

5/14/18

# 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.)

**DRAFT**

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 2018

A local law REZONING PROPERTY LOCATED AT 3365 STATE ROUTE 364 INTO THE MIXED  
(Insert Title)  
USE OVERLAY (MUO) ZONING DISTRICT, AND AMENDING THE OFFICIAL  
ZONING MAP OF THE TOWN OF CANANDAIGUA TO REFLECT SAID REZONING.

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of CANANDAIGUA as follows:

SEE ATTACHMENT "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_ OF 2018

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ATTACHEMENT "A"

Be it enacted by the Town Board of the Town of Canandaigua as follows:

**SECTION ONE.** Intent. The intent of this Local Law is to re-designate the real property located at 3365 State Route 364 within the Town of Canandaigua from the R-1-20 zoning district to the Mixed Use Overlay zoning district by amending the official zoning map of the Town of Canandaigua.

**SECTION TWO.** Identification of Property to be Re-Zoned. The property to be re-zoned is located at 3365 State Route 364 within the Town of Canandaigua, as more specifically shown on the attached plans entitled "FINAL SUBDIVISION PLAT PREPARED FOR SARAH – FRANK, LLC" by Years Boundary Land Surveying Services, dated 12/26/2017 and revised on 02/23/2018. Said plat is attached hereto and made a part herein as Attachment "B". Shown additionally on the attached plans entitled "SITE PLAN FOR: STAR CIDER" by Marks Engineering, dated 02/09/2018 and revised on 03/09/2018. Said plan is attached hereto and made a part herein as Attachment "C". The tax map identification number of the parcel to be re-zoned is 98.11-2-8.000.

**SECTION THREE.** Zone District Classification Change from R-1-20 to MUO Mixed Use Overlay. The parcel of land described in Section Two shall be, and the same hereby is, transferred from the R-1-20 Residential zoning district to the MUO Mixed Use Overlay zoning district as said districts are defined and regulated by Town Code Chapter 220, as amended from time to time, and as specifically amended by this Local Law.

**SECTION FOUR.** Setback and Area Requirements. Based on the project descriptions submitted to the Town of Canandaigua as of the date this local law is passed, the Town Board of the Town of Canandaigua hereby establishes the following setback, dimensional, and other area requirements for the land rezoned herein:

- A. Minimum Front Setback to State Route 364 shall be 20'.
- B. Minimum Front Setback from Marvin Sands Drive Shall be 20'
- C. Minimum Side Setback shall be 15'
- D. Minimum Rear Setback shall be 15'
- E. Maximum Building Height shall be 35'
- F. Maximum Lot Coverage shall be 60%

G. Required Open Space shall be 40%

The requirements established herein are specific to the project descriptions and plans submitted by the applicant. If, in the opinion of the Town Board, the project changes significantly, or if the applicant fails to receive approvals from the Town of Canandaigua Planning Board, these requirements shall be void and all of the bulk and area requirements established herein shall be void and all of the bulk area requirements established herein shall revert back to those set for the R-1-20 Residential zoning district in Town Code Chapter 220.

**SECTION FIVE.** Amendment of Official Zoning Map of the Town of Canandaigua. The Town Clerk of the Town of Canandaigua is hereby directed to amend the Official Zoning Map of the Town of Canandaigua to reflect the change in zoning district classification accomplished by this Local Law.

**SECTION SIX.** Authority and Supersession Effect. This local law is enacted pursuant to authority conferred by the New York State Municipal Home Rule Law and Town of Canandaigua Town Code 220-33. To the extent that this local law, or the manner of its adoption, is inconsistent with New York State Town Law, the Town Code of the Town of Canandaigua, or any other statute or local law, this Local Law shall prevail.

**SECTION SEVEN.** Savings Clause. The provisions of this local law shall not affect or impair any action done, offense committed, or right accruing, accrued, or acquired, or liability or penalty, forfeiture or punishment incurred prior to the time this local law takes effect but the same may be enjoyed, asserted, enforced, prosecuted, or inflicted as fully and to the same extent if such local law had not been enacted.

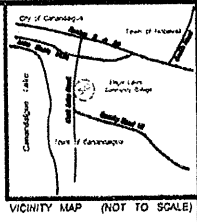
**SECTION EIGHT.** Partial Invalidity. If any provision of this local law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable, such judgment shall not affect, impair or invalidate the remainder of this Local Law, but shall be confined in its operation to the provision, person, or circumstance directly involved in the controversy in which said judgment shall have been rendered.

**SECTION NINE.** Effective Date. This Local Law shall take effect immediately upon filing with the New York State Secretary of State.

