-281, RR-3, and SCR-1

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Ganandaigua Central Schools

b. What police or other public protection forces serve the project site?  
Ontario County Sheriffs

c. Which fire protection and emergency medical services serve the project site?  
City of Ganandaigua Fire Department / Cheshire Volunteer Fire Department

d. What parks serve the project site?  
Not Applicable

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
 \_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_

*ii.* Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*iii.* Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

*iv.* Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

*v.* Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

*c.* Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

*i.* Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

*ii.* Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

*iii.* Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

*iv.* Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

*v.* If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

*vi.* If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

*d.* Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

*i.* Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

*ii.* Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

\_\_\_\_\_

*iii.* Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

<ul style="list-style-type: none"> <li>• Do existing sewer lines serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Will line extension within an existing district be necessary to serve the project? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Describe extensions or capacity expansions proposed to serve this project: _____</li> </ul>
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <ul style="list-style-type: none"> <li>• Applicant/sponsor for new district: _____</li> <li>• Date application submitted or anticipated: _____</li> <li>• What is the receiving water for the wastewater discharge? _____</li> </ul>
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):</p> <p>_____</p> <p>_____</p>
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____</p> <p>_____</p>
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (impervious surface)</p> <p style="padding-left: 20px;">_____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p> <p>_____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?</p> <p>_____</p> <p>_____</p> <ul style="list-style-type: none"> <li>• If to surface waters, identify receiving water bodies or wetlands: _____</li> </ul> <p>_____</p> <ul style="list-style-type: none"> <li>• Will stormwater runoff flow to adjacent properties? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> </ul>
<p>iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)</p> <p>_____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)</p> <p>_____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)</p> <p>_____</p>
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> <li>• _____ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)</li> <li>• _____ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)</li> <li>• _____ Tons/year (short tons) of Perfluorocarbons (PFCs)</li> <li>• _____ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)</li> <li>• _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)</li> <li>• _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)</li> </ul>

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

---

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

---

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

---

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

---

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No

If yes:

i. Provide details including sources, time of day and duration: \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

n.. Will the proposed action have outdoor lighting?  Yes  No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No

Describe: \_\_\_\_\_

---

o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

---

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No

If Yes:

i. Product(s) to be stored \_\_\_\_\_

ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)

iii. Generally describe proposed storage facilities: \_\_\_\_\_

---

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No

If Yes:

i. Describe proposed treatment(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

---

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)
- Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: \_\_\_\_\_
- Operation: \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

f. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

\_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

\_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

\_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

\_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

\_\_\_\_\_

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
 i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
 If Yes,  
 i. Identify Facilities: \_\_\_\_\_  
 \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
 If Yes:  
 i. Dimensions of the dam and impoundment:  
 • Dam height: \_\_\_\_\_ feet  
 • Dam length: \_\_\_\_\_ feet  
 • Surface area: \_\_\_\_\_ acres  
 • Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
 ii. Dam's existing hazard classification: \_\_\_\_\_  
 iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
 \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
 If Yes:  
 i. Has the facility been formally closed?  Yes  No  
 • If yes, cite sources/documentation: \_\_\_\_\_  
 ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_  
 \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
 If Yes:  
 i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
 \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
 If Yes:  
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes - Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes - Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
 ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
 If yes, provide DEC ID number(s): \_\_\_\_\_  
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
 \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CRA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Town of Canandalgua / Pamela Helming Date \_\_\_\_\_

Signature \_\_\_\_\_ Title \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]

Project :	Sewer Master Plan adoption
Date :	December 18, 2016

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>			
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**2. Impact on Geological Features**

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g)

NO

YES

*If "Yes", answer questions a - c. If "No", move on to Section 3.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____ _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**3. Impacts on Surface Water**

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)

NO

YES

*If "Yes", answer questions a - l. If "No", move on to Section 4.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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**4. Impact on groundwater**  
 The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.  NO  YES  
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)  
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**5. Impact on Flooding**  
 The proposed action may result in development on lands subject to flooding.  NO  YES  
 (See Part 1. E.2)  
 If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. D.2.f, D,2,h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>		
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>		
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>		
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>		

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>				<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>		
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>		
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>		
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>		

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**  
 The proposed action may result in a change to existing transportation systems.  NO  YES  
 (See Part 1. D.2.j)  
*If "Yes", answer questions a - f. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
 The proposed action may cause an increase in the use of any form of energy.  NO  YES  
 (See Part 1. D.2.k)  
*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
 The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
 (See Part 1. D.2.m., n., and o.)  
*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b>			
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) <i>If "Yes", answer questions a - h. If "No", go to Section 18.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) <i>If "Yes", answer questions a - g. If "No", proceed to Part 3.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status:       Type 1                       Unlisted

Identify portions of EAF completed for this Project:     Part 1             Part 2             Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Canandaigua Town Board as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Adoption of Town of Canandaigua Sewer Master Plan

Name of Lead Agency: Town of Canandaigua, Town Board

Name of Responsible Officer in Lead Agency: Pamela Helming

Title of Responsible Officer: Town Supervisor

Signature of Responsible Officer in Lead Agency:

Date: December 19, 2016

Signature of Preparer (if different from Responsible Officer)

Date: December 5, 2016

**For Further Information:**

Contact Person: Doug Finch, Director of Development

Address: 5440 Route 5 & 20 West Canandaigua, NY 14424

Telephone Number: 585-394-1120

E-mail: [dod@townofcanandaigua.org](mailto:dod@townofcanandaigua.org)

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**

# ATTACHMENT 9

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Text Code Amendments - Adoption of Solar Energy Law			
Name of Action or Project: Town of Canandaigua - town wide, municipal action			
Project Location (describe, and attach a location map): Adoption of Local Law to amend Town Code for the adoption of a Solar Energy Law			
Brief Description of Proposed Action: This action would adopt zoning provisions to enact a Solar Energy Law.			
Name of Applicant or Sponsor: Town of Canandaigua - Town Board		Telephone: 585-394-1120	
		E-Mail: dod@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____			

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?          If Yes, explain purpose and size: _____          _____          _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?          If Yes, describe: _____          _____          _____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Town of Canandaigua / Town Board Date: December 5, 2018

Signature: *W.S. DOD on behalf of TB*

Project: Text Code - Solar Energy Law

Date: December 19, 2016

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
Town of Canandaigua, Town Board	December 19, 2016
Name of Lead Agency	Date
Pamela A. Helming	Town Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

12/3/16

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20<sup>16</sup>

A local law TO ESTABLISH SOLAR ENERGY REGULATIONS BY AMENDING TOWN CODE  
(Insert Title)  
CHAPTER 220, ZONING AND BY AMENDING TOWN CODE CHAPTER 1, GENERAL  
PROVISIONS

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of CANANDAIGUA as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREIN.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20<sup>16</sup> of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20<sup>16</sup>, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted *(Elective Chief Executive Officer\*)* on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. *(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local *(Elective Chief Executive Officer\*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.

\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: \_\_\_\_\_

TOWN OF CANANDAIGUA

SOLAR ENERGY CODE REVISIONS

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EXHIBIT "A"

**SECTION ONE.** Authority. This Solar Energy Law is adopted pursuant to §§261-263 of the New York State Town Law, which authorizes the Town of Canandaigua to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

**SECTION TWO.** Purpose & Intent. This Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Town of Canandaigua, including, but not limited to:

- (1) Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
- (2) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses;
- (3) Increasing employment and business development in the region by furthering the installation of solar energy systems;
- (4) Preserving and protecting the natural resources of the Town of Canandaigua;
- (5) Preserving and protecting valuable agricultural land in the Town of Canandaigua; and
- (6) Implementing the goals set forth in the Town of Canandaigua's Comprehensive Plan.

**SECTION THREE.** A new section shall be added to Town Code Chapter 220. Said new section shall immediately follow Town Code § 220-77, and shall immediately

precede Town Code § 220-78. Said new section shall be designated as Town Code § 220-77.1, and shall be titled "Solar Energy." The text of said new section shall be as follows:

**§ 220-77.1 SOLAR ENERGY**

- (A) Applicability.** The requirements of this section shall apply to all Solar Energy Systems installed or modified in the Town of Canandaigua, excluding general maintenance and repair.
- (B) Solar Energy Systems as Accessory Use or Accessory Structure**
  - (1) Roof-Mounted Solar Energy Systems**
    - (a) Roof-Mounted Solar Energy Systems** that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully existing and lawfully permitted building.
    - (b) Height.** Roof-Mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
    - (c) Aesthetics.** Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
      - (i)** Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.
      - (ii)** Solar energy systems should be color compatible with the primary structure.
  - (2) Small Scale-Solar Energy Systems**
    - (a) Small-Scale Solar Energy Systems** that use the electricity primarily onsite are permitted as accessory structures in the following zoning districts: AR-1 Agricultural Rural Residential, AR-2 Agricultural Rural Residential, RR-3 Rural Residential, R-1-20 Residential, R-1-30 Residential, SCR-1 Southern Corridor Residential.

- (b) Setbacks.** Small-Scale Solar Energy Systems shall adhere to the setback requirements for accessory structures of the underlying zoning districts.
- (c) Height.** Small-Scale Solar Energy Systems shall not exceed 10 feet in height.
- (d) Lot Coverage.** Small-Scale Solar Energy Systems are limited to 10 % total lot coverage. The surface area covered by Small-Scale Solar Panels shall be included in total lot coverage. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.
- (e) Small-Scale Solar Energy Systems shall not exceed 1,000 square feet in total area without obtaining a Special Use Permit.** The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.
- (f) All such Systems in residential zoning districts shall be installed in the side or rear yards.**

**(C) Large-Scale Solar Systems as a Special Use.** Large-Scale Solar Energy Systems may be permitted through the issuance of a special use permit in the following zoning districts: CC-Commercial, AR-1 Agricultural Rural Residential, AR-2 Agricultural Rural Residential, I-Industrial, and RR-3 Rural Residential, subject to the requirements set forth in § 220-62.2.

**(D) Abandonment and Decommissioning.** Solar Energy Systems shall be considered abandoned after 12 consecutive months without electrical energy generation and must be removed from the property. Applications for extensions can be made to the Planning Board, which shall have authority to grant six month extensions.

**(E) Permits and Applications.** A site development permit shall be required for any type of solar energy system installed within the Town of Canandaigua.

**(1) No site development permit shall be issued for a Small-Scale Solar Energy System in a front yard.**

- (2) No site development permit shall be issued for a large-scale solar energy system unless and until the Planning Board has issued a special use permit pursuant to Town Code § 220-62.2.
- (3) Application fees for the following permits shall be set by the Town Board in the Town Fee Schedule:
  - (a) Site development permit for solar energy system as an accessory structure;
  - (b) Site development permit and special use permit for a small-scale solar energy system;
  - (c) Site development permit and special use permit for a large-scale solar energy system.
- (4) Nothing contained herein shall be construed to eliminate the requirements for site plan approval or other permits contained elsewhere in this Town Code.

**SECTION FOUR.** A new section shall be added to Town Code Chapter 220. Said new section shall immediately follow Town Code § 220-62.1, and shall immediately precede new Town Code § 220-62.3, as established in SECTION FIVE of this Local Law. Said new section shall be designated as Town Code § 220-62.2, and shall be titled "Large Scale Solar Energy Systems." The text of said new section shall be as follows:

**§220-62.2. Large Scale Solar Energy Systems.**

- (A) Large Scale Solar Energy Systems are permitted through the issuance of a special use permit in the following zoning districts: CC-Commercial, AR-1 Agricultural Rural Residential, AR-2 Agricultural Rural Residential, I-Industrial, and RR-3 Rural Residential, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large Scale Solar Energy System shall be reviewed by the Zoning Officer and referred, with comments, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.

**(B) Special Use Permit Application Requirements.** In addition to the requirements set forth in §220-35, the following information must be included with an application for a special use permit for large scale solar energy system.

- (1)** If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
- (2)** Blueprints showing the layout of the solar energy system signed by a professional engineer or registered architect shall be required.
- (3)** The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (4)** Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the Large-Scale Solar Energy System, as well as ingress and egress to all portions of the property.
- (5)** Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section.
  - (a)** The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is no longer being used, or is inadequately maintained, it shall be removed by the applicant or any subsequent owner.
  - (b)** The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.
  - (c)** The plan shall also include an expected timeline for execution.
  - (d)** A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer. Cost estimations shall take into account inflation.

(e) Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan.

(f) If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the Town or the Town's duly appointed representative or agent(s) may remove the system and restore the property and the Town may impose a lien on the property to cover these costs to the municipality, in addition to any other remedies available to the Town.

(6) Construction Schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and the proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.

(C) Special Use Permit Standards. No Special Use Permit for Large Scale Solar Energy shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following:

(1) The Planning Board shall make a determination that the use of the land required by the proposed project shall not cause a loss of valuable agricultural lands to the Town of Canandaigua.

(2) Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements for accessory structures of the underlying zoning district.

(3) Height. Large-Scale Solar Energy Systems shall not exceed 10 feet in height.

(4) Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed 50% of the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.

(5) Security. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access, unless the Planning Board determines that fencing will cause environmental or ecological problems, or that such fencing is unnecessary. If the Planning Board makes such a determination, then the

applicant must provide for other means, acceptable to the Planning Board, to prevent access to circuit conductors and other electrical components of the system. Warning signs with the property owner's contact information shall be placed on the entrance and perimeter of the property and of the Solar Energy System at locations acceptable to the Planning Board. Any fencing installed shall be acceptable to the Planning Board, and shall include screening of said fencing as required by the Planning Board.

- (6) Drainage.** All Large-Scale Solar Energy Systems shall include a drainage and storm water management plan that is acceptable to the Planning Board.
- (7) Easements.** All Large-Scale Solar Energy Systems shall provide access, maintenance, and utility easements that are acceptable to the Planning Board. If the Large-Scale Solar Energy System will be operated by any entity other than the property owner, the Planning Board must approve the lease or contractual agreement between the property owner and the system operator.
- (8) The Planning Board must approve the Decommissioning Plan submitted by applicant.** The Planning Board shall require that the applicant or property owner post an automatically renewing security bond for construction, maintenance, and removal of solar energy systems.
- (9) The Planning Board must approve the Property Operation and Maintenance Plan submitted by the applicant.**
- (10) All access roads and paths required for the project shall be integrated into other uses on the property if possible.** Access road siting and grading shall be designed to minimize any negative impacts from storm water drainage.
- (11) All Large-Scale Solar Energy Systems shall be adequately screened, as determined by the Planning Board, to avoid adverse aesthetic impacts.**
- (12) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Planning Board, are applicable to the system being proposed.** If none of the site plan requirements are applicable, the Planning Board may waive requirement for site plan review.

(13) The Planning Board may impose conditions on the approval of any special use permit under this Section in order to enforce the standards referred to in this Section, or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

**SECTION FIVE.** Large-Scale Solar Energy Systems shall be added as a specially permitted use in the AR-1 Agricultural Rural Residential Zoning District. Town Code § 220-14(E) shall be amended to list this new specially permitted use as § 220-14(E)(17): Large-Scale Solar Energy Systems.

**SECTION SIX.** Large-Scale Solar Energy Systems shall be added as a specially permitted use in the CC Commercial Zoning District. Town Code § 220-23(E) shall be amended to list this new specially permitted use as § 220-23(E)(8): Large-Scale Solar Energy Systems.

**SECTION SEVEN.** Large-Scale Solar Energy Systems shall be added as a specially permitted use in the I-Industrial Zoning District. Town Code § 220-26(D) shall be amended to list this new specially permitted use as § 220-26(D)(6): Large-Scale Solar Energy Systems.

**SECTION EIGHT.** Town Code § 220-34(C) shall be replaced in its entirety with the following:

The Town Planning Board shall require that all provisions of this article shall be complied with, but where it is deemed appropriate by the Town Planning Board, any of these provisions contained in §§ 220-34 through 220-62.2, inclusive, may be waived by the Planning Board based upon findings as set forth in the public record on said application.

**SECTION NINE.** Town Code § 1-17, Definitions, shall be amended to include the following definitions in alphabetical order:

**GROUND-MOUNTED SOLAR ENERGY SYSTEM.** A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

**SMALL-SCALE SOLAR ENERGY SYSTEM.** A Solar Energy System that is ground mounted produces energy primarily for the purpose of onsite use, and does not exceed 1,000 square feet in total area.

**LARGE-SCALE SOLAR ENERGY SYSTEM.** A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption, or which exceeds 1,000 square feet in total area.

**ROOF-MOUNTED SOLAR ENERGY SYSTEM.** A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

**SOLAR ENERGY EQUIPMENT.** Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

**SOLAR ENERGY SYSTEM.** An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

**SOLAR PANEL.** A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**SECTION TEN.** Severability. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such

decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

**SECTION ELEVEN.** Effective Date. This local law shall take effect immediately upon its filing with the NYS Secretary of State.

# ATTACHMENT 10

# Town of Canandaigua

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

## STORMWATER CONTROL FACILITIES MAINTENANCE AGREEMENT

WHEREAS, the Town of Canandaigua, having an address of 5440 Routes 5 & 20 West, Canandaigua, New York 14424 (Municipality) and 2418 State Route 332, LLC (Facility Owner), having an address of 770 Panorama Trail South, Rochester, New York 14625 want to enter into an agreement (this "Agreement") to provide for the long term maintenance and continuation of permanent stormwater control measures approved by the Municipality for the below named project, and

WHEREAS, the Municipality and the Facility Owner desire that the permanent stormwater control measures, as detailed on the approved project plans entitled "Vision Nissan Grading Plan" & "Vision Nissan Construction Erosion Control Plan", having drawing number(s) 2427-06 & 2427-07, prepared by BME Associates and last revised March 11<sup>th</sup>, 2015, signed and approved by the Town on March 26<sup>th</sup>, 2015 (the "Plans"), be built in accordance with the Plans and thereafter be maintained, cleaned, repaired, replaced, and continued in perpetuity in order to ensure optimum performance of the components. Reduced size versions of the Plans are attached hereto as Exhibit A.

Therefore, the Municipality and the Facility Owner agree as follows:

1. This Agreement binds the Municipality and the Facility Owner, its successors and assigns, to maintain the permanent stormwater control measures depicted in the Plans (as same may be amended), which are attached as Schedule A of this Agreement.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the Plans as necessary to ensure optimum performance of the measures to design specifications. If identified on the plans, the stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, and retention ponds (collectively, the "Control Measures").
3. The Facility Owner shall be responsible for all expenses related to the maintenance of the Control Measures.
4. The Facility Owner shall provide for the periodic inspection of the Control Measures, not less than once in every five year period, to determine the condition and integrity of the Control Measures. The Facility Owner's obligations to inspect the Control Measures under this Section 4 shall commence upon the issuance of the first certificate of occupancy for the project depicted on the Plans. Each inspection shall be performed by a Professional Engineer, at the Facility Owner's choosing, so long as such Professional Engineer is licensed by the State of New York (the "Inspecting Engineer"). The Inspecting Engineer shall prepare and submit to the Municipality within 30 days of each inspection, a written report of the findings of his/her inspection including any recommendations necessary for the continued maintenance or repair of the Control Measures.

