

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

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

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz

BOARD MEMBERS: Richard Gentry, Charles Oyler, Ryan Staychock, One Vacancy

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-034-14 Tony Yannotti, owner of property at 2536-2538 NYS Route 21, TM#71.00-1-18.200, is requesting a special use permit for a small commercial establishment in the AR-1 zoning district.

CPN-035-14 Katie Dixon, owner of property at 4845 NYS Route 21, TM#139.00-1-29.110, is requesting single stage subdivision approval for a 2-lot subdivision in the RR-3 zoning district.

NEW PUBLIC HEARINGS:

CPN-047-14 Old Brookside LLC, owner of property on Buffalo Street Extension, TM# 83.00-1-36.110, is requesting single stage subdivision approval for a 24-lot subdivision in the PUD zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS: *None at this time*

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

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

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

CPN-033-14 Daryl Rossi, owner of property at 3798 County Road 10, TM#71.00-1-26.200, is requesting one stage site plan approval for the rezoning of the parcel from I to MUO-3 district. *(continued to 8/26 meeting)*

BOARD BUSINESS

- ☐ Approval of July 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:
 - Hammocks Phase II 90-day extension request (original approval expires 8/25/14)
 - Lakewood Meadows Sec. 8B – Revised Grading Plan – Amending the Final Subdivision Plan Approval
 - SEQR Lead Agency Coordination Request – City of Canandaigua – Cottages at Canandaigua
-

STAFF REPORTS:

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

UPCOMING APPLICATIONS

- Guidelines/Requirements for the Approval of Landscaping, Tree Removal and/or Pruning Within Deed Restricted Areas
- CIC revision of Implementation Plan: review RLD district zoning, review “green” building practices and “LEED” best practices for ongoing development
- Nick & Leanne Bossert, owners of property at 4600 County Road 46, TM#84.00-1-16.000, are requesting one stage site plan approval for the rezoning of the parcel from I to MUO-3 district.
- Old Brookside Subdivision, Section 4 – LOC Release No. 6 (Final)

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
TONY YANNOTTI – 2536-2538 NYS ROUTE 21
CPN 034-14 TM# 71.00-1-18.200
SPECIAL USE PERMIT APPROVAL – CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a Special Use Permit to allow an existing building located at 2536-2538 NYS Route 21 to be used as an ice cream stand; and

WHEREAS, the Planning Board cannot take action on this application until all the Planning Review Committee (PRC) meeting notes from May 21, 2014 submitted to the applicant have been addressed; and

WHEREAS, the Planning Board has requested additional information including the submittal of an updated site plan depicting the total number proposed parking spaces and their locations, the location of the existing and proposed septic system and leach fields, the zoning setbacks, NYS Department of Health approval regarding their review of the proposed septic system, and NYS Department of Transportation approval regarding their review of the proposed entrance off NYS Route 21; and

WHEREAS, this application is required to be reviewed by the Ontario County Planning Board as it is located within 500' of County Road 22; and

WHEREAS, Ontario County Planning Board has withdrew this application from their agenda until such time that additional information as referenced above and requested by the Town of Canandaigua Planning Board is provided; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the public hearing and table the application to their August 26, 2014 Planning Board Meeting.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, July 22, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oyler -
One Vacancy -
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 July 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
KATIE DIXON – 4845 NYS ROUTE 21
CPN 035-14 TM# 139.00-1-29.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL – CONTINUATION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a two lot subdivision of a 22.089 acre parcel creating proposed lot 1 a 3.310 acre parcel with no proposed development, and lot 2 a 18.779 acre parcel with the existing structure on site located at 4845 NYS Route 21, as described in the final plat last revised May 31, 2012 and all other relevant information submitted as of July 8, 2014 (current application); and

WHEREAS, the Planning Board cannot take action on this application until all the Planning Review Committee (PRC) meeting notes from May 21, 2014 submitted to the applicant have been addressed; and

WHEREAS, the Planning Board cannot take action on this application until the final plat plan is revised to address the Preliminary & Final Subdivision Plat Checklists pursuant to §174-13 and §174-14 of the Town of Canandaigua Town Code; and

WHEREAS, the Planning Board has requested additional information including the submittal of an updated site plan depicting the buildable area based on the environmental constraints and zoning setback requirements on the proposed lot, and an approvable septic system and leach field location is to be shown on the plans supported by the perc test and deep hole test results; and

WHEREAS, the applicant has not yet provided the information requested by the Planning Board including an updated subdivision plan and needs additional time; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby move to continue the public hearing and table the application to their August 26, 2014 Planning Board Meeting.

