

**Canandaigua Town Board  
Meeting Agenda  
February 13, 2017  
6:00pm**

- Call To Order and Pledge of Allegiance
  - Pledge led by Greg Westbrook, Town Supervisor
- Roll Call
  - Town Clerk Confirmation meeting was properly advertised
- Circulation of Written Communications and Correspondence Call
  - Newsletter, Office for the Aging, February, March, April 2017
  - Newsletter, Cornell University Cooperative Extension Ontario County, The Inside Dirt, Volume 15, Issue 1, February 2017
  - Letter, Charter Communications, Chris Mueller, Director of Government Affairs, Upcoming Changes, January 28, 2017
  - Letter, Ontario County Agriculture Review Board, Approval of the Town of Canandaigua Agricultural Enhancement Plan, January 27, 2017
  - Letter, Charter Communications, Chris Mueller, Director of Government Affairs, Upcoming Changes, January 20, 2017
  - Letter, Department of Health, Public Water Supply, 2017 Sampling Requirements, January 19, 2017
  - Letter, New York State Department of Environmental Conservation, Annual Reporting for Facilities Regulated Under 6 NYCRR Part 360 and/or ECL 27-2303, January 17, 2017
  - Newsletter, Healthy Community Partnership, Good Health, Winter 2016
- Privilege of the Floor
- Public Hearings

*Continued Public Hearings:*

- Public Hearing on the Declared Unsafe Building Located at 2411 State Route 332

*New Public Hearings:*

- Public Hearing on the Proposed Local Law #1

- Presentations
- Priority Business
- Reports of Town Officials and Department Heads

*Written reports prepared by the following officials are included with this agenda. These reports are identified as Attachment 1 to the agenda. These reports are also available for review on the Town's website and are on file with the Town Clerk's office.*

  - A. Director of Parks & Recreation
  - B. Highway / Water Superintendent (Highway Facility Status - Press Release)
  - C. Assessor
  - D. Development Director
  - E. Historian
  - F. Town Clerk
  - G. Supervisor
    - 1. Monthly Financial Report for January 2017

- a. Revenue & Expense Report and Cash Summary Report
- b. EFPR Solutions Executive Summary
- c. Overtime Report All Departments
- d. Overtime Report –Highway & Water
- e. Quarterly Sales Tax Report

➤ Reports of Boards and Committees

- A. Planning Board, Chairman Schwartz
- B. Zoning Board of Appeals, Chairman Robinson
- C. Environmental Conservation Board, Chairwoman Marthaller. *This report is identified as Attachment 2 to the agenda. This report is also available for review on the Town's website and is on file with the Town Clerk's office.*
- D. Public Works Committee, Chairman Fennelly
- E. Finance Committee, Chairman Westbrook
- F. Technology Committee, Chairman Reynolds
  1. Update: Report & Recommendation on Social Media, Website
  2. Update: Internet and Social Media Use Policy
  3. Update: Frontier Proposal
- G. Public Safety and Security Committee, Chairman Cutri
- H. Citizens Implementation Committee, Chairman Finch
- I. Parks & Recreation Committee, Chairwoman Schenk
- J. Special Events Committee, Chairwoman Fuller. *This report is identified as Attachment 3 to the agenda. This report is also available for review on the Town's website and is on file with the Town Clerk's office.*
- K. Personnel Committee, Chairwoman Pierce. *This report is identified as Attachment 4 to the agenda. This report is also available for review on the Town's website and is on file with the Town Clerk's office.*

➤ Privilege of the Floor

➤ Resolutions

*Continued Resolutions:*

**RESOLUTION NO. 2017 – 025: 2017 CANANDAIGUA-HOPEWELL WATER DISTRICT RATES**

**BE IT RESOLVED:**

1. The Canandaigua Town Board does hereby establish the following rates for the Canandaigua-Hopewell Water District:

Water:	
Minimum Bill (0 – 7000 gallons charged at \$4.30/thousand)	\$30.10 per quarter
Usage over 7000 gallons	\$4.30/thousand gallons

2. A copy of this resolution shall be on file with the Town Clerk's office.

**RESOLUTION NO. 2017 – 041: ANNUAL CREDIT CARD & CREDIT ACCOUNT POLICY AND PROCEDURE REVIEW**

**WHEREAS**, the Town of Canandaigua Credit Card & Credit Account Policy and Procedure was adopted by the Town Board on February 24, 2015; and

**WHEREAS**, a copy of the Credit Card & Credit Account Policy and Procedure presented to the Town Board for consideration is included with this resolution and is identified as Attachment 5 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the policy states on an annual basis the Town Board will review, and if needed, modify the policy and procedure; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board has reviewed and hereby adopts the Policy for the year 2017 as written.