**DRAFT**

NOTIFICATION LETTER APPROXIMATELY 14 DAYS BEFORE THE PREPARED AT THE OFFICE OF THE SURVEYOR FOR LAND SURVEYING IN THE COUNTY OF CANANDAIGUA, NEW YORK. THE SURVEYOR'S OFFICE IS LOCATED AT 100 WEST 10TH STREET, CANANDAIGUA, NEW YORK 13617. THE SURVEYOR'S OFFICE IS OPEN FROM 9:00 AM TO 5:00 PM, MONDAY THROUGH FRIDAY. THE SURVEYOR'S OFFICE IS CLOSED ON SUNDAYS AND HOLIDAYS. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF ANY INSTRUMENTS OR RECORDS THAT MAY BE DESTROYED BY FIRE, FLOODING OR OTHER CAUSES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF ANY INSTRUMENTS OR RECORDS THAT MAY BE DESTROYED BY FIRE, FLOODING OR OTHER CAUSES.

THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF ANY INSTRUMENTS OR RECORDS THAT MAY BE DESTROYED BY FIRE, FLOODING OR OTHER CAUSES. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF ANY INSTRUMENTS OR RECORDS THAT MAY BE DESTROYED BY FIRE, FLOODING OR OTHER CAUSES.



**DEED REFERENCE:**

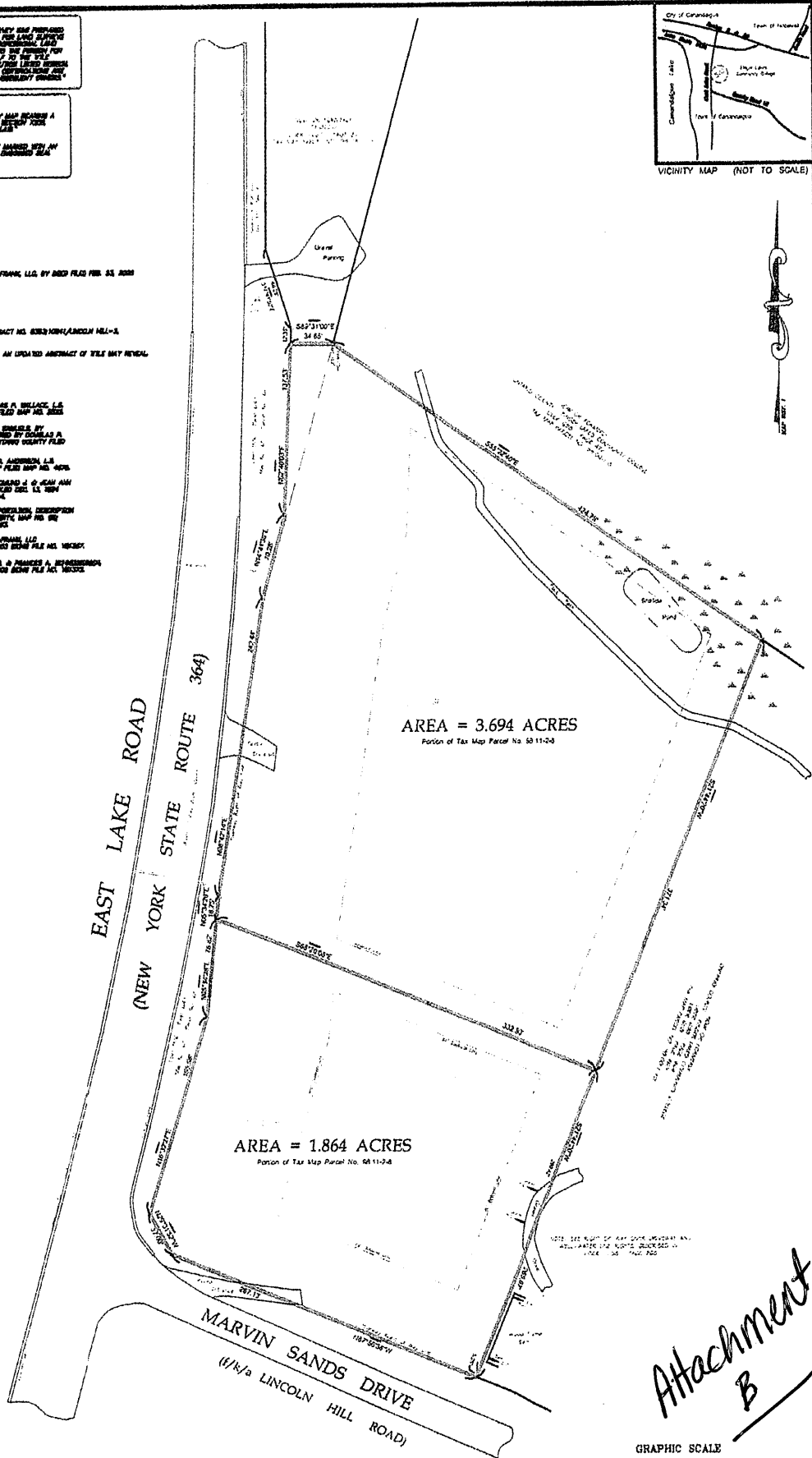
LINCOLN HILL, INC. & ASSOCIATES TO SARAH - FRANK, LLC, BY DEED FILED FEB. 23, 2007 BY LEON TOSH OF BROWN AT PAGE 268.

