

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, April 22, 2014, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz
BOARD MEMBERS: Richard Gentry, Daniel O'Bine, Charles Oyler, Ryan Staychock
SECRETARY: Kathy Gingerich
STAFF MEMBERS: Lance Brabant, MRB Group
Christian Nadler, Planning Board Attorney
Douglas Finch, Director of Development

Pledge of Allegiance
Introduction of Board Members and Staff
Overview of Emergency Evacuation Procedure
Attest to the Publishing of Legal Notices
Privilege of the Floor

SKETCH PLANS: *None at this time*

CONTINUED PUBLIC HEARINGS:

CPN-017-12 Venezia Associates for Property Development of WNY Inc., owner of property on Middle Cheshire Road, TM#97.04-1-9.211, is requesting final phased subdivision approval for a 28-lot subdivision (Fox Ridge 5B) in the R-1-20 zoning district.

NEW PUBLIC HEARINGS: *None at this time*

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS: *None at this time*

CONTINUED PRELIMINARY SITE PLANS: *None at this time*

NEW PRELIMINARY SITE PLANS: *None at this time*

CONTINUED FINAL / ONE-STAGE SITE PLANS:

CPN-006-14 Venezia Associates, representing Philip & Amanda Goliber, owners of property at 3414 Poplar Beach Road, TM# 98.15-1-7.100, is requesting one stage site plan approval to tear down a rebuild a single-family dwelling in the RLD zoning district.
(approved with conditions at 4/15 ZBA meeting)

CPN-018-14 Venezia Associates, representing Randall Farnsworth, owner of property at 2310-2312 NYS Route 332, TM#70.06-1-62.110/62.210, is requesting one stage site plan approval to construct a car dealership (Randall GMC) in the CC zoning district.
(OCPB review at 4/9 meeting, approved with conditions at 4/15 ZBA meeting)

NEW FINAL / ONE-STAGE SITE PLANS:

CPN-016-14 DLH Properties LLC, owner of property at 2450 County Road 28/0000 County Road 28, TM#70.00-1-18.210/70.00-1-18.220, is requesting one stage site plan approval to construct 32 apartment units in 7 buildings (Candlewood Phase III) in the MR zoning district. *(coordinated review began 4/8 – ends 5/8)*

BOARD BUSINESS

- Approval of April 8, 2014 meeting minutes
- Referrals from Town Board: *None at this time*
- Recommendations to Zoning Board of Appeals: *None at this time*
- Recommendations to the Code Enforcement Officer: *None at this time*
- Resubdivision / Annexations: *None at this time*
- Letter of Credit/Bond Releases: *None at this time*
- Comprehensive Plan – General Discussion
- Other Business as Required:
 - CPN-063-13 Morgan Management LLC for Keuka Park Strong Hall LLC, TM#56.00-1-55.220, construction of 13 apartment buildings / 122 units (Centerpointe Phase III) *(continued to 5/13 meeting per applicant request)*
 - 90-Day extension requests:
 - CPN-063-13, TM#56.00-1-55.220, Centerpointe Apartments
 - CPN-064-13, TM#56.00-1-54.115, Centerpointe Townhomes
 - CPN-070-13, TM#56.00-1-54.116, Centerpointe Townhomes

STAFF REPORTS:

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

UPCOMING APPLICATIONS

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY PLAT SUBDIVISION APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a proposed amendment to the 2007 Preliminary Plat Subdivision Approval of the Fox Ridge, Phase 5B Plans dated February 2007 and last revised September 25, 2008. The amended subdivision plans, dated March 20, 2014 propose a similar layout of 28 lots, two (2) cul-de-sacs, a conservation area, utility improvements including water, sanitary and storm sewers which were all part of the original 2007 approval; and

WHEREAS, in compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), a determination of significance was previously adopted by the Town of Canandaigua Town Board in June 1989; and

WHEREAS, the Planning Board has completed a review and a comparison of the of the proposed amended Preliminary Plat Subdivision Plans with the approved 2007 Preliminary Plat Subdivision Plans; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board determines that the proposed amended Fox Ridge 5B Preliminary Plat Subdivision Plans dated March 20, 2014 are in substantial agreement with the previously approved 2007 Preliminary Plat Subdivision Plans dated February 2007 and last revised September 25, 2008 and has compiled the attached list of findings to be kept on file with the application in the Town Development Office, and