5. The Facility Owner shall grant Right of Entry to duly authorized representatives of the Town. Upon presentation of proper credentials, duly authorized representatives of the Town may enter at reasonable times upon the premises to inspect the implementation, condition or operation and maintenance of the Control Measures. Facility Owner shall allow persons working on behalf of the Town ready access to all parts of the premises for the purposes of inspecting the Control Measures. Persons working on behalf of the Town shall have the right to temporarily locate, on any stormwater facility or Control Measure in the Town, such devices as are necessary to conduct monitoring and/or sampling of the discharges from such Control Measures.

6. Except in an emergency situation, or as permitted by Section 7 below, The Facility Owner shall not authorize, undertake, or permit any material alteration, abandonment, modification, or discontinuation of the Control Measures except in accordance with written approval of the Municipality.

7. The Facility Owner shall undertake all necessary repairs, maintenance, or replacement of the Control Measures in accordance with the recommendations of the Inspecting Engineer, except to the extent such repairs, maintenance, or replacement are made necessary by the acts or omissions of the Municipality, including without limitation offsite grading. Such repair, maintenance, or replacement shall not require the approval of the Municipality. Repairs, maintenance, or replacements made necessary by the acts or omissions of the Municipality shall be undertaken by the Municipality as its cost and expense.

8. This Agreement shall be recorded in the Office of the County Clerk, County of Ontario.

9. If ever the Municipality determines that the Facility Owner has failed to maintain, clean, repair, replace, and continue the Control Measures in accordance with the Plans or has failed to undertake necessary corrective action in accordance with Section 7 above, the Municipality shall give the Facility Owner written notice of such a default. In the event the Facility Owner fails to cure such default within thirty (30) days from its receipt of such notice, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation, or maintenance of the Control Measures, to charge the Facility Owner for the reasonable expenses of such steps, and to affix such expenses as a lien against the property (including reasonable attorney fees and other administrative costs incurred in executing such a lien); provided however that if the nature of the default is such that it cannot reasonably be cured within such thirty (30) day period, then so long as the Facility Owner commences to cure such default within such thirty (30) day period, and, thereafter, diligently, in good faith and expeditiously proceeds to cure such default before the Municipality may take action under this Section 9.

10. The parties agree and acknowledge that this Agreement shall cover not only the Control Measures set forth on the Plans, but it also shall cover any alterations or modifications to the Plans that may be approved by the Municipality after the execution of this Agreement.

11. This Agreement shall be binding upon, and inure to the benefit of, the respective successors and permitted assigns of the parties. This Agreement shall not be assignable by the Municipality but may be assigned or transferred by the Facility Owner.

12. All notices required or permitted hereunder shall be in writing and shall be sent to the parties at the following addresses:

If to the Municipality: Stormwater Program Manager  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

If to the Facility Owner: 2418 State Route 332, LLC  
770 Panorama Trail South  
Rochester, NY 14625

With copies to: Town Clerk  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

Any such notices may be sent by: (a) certified mail, return receipt requested, or  
(b) a nationally recognized overnight courier

The above addresses may be changed by written notice to the other party. Any such notices shall be deemed effective upon receipts.

12. This agreement sets forth all of the agreements, conditions, and understandings between the Municipality and the Facility Owner concerning the maintenance of the Control Measures and supersedes any and all prior agreements and understandings between the parties with respect thereto.

13. This Agreement shall be governed exclusively by the laws of the State of New York, without giving effect to choice of laws or choice of laws rules or principles.

14. Issuance of the first certificate of occupancy or certificate of compliance for the project depicted on the Plans shall be deemed an acknowledgement by the Municipality that the Control Measures have been constructed in accordance with the Plans.

15. This Agreement may be executed in several counterparts, including by facsimile, each of which shall be an original and all of which shall constitute but one and the same instrument.

16. This Agreement may not be amended, changed, modified, altered, or terminated, except by an instrument in writing, signed by the parties hereto.

17. This Agreement is effective upon full execution by both parties.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

The parties have entered into this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

MUNICIPALITY  
TOWN OF CANANDAIGUA, NY

\_\_\_\_\_  
By:

Title:

Date:

FACILITY OWNER  
2418 State Route 332, LLC

\_\_\_\_\_  
By:

Title: *Owner*

Date: *11/16/2016*

[REMAINDER OF PAGE INTENTIONALLY BLANK]

State of New York )  
County of Ontario Monroe ) ss.:

On the 16<sup>th</sup> day of November in the year 2016 before me, the undersigned, personally appeared Daniel E. Edwards, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of individual taking acknowledgment

JUDY M. VANHEUSEN  
Notary Public, State of New York  
No. 01VA5076295  
Qualified in Monroe County  
Commission Expires April 21, 2019

State of New York )  
County of Ontario ) ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Signature and Office of individual taking acknowledgment

# ATTACHMENT 11

MEMO

November 10, 2016

To: Canandaigua Town Board

From: Doug Finch, Director of Development

RE: 2411 State Route 332



Dear Board Members,

The Development Office has been attempting to work with the property owner of 2411 State Route 332, Mr. Charles 'Skip' Gavett and Mrs. Jane Gavett, after receiving complaints about the condition of the property.

The enclosed packet details the finding by code enforcement as the building being "UNSAFE", along with a certificate of non-conformity and a letter that code enforcement provided to the property owner, at their request, from two years ago.

The Development Office has continued for the past two years to try to speak with the Gavetts on cleaning up the parcel, and discussing options with the property owner to either make improvements to the vacant building or to tear it down. The property owner has continued to express the general concern that if the vacant building is removed that they believe a new building may not be able to be constructed on the parcel.

As Director of Development I met with Mr. Gavett on November 3, 2016 to go through the property history, the previous reviews of the parcel, prior variances, and general options. During that meeting with me, Mr. Gavett began the process of filing out a demo permit application, and stated that he would submit the application on Monday, November 7, 2016. I reached out to Mr. Gavett on November 8, 9, and 10<sup>th</sup> since he had not made the demo permit application, and was finally able to connect with Mr. Gavett on November 10<sup>th</sup>. During that phone conversation, Mr. Gavett indicated that if the building is demolished, that a possible future owner of the parcel may not be able to construct a new building on the parcel due to setback requirements.

Since code enforcement has made a determination that the building is unsafe, Town Code Chapter 88 details findings, definitions, standards, declaration of nuisance, roles of code enforcement, and duties of the Town Board. A copy of Chapter 88 is enclosed for your review.

Please note Chapter 88 - 6 includes holding a public hearing on the matter. Please let me know when you wish to schedule this public hearing, so that I am able to prepare a resolution for your consideration and provide notice to the appropriate individuals.

In the mean time, Mr. Gavett is continuing to speak with the Development Office about making the demo permit application to tear down the building.

**CODE ENFORCEMENT**

**UNSAFE BUILDING  
NOTIFICATION TO TOWN  
BOARD**

*Town of Canandaigua*

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

**UNSAFE BUILDING NOTIFICATION**

November 4<sup>th</sup>, 2016

Subject Property: 2411 State Route 332  
Tax Parcel Number: 70.00-1-16.100  
Zoning District: CC – Community Commercial

Town Board Members;

On September 23<sup>rd</sup>, 2016, the Development Office received a complaint about dilapidated structure at 2411 State Route 332. Officer Zukaitis and I inspected the structure about which the complaint was filed.

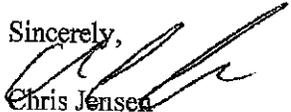
On September 26<sup>th</sup>, 2016, Officer Zukaitis and I placed notice on the structure's front window and side glass entry door. Notice reads 'This building has been found to be a dangerous building by the Code Enforcement Officer of the Town of Canandaigua. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County. It is unlawful to remove this notice until such notice is complied with'.

Notice was sent by registered return receipt mail (signed for on September 30<sup>th</sup>, 2016 by Charles Gavett) notifying the owner that corrective measures should be taken no later than October 28<sup>th</sup>, 2016 (30 days from receipt of this official notice). As of November 3<sup>rd</sup>, 2016 the corrective measures have not been adhered to.

The Development Office had a meeting on November 3<sup>rd</sup>, 2016 with Charles Gavett. He stated he would be obtaining a demolition permit in the near future and obtained the necessary application and insurances documents in order to apply.

Per Town Code section §88-6 A. Code Enforcement must notify the Town Board of the situation if the Board wishes to schedule a hearing and give notice to the owner(s) of the hearing.

Sincerely,

  
Chris Jensen

Code Enforcement Officer – Town of Canandaigua

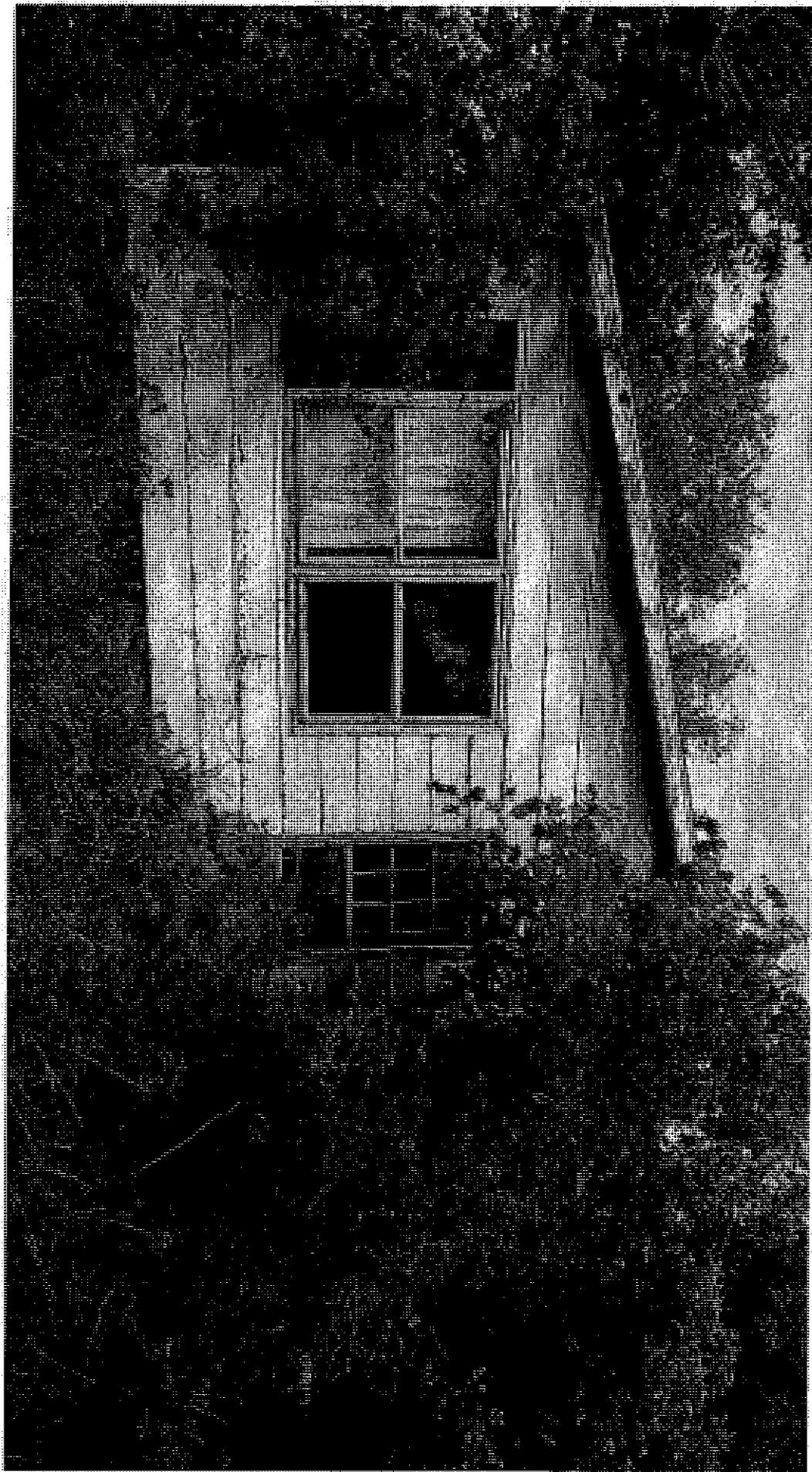
Cc: Town Clerk, Chris Nadler Esq., Doug Finch

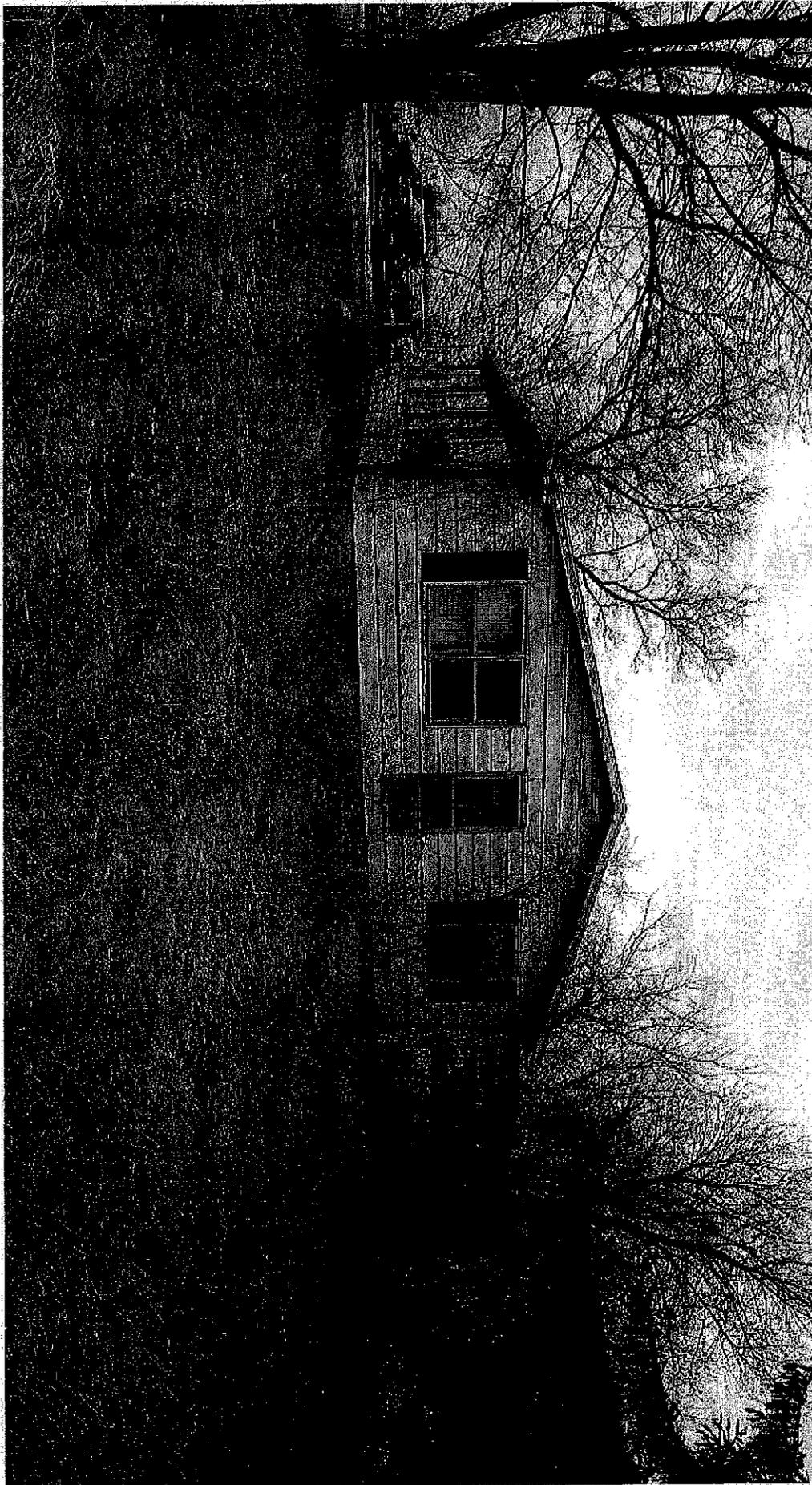
**CODE ENFORCEMENT**

**PHOTOS OF**

**2411 STATE ROUTE 332**







2



Figure



# **CODE ENFORCEMENT**

## **NOTICE OF VIOLATION – ORDER TO REMEDY**

*Town of Canandaigua*

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

**FILE**

**NOTICE OF VIOLATION – ORDER TO REMEDY  
DECLARATION OF NUISANCE**

September 26, 2016

Charles W. & Jane W. Gavett  
4520 Kear Road  
Canandaigua, NY 14424

Subject Property: 2411 State Route 332  
Tax Parcel Number: 70.00-1-16.100  
Zoning District: CC – Community Commercial

You are hereby notified that you have been found to be in violation of the Zoning Law Part II, Chapter 88, Unsafe Building. The specific violations are:

- Structures and dwellings on parcel have become so dilapidated, decayed, unsafe, and unsanitary and so utterly fail to provide amenities essential to decent living. Structures are unfit for human habitation and are likely to cause sickness or disease, or injury to the health, safety, and general welfare of those within.
- Structure having light, air and sanitation facilities which are inadequate to protect the health, safety, and general welfare of human beings within.

as observed by the Zoning/Code Enforcement Officer on March 23, 2016, and September 23, 2016.

The following corrective measures should be taken no later than October 28<sup>th</sup>, 2016 (30 days from receipt of this official notice), or penalties may be assessed:

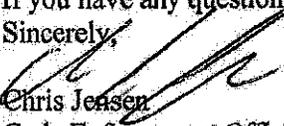
- If the dangerous building(s) can reasonably repaired so that it will no longer exist in violation, the owner shall obtain a building permit for the repair and begin repairs.
- If the building(s) cannot be repaired so that it will no longer exist in violation, the building(s) shall be demolished.

If on October 31<sup>st</sup>, 2016 the corrective measures have not been adhered to, a report to the Town Board shall be filed and a hearing scheduled.

**PLEASE NOTE:** Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

If you have any questions, please contact the Town.