**ABSTRACT REFERENCE:**

UNION TELE SERVICE CORPORATION, ABSTRACT NO. 6263-NON/ANCON HILL-3, LAST DATED FEBRUARY 23, 2007.  
NOTE: THIS SURVEY IS SUBJECT TO ANY FACTS AN UPDATED ABSTRACT OF TITLE MAY REVEAL.

**MAP REFERENCES:**

1. LANDS OF GEORGE A. BROWN, BY GEORGE A. BROWN, L.S. FILED FEB. 1, 1966 IN ONONDAGA COUNTY FILED MAP NO. 1028.
2. LANDS TO BE CONVEYED TO GEORGE A. BROWN, BY GEORGE A. BROWN, L.S. FILED FEB. 10, 1967 IN ONONDAGA COUNTY FILED MAP NO. 1042.
3. LANDS OF JOHN E. COLEMAN, BY JOHN E. COLEMAN, L.S. FILED MAY 20, 1968 IN ONONDAGA COUNTY FILED MAP NO. 1076.
4. BOUNDARY PLAN OF LAND OWNED BY GEORGE A. BROWN AND JOHN E. COLEMAN, L.S. FILED DEC. 12, 1969 IN ONONDAGA COUNTY FILED MAP NO. 1094.
5. NEW YORK STATE DEPARTMENT OF TRANSPORTATION, SECTION 222 MAP FOR THE ACQUISITION OF PROPERTY MAP NO. 60, FILED MAR. 26, 1963 IN FILED APRIL 23, 1963.
6. MAP OF SURVEY PREPARED FOR SARAH-FRANK, LLC BY LEON TOSH OF BROWN AT PAGE 268, 2007 DEED FILE NO. 10367.
7. MAP OF SURVEY PREPARED FOR JOHN E. COLEMAN, L.S. BY LEON TOSH OF BROWN AT PAGE 268, 2007 DEED FILE NO. 10367.



THIS IS TO CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A RESIDENT OF THE STATE OF NEW YORK AND THAT I AM NOT A MEMBER OF ANY OTHER PROFESSIONAL SOCIETY OR ORGANIZATION.

PLANNING BOARD CHAIRPERSON  
TOWN OF CANANDAIGUA

**Attachment B**



**YEARS**  
boundary  
LAND SURVEYING SERVICES  
JEREMY E. YEARS, L.S.  
Phone: 585-393-1562  
Fax: 585-393-9652  
1110 Greenway Road Canandaigua, NY 13617

REV.	DATE	DESCRIPTION	BY
1	5/26/07	PREPARED	J.E.Y.

**LEGEND**

AC	ACRES FOUND
AS	AS SHOWN ON PLAN AND FILED MAP NO.
BS	BOUNDARY SURVEY
CS	CORNER
DS	DEED FILE
ES	EASEMENT
FS	FILED MAP
GS	GRANT
HS	HOLDING
IS	INSTRUMENT
JS	JUDICIAL SALE
KS	LEASE
LS	LIEN
MS	MORTGAGE
NS	NOTICE
OS	ORDER
PS	POWER OF ATTORNEY
QS	QUITCLAIM
RS	RECORD
SS	SUBDIVISION
TS	TITLE
US	UNDEVELOPED
VS	VARIABLE
WS	WARRANTY
XS	WATER
YS	WELL
ZS	ZONING

FINAL SUBDIVISION PLAN PREPARED FOR  
**SARAH - FRANK, LLC**  
SHOWING LAND AT  
3365 EAST LAKE ROAD  
IN THE  
TOWN OF CANANDAIGUA  
COUNTY OF ONTARIO  
STATE OF NEW YORK  
DATE: **DECEMBER 20, 2007** FILE NO.: **Y00001**



(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 18 of the (County)(City)(Town)(Village) of CANANDIAGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 18, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20   , in accordance with the applicable provisions of law.  
*(Elective Chief Executive Officer\*)*  
*(Name of Legislative Body)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_.  
*(Elective Chief Executive Officer\*)*  
*(Name of Legislative Body)*

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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local 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\*)*  
*(Name of Legislative Body)*

**DRAFT**

\* 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

**DRAFT**

Date: \_\_\_\_\_

(Seal)