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

1. A cover sheet shall be attached to the drawings with the title of the drawings to read "Preliminary Plat Fox Ridge Subdivision, Phase 5B Lots 30 through 57."
2. The Preliminary Plat Approval with conditions as specified is valid for a period of 180 days from today and shall expire unless an extension is requested by the Applicant and approved by the Planning Board at a later date with a separate resolution.
3. Once all conditions of Preliminary Plat Approval have been met and shown on revised drawings including the revision dates, and all required signatures are affixed to four (4) prints of the Preliminary Plat, the Planning Board Chairperson's signature shall be affixed and the maps filed in the Town Development Office within 180 days from today.
4. The plans are to note any and all restrictive covenants in detail of the conservation easement areas.
5. All street lighting is to be installed by the developer and accepted by the Town at the time of dedication of each cul-de-sac.
6. Across the northern section of lots 36, 37, 38, 39, and 40 there shall be planted a variety of deciduous and non-deciduous trees, each tree shall be at least five (5) feet in height and spaced at 15 foot intervals and staggered.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY PLAT SUBDIVISION APPROVAL

7. A 25' wide easement to Canandaigua Lake County Sewer District (CLCSD) along the west property line of Phase 5B of the Fox Ridge Subdivision to allow for the construction of a sewer extension for the residences along Middle Cheshire Road is to be provided on the Preliminary Plat Subdivision Plans.
8. The Planning Board determines that parkland is not a condition of preliminary plat approval for this application.
9. The Planning Board determines that a Park and Recreation Fee in the amount to be determined by the Town Board on an annual basis is to be paid at the time of application building permits.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the April 22, 2014 meeting.

L. S.
Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY PLAT SUBDIVISION APPROVAL

1. In compliance with NYS Town Law and the regulations of the State Environmental Quality Review Act (SEQR), a determination of significance and negative declaration was previously adopted by the Town of Canandaigua Town Board on June 7, 1989 during the rezoning process.
2. The Preliminary Overall Subdivision Plans were approved at the July 25, 1989 Planning Board meeting.
3. March 16, 2007 an application for Concept Subdivision revising the Preliminary Overall Subdivision Plans for Fox Ridge Sections 5 & 6, creating Phase 5A and Phase 5B and removing Section 6.
4. Phase 5A was under construction at the time as it was previously approved as Section 5 of the Fox Ridge Subdivision. Section 6 was removed and now being called Phase 5B.
5. The proposed Concept Subdivision Plans for Phases 5A and 5B reduced the total number of lots from 52 to 48 and in lieu of the originally approved continuous link for Lake Breeze Way, created two cul-de-sacs (LaCrosse Circle and Lake Breeze Way) within Phase 5B.
6. The Concept Subdivision Plans titled Conceptual Subdivision Fox Ridge Subdivision Phase 5B were submitted to outside agencies for review/comment and were discussed at the April 10, 2007 Planning Board meeting.
7. In an email dated April 6, 2007, Marilyn Schafer of Ontario County Public Works stated that they have contacted the design engineer at the time (Professional Engineering Group) regarding a request to service the existing homes along Middle Cheshire Road that are adjacent to this project (west property line) with a sanitary sewer.
8. An application for Preliminary/ Final Subdivision approval for Phase 5B of the Fox Ridge Subdivision depicting two cul-de-sacs, 28 lots, conservation easement area and utility improvements including a sanitary sewer extension for those homes along Middle Cheshire Road adjacent to Phase 5B was submitted Development Office and reviewed at the April 18, 2007 PRC meeting.
9. October 23, 2007, the revised Preliminary Subdivision Plans for the Fox Ridge Phase 5B were approved with fourteen (14) conditions.
10. October 23, 2007, the revised Final Subdivision Plans for the Fox Ridge Phase 5B were approved with ten (10) conditions.
11. The Preliminary Subdivision Plans for Fox Ridge Phase 5B were signed by all parties including the Planning Board Chairman.
12. The Preliminary Subdivision Plan approval for Phase 5B has not been revoked and remains in effect as per the Zoning Law Determination dated May 6, 2013.
13. The applicant did not file the approved Final Subdivision Plans for 5B in the Office of the Ontario County Clerk.
14. NYS Town Law Section 276, part 11 states that approved final plats shall expire if not filed within 62 days of approval.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY PLAT SUBDIVISION APPROVAL

