

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

PLANNING BOARD

Tuesday, September 23, 2014, 6:30 p.m.

MEETING AGENDA

MEETING CALLED BY: Thomas Schwartz
BOARD MEMBERS: Richard Gentry, Jane Hollen, 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:

CPN-067-14 Paul Barry, owner of property at 4531 Middle Cheshire Road, TM#126.00-1-23.100, is requesting sketch subdivision review for a 3-lot subdivision in the AR-2 zoning district.

CONTINUED PUBLIC HEARINGS:

NEW PUBLIC HEARINGS:

CPN-059-14 Stephanie LeGrett, owner of property at 5010 North Road, TM#71.09-2-3.000, is requesting special use permit approval for a major home occupation (hair salon) in the R-1-20 zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

FINAL SUBDIVISIONS:

CPN-061-14 Venezia Associates, representing Property Development of WNY Inc, owner of property on Middle Cheshire Road, TM#97.04-1-9.211, is requesting final subdivision approval for Phase I Fox Ridge Section 5B, a 10-lot subdivision in the R-1-20 zoning district.

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

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

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

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

CPN-058-14 Venezia Associates, representing Michael Spoleta, owner of property at 3448 Poplar Beach Road, TM#98.15-1-16.111, is requesting one stage site plan approval to tear down and rebuild a single-family dwelling in the RLD zoning district. *(pending ZBA approval)*

BOARD BUSINESS

- ❑ Approval of September 9, 2014 meeting minutes
 - ❑ Referrals from Town Board: *None at this time*
 - ❑ Recommendations to Zoning Board of Appeals:
 - ❑ Recommendations to the Code Enforcement Officer: *None at this time*
 - ❑ Resubdivision / Annexations: *None at this time*
 - ❑ Letter of Credit/Bond Releases:
 - Lakewood Meadows Section 8B – LOC Release #5
 - Lakewood Meadows Section 8B – LOC Release #6
 - ❑ Comprehensive Plan – General Discussion
 - ❑ Other Business as Required:
 - Guidelines/Requirements for the approval of landscaping, tree removal and/or pruning within deed restricted areas
 - Code Updates / Revision to Comp Plan Implementation Plan
-

STAFF REPORTS:

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

UPCOMING APPLICATIONS

- October meetings: Five Star Bank – one stage site plan for ground and building signs; DVC, Inc for Schottland – one stage site plan for site improvements in the RLD; preliminary and final subdivision/site plan for Vision Nissan; final subdivision for Section III Phase I Lakeside Estates (5-lot subdivision)

ADJOURNMENT

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES FOR MICHAEL SPOLETA – 3448 POPLAR BEACH ROAD
CPN 055-14 TM# 98.15-1-16.110
SINGLE-STAGE SITE PLAN APPROVAL

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval for a tear-down/ rebuild of a single-family dwelling on a 6,585 SF (0.151 ac) parcel located at 3448 Poplar Beach in the RLD zoning district and as described on the Site Plans last revised September 9, 2014 and all other relevant information submitted as of September 23, 2014 (the current application), and

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

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

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

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

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

1. A landscaping surety in the amount to be determined by the Town Code Enforcement Officer is to be provided and accepted by the Town Board prior to the issuance of building permits.
2. A soil erosion surety in the amount to be determined by the Town Code Enforcement Officer is to be provided and accepted by the Town Board prior to the issuance of building permits.
3. The submitted Administrative Lot Line Adjustment Plan is to be approved and signed by the Planning Board Chairman prior to signatures being affixed to the Final Site Plans.
4. The site plans are to be revised to label in detail the approved variances granted by the ZBA on September 16, 2014.
5. The Canandaigua Lake County Sewer District (CLCSD) approval letter regarding their review of the sanitary sewer improvements is required to be provided to the Development Office prior to the issuance of Building Permits/ Certificate of Occupancy.
6. The Town CEO is to determine if a "Permit Application for Development in the Flood Hazard Areas" is required as the property is within the RLD. If so, the permit is to be completed and submitted to the Development Office for review by the Town CEO prior to issuance of any Building Permits.
7. The calculation of the average finish grade as well as the height of the proposed structures measured from the average finished grade to the peak of the structure are to be added the elevation drawings prior to the Planning Board Chairman's signature being affixed to the site plans.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA ASSOCIATES FOR MICHAEL SPOLETA – 3448 POPLAR BEACH ROAD
CPN 055-14 TM# 98.15-1-16.110
SINGLE-STAGE SITE PLAN APPROVAL

8. The Final Site Plans are to be revised to address the Town Engineers comment letter dated September 15, 2014 prior to the Planning Board Chairman signature being affixed to the site plans.
9. Prior to the issuance of building permits, correspondences from the New York State Department of Environmental Conservation (NYSDEC) regarding their review of the proposed disturbance to the existing channel along the northern property line is to be provided to the Town Development Office.
10. Site Plan Approval with conditions specified above herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 23, 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 September 23, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES FOR MICHAEL SPOLETA – 3448 POPLAR BEACH ROAD
CPN 055-14 TM# 98.15-1-16.110
SINGLE-STAGE SITE PLAN APPROVAL