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

Richard Gentry -
Charles Oyler -
One Vacancy -
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 July 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
KATIE DIXON – 4845 NYS ROUTE 21
CPN 035-14 TM# 139.00-1-29.110
SINGLE-STAGE SUBDIVISION PLAN – DENIAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for a two lot subdivision of a 22.089 acre parcel creating proposed lot 1 a 3.310 acre parcel with no proposed development, and lot 2 a 18.779 acre parcel with the existing structure on site located at 4845 NYS Route 21, as described in the final plat last revised May 31, 2012 and all other relevant information submitted as of July 8, 2014 (current application); and

WHEREAS, the Planning Board cannot take action on this application until all the Planning Review Committee (PRC) meeting notes from May 21, 2014 submitted to the applicant have been addressed; and

WHEREAS, the Planning Board cannot take action on this application until the final plat plan is revised to address the Preliminary & Final Subdivision Plat Checklists pursuant to §174-13 and §174-14 of the Town of Canandaigua Town Code; and

WHEREAS, the Planning Board has requested additional information including the submittal of an updated site plan depicting the buildable area based on the environmental constraints and zoning setback requirements on the proposed lot, and an approvable septic system and leach field location is to be shown on the plans supported by the perc test and deep hole test results; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Canandaigua Planning Board does hereby find the following facts:

1. Town Code section 174-13(C)(6)(o) requires that: "[W]here on-site wastewater treatment will be required for development of the proposed lots and regardless of whether or not the current application includes proposed development, the following information shall be provided:
 - Delineation of sufficient area for at least one potential on-site wastewater treatment system for each proposed lot unless such lot has an existing and functioning on-site wastewater treatment system.
 - Field test results and the name of the individual taking the tests to determine soil percolation capabilities within that area."
2. Applicant has refused to provide the requested information including delineating sufficient area for at least one potential on-site wastewater treatment system for the proposed lot.

BE IT FURTHER RESOLVED that the Town of Canandaigua Planning Board does hereby deny CPN 035-14 for Single-Stage Subdivision Plan based upon the findings contained herein and the reasons set forth above.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
KATIE DIXON – 4845 NYS ROUTE 21
CPN 035-14 TM# 139.00-1-29.110
SINGLE-STAGE SUBDIVISION PLAN – DENIAL

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

Richard Gentry -
Charles Oyler -
One Vacancy -
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 July 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6
CPN-047-14 TM# 83.00-1-36.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a single-stage (final) subdivision plan approval for a 24-lot subdivision consisting of single family homes on an 8.24 acre site (Section 6) in the PUD District and as described on the Final Plat dated June 2014 (the current application); and

WHEREAS, the Planning Board is considering if the application is in “substantial agreement” with the preliminary overall subdivision plat approval dated September 4, 2001, in accordance with NYS Town Law, Section 276, Part 6, (b); and

WHEREAS, the Planning Board completed a review of both the approved preliminary overall plat conditions of approval and the current application, and drafted a list of relevant findings to be kept in the project file in the Town Development Office; 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 Planning Board September 4, 2001 with the approval of the preliminary overall subdivision plat; and

NOW, THEREFORE, BE IT RESOLVED, that based on the aforementioned findings and all other relevant information gathered through the application process, the Planning Board hereby determines that the above described single-stage (final) subdivision plan is in substantial agreement with the approved preliminary overall subdivision plat.