15. Venezia Associates submitted an amended Preliminary Subdivision Plan for Fox Ridge Phase 5B dated March 20, 2014 and a letter dated April 2, 2014 containing a matrix of the site statistics for the previous 2007 approved subdivision plan versus the proposed 2014 new plan.
16. The Planning Board is to determine if the proposed amended subdivision plans are in substantial agreement with the approved 2007 Preliminary Subdivision Plans for Fox Ridge Phase 5B dated February 2007 and last revised September 25, 2008.
17. The amended subdivision plans titled Fox Ridge Subdivision, Phase 5B, dated March 20, 2014 propose a similar layout of 28 lots for single family dwellings, two (2) cul-de-sacs (LaCrosse Circle and Lake Breeze Way), a conservation area in the same area as previously approved, utility improvements including water, sanitary and storm sewers throughout Phase 5B and an easement to Canandaigua Lake County Sewer District (CLCSD) for the sanitary sewer extension to those homes along Middle Cheshire Road which were all part of the original 2007 Preliminary Subdivision Plan approval.
18. The Planning Board has completed a review of the matrix and a comparison of the proposed amended Preliminary Plat Subdivision Plans with the approved 2007 Preliminary Plat Subdivision Plans and determines that the proposed amended Fox Ridge 5B Preliminary Plat Subdivision Plans dated March 20, 2014 are in substantial agreement with the previously approved 2007 Preliminary Plat Subdivision Plans dated February 2007 and last revised September 25, 2008 (signed).
19. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
20. The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed subdivision plat because of the increase in population that will be created by the proposed new developments.
21. The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.
22. The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
23. The proposed subdivision includes 28 new homes, many of which will be occupied by families with one or more children.
24. The proposed subdivision will increase the Town's population.
25. This increase in population will intensify the need for land to be used for parks and recreation.
26. A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed subdivision plat.
27. The area of the proposed subdivision will be 28 +/- acres.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES – FOX RIDGE SUBDIVISION – PHASE 5B
CPN-106-07 TM# 097.04-1-009.211
AMENDED PRELIMINARY PLAT SUBDIVISION APPROVAL

28. The area of the proposed subdivision will include residential lots and dedicated conservation areas. Adequate land for dedication of parkland is not available on the proposed subdivision plat.
29. There is not an existing park in the vicinity of the proposed subdivision.
30. A fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES – RANDALL FARNSWORTH (RANDALL GMC)
2310 & 2312 NYS ROUTE 332
CPN 018-14 TM# 70.06-1-62.110 & 70.06-1-62.210
SINGLE-STAGE SITE PLAN APPROVAL - CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a single-stage site plan approval for the construction a car dealership (Randall GMC) including utility, lighting, parking and drainage improvements within the CC zoning district as described in the Final Site Plans dated February 14, 2014 and all other relevant information submitted as of April 22, 2014 (the current application), and

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

WHEREAS, the Planning Board declared their intent to become lead agency at the March 25, 2014 Planning Board Meeting beginning the coordination period; and

WHEREAS, the Planning Board cannot take action on this application until the May 13, 2014 Planning Board meeting when the coordination period has ended and a SEQR Determination of Significance is made.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table the application to their May 13, 2014 Planning Board Meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby request the applicant to provide the following information to the Town of Canandaigua Development Office on or before noon on Friday, April 25, 2014:

1. The Final Site Plans are to be revised to address Town Engineer, Ontario County Public Works, Canandaigua-Farmington Water District Superintendent, and the Town Highway Superintendent comments.
- 2.
- 3.
- 4.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
Ryan Staychock -
Thomas Schwartz -

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DLH PROPERTIES, INC – CANDLEWOOD APARTMENTS PHASE III
2450 COUNTY ROAD 28
CPN 016-14 & 025-14 TM# 70.00-1-18.210 & 70.06-1-18.220
SINGLE-STAGE SITE PLAN APPROVAL - CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a single-stage site plan approval for the construction of Phase III of the Candlewood Apartments including 32 units, utility, lighting, parking and drainage improvements on Lot 2, the existing 4.3-acre parcel located at the northeast corner of Macedon Road and Parkside Drive within the MR zoning district as described in the Site Plan dated March 25, 2014 and all other relevant information submitted as of April 22, 2014 (the current application), and