Sincerely,



Chris Jensen  
Code Enforcement Officer – Town of Canandaigua

Cc: Town Clerk, Chris Nadler Esq., Doug Finch

**TOWN CODE**  
**CHAPTER 88.**  
**BUILDINGS, UNSAFE**

Town of Canandaigua, NY  
Thursday, November 10, 2016

## Chapter 88. Buildings, Unsafe

[HISTORY: Adopted by the Town Board of the Town of Canandaigua 10-4-1976 by L.L. No. 2-1976 (Ch. 43 of the 1977 Code); amended in its entirety 11-14-2011 by L.L. No. 8-2011. Subsequent amendments noted where applicable.]

### GENERAL REFERENCES

Uniform construction codes — See Ch. 92.

Zoning — See Ch. 220.

### § 88-1. Findings; purpose.

- A. The Town Board of the Town of Canandaigua recognizes the need to remove buildings or structures within the Town of Canandaigua which are unsafe to the citizens of the Town.
- B. The Town Board further recognizes that buildings are not unsafe solely because of their age or appearance; and further recognizes that certain structures and buildings which may be in literal violation of this chapter create no hazard because of their location distant from any other structure.
- C. It is the purpose of this chapter to provide a manner in which structures which are unsafe may be inspected and removed if they cannot be repaired.
- D. It is the further purpose of this chapter that the property of any citizens shall not be taken without due process of law.

### § 88-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### DANGEROUS BUILDINGS

All buildings or structures which have any or all of the following defects:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% or more of damage or deterioration of the nonsupporting enclosing or outside walls or covering.
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be

reasonably safe for the purpose used.

- D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Town of Canandaigua or which are determined to be a health nuisance.
- E. Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
- F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- I. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Town.
- J. Those buildings existing in violation of any provision of any local law or ordinance of this Town.

### **§ 88-3. Standards for repair, vacation or demolition.**

The following standards shall be followed in substance by the Code Enforcement Officer in ordering repair, vacation or demolition:

- A. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired.
- B. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants or is determined to be a health nuisance, it shall be ordered vacated.
- C. In any case where a dangerous building is 50% damaged or decayed or deteriorated from its original value or structure, it shall be demolished; and in all cases where a building cannot be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be demolished. In all cases where a dangerous building is a fire hazard, existing or erected in violation of the terms of this chapter or any ordinance or local law of the Town of Canandaigua or any law of the State of New York, it shall be demolished.

### **§ 88-4. Declaration of nuisance.**

All dangerous buildings within the terms of this chapter are hereby declared to be public or health nuisances and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

## § 88-5. Powers and duties of Code Enforcement Officer.

- A. The Code Enforcement Officer of the Town of Canandaigua has the authority to:
- (1) Inspect or cause to be inspected semiannually all public buildings, schools, halls, churches, theaters, hotels, motels, tenements, amusement buildings, commercial buildings and manufacturing buildings for the purpose of determining whether, in his or her opinion, any conditions exist which render such places dangerous buildings within the terms of this chapter.
  - (2) Inspect or cause to be inspected any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may, in his or her opinion, be existing in violation of this chapter.
  - (3) Inspect or cause to be inspected any building, wall or structure reported, as hereinafter provided for, as probably existing in violation of the terms of this chapter.
  - (4) Notify, in writing, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County, of any building found by the Code Enforcement Officer to be a dangerous building, within the standards set forth in this chapter; that the owner must vacate, repair or demolish said building in accordance with the terms of the notice and this chapter; the occupant or lessee must vacate said building or may have it repaired in accordance with the notice and remain in possession; the mortgagee, agent or other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County, may at his own risk repair, vacate or demolish said building or have such work or act done, provided that any person notified under this subsection to repair, vacate or demolish any building shall be given such reasonable time, not exceeding 30 days, as may be necessary to do, or have done, the work or act required by the notice provided for herein.
  - (5) Set forth in the notice provided for in Subsection **A(4)** of this section a description of the building or structure deemed unsafe, a statement of the particulars which make the building or structure a dangerous building and an order requiring the same to be put in such condition as to comply with the terms of this chapter within such length of time, not exceeding 30 days, as is reasonable.
  - (6) Place a notice on all dangerous buildings reading as follows: "This building has been found to be a dangerous building by the Code Enforcement Officer of the Town of Canandaigua. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice which has been given to the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County. It is unlawful to remove this notice until such notice is complied with."
- B. The Code Enforcement Officer also shall:
- (1) Report to the Town Board any noncompliance with the notice provided for in Subsection **A(4)** and **(5)** above.
  - (2) Appear at all hearings conducted by the Town Board and testify as to the

condition of dangerous buildings.

## § 88-6. Duties of Town Board.

The Town Board of the Town of Canandaigua shall:

- A. Upon receipt of a report of the Code Enforcement Officer, as provided for in this chapter, give written notice to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County, to appear before the Town Board on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Code Enforcement Officer's notice provided herein.
- B. Hold a hearing and hear such testimony as the Code Enforcement Officer or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the land records of the County Clerk of Ontario County, shall offer relative to the dangerous building.
- C. Make written findings of fact from the testimony offered pursuant to Subsection **B** above as to whether the building in question is a dangerous building within the terms hereof.
- D. Issue an order, based upon findings of fact made pursuant to Subsection **C** above, commanding the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County, to repair, vacate or demolish any building found to be a dangerous building within the terms of this chapter, provided that any person so notified, except the owners, shall have the privilege of either vacating or repairing said dangerous building; or any person not the owner of said dangerous building, but having an interest in said building, as shown by the land records of the County Clerk of Ontario County, may demolish said dangerous building at his own risk to prevent the acquiring of a lien against the land upon which said dangerous building stands by the Town, as provided in Subsection **E** hereof.
- E. If the owner, occupant, mortgagee or lessee fails to comply with the order provided for in Subsection **D** hereof within 10 days, the Town Board shall cause such building or structure to be repaired, vacated or demolished, as the facts may warrant, under the standards hereinbefore provided for in this chapter and shall, with the assistance of the attorney for the Town, cause the costs of such repair, vacation or demolition to be charged against the land on which the building existed as a municipal lien or cause such costs to be added to the tax duplicate as an assessment or to be levied as a special tax against the land upon which the building stands or did stand or to be recovered in a suit at law against the owner, provided that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, safety or general welfare of the people of this Town, or is not determined to be a health nuisance, the Town Board shall notify the Attorney for the Town to take legal action to force the owner to make all necessary repairs or demolish the building.
- F. Report to the Attorney for the Town the names of all persons not complying with the order provided for in Subsection **D** hereof.

## § 88-7. Emergencies.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined herein is immediately repaired, vacated or demolished, the Code Enforcement Officer shall report facts to the Town Board, and the Town Board shall cause the immediate repair, vacation or demolition of such dangerous buildings. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided in § 88-6E.

### **§ 88-8. Absences of owner; service of notice.**

In cases, except emergency cases, where the owner, occupant, lessee or mortgagee is absent from the Town, all notices or orders provided for herein shall be sent by registered mail to the owner, occupant, mortgagee, lessee and all other persons having an interest in said building, as shown by the land records of the County Clerk of Ontario County, to the last known address of each, and a copy of such notice shall be posted in a conspicuous place on the dangerous building to which it relates.

### **§ 88-9. Administrative liability.**

No officer, agent or employee of the Town of Canandaigua shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Town of Canandaigua as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the Attorney for the Town until the final determination of the proceedings therein.

### **§ 88-10. Penalties for offenses.**

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

**ZONING OFFICER**

**CERTIFICATE OF NON-  
CONFORMITY &**

**MAY 29, 2014 LETTER**

# Town of Canandaigua

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

*Established 1789*

## CERTIFICATE OF NON-CONFORMITY

PROPERTY ADDRESS: 2411 State Route 332  
TAX MAP ID#: 70.00-1-16.100  
ZONING DISTRICT: 'CC' Community Commercial District

### NON-CONFORMITY:

- Front (State Route 332) Setback of 57.9ft., when 150.0ft. is required.
- Front (Aroline Road) Setback of 14.4ft., when 60.0ft. is required.

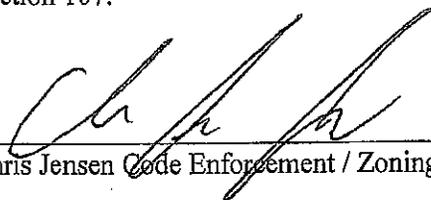
This certificate is per as-built plan of existing 0.802 acre lot, as referenced in plan 'Plan of Land of Aroline Coats', by Freeland-Parrinello Land Surveyors, dated 1/11/2000.

This Certificate of Non-Conformity is being issued per Chapter 220 Section 107 of the Town's Zoning regulations. This Certificate is a report of the findings made by the Town Zoning Officer.

This Certificate of Non-Conformity only verifies that the use existing on this date and as described above does not comply with the existing regulations set forth in Chapter 220 of the Town Code.

This Certificate of Non-Conformity does not permit the described use to be expanded upon without explicit permission from the Town of Canandaigua (Chapter 220 Section 107).

Continuance of a non-conforming use is subject to the provisions of Town Code, Chapter 220 Section 107.

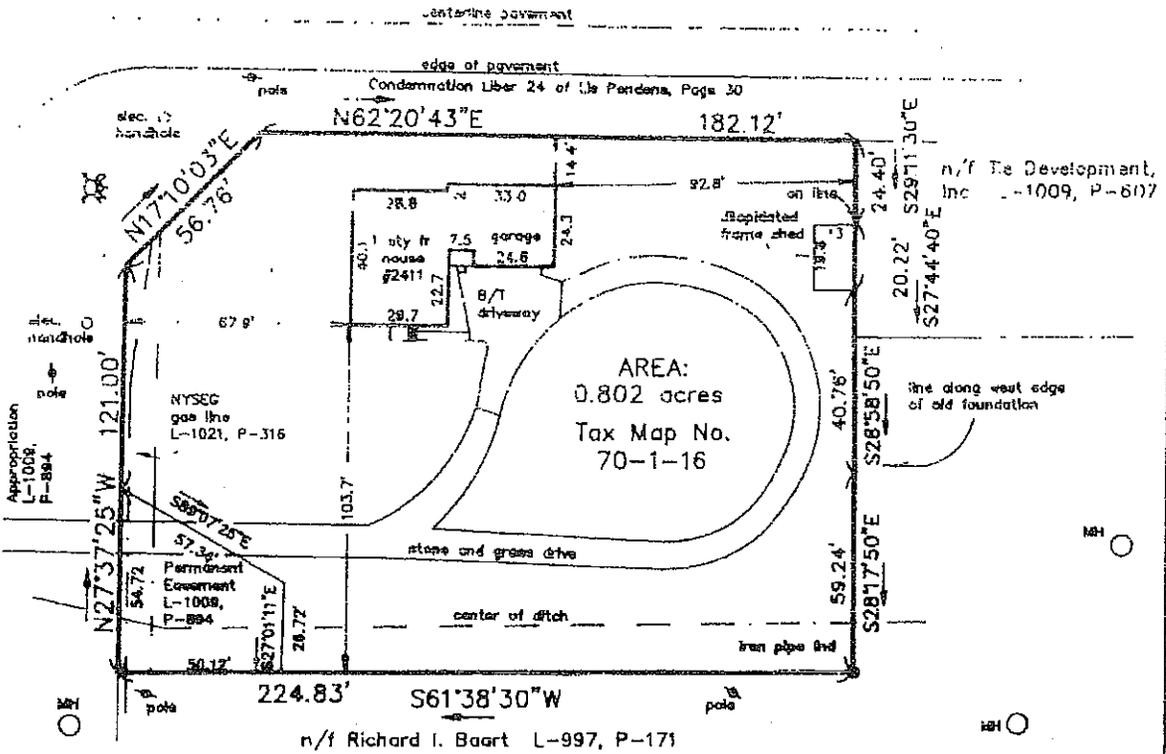
  
Chris Jensen Code Enforcement / Zoning Officer

November 3, 2016

Date

# AROLINE ROAD

N.Y.S. ROUTE 332  
ROCHESTER ROAD



I certify that this plan was prepared on January 12, 2000 from notes of a field instrument survey completed on January 11, 2000 and from materials referenced herein.

*David A. Freeland*  
David A. Freeland LS 49172

## Reference

DEED: Liber 493, Page 331  
ABSTRACT: Monroe Title Insurance Corp. search no. 345/Coats dated to December 31, 1999  
MAP: Filed map nos. 5771, 8480, 21676, 24647  
EASEMENT: To NYSEG L-642, P-381 L-1021, P-316

15x

Plate #1



PLAN OF LAND  
OF  
AROLINE COATS

ONTARIO COUNTY  
FILED

JAN 15 2000  
JOHN H. ...  
*Barbara Keefe*  
ALONG DEPUTY CLERK

*Town of Canandaigua*

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

**FILE**

*Established 1789*

May 29, 2014

Mr. & Mrs. Gavett  
4520 Kear Rd  
Canandaigua NY 14424

Re: Property at 2411 State Route 332

Mr. & Mrs. Gavett,

I have done some research into the property at 2411 State Route 332. This is what I have found that is conclusive. There are five variances that go with the property. The oldest variance is dated June 23, 1998 that makes the parcel conforming, meaning that it is entitled to all the rights of a full one acre parcel in the CC zoning district. The remaining variances are dated March 16, 2004. The first of the remaining variances allows for parking spaces on the property to be reduced by 1ft by 2 ft. The second allows for a driveway separation to Route 332 to be reduced by 21 ft. The third variance allows for new construction of a restaurant to have a front setback to Aroline Road reduced by 85.5 ft. The fourth allows for new construction of a restaurant to have a front setback to Route 332 reduced by 82.2 ft.

All this means that if a new owner wanted to build a restaurant they would have the benefit of all the variances. However, if a new owner were to build something other than a restaurant the front setbacks would not apply and the owner would have to apply for new setback variances or they would have to meet the current setbacks which are 150 ft to Route 332 and 100 ft to Aroline. The side setbacks would be 20 ft on the other sides.

If you would like an official determination made on the variances please contact me at [tmcmahon@townofcanandaigua.org](mailto:tmcmahon@townofcanandaigua.org), or call the Town Development Office at (585) 394-1120.

Tyler McMahon  
Zoning Inspector  
Town of Canandaigua

**ZONING BOARD OF APPEALS**

**JUNE 23, 1998 VARIANCE**

**RE: CONSTRUCTION OF  
AROLINE ROAD**

**TOWN OF CANANDAIGUA**

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(716) 394-1120

**ZONING BOARD OF APPEALS PROCEEDINGS**

HEARING DATE: JUNE 16, 1998

DECISION DATE: JUNE 23, 1998

PROJECT: CREATION OF NON-CONFORMING LOT

*Copies*

NAME OF APPLICANT(S) TOWN OF CANANDAIGUA REPRESENTING AROLINE COATS

ADDRESS OF APPLICANT(S) % PATRICIA REECE, TOWN HALL, 5440 ROUTE 5 & 20 WEST, CDGA.

ADDRESS OF SUBJECT PROPERTY 2411 STATE ROUTE 332, TAX MAP NO. 70.00-1-16.000

XXX AREA VARIANCE      USE VARIANCE      INTERPRETATION      REHEARING

VARIANCE OR INTERPRETATION REQUESTED: VARIANCE TO CREATE A NON-CONFORMING LOT  
OF 40,595 SQUARE FEET WHEN 43,560 SQUARE FEET IS REQUIRED.

ZONING BOARD OF APPEALS DECISION:

GRANTED  DENIED  RECESSED

VOTING: 3 AYE  NAY  ABSTAINED

CONDITIONS/COMMENTS:

THE TOWN OF CANANDAIGUA IS PURCHASING PART OF THIS LOT FOR THE ACCESS ROAD RIGHT-OF-WAY. NEW YORK STATE IS TAKING ROAD FRONTAGE THAT WOULD OTHERWISE BE CONFORMING.

THIS IS A LEGAL COMMERCIAL LOT. IT IS THE INTENT OF THE ZBA IN GRANTING THIS VARIANCE THAT THE LOT BE CONSIDERED A CONFORMING LOT ON WHICH ANY USE OTHERWISE PERMITTED IN THE DISTRICT BE ALLOWED NOTWITHSTANDING THE DEFICIENT AREA AND ROAD FRONTAGE.

TOWN OF CANANDAIGUA  
ZONING OFFICE  
JUL - 6 1998  
FOR REVIEW

CERTIFIED BY: Ralph Brundt  
CHAIRPERSON, ZONING BOARD OF APPEALS

TOWN OF CANANDAIGUA  
TOWN CLERK  
JUL 6 1998

**ZONING BOARD OF APPEALS**

**MARCH 16, 2004 VARIANCES**

**RE: PROPOSED DEVELOPMENT  
OF 2411 STATE ROUTE 332**

2004 Applications

---

*Project Number* CPN-011-04  
*Date Received* 2/9/2004  
*Project Address* 2411 State Route 332  
*Zone* CC  
*Tax Map Number* 070.00-1-16.100

ZBA  
only

*Applicant* Harter, Scott A., P.E.  
7171 Victor-Pittsford Road  
Victor, NY 14564  
*Telephone* (585) 924-1860  
*Fax* (585) 924-1861  
*E-mail* proengineer1@prodigy.net

*Owner* Gavett, Charles / Jane  
4520 Kear Road  
Canandaigua, NY 14424

Owner 2

Contact

*Telephone*

*Fax*

*E-mail*

*Project Description*

tear down existing structure / construct 2,684 sq ft restaurant

TOWN OF CANANDAIGUA

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(716) 394-1120

ZONING BOARD OF APPEALS PROCEEDINGS

HEARING DATE: March 16, 2004

DECISION DATE: March 16, 2004

PROJECT #: CPN-011-04 parking spaces

NAME OF APPLICANT(S): Professional Engineering Group for Charles and Jane Gavett

ADDRESS OF APPLICANT(S): 7171 Victor-Pittsford Road, Victor, NY 14564

SUBJECT PROPERTY ADDRESS & TAX MAP #: 2411 State Route 332, TM # 70.00-1-16.100

XX AREA VARIANCE    USE VARIANCE    INTERPRETATION    REHEARING

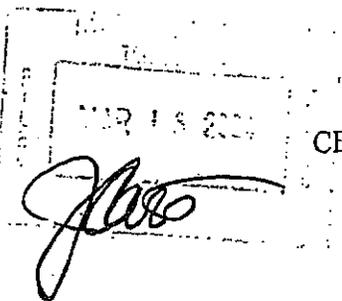
VARIANCE OR INTERPRETATION REQUESTED: The Applicant is requesting an area variance to have parking spaces of 9ft. by 18ft. when 10ft by 20ft is required. An area variance of 1ft by 2ft for the size of parking spaces is being requested.

