

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

ENVIRONMENTAL CONSERVATION BOARD
THURSDAY, OCTOBER 6, 2016, 4:30 P.M.

MINUTES—DRAFT #2

Meeting Called by: Joyce Marthaller, *Chairperson*

Board Members Present: Justin Damann
Edith Davey
Kimberly Foreman
Michael Schiller
Pat Venezia

Board Member Absent: Jennifer Kehoe

Town Representatives: Eric Cooper, Town of Canandaigua Zoning Officer
Thomas Schwartz, Planning Board Chairperson

Guests: Gregg L. Firster, Baldwin Real Estate Development Corporation
Martin Janda, BME Associates, Fairport, N.Y.
Michael Simon, BME Associates, Fairport, N.Y.

a. CALL TO ORDER

Joyce Marthaller, Chairperson, called the meeting to order at 4:30 p.m.

b. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

With everyone in attendance familiar Town Hall emergency procedures, Ms. Marthaller omitted these this afternoon. Board members and guests were introduced.

c. Presentation/Discussion of Baldwin Real Estate Development Corporation Project

Mr. Simon and Mr. Janda from BME Associates, and Mr. Firster of Baldwin Real Estate Development Corporation (an affiliated company with the DiMarco Group of Rochester, N.Y.) presented their application for a Mixed Use Overlay Zoning Request at the southwest corner of County Road 10 and County Road 46 for a multi-family residential affordable housing apartment community. The property consists of four parcels totaling approximately 140 acres and is currently zoned Community Commercial within the Mixed Use Overlay District #3.

The proposal has been submitted to the Town Board for its consideration whether or not to advance the Mixed Use Overlay District process regarding this project. The Town Board has referred the application to the Planning Board and to the Environmental Conservation Board for comment. An advisory opinion from the Planning Board was submitted to the Town Board on September 30, 2016, which indicated that the Planning Board “. . . believes that overall the project is a good fit for this area of the Town of Canandaigua in the Mixed Use Overlay (3) Zoning District, and the Planning Board finds the proposed project in keeping with the Town of Canandaigua’s Comprehensive Plan. . . .”

The following points were discussed during the presentation:

- 288-unit apartment project with a 96-unit component of market-rate one-, two- and three-bedroom apartments.
- Total of 142 acres; 42 acres to be developed.
- The internal loop road within the development would be dedicated to the Town.
- Water service would be extended from Hopewell, N.Y., and looped through the site; sewer utility would be extended from an existing manhole on Recreation Drive to extend into the development with the use of a pump station.
- Each phase of the project would comprise its own parcel; lot lines would be re-subdivided; each phase would have 96 apartments.
- The project would be constructed in a “build and fill” format, i.e., Phase 1 would be completed prior to construction of Phase 2, etc.
- The project would exceed more than 40 percent green space in each phase within the developed portion of the property plus the additional open space in the undeveloped acreage.
- Regarding the undeveloped acreage, the developer is considering granting a Conservation Easement to the Town or a Land-Trust agreement.

- The developer is aware of the “Complete Streets” concept; all areas within the developed portion would be connected with sidewalks throughout the entire project; a trail system also would be developed along the western portion of the site and near the storm-water management facilities. The developer will adhere to the New York State Department of Environmental Conservation (DEC) requirements regarding storm-water management, green infrastructure and bio-retention facilities.
- The developer worked with the DEC and the U.S. Army Corps of Engineers to delineate the wetlands in the western portion of the site; jurisdictional letters have been issued and are available for the record; the letters were issued this year and are valid until 2021; the main wetland within the flood plain of the Canandaigua Outlet is approximately 50 acres; a New York State wetland and a 100-foot buffer also have been delineated; several smaller wetlands on the site regulated by the U.S. Army Corps of Engineers have been delineated. Mr. Janda reviewed the wetlands on the site map and noted that the wetlands were delineated prior to the design of the project; he said that the project has been designed to avoid encroachment upon the wetlands, flood plains or buffers.

Ms. Marthaller asked about the subdivision of the lots. Mr. Simon said that each phase would be a separate block and would require both subdivision and site plan approval from the Planning Board.

Ms. Marthaller asked about a possible Conservation Easement. Mr. Firster said that the developer would consider a Conservation Easement (or similar agreement) for the entire easement area at the time of Phase 1 review. Mr. Schwartz suggested that the Conservation Easement could be the fifth designated parcel within the development. Mr. Cooper advised that the developer should assure to provide at least 40 percent green space.

Mr. Firster explained that the development would include a community room with a fitness center and a computer lab in the clubhouse. He said that the grounds would include playground equipment, a pavilion with a picnic area, a small basketball court and walking trails.