1. The applicant has submitted plans for single-stage site approval for a tear-down/ rebuild of a single-family dwelling on a 6,585 SF (0.151 ac) parcel located at 3448 Poplar Beach in the RLD zoning district.
2. The above referenced information is based on the Site Plans last revised September 9, 2014 and all other relevant information submitted as of September 23, 2014.
3. The project will connect to public water and sanitary sewer services
4. The existing water service will be disconnected and relocated requiring the approval of the Town Water Superintendent.
5. The existing sanitary sewer lateral will be disconnected and rerouted as per the proposed site plans requiring the approval of Canandaigua Lake County Sewer District (CLCD).
6. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations.
7. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
8. This application was referred to the following agencies and Staff for review and comment:
 - John Berry, Canandaigua Lake County Sewer District
 - William Wright, Ontario County DPW
 - Jim Fletcher, Town of Canandaigua Highway & Water Superintendent
 - Mark Marentette, Chief of Canandaigua City Fire Department
 - Kevin Olvany, Canandaigua Lake Watershed program Manager
 - George Barden, Watershed Inspector
 - MRB Group, Town Engineer
 - Ray Henry, Town Historian
 - Town Environmental Conservation Board
9. A referral to the Ontario County Planning Board (OCPB) was required and reviewed at the August 13th board meeting.
10. Ontario County reviewed the applications (97-2014 & 97.1-2014) classified it as AR-2 with a recommendation of denial requiring a vote of super majority by the Planning Board for approval.
11. This application was submitted to the ZBA for review of the requested area variances (5) at the August 19, 2014 meeting.
12. The ZBA reviewed the following Area Variance requests:

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
VENEZIA ASSOCIATES FOR MICHAEL SPOLETA – 3448 POPLAR BEACH ROAD
CPN 055-14 TM# 98.15-1-16.110
SINGLE-STAGE SITE PLAN APPROVAL

- Area variance for the front yard setback from Poplar Beach Road requesting 45.8 feet, where 60 feet is required.
 - Area variance for the left side yard setback requesting 5.1 feet, where 12 feet is required.
 - Area variance for the right side yard setback requesting 4.0 feet, where 12 feet is required.
 - Area variance for the rear yard (lakeside) setback requesting 25.2 feet, where 60 feet is required.
 - Area variance for the percentage of building coverage requesting 26%, where the maximum allowable is 15%.
13. The ZBA continued this application until the September 16, 2014 ZBA meeting to allow the applicant time to revise the site plans.
 14. The area variances were approved at the September 16, 2014 ZBA meeting.
 15. The proposed application is in compliance with the Zoning Law Determination dated July 23, 2014 regarding the setback requirements for a single-family dwelling in an RLD.
 16. An e-mail dated August 20, 2014 from the Canandaigua Lake Watershed Program Manager was received by the Town Development Office and Planning Board.
 17. A comment letter from the Town Engineer dated September 15, 2014 was provided to the Design Engineer and Planning Board.
 18. A letter was received from Venezia and Associates dated July 11, 2014 regarding compliance with the Town of Canandaigua Shoreline Development Guideline requirements.
 19. The Planning Board has discussed the character of the proposed shoreline in relation to the Town's Shoreline Development Guideline requirements and Venezia and Associates letter dated July 11, 2014.
 20. The calculation of the average finish grade as well as the height of the proposed structures measured from the average finished grade to the peak of the structure are to be shown on the elevation drawings.
 21. A Landscaping Surety and Soil Erosion Surety in the amount to be determined by the Town Code Enforcement Officer is required as the application is located within the RLD.
 22. The Administrative Lot Line Adjustment Plan is to be approved by the Development Office prior.
 23. The Town CEO is to determine if a "Permit Application for Development in the Flood Hazard Areas" is required as the property is within the RLD.
 24. Correspondences from the New York State Department of Environmental Conservation (NYSDEC) regarding their review of the proposed disturbance to the existing channel along the northern property line is to be provided to the Town Development Office.

**TOWN OF CANANDAIGUA PLANNING BOARD
ACTION RESOLUTION – SURETY RELEASE**

**APPLICANT(S): SCOTT MORRELL - MORRELL BUILDERS
PROJECT NAME – LAKEWOOD MEADOWS, SECTION 8B
RELEASE – LETTER OF CREDIT RELEASE #5
CPN No. 021-13**

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a completed and signed Town of Canandaigua Surety Release Form dated August 11, 2014 and a cover letter from the Town Engineer (MRB Group) dated September 12, 2014 describing the items involved with the subject release of the Surety for this project; and

WHEREAS, the Planning Board has considered the requested release and the amount of funds associated therewith; and

WHEREAS, the Planning Board is satisfied with the details described in the requested release documents referenced above herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the requested release of \$32,100.47 and for the items specified on said documents.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to sign and date the Surety Release Form and transmits said documents along with a copy of this resolution to the Town Supervisor for processing the release of the amount specified in said documents.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 23, 2014. Following discussion thereon, the following roll call vote was taken and recorded:

Richard Gentry -
Charles Oylar -
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 September 23, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

**TOWN OF CANANDAIGUA PLANNING BOARD
ACTION RESOLUTION – SURETY RELEASE**

APPLICANT(S): SCOTT MORRELL - MORRELL BUILDERS
PROJECT NAME – LAKEWOOD MEADOWS, SECTION 8B
RELEASE – LETTER OF CREDIT RELEASE #6
CPN NO. 021-13

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a completed and signed Town of Canandaigua Surety Release Form dated September 15, 2014 and a cover letter from the Town Engineer (MRB Group) dated September 16, 2014 describing the items involved with the subject release of the Surety for this project; and

WHEREAS, the Planning Board has considered the requested release and the amount of funds associated therewith; and

WHEREAS, the Planning Board is satisfied with the details described in the requested release documents referenced above herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the requested release of \$194,419.45 and for the items specified on said documents.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to sign and date the Surety Release Form and transmits said documents along with a copy of this resolution to the Town Supervisor for processing the release of the amount specified in said documents.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 23, 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 September 23, 2014 meeting.

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
STEPHANIE LEGRETT – MAJOR HOME HOCCUPATION (HAIR SALON)
5010 NORTH ROAD
CPN 059-14 – TM#71.09-2-3.000
SPECIAL USE PERMIT - SEQR RESOLUTION - TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a Special Use Permit to convert a 162 SF room of the existing single family dwelling located at 5010 North Road into a hair salon with no other site improvements proposed at this time in a R-1-20 District as described in the relevant information submitted as of September 23, 2014 (the current application), and

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

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

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

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 23, 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 September 23, 2014 meeting.

Kathleen Gingerich, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
STEPHANIE LEGRETT – MAJOR HOME HOCCUPATION (HAIR SALON)
5010 NORTH ROAD
CPN 059-14 – TM#71.09-2-3.000
SPECIAL USE PERMIT

WHEREAS, the Town of Canandaigua Planning Board, (hereinafter referred to as Planning Board) is considering a request for a Special Use Permit to convert a 162 SF room of the existing single family dwelling located at 5010 North Road into a hair salon with no other site improvements proposed at this time in a R-1-20 District as described in the relevant information submitted as of September 23, 2014 (the current application), and

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

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

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

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

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

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

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, September 23, 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 September 23, 2014 meeting.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
STEPHANIE LEGRETT -- MAJOR HOME HOCCUPATION (HAIR SALON)
5010 NORTH ROAD
CPN 059-14 -- TM#71.09-2-3.000
SPECIAL USE PERMIT

Kathleen Gingerich, Secretary of the Board L. S.

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
STEPHANIE LEGRETT – MAJOR HOME HOCCUPATION (HAIR SALON)
5010 NORTH ROAD
CPN 059-14 – TM#71.09-2-3.000
SPECIAL USE PERMIT

1. A Notice of Public Hearing was published for this application.
2. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
3. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
4. The applicant is proposing to convert a 162 SF room of the existing single family dwelling located at 5010 North Road into a hair salon with no other site improvements proposed at this time in an R-1-20 District.
5. The applicant has submitted a Waiver Request (pursuant to Town Code 220-65) for a professionally prepared site plan.
6. The Planning Board reviewed the request and granted the waiver for a professionally prepared site plan.
7. No additional site improvements are proposed at this time.
8. The applicant is proposing a single chair at this time and maybe a second chair in the future.
9. The existing driveway can accommodate eight cars.
10. The applicant does not anticipate more than two clients at time on the premises.
11. The Planning Board has determined the proposed Special Use Permit to be consistent with the provisions of Chapter 220-35 of the Town Code.
12. The Planning Board discussed outdoor storage. No outdoor storage of any equipment, materials, or supplies associated with this Special Use Permit is permitted.
13. A building permit application has been submitted to install a third floodlight on the side of the home to light the pathway to the main entrance of the salon.
14. The Planning Board discussed site lighting. All site lighting (existing and proposed) are to be compliant with the Town Code requirements.
15. The proposed project is in substantial compliance with the Zoning Law Determination dated August 27, 2014 regarding the proposed hair salon being classified as a major home occupation.
16. There are no variances requested.
17. This application was referred to the following agencies for review and comment:
 - Jim Fletcher, Town of Canandaigua Highway Superintendent
 - Michael Miller, Chief of the Cheshire Volunteer Fire Department
 - George Barden, Canandaigua Lake Watershed Inspector
 - Kevin Olvany, Canandaigua Lake Watershed Council

TOWN OF CANANDAIGUA PLANNING BOARD FINDINGS
STEPHANIE LEGRETT – MAJOR HOME HOCCUPATION (HAIR SALON)
5010 NORTH ROAD
CPN 059-14 – TM#71.09-2-3.000
SPECIAL USE PERMIT

- Tad Gerace, Ontario County Soil & Water Conservation District
- Dave DeGear, Canandaigua-Farmington Water District
- Chris Jensen, Code Enforcement Officer
- Sheryl Robbins, NYS Department of Health

18. A referral to the Ontario County Planning Board (OCPB) was not required as it is on exemption list.