ZONING BOARD OF APPEALS DECISION:

  XX   GRANTED        DENIED        RECESSED  
VOTING:   5   AYE        NAY        ABSTAINED

REASONS: The benefit to the Applicant does outweigh the detriment to the neighborhood or community and therefore, the variance is granted. This variance is warranted because of similar size parking spaces in the neighborhood which have already been approved.

CONDITIONS: As depicted in the drawings provided to the ZBA.



CERTIFIED BY: *Graham Smith*  
Chairperson, Zoning Board Of Appeals

**TOWN OF CANANDAIGUA**

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(716) 394-1120

**ZONING BOARD OF APPEALS PROCEEDINGS**

HEARING DATE: March 16, 2004

DECISION DATE: March 16, 2004

PROJECT #: CPN-011-04 Aroline setback

NAME OF APPLICANT(S): Professional Engineering Group for Charles and Jane Gavett

ADDRESS OF APPLICANT(S): 7171 Victor-Pittsford Road, Victor, NY 14564

SUBJECT PROPERTY ADDRESS & TAX MAP #: 2411 State Route 332, TM# 70.00-1-16.100

XX AREA VARIANCE \_\_\_ USE VARIANCE \_\_\_ INTERPRETATION \_\_\_ REHEARING

VARIANCE OR INTERPRETATION REQUESTED: The Applicant is requesting an area variance to tear down and construct a restaurant with a front setback to State Route 332 of 67.8 feet when 150 feet is required. An area variance of 82.2 feet is being requested.

ZONING BOARD OF APPEALS DECISION:

XX GRANTED \_\_\_ DENIED \_\_\_ RECESSED  
VOTING: 5 AYE \_\_\_ NAY \_\_\_ ABSTAINED

REASONS: The benefit to the Applicant does outweigh the detriment to the neighborhood or community and therefore, the variance is granted. The configuration and size of the lot limits the potential sites for the proposed structure. The proposed structure will not encroach any closer to the property line than the existing structure.

CONDITIONS: As depicted in the drawings presented to the ZBA. The trees will be left on the property.



CERTIFIED BY: Graham Smith  
Chairperson, Zoning Board Of Appeals

**TOWN OF CANANDAIGUA**

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(716) 394-1120

**ZONING BOARD OF APPEALS PROCEEDINGS**

HEARING DATE: March 16, 2004

DECISION DATE: March 16, 2004

PROJECT #: CPN-011-04 driveway separation

NAME OF APPLICANT(S): Professional Engineering Group for Charles and Jane Gavett

ADDRESS OF APPLICANT(S): 7171 Victor-Pittsford Road, Victor, NY 14564

SUBJECT PROPERTY ADDRESS & TAX MAP #: 2411 State Route 332, TM # 70.00-1-16.100

XX AREA VARIANCE    USE VARIANCE    INTERPRETATION    REHEARING

VARIANCE OR INTERPRETATION REQUESTED: The Applicant is requesting an area variance to have a driveway separation to State Route 322 along Aroline Road of 199 feet when 220 feet is required. An area variance of 21 feet is being requested.

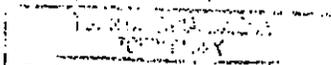
ZONING BOARD OF APPEALS DECISION:

  XX   GRANTED        DENIED        RECESSED

VOTING:   5   AYE        NAY        ABSTAINED

REASONS: The benefit to the Applicant does outweigh the detriment to the neighborhood or community and therefore, the variance is granted. The proposed variance will help facilitate a safe egress and ingress to the property.

CONDITIONS: As depicted in the drawings presented to the ZBA.



MAR 16 2004

CERTIFIED BY:

Graham Smith  
Chairperson, Zoning Board Of Appeals

**TOWN OF CANANDAIGUA**

5440 Route 5 & 20 West  
Canandaigua, NY 14424  
(716) 394-1120

**ZONING BOARD OF APPEALS PROCEEDINGS**

HEARING DATE: March 16, 2004

DECISION DATE: March 16, 2004

PROJECT #: CPN-011-04 Aroline setback

NAME OF APPLICANT(S): Professional Engineering Group for Charles and Jane Gavett

ADDRESS OF APPLICANT(S): 7171 Victor-Pittsford Road, Victor, NY 14564

SUBJECT PROPERTY ADDRESS & TAX MAP #: 2411 State Route 332, TM# 70.00-1-16.100

XX AREA VARIANCE \_\_\_ USE VARIANCE \_\_\_ INTERPRETATION \_\_\_ REHEARING

VARIANCE OR INTERPRETATION REQUESTED: The Applicant is requesting an area variance to tear down and construct a restaurant with a front setback to Aroline Road of 14.5 feet when 100 feet is required. An area variance of 85.5 feet is being requested.

ZONING BOARD OF APPEALS DECISION:

XX GRANTED \_\_\_ DENIED \_\_\_ RECESSED

VOTING: 5 AYE \_\_\_ NAY \_\_\_ ABSTAINED

REASONS: The benefit to the Applicant does outweigh the detriment to the neighborhood or community and therefore, the variance is granted. The configuration and size of the lot limits the potential sites for the proposed structure. The proposed structure will not encroach any closer to the property line than the existing structure.

CONDITIONS: As depicted in the drawings presented to the ZBA: The trees will be left on the property.

*[Handwritten signature]*

CERTIFIED BY: Graham Smith  
Chairperson, Zoning Board Of Appeals

TOWN OF CANANDAIGUA

Samuel J. Casella  
Supervisor

5440 Route 5 & 20 West  
Canandaigua, NY 14424

Judith H. Carson  
Town Clerk

**Canandaigua Zoning Board of Appeals Resolution**  
**SEQR Resolution – Determination of Significance – Type II Action**

FILE # CPN-011-04

APPLICANT: PROFESSIONAL ENGINEERING GROUP FOR CHARLES & JANE GAVETT

Whereas, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined 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.

NOW, THEREFORE, BE IT RESOLVED that the ZBA 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 Julie Hoffman and seconded by Gary Davis at a regular scheduled meeting of the ZBA held on Tuesday, March 16, 2004. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Davis:	<u>Aye</u>	Nay
Pam Helming:	<u>Aye</u>	Nay
Julie Hoffman:	<u>Aye</u>	Nay
Chip Sahler:	<u>Aye</u>	Nay
Graham Smith:	<u>Aye</u>	Nay

I, Joan Pickering, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Canandaigua ZBA for the March 16, 2004, meeting.

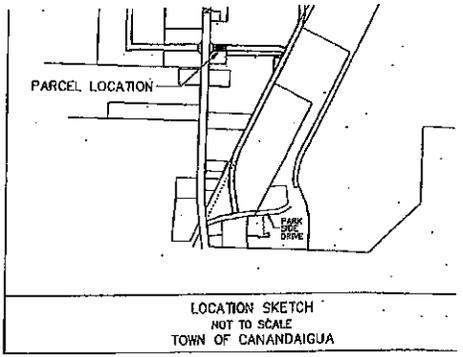
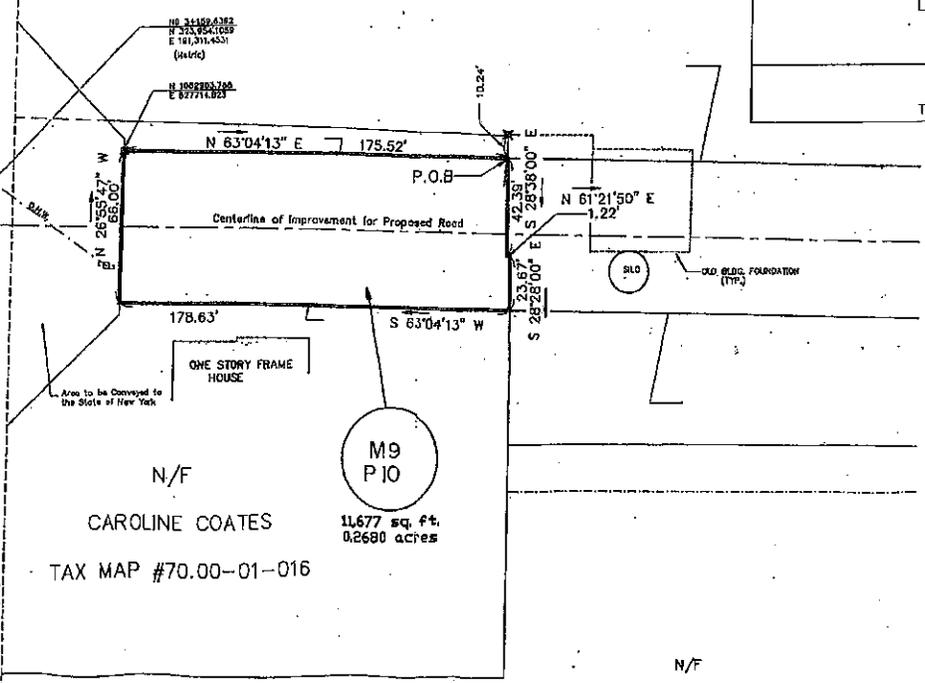
Joan Pickering  
Joan Pickering, Secretary of the ZBA

Proposed Centerline Southbound  
N 26°55'47" W

NYS ROUTE 332

Proposed Centerline Northbound  
N 26°55'47" W

N/F  
DOUGLAS J. MARTIN, ET AL.  
TAX MAP #70.00-01-017.1  
L 962, P 827



N/F  
RICHARD I. BAART  
TAX MAP #70.00-01-015.12  
L 975, P508



Chris Hart, Chair  
George McCadden, Vice Chair

# Planning Board

March 10, 2004 - Minutes - Draft

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General Procedures	2
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Attendance Members and Guests	3

## Staff Summaries & Board Action

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55-04	Village of Naples	Village Board	Text Amendment	--	<u>19</u>
56-04	Town of South Bristol	Worden Hill, Inc.	Site Plan Approval	--	<u>17</u>
57-04	Village of Manchester	McMillan Holdings, LLC	Map Amendment	<u>19</u>	<u>19</u>
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59-04	Town of Bristol	Pamela Spock	Site Plan Approval	<u>6</u>	<u>6</u>
60-04	Town of Phelps	Ralph Amberg	Area Variance	<u>16</u>	<u>17</u>
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63-04	Town of Canandaigua	Douglas & Joanne Bardun	Subdivision	<u>7</u>	<u>10</u>
64-04	Town of Canandaigua	Rocco Venezia	Subdivision	<u>7</u>	<u>10</u>
65-04	Town of Canandaigua	Passero Associates	Site Plan Approval	--	<u>10</u>
66-04	Town of Canandaigua	Lisa & Lee Ivers	Site Plan Approval	--	<u>10</u>
67-04	Town of Canandaigua	Randall L. Geiger	Area Variance	<u>8</u>	--
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70-04	Town of Canandaigua	Mark Muller	Site Plan Approval	--	<u>10</u>
71-04	Town of Canandaigua	Charles & Jane Gayet	Area Variance	--	<u>10</u>
72-04	Town of Canandaigua	Property Development of Western NY	Subdivision	--	<u>11</u>
73-04	City of Canandaigua	Qiu He An	Special Use Permit	--	<u>4</u>
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75-04	Town of Gorham	Harvey Martin	Special Use Permit	--	<u>16</u>
76-04	Town of Farmington	Subway Farmington	Site Plan Approval	--	<u>13</u>

Continued on next page

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78-04	Town of Canandaigua	Town Board	Text Amendment	11	13
79-04	Town of Canandaigua	Donald McDonald	Map Amendment	--	18
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84-04	City of Canandaigua	Wendy's	Area Variance	--	5

**- Introduction -**

This document will serve as both the draft minutes for the Ontario County Planning Board and as the **Official Notice of Findings and Decision** for the applications heard by the CPB. It can also be viewed at the Ontario County planning Department Website:  
<http://www.co.ontario.ny.us/planning/cpbsch.htm>

**- General Procedures -**

The Ontario County Planning Board meets once each month to review referred local actions for intermunicipal and countywide impacts. They are separated into two categories: Class 1 & Class 2. Class 1's are applications that the CPB has formally decided have little potential intermunicipal or countywide impact. The CPB will identify such an impact for Class 2 applications before voting to approve, modify or deny.

**- Legal Obligations for Referring Agencies -**

**Class 1**

If an application has been returned to the referring agency as a Class I, then the only requirement is to show that they considered any comments returned to them by the CPB. Please read any comments into the minutes of a meeting or public hearing held for the subject application.

**Class 2**

If the CPB has voted to **deny or modify** a referred application then the local board needs a majority plus one vote of their full board to act contrary to that decision. CPB **approvals without modification** require no extraordinary local action. However, the referring agency is still required to consider CPB comments as they would for Class 1 applications.

**- Incomplete Applications -**

If an application has been determined to be incomplete, the referring agency cannot take action until the application is resubmitted and acted on by the CPB. Such determination is made based largely on information from the submitting official or the chairs of referring agencies.

NYS General Municipal Law, Article 12-b Section 239-m (c)

**- Reporting back to the CPB -**

"Report of final action. Within thirty days after final action, the referring body shall file a report of the final action it has taken with the county planning agency or regional planning council. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report."

NYS General Municipal Law, Article 12-b Section 239-m, Part 6.

# Attendees

## Voting Members

### Cities:

Canandaigua - Dave Wink\*

Geneva - Mary Bogin

### Towns:

Bristol - Grace Simonds\*  
Canandaigua - Jeff Hagadorn\*  
Farmington - Meg Godly\*  
Gorham - George McCadden, Vice Chair  
Manchester - Jaylene Folkins\*\*  
Phelps - Glen Wilkes\*  
Seneca - Clifford Kunes\*  
Victor - Chris Hart, Chair\*

Canadice - Alan Titus  
East Bloomfield - Allan Saxby\*  
Geneva - ~~Vacant~~  
Hopewell - Mark Kowalski\*  
Naples - Pat Rodger\*  
Richmond - Bruce Campbell  
South Bristol - ~~Vacant~~  
West Bloomfield - Richard DelVecchio\*

\* Indicates attendance at the meeting

\*\*Present. Will be officially appointed to the CPB on 3/11/04

## Ex-Officio Members Present

Tim Jensen - Ontario County Planning Department

## Guests

Sam Ziadat - Application 76-04  
Randall Geiger - 67-04 & 68-04  
Phil Green - 56-04  
Ron Brand - 77-04 & 78-04  
Kip Finley - 74-04

Greg Barkstrom - 82-04 & 84-04  
Jeremy Years - 67-04 & 68-04  
Rosanne Hennesy - 80-04 & 81-04  
Marty McMillan - 57-04

Attendance was taken and the meeting was called to order at 7:34pm. 11 voting members were present.

**Note:** The Board actions described below are not necessarily listed in the order in which they occurred.

① Citing a lack of intermunicipal or countywide impact the CRC made a recommendation to leave the following applications as Class 1's and to forward all comments back to the referring agencies for their review: 54-04, 56-04, 57-04, 58-04, 59-04, 61-04, 62-04, 63-04, 64-04, 65-04, 66-04, 67-04, 68-04, 69-04, 70-04, 71-04, 73-04, 74-04, 75-04, 76-04, 79-04, 80-04, & 81-04.

73-2004

City of Canandaigua Planning Commission

Class 1

Type: *Special Use Permit*

Applicant: *Qiu He An*

Property Owner: *Keith Glover*

Brief Description: *Take out restaurant in an existing commercial space.*

Location: *East side of Main Street, 150' north of Beeman Street*

Staff Summary: No other development is proposed.

② At the full Board meeting, Mark Kowalski made a motion that was seconded by Chris Hart to accept the CRC recommendation to leave application 73-04 as a Class 1

The motion passed by a unanimous vote of all voting members present (11).

82-2004

City of Canandaigua Planning Commission

Class 2

Related Referrals: *84-04, 44-04, 45-04*

Type: *Site Plan Approval*

Applicant: *Wendy's*

Brief Description: *Construction of a Wendy's and Tim Horton's (one building) on the old Grossman's site.*

Location: *West of Booth Street, just south of Route 5 and 20*

Staff Summary: A variance will be needed. The height limit for such a building is 18'. The applicant is proposing a structure that is 23' tall. The applicant indicates that they have been working closely with the Planning Board to come up with a building that fits in with the area.

Public water and sewer are available.

The site has received a considerable amount of fill and has been heavily impacted. The building will be about 5400sf. It will have a drive through window for each business. There will be a decrease in the amount of impervious surface from about 85% to 69%.

The applicant has been working with NYS DEC on a plan for stormwater drainage. They have settled on a "dry swale" system that will eventually outlet into the feeder canal on the west side of the lot. The system is basically a 3' deep channel with a filter comprised of 30' of permeable soil, a layer of filter fabric and then about 6" of pea gravel with a perforated pipe at the very bottom. There will be three such swales along the west side of the lot. The plan appears to conform to NYSDEC design guidelines and Tom DeRue has indicated that the system will address stormwater quality and quantity.

No formal traffic analysis was submitted with this proposal. The site will be accessed via three curb cuts onto Booth Street. There is no direct access to Route 5 and 20. East, across Booth Street is the Parkway Plaza and Red Jacket Mobile Home Park.

③ Board Comments:

1. There appears to be sufficient room on this to incorporate additional landscaping into the overall design. Take for example the concrete pad with picnic tables in front of the building. It could be redesigned and nicely landscaped to enhance the appearance of the entrance and the front of

Ontario County Planning Board – Full Board Meeting Minutes for March, 2004 - Draft  
the building. Landscaped islands in the parking lot could help direct traffic patterns made more complicated by the three access points and two drive through lanes.

2. This Board would like to encourage efforts to enhance landscaping along the north end closest to Route 5 and 20
3. The City and applicant should discuss how to simplify the proposed internal traffic patterns. Every internal drive, with the exception of the drive-through lanes is two-way. It appears that, for example, making the access closest to 5 and 20 one way and having more drivers exit at the second entrance to the south would simplify things and possibly allow for less pavement and more landscaping.
4. Why are there signs for the drive through at all three entrances? It makes sense to direct that traffic into the entrance closest to 5 and 20. The other signs appear to be encouraging drivers to try and enter the drive-through lane in the wrong location.
5. The City and applicant should discuss how to better protect pedestrians entering the building. As designed someone on foot will have to cross at least two lanes of traffic including a drive through lane to get into the building. It doesn't appear that clearly protected crosswalks and similar features have been included in this plan.
6. The City and applicant should also discuss sidewalks to allow safe pedestrian access to the site.