Mr. Schwartz asked that the difference between affordable housing and welfare housing be explained. Mr. Firster said that this project is not “subsidized housing” in which 30 percent of a renter’s monthly income is paid toward rent and the federal Department of Housing and Urban Development (HUD) or another agency assumes the balance. He said that this project is “affordable housing” in which the developer applies to a New York State agency for up to \$12 million in tax credits and then sells the credits to corporate investors and/or other conventional lenders who provide the equity to develop the project. As a result, there would be lower permanent debt on the project which enables the developer to charge lower monthly rents.

Mr. Firster said that the project is directed toward residents who earn 60 percent or less of the area’s median income. He said that rents for the one-, two- and three-bedroom units would be based upon family size. Families within the annual income range of approxi-

mately \$25,000 to \$42,000 per year would qualify and pay a flat rental rate—not a subsidized rental rate—of approximately \$525 to \$800 per month. Mr. Firster said that the developer needs to capture less than 7 percent of the market share of those earning 60 percent or less of the area's median income in order to fill a 96-unit development phase. He said that 7 percent is well below the State's 20 percent market share requirement and that this type of development has been successful elsewhere in New York State.

Mr. Firster noted the Citizens Implementation Committee's goal of exploring "several price point levels for affordable and accessible housing the Town."

Mr. Firster said that 12 percent of the units would be set aside for persons with disabilities. He said that these units would include roll-in showers, roll-under counters and strobe lights for the hard-of-hearing, and that these units would be distributed throughout the entire project and would not be concentrated in one area. He said that units for the disabled would include one-, two- and three-bedroom apartments.

Ms. Davey suggested that the developer consider installation of a permeable asphalt material for the outdoor basketball courts. She said that she would provide this information to Mr. Simon.

Ms. Marthaller asked about sustainable building practices including green infrastructure. Mr. Firster said that both New York State Energy Research and Development Authority (NYSERDA) and U.S. Building Council Leadership in Energy and Environmental Design (LEED) initiatives are planned with a goal of attaining a Silver Certification.

Ms. Marthaller asked about buffering the development from the nearby solar installations that would be installed to the north of the property on County Road 10. She said that buffering would be a concern of the Environmental Conservation Board regarding this project.

Mr. Damann asked about the status of a proposed New York State Department of Environmental Conservation (DEC) Delineation Permit in connection with the multi-year construction of the phases. Mr. Janda said that an agreement could be extended in five-year increments.

Mr. Schwartz suggested that the developer consider offering the construction of a sidewalk along County Road 10 to extend in a southerly direction to existing sidewalks on Routes 5 & 20 to provide pedestrian access to nearby stores and other services. Mr. Simon said that this could be a point of discussion with the Town Board regarding the MUO zoning designation. Mr. Schwartz said that easements probably would be needed to permit installation of sidewalks on the right-of-way. He said that the contribution of sidewalks by the developer would be mutually beneficial for the Town and for the residents of the development. Mr. Firster said that an amenity such as sidewalks may strengthen the funding application. He said that he is not opposed to this and would consider it.

Ms. Marthaller reviewed the Planning Board’s advisory opinion to the Town Board on this project. She said that she would draft the ECB’s advisory opinion for review by the board.

d. APPROVAL OF MINUTES (SEPTEMBER 1, 2016)

Ⓢ A motion was made by MR. SCHILLER, seconded by MR. DAMANN, that the minutes of the meeting of September 1, 2016, be approved.

Motion carried by voice vote.

e. PRIVILEGE OF THE FLOOR

No requests.

f. OLD BUSINESS

1. Highway Facility

Mr. Damann, Ms. Foreman and Ms. Marthaller attended the Informational Meeting on the proposed Town Highway Facility and will receive one hour of credit.

Ms. Foreman said that the project involves a new highway structure with offices and that the current Transfer Station and its congestion issues would receive little attention from this project.

Mr. Damann discussed the possibility of the use of solar energy for the heating of hot water at the Highway Facility and the use of LED lighting. Ms. Marthaller noted that the roof angle did not seem steep enough for the installation of solar panels.

At the Informational Meeting, Ms. Marthaller asked if this would be a LEED project. She said that the Town engineer replied that the LEED process would be followed but that LEED certification would not be pursued due to the expense of the certification process.

Ms. Marthaller said that parts of the old highway garage would be dismantled and sold (building sides are usable, roof is not usable) if the new Highway Facility is built.

Ms. Marthaller also noted that the new structure would feature natural lighting to reduce the use of electric lighting and that the structure is proposed to be well insulated with double metal-core sides. She explained that the new structure