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. As a condition of Preliminary Overall Subdivision Plan Approval of September 4, 2001 (condition cc), the Planning Board determines that set aside of parkland or payment of a fee in lieu thereof is required prior to the issuance of building permits.
2. Prior to the issuance of building permits, the applicant is to post sureties with the Town, in amounts approved by the Town Engineer, to ensure satisfactory completion of stormwater requirements, erosion and sediment control measures, public water and roadways, and any other improvements to be dedicated to the Town of Canandaigua.
3. All comments identified in the Town Engineer’s Letter, dated July 18, 2014 are to be addressed prior to the Town Engineer’s signature and the Planning Board Chairman’s signature being affixed to the Final Subdivision Plans.
4. All comments by the Town Highway and Water Superintendent’s are to be addressed prior to the Town Highway and Water Superintendent’s signature and the Planning Board Chairman’s signature being affixed to the Final Subdivision Plans.
5. Prior to the issuance of the first Certificate of Occupancy, an approval by Canandaigua Lake County Sewer District is to be provided and filed with the Town Development Office.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6
CPN-047-14 TM# 83.00-1-36.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

6. Final Subdivision Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Final Subdivision Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Final Subdivision Plans.

7. _____

8. _____

9. _____

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

Richard Gentry -
Charles Oyler -
One Vacancy -
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 July 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6
CPN-047-14 TM# 83.00-1-36.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

Conditions of Preliminary Overall Subdivision Approval

Findings 1-7 address applicable conditions of preliminary overall subdivision approval granted September 4, 2001 as well as subsequent conditions applied through final approval of other sections.

1. The following conditions do not pertain to this section of development: h, i, j, k, l, o, p, q, s thru bb.
2. The uses and lot layouts proposed for Final Section 6 Subdivision Plans are the same as what was approved for the Preliminary Overall Subdivision Plans (conditions a-d).
3. The current subdivision (Section 6) shows lots sizes and setbacks in compliance with the preliminary approval (conditions e & f).
4. The current subdivision (Section 6) shows two street trees along the frontage of each lot. A species list has been provided (condition g).
5. As part of the Section 3 approval in 2004, the Planning Board required development of trails as depicted in a separate overall trails plans dated August 24, 2004 (condition m).
6. Sidewalks are to be provided on one side of all streets. Sidewalks are proposed along the east side of Overlook Lane; however there are no sidewalks along Daisy Way (condition n).
7. Condition r – There will be no outside storage of recreational vehicles in the front yards.

Current Section 6

8. The applicant is requesting single-stage subdivision (final) approval of Section 6 of the Old Brookside Subdivision (last section) as described in the final plat dated June 2014 prepared by BME Associates.
9. Section 6 consists of 24 single-family lots on 8.24 acres along Overlook Lane and Daisy Way, the last section of the 172 lot – 152 acre Old Brookside Subdivision.
10. The zoning for the subdivision, including lot size and setback requirements, was established by the Town Board on June 17, 1996 as a Planned Unit Development (PUD).
11. In 2001 as part of the Overall Subdivision approval, the Planning Board approved the required setbacks.
12. SEQOR was completed as part of the Overall Preliminary Subdivision approval process in September 2001.
13. The Overall Subdivision of 172 lots on 152 acres was considered a Type 1 action and coordinated review was completed.
14. A Negative Declaration was issued on February 22, 2001.
15. The front and rear setbacks as established by the P.U.D. were amended by the Town Board and adopted on May 16, 2006 (Local Law No. 2 of 2006).

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6
CPN-047-14 TM# 83.00-1-36.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