**X Findings:**

1. This site is adjacent to a feeder canal from Canandaigua Lake. Proper stormwater management on this site is an intermunicipal and countywide issue as it relates to protection of natural features and water quality.
2. The applicant has indicated that some of the trees along the feeder canal will be removed.
3. Tom Derue has indicated those trees not removed are likely to be highly stressed by the site clearing and subsequent redevelopment. He also indicated that those trees help stabilize the east bank of the feeder canal.
4. The developments will be highly visible from Route 5 and 20.
5. Route 5 and 20 has been identified as a primary travel corridor for tourists in Ontario County.
6. It is the opinion of this Board that the proposed redevelopment will be a significant improvement in the appearance of this site.

**o** *Based on the above findings, the CRC made a recommendation, approve applications 82-04 and 84-04 with the following modification and to forward all comments back to the referring agency for their review:*

*Modification: For those areas where trees are to be removed or otherwise likely to die prematurely due to the site disturbance and redevelopment, the applicant, in consultation with Tom DeRue, will design and install structures and plantings to maintain the stability of the east bank of the feeder canal.*

**o** *At the full Board meeting, Meg Godly made a motion that was seconded by Pat Rodger to accept the CRC recommendation to approve applications 82-04 and 84-04, with the above listed modification, and to forward all comments back to the referring agency for their consideration.*

*The motion passed by a unanimous vote of all voting members present (11).*

Related Referrals: 82-04 44-04, 45-04

Type: *Area Variance*

Applicant: *Wendy's*

Brief Description: *Construction of a Wendy's and Tim Horton's (one building) on the old Grossman's site.*

Location: West of Booth Street, just south of Route 5 and 20

Staff Summary: Refer to application 82-04

58-2004 Town of Bristol Zoning Board of Appeals Class 1

Related Referrals: 59-04

Type: *Area Variance*

Applicant: *Pamela Spock*

Brief Description: *Use existing pole barn for building and storing dog-training obstacles.*

Location: *North of US Rt 20A, across from Jones Rd*

Staff Summary: The applicant owns a lot with a 4,000sf pole barn on it. The barn sits 73.8' from the US Rt 20A ROW. Local law requires 75'. Eventually the applicant would like to sell the property and split it into building lots but no actual development is currently proposed.

59-2004 Town of Bristol Planning Board Class 1

Related Referrals: 58-04

Type: *Site Plan Approval*

Applicant: *Pamela Spock*

Brief Description: *Use existing pole barn for building and storing dog-training obstacles.*

Location: *North of US Rt 20A, across from Jones Rd*

Staff Summary: Refer to application 58-04, above.

#### Board Comments

1. The Town might should ask the applicant for a whole parcel plan or at least put them on notice that they would ask for one when subdivision is proposed. If the subdivision is adjacent to farmland, consideration should be given to how the parcels are subdivided so as not to disturb any underground tile system of an adjoining field, that access to farm fields from heavy equipment is not impacted, and adequate buffering from agricultural land to minimize future impacts on non-farm landowners is minimized.

At the full Board meeting, Cliff Kunes made a motion that was seconded by Glen Wilkes to accept the CRC recommendation to leave applications 58-04 & 59-04 as Class 1's and to forward all comments back to the referring agency for their review.

The motion passed by a unanimous vote of all voting members present (11).

61-2004 Town of Canandaigua Planning Board Class 1

Type: *Site Plan Approval*

Applicant: *Ed Kenny*

Brief Description: *Replacement of an existing ground sign.*

Location: *Southeast corner of Kepner Rd and State Rt 332*

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Staff Summary: The sign conforms to local dimensional requirements. It will be ground lit. No other development is proposed.

62 - 2004

Town of Canandaigua Planning Board

Class 1

Type: *Site Plan Approval*

Applicant: *Pactiv Corporation*

Representative: *Sear Brown*

Brief Description: *Construction of a 2,700sf concrete pad and installation of 5, 45' to 48' storage silos adjacent to those on site.*

Location: *Northeast corner of Brickyard Rd and North Street.*

Staff Summary: There will be no other changes to the site. The silos will be right next to five others of roughly equal width and height already on the site. All ten are next to an existing building and well inside the complex.

63 - 2004

Town of Canandaigua Planning Board

Class 1

Type: *Subdivision*

Applicant: *Douglas & Joanne Bardun*

Brief Description: *Dividing a 35ac residential lot into 4 ranging from 4.8 to about 19ac.*

Location: *Fronting on Cramer and Middle Cheshire Rds, 1200' north of Foster Rd*

Staff Summary: The applicant would like to make four lots from one ranging in size from about 5ac to just under 20ac. There is no public water or sewer. The plat shows site distances for accesses onto Cramer Rd. No development is proposed. There are some steep slopes and floodplains on the site but there appears to be plenty of room to place a home and driveway on each lot.

 Board Comments

1. The lots seem large enough that it should not be a problem for the applicant to provide soil percolation test results to show that sufficient soils exist in the right location to place an on site septic. Having it on record before subdivision approval can't hurt and appears to be required by local law.

64 - 2004

Town of Canandaigua Planning Board

Class 1

Type: *Subdivision*

Applicant: *Rocco Venezia, Venezia & Associates*

Brief Description: *Dividing a 28acre lot into three residential building lots.*

Location: *Between Woolhouse Rd and State Rt 21 across from Rock Oak Hill Rd*

Staff Summary: There is public water but no public sewer available. The largest lot, about 22ac will be accessed from State R 21. The other two 2.2ac and 3.8ac will share an access onto Woolhouse Rd. No development is proposed. There are steep slopes covering most of lots two and three. Lot one has wetlands and significant steep slope areas as well. An area variance from 1987 allows for reduced frontage along Woolhouse Rd.

 Board Comments

1. The lots seem large enough that it should not be a problem for the applicant to provide percolation test results to show that sufficient soils exist in the right location to place an on site septic. Having it on record before subdivision approval can't hurt and appears to be required by local law.

Type: *Site Plan Approval*  
 Applicant: *Passero Associates PC*  
 Representative: *Rural Opportunities, Inc.*  
 Property Owner: *Macedon Road Associates, Inc.*  
 Brief Description: *24 town homes in 4 buildings on 6ac.*  
 Location: *Southwest corner of Parkside Dr and County Road 28.*

Staff Summary: The CPB saw a very similar application in September of 2003 and returned it to the Town as a Class 1 with no comment. The only difference in this proposal is that the units will be three bedroom. Previously 15 of the 24 were to be two bedroom. The site layout is virtually the same.

The proposed development would have a single access from Parkside Drive. Public water and sewer are available. There are no mapped wetlands or floodplains on site. The lot is not in an Ag District. The rezoning request was reviewed by the CPB in May of 2003 and sent as a Class 1 with no comments.

Stormwater will be piped to a detention pond in the northwest corner of the lot. The pond will outlet into the swale along Parkside Dr. The applicant has indicated that this pond will not serve to address stormwater management. More than anything its construction will provide earth for regrading other parts of the site. They have requested a fee in lieu of constructing an on site facility and will use the regional detention facility along Parkside Dr.

Type: *Site Plan Approval*  
 Applicant: *Lisa & Lee Ivers*  
 Property Owner: *Mark Case*  
 Brief Description: *Replacing sign facing.*  
 Location: *East side of State Rt 332, 1000' north of Parkside Dr*

Staff Summary: The sign meets local dimensional requirements. No other development is proposed.

Related Referrals: *68-04*  
 Type: *Area Variance*  
 Applicant: *Randall L. Geiger*  
 Brief Description: *Subdivision of a 13.8ac lot with residence into two lots.*  
 Location: *North of County Road 4, 1000' west of County Road 22*

Staff Summary: Lot 1 is a flag shaped lot with about 11.8ac. Lot 2 will accommodate the existing house and assorted outbuildings and will be 2.0ac. They both need frontage variances:

Description of Variance	Required	Proposed
Frontage for Lot 1	175'	34.71'
Frontage for Lot 2	175'	156.92'

No development is proposed for lot 1. There are no floodplains or wetlands on the site. The applicant has consulted with local emergency service providers regarding the proposed flag lot.

 Board Comments

1. It seems inappropriate to grant such a significant variance and create a nonconforming flag lot in

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 a LI zone with absolutely no information regarding the intended use of the lot.
2. The CPB is assuming that any development on this lot will be subject to additional local review.

68-2004                      Town of Canandaigua Planning Board                      Class 1

Related Referrals: 67-04  
 Type: *Subdivision*  
 Applicant: *Randall L. Geiger*  
 Brief Description: *Subdivision of a 13.8ac lot with residence into two lots.*  
 Location: *North of County Road 4, 1000' west of County Road 22*

Staff Summary: Refer to application 67-04

69-2004                      Town of Canandaigua Zoning Board of Appeals                      Class 1

Related Referrals: 70-04  
 Type: *Area Variance*  
 Applicant: *Mark Muller*  
 Property Owner: *John & Suzanne Schenk*  
 Brief Description: *Additions to lakefront residence.*  
 Location: *Both sides of County Road 16, 900' north of Lake Hill Dr*

Staff Summary: The applicant will need three variances.

Description	Existing	Proposed	Required
Front Setback (CR 16)	23.1'	23.1'	60'
Rear Setback	18.2'	18.2'	60'
Lot Coverage	23.5%	23.5%	15%

This lot is about 89' deep and 61' wide. The additions will be within the existing building footprint. No other development is proposed.

70-2004                      Town of Canandaigua Planning Board                      Class 1

Related Referrals: 69-04  
 Type: *Site Plan Approval*  
 Applicant: *Mark Muller*  
 Property Owner: *John & Suzanne Schenk*  
 Brief Description: *Additions to lakefront residence.*  
 Location: *Both sides of County Road 16, 900' north of Lake Hill Dr*

Staff Summary: Refer to application 69-04, above.

71-2004                      Town of Canandaigua Zoning Board of Appeals                      Class 1

Type: *Area Variance*  
 Applicant: *Professional Engineering Services*  
 Property Owner: *Charles & Jane Gavett*  
 Brief Description: *Construction of a 2685sf restaurant on an existing building footprint.*  
 Location: *Northeast corner of State Rt 332 and Aroline Dr.*

Staff Summary: Two variances will be needed:

Description	Existing	Proposed	Required
Setback from Aroline Dr	14.5'	14.5'	100'
Setback from State Rt 332	62.8'	62.8'	150'

The business will have access to both roads. The proposal will be subject to site plan review at a later date.

79-2004

Town of Canandaigua Town Board

Class 1

Type: *Map Amendment*

Applicant: *Ronald & Catherine Wilson*

Property Owner: *Donald McDonald*

Brief Description: *Request to rezone property from R-1-20 to CC (Commercial) to operate a pizzeria.*

Location: *West of State Rt 364, just north of Sandy Beach Dr*

Staff Summary: The subject property is commercial in nature. It was formerly a small grocery store functioning as a pre-existing, nonconforming use. There was an interruption in its operation and in order to reopen it for any commercial use a use variance or rezoning will be needed. It appears that review of the Town's zoning is ongoing and a mixed-use designation with provisions for low intensity commercial has been discussed for this area.

At the full Board meeting, Mark Kowalski made a motion that was seconded by Cliff Kunes to accept the CRC recommendation to leave the following applications as Class 1's and to forward all comments back to the referring agencies for their review: 61-04, 62-04, 63-04, 64-04, 65-04, 66-04, 69-04, 70-04, 71-04 & 79-04.

Jeff Hagadorn abstained from voting.

The motion passed by a unanimous vote of all remaining voting members present (10).

72-2004

Town of Canandaigua Planning Board

Class 2

Type: *Subdivision*

Applicant: *Property Development of Western NY*

Brief Description: *3 5-lot townhouse development (Formerly Fall Brook Meadows)*

Location: *West of State Rt 364, just South of Fallbrook Mobile Home Park*

Staff Summary: A similar development was reviewed by the CPB in 2002. An identical development was reviewed in July of 2003. Any needed variances have been granted and it appears this is simply redrawing different lot lines around the same physical development

The site will have a single curb cut onto State Rt 364. Public water and sewer are available. Seven of the ten buildings will be in the 100yr floodplain. Storm sewers and swales will direct storm runoff to two detention ponds that will empty into a third. That in turn will empty into Fallbrook Creek.

A stormwater management report, dated June 12, 2003 was submitted with the previous application. It describes how the site has received a "substantial amount of fill over the years". This will be graded and additional fill will be brought in to achieve the final grade shown on the site plan. The report indicates that the detention facilities will control the rate of runoff for a 10-year storm to pre-developed conditions.

The report also indicates that the 15 minutes of detention provided will be enough to allow water temperature to reach ambient levels before it reaches Fall Brook. There is no indication if this system

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meets Phase II SPDES requirements.

**Findings from July 2003**

1. Fall Brook runs along the north boundary of this lot.
2. Protection of natural features is an intermunicipal issue of concern to the CPB as described in Article 8, Section 2.4 of their bylaws.
3. This proposal will have a significant impact on the grade and amount of impervious surface on this site.
4. Currently roughly 2/3 of the site is inside of the mapped 100yr FEMA flood zone.
5. The drainage report does not mention SPDES Phase II requirements.
6. With the modification written below impacts to the adjacent Fall Brook will be largely mitigated.

Based on the above findings, the CPB voted to approve on the condition that the stormwater management plan meet Phase II SPDES requirements.

*Based on the July, 2003 findings the CRC made a recommendation to approve application 72-04 with the following modification*

*Modification: the Town and applicant will ensure that the proposed stormwater management plan meets NYSDEC Phase II SPDES requirements:*

*At the full Board meeting, Dave Wink made a motion that was seconded by Mark Kowalski to based on the above findings, accept the CRC recommendation and approve application 72-04 and to forward all comments back to the referring agency for their review.*

*Jeff Hagadorn abstained from voting.*

*The motion passed by a unanimous vote of all remaining voting members present (10).*

**March 2004 Board Comments**

1. Since a significant portion of this development is within the 100yr FEMA Flood Zone, The Town should ensure that any additional required updates to the All Hazard Mitigation Plan are completed as well.

78-2004

Town of Canandaigua Town Board

Class 2

Type: *Text Amendment*

Applicant: *Town Board of Canandaigua*

Brief Description: *Incentive Zoning Law*

Staff Summary: The Town is proposing a local law that would allow the Town Board to grant various incentives such as increased development density or "changes of use" in exchange for amenities provided by the developer. The listed incentives for developers are an increase in dwelling unit density for a site, changes in lot area and dimensional requirements, and changes of use. The amenities for the Town are very broadly worded and range from open space to infrastructure improvements. The zones affected are basically the higher density residential (excluding lakefront), commercial and industrial districts. The review process gives the Town Board significant discretion regarding what to review and submission requirements. The comprehensive plan is mentioned as a guide but nothing specific was sited to guide the process.

**Board Comments**

The Town's are commended for their efforts at providing additional options for local development. The following comments are intended to be a basis for further discussion and possible changes to the

Ontario County Planning Board – Full Board Meeting Minutes for March, 2004 - Draft proposed laws. It appears the law is intended to give the Town Board flexibility in negotiating with developers for amenities of benefit to the community. It is hoped that the following comments will help make the law more specific in its direction, consistent in its application and overall a better tool for the Towns.

The NYS Enabling legislation for incentive zoning found in §261-b of Town Law contains very explicit language as to what is required for a Town to enact incentive zoning.

First, the proposal must be consistent with the adopted comprehensive plan. Does the Town's comprehensive plan identify certain public improvements or amenities they wish to have developers provide as well as those zoning requirements that are to be relaxed in exchange for them?

Second, the statute encourages municipalities to be specific in their designations of what incentives or bonuses can be granted to a developer in exchange for specific amenities of benefit to the Town. The draft local law appears to be very broad in its designation of both incentives and amenities as well as in those zones affected. Instead of establishing which specific amenities the Town is interested in pursuing, such as additional open space, a sewer extension, or street landscaping, the local law simply repeats the list of possible amenities the enabling statute states the town may consider. Similarly, there is no specific bonus or incentive for the developer mentioned.

Third, in its consideration of the local law and the environmental review conducted pursuant to it, the Town Board must find that there is relative equity between the value of the amenity sought and the benefit offered to the developer in exchange. The legislation requires that this balancing be done with the passage of the local law. The proposed draft local law and draft environmental assessment charges the Town Board with weighing each individual application on its unique merits, on a case by case basis, as specific proposals are brought before it. With such a procedure, ensuring equitable treatment of each applicant would be very difficult. A simple change of Town Board attitudes or an election may very well affect the outcome of a proposed incentive zoning proposition, opening the door for potential challenges under equal protection and due process clauses of the constitution. In view of these clauses, zoning is required to provide rules that apply equally to everyone, at least within a particular district. The state's incentive zoning enabling statute addresses this fairness by requiring specific incentives for the provision of specific amenities, so that the same opportunity is available to every landowner or developer in the affected district.

To address these issues, a "scaled down," more focused law would be a more prudent approach to allow the Town Board test this new form of regulation

There also appears to be significant overlap in the authority that will be given to the Town Board and what has already been given to the Planning Board and Zoning Board of Appeals by existing local laws. For example, the Planning Board is empowered to require clustering during subdivision review, where the Planning Board may modify dimensional requirements in exchange for amenities (usually open space or the like) provided by the developer. It would be helpful to clarify the roles of each board in such a situation. Similarly, if an applicant is turned down for an area or use variance, can they simply approach the Town Board with the same proposal but offer an amenity or cash payment in lieu thereof? This appears to have the potential to subvert an existing variance process that is rooted in balancing land use impacts rather than a trade between the developer and the Town.

The CPB offers three recommendations:

- 1) Scale back the areas and land use covered and the amenities sought and see how this new approach works in a real world application. The opportunity to broaden authority will always be present.
- 2) It would be helpful to clarify the separation between the powers of the Planning Board, the ZBA and the Town Board. As written it is unclear when an applicant should apply for a use variance

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from the ZBA or a “change of use” from the Town Board. The same would apply to clustered residential subdivisions. When is it a Planning Board or a Town Board function?

- 3) The review process should be standardized so that each applicant is likely as a matter of process, to be treated the same. The broad discretionary powers over submission requirements and whether or not to review and the lack of specific criteria guiding that review appear to invite the opposite.

The CPB agrees that incentive zoning can address issues that traditional zoning cannot. In this case it appears that a more conservative approach with additional standards for a more consistent and predictable review will serve the Town well.

**X Findings:**

1. Certainly this law will have wide ranging impacts that go beyond the Town boundaries.
2. It is the position of this Board that the proposed law meets the minimum requirements of section Article 16, Section 261-b of the NYS Enabling Legislation related to Incentive Zoning.
3. Proper implementation of incentive zoning will give the Town an additional tool for protecting open space, securing need infrastructure improvements, etc.

Based on the above findings, the CRC made a recommendation to approve application 78-04 and to forward all comments back to the referring agency for their review.