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

WHEREAS, the Planning Board declared their intent to become lead agency at the April 8, 2014 Planning Board Meeting beginning the coordination period; and

WHEREAS, the Planning Board cannot take action on this application until the May 13, 2014 Planning Board meeting when the coordination period has ended and a SEQR Determination of Significance is made.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to table the application to their May 13, 2014 Planning Board Meeting.

BE IT FURTHER RESOLVED that the Planning Board does hereby request the applicant to provide the following information to the Town of Canandaigua Development Office on or before noon on Friday, April 25, 2014:

1. Revised Final Site Plans addressing the Town Engineer, Canandaigua Lake County Sewer District, Canandaigua-Farmington Water District Superintendent, and the Town Highway Superintendent comments regarding their review of this application are to be provided.
- 2.
- 3.
- 4.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O'Bine -
Ryan Staychock -
Thomas Schwartz -

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
DLH PROPERTIES, INC – CANDLEWOOD APARTMENTS PHASE III
2450 COUNTY ROAD 28
CPN 016-14 & 025-14 TM# 70.00-1-18.210 & 70.06-1-18.220
SINGLE-STAGE SITE PLAN APPROVAL - CONTINUATION

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the April 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORGAN MANAGEMENT LLC – CENTERPOINTE APARTMENTS, PHASE 3
CPN-063-13 TM# 56.00-55-22.000
2ND 90 DAY EXTENSION - FINAL SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the second 90 day extension for the final site plan approval for the Centerpointe Apartments, Phase 3 in a letter dated April _____, 2014 from McMahon LaRue Associates, P.C. as they are still addressing Ontario County Department of Public Works comments; and

WHEREAS, the Planning Board has reviewed the public record on said Action.

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

The final site plans for the “Centerpointe Apartments, Phase 3” is hereby approved for the second 90 day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the previous expiration date of May 11, 2014. The new expiration date is **August 9, 2014**.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O’Bine -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the April 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORGAN MANAGEMENT LLC – CENTERPOINTE TOWNHOUSES
CPN-064-13 TM# 56.00-1-54.115
2ND 90 DAY EXTENSION - FINAL SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the second 90 day extension for the final site plan approval for the Centerpointe Townhouses in a letter dated April _____, 2014 from McMahon LaRue Associates, P.C. as they are still addressing Ontario County Department of Public Works comments; and

WHEREAS, the Planning Board has reviewed the public record on said Action.

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

The final site plans for the “Centerpointe Townhouses” is hereby approved for the second 90 day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the previous expiration date of June 8, 2014. The new expiration date is **September 6, 2014**.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

Richard Gentry -
Charles Oyler -
Dan O’Bine -
Ryan Staychock -
Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the April 22, 2014 meeting.

_____ L. S.
Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MORGAN MANAGEMENT LLC – CENTERPOINTE TOWNHOUSES
CPN-070-13 TM# 56.00-1-54.116
2ND 90 DAY EXTENSION - FINAL SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the second 90 day extension for the final site plan approval for the Centerpointe Townhouses in a letter dated April _____, 2014 from McMahon LaRue Associates, P.C. as they are still addressing Ontario County Department of Public Works comments; and

WHEREAS, the Planning Board has reviewed the public record on said Action.

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

The final site plans for the “Centerpointe Townhouses” is hereby approved for the second 90 day extension, as provided for in Section 276.7 (c) of New York State Town Law, which shall expire 90 days from the previous expiration date of June 8, 2014. The new expiration date is **September 6, 2014**.

The above Resolution was offered by _____ and seconded by _____ at a regular scheduled Planning Board Meeting held on April 22, 2014. Following discussion, a voice vote was recorded:

- Richard Gentry -
- Charles Oyler -
- Dan O’Bine -
- Ryan Staychock -
- Thomas Schwartz -

I, Kathleen Gingerich, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the April 22, 2014 meeting.

_____ L. S.
Kathleen Gingerich, Secretary of the Board