16. The purpose of Local Law No. 2 of 2006 was to create larger buildable areas on certain lots within the Old Brookside Subdivision by reducing the front yard setbacks from 40' to 30' on some lots and rear yard setbacks from 40' to 30' on others. This allows for adequate space on the lots to provide additions such as decks, porches, and similar facilities to the rear of the dwelling without need to seek numerous area variances.
17. The Section 6 Subdivision plans are in substantial compliance with the Overall Preliminary Subdivision conditions of approval and Local Law No. 2 of 2006.
18. Public water and sanitary sewer systems will serve Section 6.
19. All necessary sewer, drainage, and water districts have been previously established for the overall project which includes Section 6.
20. Existing storm water detention facilities for the overall development were designed and constructed with Section 1 and are sized to handle runoff from Section 6.
21. Section 6 drainage plan is consistent with the approved Old Brookside Subdivision overall stormwater management plan.
22. The layout for Section 6 is consistent with the Preliminary Overall Subdivision approval.
23. The application includes erosion and sediment control plans designed in accordance with the Town of Canandaigua design standards and NYSDEC General Permit 0-10-001 requirements.
24. An updated Stormwater Pollution Prevention Plan (SWPPP) for Section 6 was not provided as is required.
25. A request to disturb more than 5-acres at one time (5-acre waiver) from NYSDEC is required.
26. This application was referred to the following agencies for review and comment:
 - Town of Canandaigua Environmental Conservation Board
 - John Berry, Canandaigua Lake County Sewer District
 - William Wright, Ontario County DPW
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Michael Miller, Chief of the Cheshire Volunteer Fire Department
 - MRB Group, Town Engineer
 - Kevin Olvany, Watershed Program Manager
27. A referral to the Ontario County Planning Board (OCPB) was not required as it is not located within 500 of a municipal boundary or County Road.
28. A comment letter from the Town Engineer dated July 18, 2014 was received.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
OLD BROOKSIDE LLC – OLD BROOKSIDE SUBDIVISION, SECTION 6
CPN-047-14 TM# 83.00-1-36.110
SINGLE-STAGE SUBDIVISION PLAN APPROVAL

29. No other outside comment letters have been received to date.

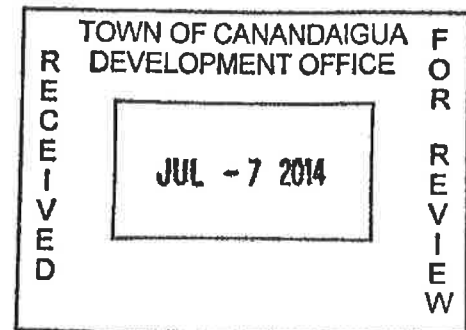
30.

BME | ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

July 3, 2014

Town of Canandaigua
5440 Rte. 5 & 20 West
Canandaigua, NY 14424



Attn: Amanda Catalfamo, Development Office

Re: **Hammocks @ Canandaigua**
Phase 1 and Phase 2 Final Subdivision approval
First 90-day Extension
CPN-003-14

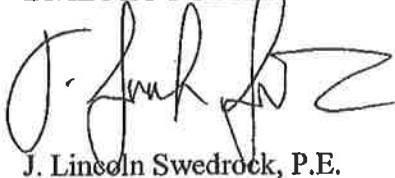
2154RW

Dear Amanda:

On behalf of Riedman-Wegman Canandaigua, LLC., we are requesting a 90-day extension for the Final Subdivision Plan approval granted by the Planning Board on February 25, 2014. The applicant has been working with the Ontario County Department of Public Works on dedicating the sanitary sewer within the project. The sanitary sewer was designed, approved and constructed as a private sewer. We request to be on the Planning Board's August 26, 2014 meeting agenda.

Thank you for your consideration.

Sincerely,
BME ASSOCIATES



J. Lincoln Swedrock, P.E.

/JLS

cc: David Riedman, Riedman Wegman Canandaigua, LLC
Jerry Watkins, Riedman Wegman Canandaigua, LLC

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
RIEDMAN-WEGMAN CANANDAIGUA LLC – HAMMOCKS AT CANANDIAUGA,
PHASE 1 & PHASE II – 2 LOT SUBDIVISION
CPN 003-14 TM# 83.00-1-7.100
1ST 90 DAY EXTENSION - SINGLE-STAGE SUBDIVISION APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has considered the above referenced request for the first 90-day extension of the single-stage subdivision plan approval for a two-lot subdivision of 21.8 acre parcel to create Lot R-2A of 13.4 acres for Phase 1 and Lot R-2B of 8.4 acres for Phase II as described in the *Hammocks at Canandaigua Lot 2 Subdivision Plat* dated January 2014, last revised January 27, 2014 in a letter dated July 3, 2014 from BME Associates as they continue to address 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 subdivision plans for the “*Hammocks at Canandaigua Lot 2 Subdivision Plat*” is hereby approved for the first 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 August 25, 2014. The new expiration date is **November 23, 2014**.

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

Richard Gentry -
Charles Oyler -
One Vacancy -
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 July 22, 2014 meeting.

Kathleen Gingerich, Secretary of the Board