At the full Board meeting, Dave Wink made a motion that was seconded by Mark Kowalski to based on the above findings, accept the CRC recommendation and approve application 78-04 and to forward all comments back to the referring agency for their review.

Jeff Hagadorn abstained from voting.

The motion passed by a unanimous vote of all remaining voting members present (10).

76-2004

Town of Farmington Planning Board

Class 1

Type: Site Plan Approval

Applicant: Subway Farmington

Property Owner: LLD Corp

Brief Description: Placement of a conforming building sign.

Location: Northwest corner of State Rt 96 and State Rt 332

Staff Summary: The proposed 8sf building sign meets all local dimensional requirements. No other development is proposed.

At the full Board meeting, Glen Wilkes made a motion that was seconded by Cliff Kunes to based on the above findings, accept the CRC recommendation and leave application 76-04 as a Class 1.

Meg Godly abstained from voting.

The motion passed by a unanimous vote of all remaining voting members present (10).

77-2004

Town of Farmington Town Board

Class 2

Type: Text Amendment

Applicant: Farmington Town Board

Brief Description: Incentive Zoning Law

Staff Summary: The Town is proposing a local law that would allow the Town Board to grant various

Ontario County Planning Board – Full Board Meeting Minutes for March, 2004 - Draft incentives such as increased development density or “changes of use” in exchange for amenities provided by the developer. The listed incentives for developers are an increase in dwelling unit density for a site, changes in lot area and dimensional requirements, and changes of use. The amenities for the Town are very broadly worded and range from open space to infrastructure improvements. The zones affected are basically the higher density residential, commercial and industrial districts. This law differs from that proposed for the Town of Canandaigua in that the Farmington Town Board will have more limited discretion regarding submission and review.

#### Board Comments

The Town is commended for their efforts at providing additional options for local development. The following comments are intended to be a basis for further discussion and possible changes to the proposed laws. It appears the law is intended to give the Town Board flexibility in negotiating with developers for amenities of benefit to the community. It is hoped that the following comments will help make the law more specific in its direction, consistent in its application and overall a better tool for the Towns.

The NYS Enabling legislation for incentive zoning found in §261-b of Town Law contains very explicit language as to what is required for a Town to enact incentive zoning.

First, the proposal must be consistent with the adopted comprehensive plan. Does the Town's comprehensive plan identify certain public improvements or amenities they wish to have developers provide as well as those zoning requirements that are to be relaxed in exchange for them?

Second, the statute encourages municipalities to be specific in their designations of what incentives or bonuses can be granted to a developer in exchange for specific amenities of benefit to the Town. The draft local law appears to be very broad in its designation of both incentives and amenities as well as in those zones affected. Instead of establishing which specific amenities the Town is interested in pursuing, such as additional open space, a sewer extension, or street landscaping, the local law simply repeats the list of possible amenities the enabling statute states the town may consider. Similarly, there is no specific bonus or incentive for the developer mentioned.

Third, in its consideration of the local law and the environmental review conducted pursuant to it, the Town Board must find that there is relative equity between the value of the amenity sought and the benefit offered to the developer in exchange. The legislation requires that this balancing be done with the passage of the local law. The proposed draft local law and draft environmental assessment charges the Town Board with weighing each individual application on its unique merits, on a case by case basis, as specific proposals are brought before it. With such a procedure, ensuring equitable treatment of each applicant would be very difficult. A simple change of Town Board attitudes or an election may very well affect the outcome of a proposed incentive zoning proposition, opening the door for potential challenges under equal protection and due process clauses of the constitution. In view of these clauses, zoning is required to provide rules that apply equally to everyone, at least within a particular district. The state's incentive zoning enabling statute addresses this fairness by requiring specific incentives for the provision of specific amenities, so that the same opportunity is available to every landowner or developer in the affected district.

To address these issues, a “scaled down,” more focused law would be a more prudent approach to allow the Town Board test this new form of regulation

There also appears to be significant overlap in the authority that will be given to the Town Board and what has already been given to the Planning Board and Zoning Board of Appeals by existing local laws. For example, the Planning Board is empowered to require clustering during subdivision review, where the Planning Board may modify dimensional requirements in exchange for amenities (usually open space or the like) provided by the developer. It would be helpful to clarify the roles of each board in

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such a situation. Similarly, if an applicant is turned down for an area or use variance, can they simply approach the Town Board with the same proposal but offer an amenity or cash payment in lieu thereof? This appears to have the potential to subvert an existing variance process that is rooted in balancing land use impacts rather than a trade between the developer and the Town.

The CPB offers three recommendations:

- 4) Scale back the areas and land use covered and the amenities sought and see how this new approach works in a real world application. The opportunity to broaden authority will always be present.
- 5) It would be helpful to clarify the separation between the powers of the Planning Board, the ZBA and the Town Board. As written it is unclear when an applicant should apply for a use variance from the ZBA or a "change of use" from the Town Board. The same would apply to clustered residential subdivisions. When is it a Planning Board or a Town Board function?
- 6) The review process should be standardized so that each applicant is likely as a matter of process, to be treated the same. The lack of specific criteria guiding that review appears to invite the opposite.

The CPB agrees that incentive zoning can address issues that traditional zoning cannot. In this case it appears that a more conservative approach with additional standards for a more consistent and predictable review will serve the Town well.

**X** Findings:

1. Certainly this law will have wide ranging impacts that go beyond the Town boundaries.
2. It is the position of this Board that the proposed law meets the minimum requirements of section Article 16, Section 261-b of the NYS Enabling Legislation related to Incentive Zoning.
3. Proper implementation of incentive zoning will give the Town an additional tool for protecting open space, securing need infrastructure improvements, etc.

**U** *Based on the above findings, the CRC made a recommendation to approve application 77-04 and to forward all comments back to the referring agency for their review.*

**U** *At the full Board meeting, Jeff Hagadorn made a motion that was seconded by Mark Kowalski to based on the above findings, accept the CRC recommendation and approve application 77-04 and to forward all comments back to the referring agency for their review.*

*Meg Godly abstained from voting.*

*The motion passed by a unanimous vote of all remaining voting members present (10).*

74 - 2004

Town of Geneva Planning Board

Class 1

Type: *Site Plan Approval*

Applicant: *Fisher Associates*

Property Owner: *New Plan Realty Trust*

Brief Description: *Modify an existing commercial plaza to accommodate a tractor supply Business*

Location: *Pyramid Mall, south of Route 5 & 20, between State Rt 14A & County Road 6*

Staff Summary: The applicant would like to modify the existing Big Lots store to accommodate more outdoor product storage without reducing the overall number of parking spaces or increasing the impervious surface area on the site. As a result it is not anticipated that the drainage patterns will be

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A portion of the parking lot will be fenced in and used for outdoor product storage. Subsequently a wing of the existing building (about 182' x 212') will be removed and turned into parking spots. The trade off appears to be about equal. No other development is proposed.

 Board Comments

1. The Town is strongly encouraged to do what it can to require the applicant to improve the drainage situation so that it meets NYSDEC Phase II SPDES standards for stormwater management.
2. A full inspection of the drainage system should be done to ensure that it is functioning properly

 At the full Board meeting, Dave Wink made a motion that was seconded by Mark Kowalski to accept the CRC recommendation to leave application 74-04 as a Class 1 and forward all comments back to the referring agency for their review.

The motion passed by a unanimous vote of all voting members present (11).

75 - 2004

Town of Gorham Planning Board

Class 1

Type: *Special Use Permit*

Applicant: *Harvey Martin*

Brief Description: *Home Business - Lawnmower sales, service and repair.*

Location: *Southwest corner of State Rt 245 and Bassage Rd*

Staff Summary: The business will be conducted in and around an existing frame barn. There will be outdoor display under an extended roof in the front. Front setback is about 30'. The existing curb cut will be used and it appears that a small gravel parking area will be extended about 35' from each end of the barn. No other development is proposed.

 At the full Board meeting, Allan Saxby made a motion that was seconded by Cliff Kunes to accept the CRC recommendation to leave application 75-04 as a Class 1.

The motion passed by a unanimous vote of all voting members present (11).

60 - 2004

Town of Phelps Planning Board

Class 1

Type: *Area Variance*

Applicant: *Ralph Amberg*

Brief Description: *Construction of a 30 x 60' pole barn on a residential lot.*

Location: *South of County Road 23, 1200' west of Tileyard Rd*

Staff Summary: The building would use an existing driveway off of County Road 23. It appears that the selected location for the barn is either very near or inside the 100yr flood zone for an adjacent stream. It also appears to be infringing on a mapped (NWI) Federal wetland. A review of recent aerial photography shows piles of fill in an around the proposed building site. The aforementioned stream runs north into the Newark reservoir and eventually into Flint Creek.

 Board Comments

1. Since a portion of this development appears to be within the 100yr FEMA Flood Zone, The Town should ensure that any additional required updates to the All Hazard Mitigation Plan are completed as well.

 Findings

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1. Although this is a relatively small development its location next to the federal wetland and 100yr FEMA flood zone raise real issues regarding protect of natural features and water quality.
  2. Such issues are of intermunicipal and countywide concern as stated in the CPB bylaws.
  3. It appears that the applicant has already been filling this portion of the lot in preparation for the proposed construction.

Based on the above findings, the CRC made a recommendation to approve application 60-04 with the following modification:

**Modification:** The Town and applicant will address the potential infringement and impact on the 100yr FEMA flood zone and the federal wetland adjacent to this site.

At the full Board meeting, Cliff Kunes made a motion that was seconded by Meg Godly to based on the above findings, accept the CRC recommendation and approve application 60-04 with the above listed modification.

Glen Wilkes abstained from voting.

The motion passed by a unanimous vote of all remaining voting members present (10).

54-2004

Town of Richmond Planning Board

Class 1

Type: *Site Plan Approval*

Applicant: *Joseph A. Keller*

Brief Description: *Convert an existing commercial building to commercial storage units*

Location: *West of Briarcliff Sq, 400' north of US Rt 20A, County Road 36 intersection*

Staff Summary: The floor plan shows 13 storage units in one existing building. It doesn't appear that any changes will be made to the site. The building is at the end of a private access drive and has pavement on all sides.

At the full Board meeting, Dave Wink made a motion that was seconded by Mark Kowalski to accept the CRC recommendation to leave application 54-04 as a Class 1.

The motion passed by a unanimous vote of all voting members present (11).

56-2004

Town of South Bristol Planning Board

Class 1

Type: *Site Plan Approval*

Applicant: *Worden Hill, Inc.*

Property Owner: *South Bristol Resorts, LLC*

Brief Description: *Addition of 28 slip spaces to an existing floating dock.*

Location: *Bristol Harbour Village Complex, off of Seneca Point Rd*

Staff Summary: The proposal appears to meet the requirements of the Uniform Docks and Moorings Law. The applicant has asked the Ontario County Sheriff's Department for their comments on the proposal.

At the full Board meeting, Dave Wink made a motion that was seconded by Mark Kowalski to accept the CRC recommendation to leave application 56-04 as a Class 1.

The motion passed by a unanimous vote of all voting members present (11).

80-2004

Town of Victor Zoning Board of Appeals

Class 1

Type: *Area Variance*

Applicant: *Cole & Parks*

Representative: *Mossein Architects*

Property Owner: *WDC Properties LLC*

Brief Description: *Increase parking area for existing coffee house (Cole & Parks)*

Location: *North of Rowley Rd, east of State Rt 96*

Staff Summary: 28 additional spaces will be added, doubling the parking. The required side setback is 10'. Applicant is proposing 0.0'. The required front setback is 80'. Applicant is proposing 0.0'. Applicant cites the unexpected success of the business and ongoing parking problems as the reason for this proposal. The site plan indicates that for 17 or so of the new spaces drivers will be required to navigate in the drive through lane to get into the space.

A small detention pond will be added to the northwest corner of the lot. Applicant indicates that runoff from up to a 100yr storm will be properly detained and released at less than predevelopment levels.

 Board Comments

1. Although there does not appear to be many options for adding parking to this site, the proposed layout looks dangerous. For example how will drivers maneuver into spaces 4-15 without driving against the flow of traffic in the drive through lane? Spaces 24 through 28 also look problematic. To accommodate this much additional on site traffic, the drive through window and all that related on site drive through traffic may need to be eliminated altogether.
2. Short of that some of the new parking may be designated for employee use only to limit the actual number of conflicting traffic movements occurring in the drive through lane.
3. Consideration should be given to the impact all of this additional pavement will have on the historic character of this lot.

 At the full Board meeting, Meg Godly made a motion that was seconded by Dave Wink to accept the CRC recommendation to leave applications 80-04 and 81-04 as Class 's and to forward all comments back to the referring agencies for their review.

Chris Hart abstained from voting.

The motion passed by a unanimous vote of all remaining voting members present (11).

81-2004

Town of Victor Planning Board

Class 1

Related Referrals: 80-04

Type: *Site Plan Approval*

Applicant: *Cole & Parks*

Representative: *Mossein Architects*

Property Owner: *WDC Properties LLC*

Brief Description: *Increase parking area for existing coffee house (Cole & Parks)*

Location: *North of Rowley Rd, east of State Rt 96*

Staff Summary: Refer to application 80-04, above.

57-2004

Village of Manchester Village Board

Class 1

Type: *Map Amendment*

Applicant: *McMillan Holdings, LLC*

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Representative: *John Tyo, Attorney*

Brief Description: *Rezoning two parcels from I-1 Industrial to C-1 Commercial*

Location: *West of the north end of Main Street, south of the State Rt 96*

Staff Summary: The Village has recently annexed the lot to the north bringing the village line up to State Rt 96. The property currently has an abandoned school building on it. No development has been described as part of this application.

#### Board Comments

1. The CPB is very concerned that the applicant has completely cleared this site without local oversight or approval. At a minimum there should have been a notice of intent filed with NYSDEC and a stormwater pollution prevention plan completed before this site was so altered. A look at and possible amendment of local review requirements to prevent this kind of thing in the future is strongly encouraged.

*At the full Board meeting, Dave Wink made a motion that was seconded by Cliff Kunes to accept the CRC recommendation to leave application 57-04 as a Class 1.*

*The motion passed by a unanimous vote of all voting members present (11).*

55-2004

Village of Naples Village Board

Class 2

Type: *Text Amendment*

Brief Description: *New Comprehensive Plan (December, 2003 draft)*

Staff Summary: This will be the first plan for the Village. It was prepared with assistance from a consultant and this department. There has been a community survey completed, a number of public meetings, and other steps to encourage public participation. The community survey identified 15 priority issues that cover many of the same issues as in other community plans: Allow for a reasonable amount of high quality development and at the same preserve the community's essential rural character.

Plans for a new public sewer system are addressed as are development standards for Main Street, future land use, etc. The plan addresses issues beyond land use and capital projects as well: volunteer programs in support of the local emergency services, the Naples Library, and the Grape Festival to name a few, historic preservation, educational opportunities, and so on.

The future land use map shows the downtown area as mixed use. Two nodes of the same are defined for the north and south ends of Main Street. Areas have been planned for single and multi family housing. The map also designates significant areas as open space

#### Findings

1. The Village has drafted a well thought and workable plan through public participation as well as consultation with several planning professionals.
2. The goals of the plan are in agreement with many of the CPB's own stated goals.
3. It is the position of the CPB that the long term intermunicipal and countywide impacts resulting from this plan will certainly be positive.

*Based on the above findings, the CRC made a recommendation to approve application 55-04 with the following modification:*

*Modification: The color errors on the Future Land Use map will be corrected before adoption.*

*At the full Board meeting, Dave Wink made a motion that was seconded by Glen Wilkes to accept the*

Ontario County Planning Board -- Full Board Meeting Minutes for March, 2004 - Draft  
CRC recommendation and approve application 55-04 with the above listed modification.

*The motion passed by a unanimous vote of all voting members present (11).*

### Other Business

Cliff Kunes made a motion that was seconded by Meg Godly to accept the draft February 2004 minutes as correct and final.

*The motion passed by a unanimous vote of all voting members present (11).*

There was extended discussion regarding the changes to NYS GML as it affects county planning boards. The additional restrictions on participation of members of local Boards and at the County level was the main issue. There was no official action taken on this issue.

Jeff Hagon announced his resignation for the CPB. He indicated it was primarily due to above described changes to NYS GML described above. He explained that the Town was aware of his decision and as far as he knew they were in the process of finding a replacement.

At 9:15 Dave Wink made a motion that was seconded by Chris Hart to adjourn the meeting

*The motion passed by a unanimous vote of all voting members present (11).*

John Heiderich, Chair  
Chris Hart, Vice Chair



# Planning Board

Zoning & Subdivision  
Referral Cover Sheet

Municipality and Referring Agency Town of Canandaigua, Zoning Board of Appeals

Referring Official (name & address) Jean Chrisman, Zoning Officer, 5440 Route 5 & 20 West, Canandaigua NY 14424 (396-0430)

Email jchrisman@townofcanandaigua.org

Applicant (name & address) Scott Harter, Professional Engineering Services, 7171 Victor Pittsford Rd, Victor NY 14564 (585-924-1860)

Email proengineer1@prodigy.net

Property Owner (name & address) Charles & Jane Gavett, 4520 Kear Road, Canandaigua NY 14424

Email

Other Agent or Representative (Attorney, Architect, etc) (name & address) \_\_\_\_\_

Email

## Property Information:

Tax Map Parcel #'s 70.00-1-16.100 Zoning CC

Public or Private Sewer Public Water Public Drainage Public

## Application Type

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan Approval
- Minor Subdivision
- Major Subdivision
- Text Amendment
- Map Amendment

## Sections of Local Code (s) that apply to this application

105-508; 105-8201(A)(1); Schedule 1 for CC

(will be applying for PB site plan approval at a future date)

**Certification:** *With the following signature I certify that this application provides a complete description of the proposed local action and is a "complete application" pursuant to the Ontario CPB Bylaws and NYS General Municipal Law Article 17b, Section 239-m, part c.*

Jean Chrisman 2/27/04, Referring Official



Provision of required information is the responsibility of the applicant and referring agency. Failure to provide such information may result in a significant delay in processing.

This form can be filled out online at: <http://www.co.ontario.ny.us/planning/acrobat/ReferralForm>

**TOWN OF CANANDAIGUA**

*Samuel J. Casella*  
*Supervisor*

5440 Route 5 & 20 West  
Canandaigua, NY 14424

*Judith H. Carson*  
*Town Clerk*

**PLANNING REVIEW COMMITTEE (PRC)**  
**Meeting Minutes of February 19, 2004**

**TO:** Scott Harter, Professional Engineering Group (for Gavett)  
**FAX #:** 924-1861  
**DATE:** Monday, February 23, 2004

**Harter for Gavett (CPN-011-04) (area variance)**

Board Notes:

1. SEQR – Type II.
2. A referral to the OCPB is required.
3. An Agricultural Data Statement is not required.
4. A referral to the Town Engineer (MRB Group) will be made as an “FYI Only” at this time.
5. Area variances being requested include:
  - a. Size of parking stalls (requesting 9 ft x 18 ft) (required 10 ft x 20 ft)
  - b. Front setback to NYS Route 332.
  - c. Front setback to Aroline Drive.
  - d. Driveway separation from the Aroline Drive entrance / exit to NYS Route 332.

The applicant needs to complete the following by Wednesday, February 25, 2004, 12 noon, to remain considered for the March 2004 agenda:

1. As the configuration of the covered entry and size of the refrigerated cooler have changed, new site plans must be submitted showing these changes – 8 copies.
2. The Site Development Permit Application needs to be changed (square footage of new construction) to reflected these new configurations.

# ATTACHMENT 12



# GROVE ENGINEERING

8677 STATE ROUTE 53  
NAPLES, NEW YORK 14512  
585-797-3989 PHONE  
585-531-4084 FAX  
grove.engineering@yahoo.com

November 22, 2016

Eric Cooper  
Zoning Officer  
Town of Canandaigua

Sent via Email

Re: Soil Erosion and Landscaping Cost Estimate  
Rohr Garage Addition, 4246 County Road 16

Dear Mr. Cooper,

As you requested, here are the estimated costs for the installation and maintenance of the erosion control facilities and proposed landscaping on the above referenced project:

Silt Fence	100 LF @ \$1.50/LF	= \$150
Temporary seeding	Lump Sum	= <u>\$50</u>
	Subtotal:	\$200
Final seeding all disturbed areas	Lump Sum	= <u>\$200</u>
	Total:	\$400

If you have any questions, feel free to contact me.

Sincerely,

William J. Grove, P.E.

# Town of Canandaigua

*Established 1789*

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

December 5, 2016

Mrs. Pamela Helming, Supervisor  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

**RE: ROHR GARAGE ADDITION – 4246 COUNTY ROAD 16  
LANDSCAPING & EROSION CONTROL SURETY ESTIMATE REVIEW  
TAX MAP NO. 126.12-2-14.000  
CPN No. 076.077-13**

Supervisor Helming,

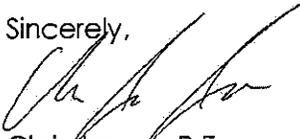
Please be advised that the Development Office has completed a review of the submitted Landscaping & Erosion Control Surety Estimate dated November 22, 2016, prepared by Grove Engineering for the above referenced project.

Based on our review of the submitted estimate we recommend that a Landscaping & Erosion Control Surety be approved in the amount of Six Hundred Dollars (**\$600.00**). The breakdown of this amount is on the attached estimate.

Please note that the original surety document regarding the establishment of the Landscaping & Erosion Control Surety is required to be submitted to the Town Clerk for processing. Once the original is received by the Town Clerk, all information will be forwarded to the Town Attorney for review prior to being placed onto the Town Board agenda.

Any questions and/or comments you may have in this regard, please feel free to contact us at your earliest convenience.

Sincerely,



Chris Jensen P.E.  
Code/Zoning Enforcement Officer

cc Jean Chrisman, Town Clerk  
Doug Finch, Director of Development  
Thomas Schwartz, Planning Board Chairman  
Jim Fletcher, Highway and Water Superintendent  
William Grove P.E., Applicant - Grove Engineering  
Michelle Amon, Development Clerk

# ATTACHMENT 13

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: PUBLIC HEARING AND SEQR TOWN BOARD INTENT TO DECLARE  
LEAD AGENCY FOR ROUTE 5&20 WETLAND AND WATERSHED RESTORATION  
PROJECT ALONG SUCKER BROOK

Location: Town of Canandaigua, 5575 Route 5 & 20

Description of the Action:

This action includes the intent of the Town Board to declare Lead Agency Status on a project known as Sucker Brook Watershed and Wetland Restoration Project. Please see SEQR Part 1 for more detailed information.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_

Print or Type Name of Responsible Officer

\_\_\_\_\_

Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after January 9, 2017 pending no objection in accordance to 6 NYCRR Part 617.

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: Sucker Brook Watershed and Wetland Restoration Project - Route 5&20 Site		
Project Location (describe, and attach a general location map): 5575 Route 5&20, Canandaigua, NY - This is south of Route 5&20 and east of Hickox Road		
Brief Description of Proposed Action (include purpose or need): The Town of Canandaigua will accept easements on two properties and will partner with the City and Watershed Council to implement a multi-benefit wetland/watershed improvement project in the Sucker Brook Subwatershed. In recent years, Sucker Brook has flooded and caused damage to areas downstream of the project site. In addition, water quality monitoring from numerous storm events identifies Sucker Brook as having high concentrations of nutrients and bacteria and one of the poorest water quality overall. The goal is to enhance/expand wetland functional values throughout the Sucker Brook Subwatershed to gain additional ecosystem services in improved water quality, flood resiliency and habitat value. To accomplish this, the proposed project will create a new wetland and will restore a wetland that has been previously drained. High flows will be captured from Sucker Brook and will flow through a grassed waterway and then a wider depositional area to filter out sediments. The water will then flow into the newly created wetland via a culvert to achieve water quality and flood resiliency benefits. During the approximate 2-year and larger events when the culvert is exceeded, water will slowly seep into the existing wetland with the goal of restoring the wetland's original size prior to draining. The project is designed to restore a functioning watershed for multiple environmental gains without negatively impacting existing wetland function or movement of aquatic organisms.		
Name of Applicant/Sponsor: Town of Canandaigua		Telephone: (585) 394 -1120
		E-Mail: dod@townofcanandaigua.org
Address: 5440 Route 5&20 West		
City/PO: Canandaigua	State: NY	Zip Code: 14424
Project Contact (if not same as sponsor; give name and title/role): Kevin Olvany		Telephone: (585) 396-3630
		E-Mail: kevin.olvany@canandaiguanyork.gov
Address: 205 Saltonstall Street		
City/PO: Canandaigua	State: NY	Zip Code: 14424
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

<b>B. Government Approvals, Funding, or Sponsorship.</b> ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
<b>Government Entity</b>	<b>If Yes: Identify Agency and Approval(s) Required</b>	<b>Application Date (Actual or projected)</b>
a. City Council, Town Board, or Village Board of Trustees <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Canandaigua Town Board - Approval to fund project	Approved in 2015 for funding through the 2016 budget
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	DOS - Approval of final designs as it is funding a portion of the project; DEC Wetland permit	December 2016 - projected
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	ACOE- Nationwide Permit #27	December 2016 - projected
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<ul style="list-style-type: none"> <li>If Yes, complete sections C, F and G.</li> <li>If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The 2014 Comprehensive Update to the Canandaigua Lake Watershed Plan - This plan specifically calls for the creation, restoration, and protection of wetlands in the Sucker Brook watershed.	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes, identify the plan(s):	
The proposed project concept is mentioned in multiple areas of the Town's Open Space Inventory, Watershed Plan and in the draft farmland protection plan. In addition, the project concept is in the latest update of the Town's Comprehensive Plan.	
_____	

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district?  
 AR-2 - Agricultural Rural Residential - 2 Acre Lot

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? Canandaigua City School District

b. What police or other public protection forces serve the project site?  
 N/A

c. Which fire protection and emergency medical services serve the project site?  
 N/A

d. What parks serve the project site?  
 N/A

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? open land - wetland/watershed restoration

b. a. Total acreage of the site of the proposed action? 22.6 acres  
 b. Total acreage to be physically disturbed? 5 acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 22.6 acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
 \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated 3  
 • Anticipated commencement date of phase 1 (including demolition) 1 month 2017 year  
 • Anticipated completion date of final phase 10 month 2018 year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

The first phase will be the ground disturbance phase, where the site grading and excavation will occur. The following two phases will include the planting of native vegetation. The plantings will be completed as close to the completion of ground disturbance as possible, but when survival success is the greatest.

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,  
 i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,  
 i. Purpose of the impoundment: create new wetland for habitat, water quality and flood resiliency benefits; restore existing wetland to original size  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: Sucker Brook and two small waterways that drain to Sucker Brook  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ 3 million gallons; surface area: \_\_\_\_\_ 3 acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ 5.5 feet height; \_\_\_\_\_ 600 ft length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
Earth fill from the project site will be used to construct the small berm. Water will only be temporarily impounded- 3 days in constructed wetland

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:  
 i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:  
 i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): NYS DEC Wetland CG-21 (Class 3); Sucker Brook (Class C); Unnamed tributary to Sucker Brook which is located just south of Route 5&20 (Class C); Unmapped waterway to Sucker Brook which is located approximately 800 feet southwest of the unnamed tributary

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:  
 High flows from Sucker Brook will be captured by replacing an existing culvert with a smaller culvert and stabilizing it. Baseflow in Sucker Brook will continue unimpeded. The unnamed waterway that drains the existing wetland will be restored to flow through its original location. No disturbance will occur in the existing wetland or adjacent area. The existing wetland will receive backwater during major events further saturating the wetland with the goal of restoring its original size and will not change the structure of the wetland.

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: replacement of culvert and any necessary bank stabilization to capture high flows will disturb bottom sediments in Sucker Brook

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_  
 All disturbed banks will be reseeded and temporarily stabilized.

---

c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

Do existing sewer lines serve the project site?  Yes  No  
 Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:
 

- i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 0 acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ 22.6 acres (parcel size)
- ii. Describe types of new point sources. N/A
- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 All disturbed areas will be contained by silt fence, temporarily stabilized and heavily seeded following NYS Blue Book. No water will be captured from Sucker Brook until the grassed swale and new wetland have been seeded/planted and vegetative growth has been established for a growing season.  
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)
- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)
- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- ii. In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_

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vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_ 7:00 am to 5:30 pm
- Saturday: \_\_\_\_\_ 7:00 am to 5:30 pm
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p> <p>_____</p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p> <p>_____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

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t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

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b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	0	0
• Forested	4	4	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	4	3	-1.0
• Agricultural (includes active orchards, field, greenhouse etc.)	3.5	1.5	-2.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.5	0.5	0
• Wetlands (freshwater or tidal)	10	13.0	+3.0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

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**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ >6.6 feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site:

Lyons soils	_____	49.9 %
Lima loam	_____	42.6 %
fluvaquents-udifluvents	_____	4.4 %

d. What is the average depth to the water table on the project site? Average: 0-25 50-10 feet

e. Drainage status of project site soils:  Well Drained: 3.1 % of site  
 Moderately Well Drained: 42.7 % of site  
 Poorly Drained: 54.2 % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: 100 % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

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**h. Surface water features.**

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No  
 If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 898-222 Classification C \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters.... Approximate Size NYS Wetland (in a... \_\_\_\_\_
- Wetland No. (if regulated by DEC) CG-21 \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No  
 If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

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i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No  
 If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____ _____	
<i>ii.</i> Source(s) of description or evaluation: _____	
<i>iii.</i> Extent of community/habitat:	
<ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, give a brief description of how the proposed action may affect that use: _____ The adjoining area is currently used by the land owner for deer hunting. _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, provide county plus district name/number: <u>ONTA001</u>	
b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> <i>i.</i> If Yes: acreage(s) on project site? <u>10.4</u> <i>ii.</i> Source(s) of soil rating(s): <u>prime farmland</u>	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
<i>i.</i> CEA name: _____ <i>ii.</i> Basis for designation: _____ <i>iii.</i> Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
<i>ii.</i> Name: _____	
<i>iii.</i> Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
<i>i.</i> Describe possible resource(s): _____	
<i>ii.</i> Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
<i>i.</i> Identify resource: <u>Canandaigua Lake</u>	
<i>ii.</i> Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): <u>scenic area</u>	
<i>iii.</i> Distance between project and resource: _____ 2.25 miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes:	
<i>i.</i> Identify the name of the river and its designation: _____	
<i>ii.</i> Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

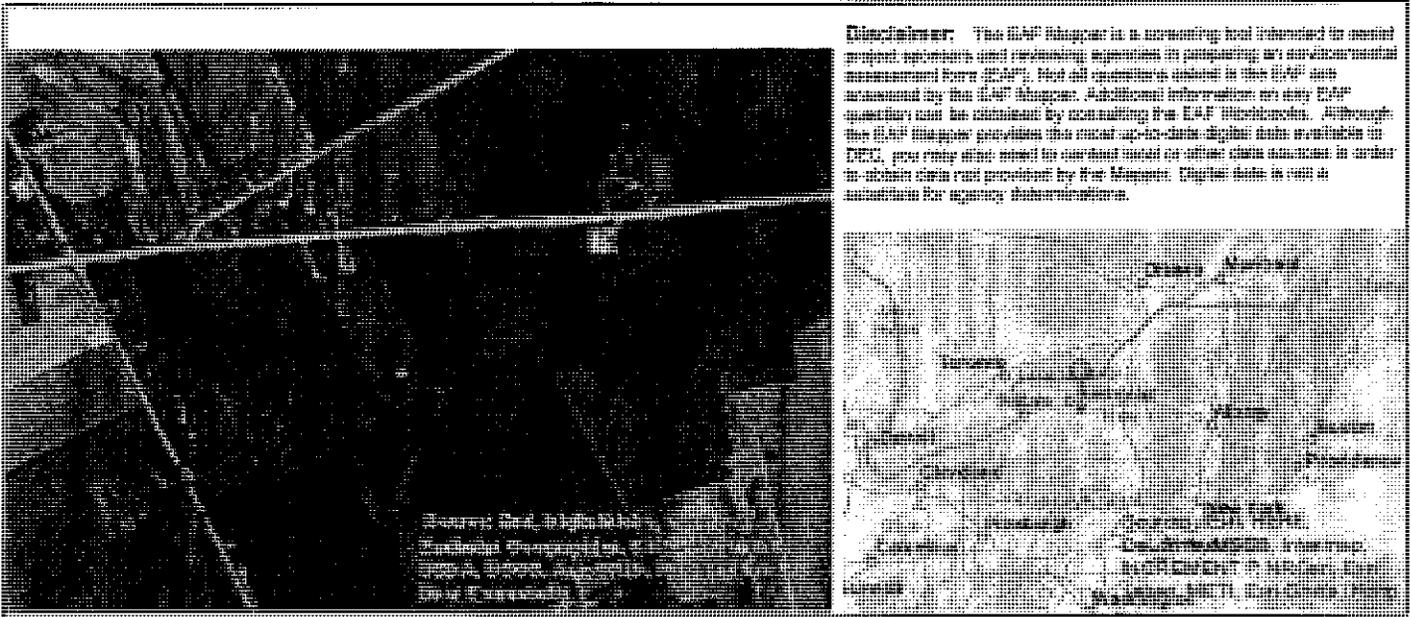
If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Kevin Olvany Date \_\_\_\_\_

Signature \_\_\_\_\_ Title Watershed Program Manager



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all conditions related to the EAF are assessed by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbook. Although the EAF Mapper provides the most up-to-date digital data available to DEC, users may wish to consult other digital data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	898-222
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters, NYS Wetland
E.2.h.iv [Surface Water Features - Wetlands Size]	NYS Wetland (in acres):23.0
E.2.h.iv [Surface Water Features - DEC Wetlands Number]	CG-21
E.2.h.v [Impaired Water Bodies]	No

E.2.i. [Floodway]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.j. [100 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.k. [500 Year Floodplain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	ONTA001
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

# ATTACHMENT 14



## Professional Services Agreement

The following is a listing of all Professional Services Agreements that Integrated Systems is offering for **Engineering Services and Software Development**. It includes Network and System troubleshooting, programming, end user technical support, cabling and travel. The hours may be used for any combination of services. The larger the time block purchased, the greater the savings per hour. Contract rates cover work performed by any Integrated Systems Engineer at one unit per hour, except for services requiring a Senior Engineer whose hours are billed at 1.3 units per hour; those services include; Server Implementations, Network Design and Engineering, and at client request.

### Professional Service Agreement Terms:

**Payment in full is due before any project/support is started.**

**Purchase of Professional Service Agreements are non refundable.**

Clients with **PSA** receive priority telephone response time over non-PSA clients.  
(average response time: less than 1 hour)

Clients with **PSA** receive priority on-site response time for troubleshooting & technical support over non-PSA clients.

Clients with **PSA** have the option to have updates delivered via modem; mail; or on-site delivery.

Travel time is billed as straight time

Weekend/Overtime hours will be billed at 2 X regular rate

Modem/Phone charges are the responsibility of the client and are always billable.

Engineer's time is billable when:

- Working on additions/updates to programs / integration/ research
- Travel time between office and customer's location
- Time involved in gathering information for projects

Statements of time spent on this contract are available at the Client's Request

**LIMITATION OF WARRANTY LIABILITY:** The obligation of Integrated Systems under the warranty is limited to the repair or replacement, at Integrated Systems option, of a non-conforming product, part or component thereof, except consumable accessories, within a reasonable time after notification. The clients remedies are limited to Integrated Systems obligations stated herein, subject to the "EXCLUSIVE REMEDY" set forth in the paragraph below. This warranty extends only to the client. **THIS WARRANTY IS EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES EXPRESSED OR IMPLIED, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS.** Integrated Systems has not made and makes no guarantee or warranty, including implied warranty or merchantability or fitness, that the system, equipment, or services supplied will avert, avoid or prevent the loss of data or information or the consequences therefrom, which the system or service is designed to provide. It is mutually understood and agreed that in executing this Agreement, client is not relying on any advice or advertisement of Integrated Systems. Client agrees that any representation, promise, condition, inducement or warranty, express or implied, including those of merchantability and fitness, not included in writing in this Agreement shall not be binding upon any "party." The client assumes all risk for loss or damage to the client equipment and data files except as specified herein.

**EXCLUSIVE REMEDY:** Because of the nature of the services rendered and the system as a whole, it is impractical and extremely difficult to fix the actual damages, if any, which may result from failure on the part of Integrated Systems to perform its responsibilities under this contract. Client does not desire this contract to provide full liability for loss, damage or injury due directly or indirectly to occurrences, or consequences therefrom, which the service or system is designed to deter or avert. In the event Integrated Systems should be

found liable for loss, damage or injury due to a failure of the equipment or services provided under this Agreement or the equipment in any respect, its liability shall be limited to \$250.00, as the agreed upon liquidated damages and not as a penalty. Such liquidated damages is the exclusive remedy for any failure of services or equipment, and the provisions of this paragraph shall apply if loss, damage or injury, irrespective of cause or origin, results directly or indirectly to a person or property from the performance or nonperformance of any obligation of Integrated Systems from negligence, active or otherwise, of Integrated Systems, its agents or employees. It is intended and expressly agreed that the purpose of the preceding provisions are to set an upper limit to the amount recoverable by the client and to fix liability of Integrated Systems at a specific sum of \$250.00. If client desires additional liability coverage, it shall be his responsibility to secure it from an insurance carrier or other agency of his choice, at his own expense. The client shall bring no suit against Integrated Systems more than one (1) year after the accrual of the cause of action therefore.

The Client agrees that, during the term of this Agreement and for a period of twenty-four (24) months thereafter, it will not actively solicit an Integrated Systems employee as a candidate or possible candidate for any position with the client or potential client, without first obtaining the written permission of Integrated Systems. Due to the difficulty of assessing damages in the event of a breach of this provision, the parties agree that Client will pay Integrated Systems, upon Integrated Systems written notice to the Client, an amount equal to three times the annual wages of any Integrated Systems employee who is referred by Client in violation of this provision. The Client will also reimburse Integrated Systems for any attorney's fees incurred by Integrated Systems in collecting amounts owed under this provision.

Pursuant to NYS General Municipal Law §103(16) the Town of Canandaigua certifies that this contract was awarded in compliance with the competitive bidding requirements of the State of New York for a professional service and agrees that the terms and conditions of such contract are available for use by other government entities and authorized Purchasers provided that Purchaser enters into a separate independent contract with Contractor, and in said contract Purchaser accepts sole responsibility for any payment due the Contractor for services/material rendered to that Purchaser

**Integrated Systems Contract Rate Schedule**

Contract	Hours	Rate/Hour	Total Cost	Savings
None		\$ 155.00		None
A	10	\$ 95.00	\$ 950.00	\$ 600.00
B	25	\$ 90.00	\$ 2250.00	\$ 1625.00
C	50	\$ 85.00	\$ 4250.00	\$ 3500.00
D	100+	\$ 75.00	\$ 7500.00+	\$ 8000.00+

Contract Selected:  D  100 Hours See Schedule A for detail

**I have read the above terms and conditions of the time contracts. I understand and agree to the above conditions and terms of the contract:**

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ PO#: \_\_\_\_\_

Integrated Systems Co-signed: \_\_\_\_\_

## Schedule A

### Town of Canandaigua Support Services Protocol and Service Reimbursement Schedule:

#### (1) day (4) hours onsite (1) day per month and as requested support time

##### Requests for Service:

Requests for Service, other than scheduled onsite service can be made by calling our office at 924-8670.

##### Rates / Reports:

Integrated Systems will provide the Town of Canandaigua support and troubleshooting for the Town's technology needs from 8am -5pm Monday through Friday at our quoted contract rate. A detailed summary of each service call will be provided upon request.

##### Scheduled Support Provided Monthly:

Integrated Systems will provide scheduled service to the Town to Canandaigua through (1) day per month for a maximum of four hours to support the IT services. If additional support time is needed it will be billed to the Town's existing/valid Professional Service Agreement.

##### **Scheduled Monthly Service:**

###### **Server Level: Monthly Onsite**

- Examination and Evaluation of Server event logs and document and report variations from established baselines.
- Examination and Evaluation of RAID5 Storage Configuration, document and report variations from established baseline
- Implement Microsoft Windows Updates as they are made available from Microsoft
- Evaluate Disk Space, document and report variations form established baselines
- Verification of Backups, document and report variations from established baseline
- Evaluate Power Management Status for UPS equipment document and report variations from established baselines

###### **User Level Support: Monthly Onsite**

- Installation and Integration of workstations, laptops, printers and application software for users
- Support and troubleshooting for the Town users technology needs as they occur
- User level Support for the Town's Department Level Application Software

###### **User Applications Support: Monthly Onsite**

- PC level Support of Operating System issues with Windows XP and Windows 7, Windows 8
- PC level Support of Issues of Microsoft Office Issues
- PC level Support of Printer related issues
- And other support service as needed on an À la carte basis

The payment in full is due before any services or support is started. Additional onsite support time will be provided as requested, at the same rate for work during regular business hours and work performed after 5pm, the rate is 1.5 per hour.

# ATTACHMENT 15

**AGREEMENT FOR THE EXPENDITURE  
OF HIGHWAY MONEYS**

AGREEMENT between the Highway Superintendent of the Town of Canandaigua, Ontario County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of **Section 284** of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

**GENERAL REPAIRS / PERMANENT IMPROVEMENTS**

The sum of ~~\$1,643,621.00~~ shall be set aside to be expended for primary work and general repairs upon 102.60 miles of town highways, including sluices, culverts and bridges having a span of less than twenty feet and boardwalks or the renewals thereof.

The following is a list for the permanent improvement of Town highways:

1. Rebuild Wells Curtis road from County road 16 to Middle Cheshire road. \$ 370,000.00
2. Rebuild Risser road from the town line to Emerson road \$ 378,000.00
3. Overlay with blacktop the following road.
  - a. Hickox Road \$ 110,000.00
4. Surface treating with micro paving
  - a. Buffalo Street Ext \$ 33,000.00
  - b. Pond view Lane \$ 4,500.00
  - c. Allen Road \$ 15,121.00
5. Chip sealing \$ 189,000. On Bliss, Dugway, Schoolhouse, West Ave Ext., Monks, Seneca Point, Avon, Bush wood, Old West Lake road.
6. Rebuild Buffalo Street Ext from City line to entrance of highway facility \$ 194,000
7. Grader patching on various roads. \$ 100,000.00
8. Seneca Point road recycle road and cross culvert from Barns road to County road 16 \$250,000

Total Estimated Expenditure \$ 1,643,621.00

Executed in duplicate this \_\_\_\_\_ day of December \_\_\_\_\_ 2016

Pamela Helming  
Town Superintendent

---

Kevin Reynolds  
Councilmember

---

Greg Westbrook  
Councilmember

---

Keith Cutri  
Councilmember

---

Terry Fennelly  
Councilmember

---

James Fletcher  
Highway and Water Superintendent

---

NOTE: This Agreement should be signed in duplicate by a majority of the members of the Town Board and by the Town Superintendent. One copy must be filed in the Town Clerk's office and one in the County Superintendent's office. *COPIES DO NOT HAVE TO BE FILED IN ALBANY.*

# ATTACHMENT 16

November 7, 2016

Mrs. Jean Chrisman, Town Clerk  
 Town of Canandaigua  
 5440 Routes 5 & 20 West  
 Canandaigua, New York 14424

**RE: CENTERPOINTE TOWNHOUSES  
 PARCEL R1-D & R1-E – MAINTENANCE BOND  
 TM# 56.00-1-54.116  
 CPN-070-13  
 MRB PROJECT No.: 0300.12001.000 – PHASE 015**

Dear Mrs. Chrisman,

It is our understanding that construction is just about complete and dedication of the concrete sidewalk and stone dust trail may occur within the next couple of weeks. Thus, as requested, prior to final release of the Surety, MRB has completed a review of the approved Surety Estimate to determine the appropriate maintenance bond amount (10% of the construction cost of those items dedicated to the Town) to be approved.

The total construction figures are for the concrete sidewalk and stone dust trail as mentioned above. These items were taken from the approved Surety Estimate for the project; the required maintenance bond amount immediately follows:

	<u>Total Construction Cost</u>	<u>10% Maintenance Bond Amount</u>
<b><u>R1-D</u></b>		
Concrete Sidewalk	\$24,280.00	\$2,428.00
Stone Dust Trail	\$11,040.00	\$1,104.00
<b><u>R1-E</u></b>		
Concrete Sidewalk	\$0.00	\$0.00
Stone Dust Trail	\$11,760.00	\$1,176.00
<b>Total:</b>	<b>\$47,080.00</b>	<b>\$4,708.00</b>

Therefore, a Maintenance Bond in the amount of **\$4,708.00** is to be provided and accepted by the Town of Canandaigua Town Board. The Maintenance Bond is to remain on file for two (2) years from the date it is accepted.



Please feel free to contact our office with any comments or questions you may have in this regard.

Sincerely,

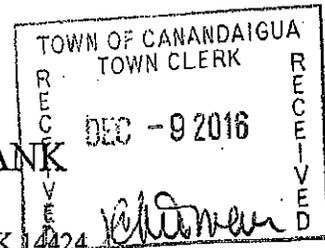
A handwritten signature in black ink, appearing to read "Lance S. Brabant".

Lance S. Brabant, CPESC  
Senior Planning Associate

N:\0300.12001.000\CORRES\015-Centerpointe TwnHse\LOC\lsb\_MB-Est.doc

- C: Pamela Helming, Town Supervisor  
Jim Fletcher, Highway and Water Superintendent  
Doug Finch, Director of Development  
Kristine Singer, Town Bookkeeper  
Chris Jensen, P.E., Code Enforcement Officer  
Dave Garritano - Morgan Communities

THE CANANDAIGUA NATIONAL BANK  
AND TRUST COMPANY  
72 SOUTH MAIN STREET, CANANDAIGUA, NEW YORK 14424



December 5, 2016

**Beneficiary**  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

**Account of:**  
Morgan Canandaigua Land LLC  
1080 Pittsford-Victor Road  
Pittsford, New York 14534

**MAINTENANCE BOND  
IRREVOCABLE LETTER OF CREDIT NO. 1106597906  
Not Exceeding \$4,708.00  
Four Thousand Seven Hundred Eight and 00/100 U S Currency  
Expires: December 5, 2018**

Gentlemen:

KNOW ALL MEN BY THESE PRESENTS: That we, The Canandaigua National Bank and Trust Company, 72 South Main Street, Canandaigua, New York 14424, as Principal, and MORGAN CANANDAIGUA LAND LLC, with an office at 1080 Pittsford-Victor Road, Pittsford, New York 14534, as Surety, are held and firmly bound unto Town of Canandaigua, 5440 Routes 5 & 20 West, Canandaigua, NY 14424 in the sum of Four Thousand Seven Hundred Eight and 00/100 Dollars (\$4,708.00) lawful money of the United States of America, to be paid to the said Town of Canandaigua, its successors or assigns, for which payment, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SEALED WITH OUR SEALS AND DATED this 5th day of December, 2016. WHEREAS, the said Principal obligors have recently completed the concrete sidewalk and stone dust trail in the Centerpointe Townhome Project, Parcel R1-D and R1-E.

WHEREAS, the said obligors have provided the Principal shall, without expense to Town of Canandaigua to keep and maintain such construction work referred to for two (2) years from the completion of the same.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall remedy without cost to the Obligee, any defects which may develop during a period of two (2) years from the date of completion and acceptance of the work performed, caused by defective or inferior materials or workmanship, then this obligation shall be void, otherwise it shall be and remain in full force and effect.

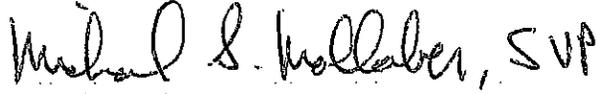
Irrevocable Letter of Credit #1106597906

Expires December 5, 2018

Page 2

Town of Canandaigua

The Canandaigua National Bank and Trust Company

A handwritten signature in black ink that reads "Michael S. Mallaber, SVP". The signature is written in a cursive style with a large initial 'M'.

Michael S. Mallaber  
Senior Vice President  
Commercial Services

*"This credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600."*

# ATTACHMENT 17

RESOLUTION -  
DEC 19, 2016 MEETING

**Bonadio & Co., LLP**  
Certified Public Accountants

August 23, 2016

Ms. Pamela Helming, Town Supervisor  
Town of Canandaigua, New York  
5440 Route 5 & 20 West  
Canandaigua, New York 14424

We are pleased to confirm our understanding of the services we are to provide the Town of Canandaigua, New York (the Town) for the year ended December 31, 2016. We will audit the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the Town as of and for the year ended December 31, 2016. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town's RSI in accordance with auditing standards generally accepted in the United States. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary Comparison Schedules
- 3) Schedule of Local Government Contributions
- 4) Schedule of Local Government's Proportionate Share of the Net Pension Liability

171 Sully's Trail, Suite 201  
Pittsford, New York 14534  
p (585) 381-1000  
f (585) 381-3131

[www.bonadio.com](http://www.bonadio.com)

We have also been engaged to report on supplementary information other than RSI that accompanies the Town's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- 1) Combining nonmajor fund financial statements

#### **Audit Objective**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of the Town's financial statements. Our report will be addressed to the Town Board. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

**Audit Procedures-General (Continued)**

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

**Audit Procedures—Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

**Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

**Other Services**

We will also prepare the financial statements of the Town in conformity with accounting principles generally accepted in the United States based on information provided by you.

**Management Responsibilities**

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with accounting principles generally accepted in the United States.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others.

**Management Responsibilities (Continued)**

In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with accounting principles generally accepted in the United States. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities for financial statement preparation services and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

**Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

**Engagement Administration, Fees, and Other (Continued)**

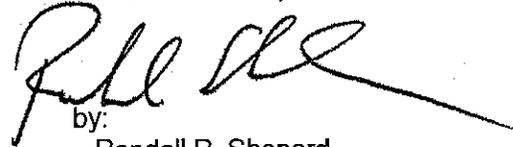
The audit documentation for this engagement is the property of Bonadio & Co., LLP and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to the Town's regulator or its designee. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Bonadio & Co., LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the Town's regulator or its designee. The Town's regulator or its designee may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

Randall R. Shepard, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. Our fee for these services will be \$9,800. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

We appreciate the opportunity to be of continued service to the Town and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

BONADIO & CO., LLP



by:

Randall R. Shepard

**RESPONSE:**

This letter correctly sets forth the understanding of the Town of Canandaigua, New York.

Management signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## **EXHIBIT – Non Attest Services**

- Bookkeeping, including –
  - Recording transactions for which the account classification was approved by management
  - Posting coded transactions to the general ledger
  - Preparing financial statements based on trial balance information
  - Posting entries approved by you to your trial balance
- Payroll processing
- Benefit plan administration
- Investment – advisory or management services
- Corporate finance – consulting or advisory, including –
  - Assisting in developing corporate strategies
  - Identifying or introducing you to potential sources of capital
  - Assisting in analyzing the effects of proposed transactions, including providing advice during negotiations
  - Assisting in drafting an offering document or memorandum
  - Participating in negotiations in an advisory capacity
  - Being named as a financial advisor in your private placement memoranda or offering documents.
- Executive or employee search
- Business risk consulting, including –
  - Providing assistance in assessing your business risks and control processes
  - Recommending a plan for making improvements to your control processes and assisting in implementing these improvements
- Information systems – design, installation or integration

# ATTACHMENT 18

# Memo

**TOWN OF CANANDAIGUA**  
 5440 RTES 5 & 20 WEST  
 CANANDAIGUA, NY 14424  
 (716) 394-1120  
 FAX (716) 394-9476

**DATE:** December 19, 2016  
**TO:** Pamela Helming – Town Supervisor  
**FROM:** Kristine Singer  
**SUBJECT:** Budget Transfers 2016

**PAGES:** 1

**The following budget transfers are required for expenses paid or submitted for payment through December 13, 2016.**

Account #	Description	To	From
	<b>GENERAL</b>		
A.1110.120	Justices.Court Clerk, PT	4400.00	
A.1110.140	Justices.Court Clerk, PT	2000.00	
A.7550.400	Celebrations	183.33	
A.8810.400	Cemeteries (Res 2016-180)	7500.00	
A.1990.400	Contingency		14083.33
	<b>HIGHWAY</b>		
D.5130.400.101	Machinery.Cont. Car #1	752.00	
D.5130.400.201	Machinery.Cont.Truck #1	20.35	
D.5130.400.203	Machinery.Cont.Truck #3	877.80	
D.5130.400.204	Machinery.Cont.Truck #4	51.30	
D.5130.400.205	Machinery.Cont.Truck #5	147.55	
D.5130.400.207	Machinery.Cont.Truck #7	102.60	
D.5130.400.208	Machinery.Cont. Truck #8	317.82	
D.5130.400.215	Machinery.Cont.Truck #15	131.92	
D.5130.400.217	Machinery.Cont.Truck #17	41.47	
D.5130.400.244R	Machinery.Cont.Truck #44	1457.50	
D.5130.400.312	Machinery.Cont.Grader #12	73.51	
D5130.400.320	Machinery.Cont.Excavator #20	635.29	
D.5130.400.324	Machinery.Cont.Excavator #24	340.75	
D.5130.400.340	Machinery.Cont.Sweeper #40	596.12	
D5130.400.363	Machinery.Cont.Loader #63	635.20	
D.5130.400.0	Machinery.Contratual		6181.18
D.9060.810	Medical/Dental Insurance	21789.65	
D.9060.830	H S A Account	5486.66	
D.9010.800	NYS Retirement		27276.31

	<b>WATER</b>		
F.8320.400	Water Purchases	29776.32	
F.8340.440	Services & Maintenance	267.27	
F.8340.450	Improvements		30043.59

# ATTACHMENT 19

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585)394-1120 / Fax: (585) 394-9476

[www.townofcanandaigua.org](http://www.townofcanandaigua.org)

*Established 1789*

TO: Supervisor Pam Helming  
RE: A380 Chargeback Review  
DATE: December 13, 2016  
FROM: Samantha Pierce

Supervisor Helming:

A380 charges on MRB Group Invoice 22998 for review at the 12/19/2016 meeting include the following:

Eagle .....	\$332.50
Lucey.....	\$47.50
Eiffert .....	\$47.50
Bowerman .....	\$370.00
Joy Wegman.....	\$285.00
Tom Wahls.....	\$237.50
Villas .....	\$237.50
Centerpointe .....	\$570.00
Old Brookside .....	\$427.50
Lakeside .....	\$507.28
Stellas .....	\$237.50
Lakewood Meadows .....	\$1,122.50
Bartholf.....	\$95.00
G. Westbrook .....	\$237.50
Sutter Creek.....	\$380.00

Total A380 charges on MRB Invoice 22998..... \$5,134.78

A380 charges on Reeve Brown Invoice 3103 for review at the 12/19/2016 meeting include the following:

Stellas .....

Stellas .....	\$26.00
---------------	---------

Total A380 charges on Reeve Brown Invoice 3103.... \$26.00

A380 charges on Reeve Brown Invoice 3104 for review at the 12/19/2016 meeting include the following:

Centerpointe .....

Centerpointe .....	\$104.00
--------------------	----------

Total A380 charges on Reeve Brown Invoice 3104.... \$104.00

Total A380 charges .....

Total A380 charges .....	<u>\$5,264.78</u>
--------------------------	-------------------