**RESOLUTION NO. 2017 – 046: APPOINTMENT OF ENVIRONMENTAL CONSERVATION BOARD MEMBER**

**WHEREAS**, a vacancy exists on the Town of Canandaigua Environmental Conservation Board (herein after described as ECB); and

**WHEREAS**, the Town Board wishes to fill the unexpired term in order to support the continued operation of the ECB; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby appoints \_\_\_\_\_ to the Town of Canandaigua Environmental Conservation Board for the remainder of the term expiring December 31, 2017.

*New Resolutions:*

**PERSONNEL**

- Resolution # 2017 – 066: Appointment of Town Board member
- Resolution # 2017 – 067: Training credit authorization for members of Planning Board, Zoning Board of Appeals, and/or Environmental Conservation Board;
- Resolution # 2017 – 068: Accepting the resignation of Parks and Recreation Committee member, Jeff Graff
- Resolution # 2017 – 069: Town Clerk Annual Report
- Resolution # 2017 – 070: Setting a Public Hearing on Local Law to amend Chapter 60, Residency Requirements, of the Town Code of Canandaigua, adding definition of Town Manager to Town Code Section 1-16; and SEQR intent to declare Lead Agency

**FINANCIAL PLANNING**

- Resolution # 2017 – 071: Adoption of Town Manager Job Description;
- Resolution # 2017 – 072: Authorization for Town Supervisor to sign close out documents for NYS CDBG Grant # 166PR54-12 (Purdy Mobile Rd Sewer Extension);
- Resolution # 2017 – 073: Acceptance of the Monthly Financial Reports
- Resolution # 2017 – 074: Letter of Credit for Site Improvements for Lakewood Meadows Section 9B (Middle Cheshire Road)
- Resolution # 2017 – 075: Ratification of Purchase Agreement for Tax Map #125.16-1-16.000, Route 21 South

- Resolution # 2017 – 076: Acceptance of Maintenance Bond for Old Brookside Section 5 (TM#83.00-1-31.110)
- Resolution # 2017 – 077: Authorization to issue RFP for Parks Mowing Contract
- Resolution # 2017 – 078: Setting a Public Hearing on the Expenditure of Open Space Funds for Agriculture Protection

#### **PUBLIC WORKS**

- Resolution # 2017 – 079: SEQR Determination of Non-Significance for County Road 32 Water District Extension # 41;
- Resolution # 2017 – 080: Establishment of Extension 41 to the Canandaigua Consolidated Water District in the Town of Canandaigua
- Resolution # 2017 – 081: Authorization to Surplus Waste Oil Tank #2
- Resolution # 2017 – 082: Authorization to Surplus Recycling Building
- Resolution # 2017 – 083: Authorization to Surplus Discontinued Water Department Materials
- Resolution # 2017 – 084: Authorization of St. Pauly Textile Agreement
- Resolution # 2017 – 085: 2017 Canandaigua-Farmington Water & Sewer District Rates
- Resolution # 2017 – 086: Authorization of Town Engineer to Conduct Analysis of Town Hall HVAC System

#### **TECHNOLOGY**

- Resolution # 2017 – 087: Adding a Member to the Technology Committee
- Resolution # 2017 – 088: Approval of Credit Card Policy

#### **PUBLIC SAFETY & SECURITY**

- Resolution # 2017 – 089: Authorization for Cheshire Volunteer Fire Department to Place Civic and Community Service Sign at 5439 State Route 5 & 20;
- Resolution # 2017 – 090: Setting a Public Hearing on a Local Law to Create a Peddlers and Solicitors Law; and SEQR Intent to Declare Lead Agency;
- Resolution # 2017 – 091: Canandaigua Yacht Club Alcoholic Beverages License Notice

#### **COMPREHENSIVE PLANNING (Citizens' Implementation Committee)**

- Resolution # 2017 – 092: Adoption of NYS Climate Smart Communities Pledge;
- Resolution # 2017 – 093: Setting a Public Hearing on a Local Law to Add Chapter 17 to the Town Code of the Town of Canandaigua and for said Chapter to be known as Agriculture Advisory Committee; and SEQR Intent to Declare Lead Agency;
- Resolution # 2017 – 094: Setting a Public Hearing on a Local Law to Amend Chapter 220 and Chapter 1 of the Town Code to Include Steep Slope Protection and Definitions Relevant to Steep Slope Protection; and SEQR Intent to Declare Lead Agency;
- Resolution # 2017 – 095: Setting a Public Hearing on a Local Law to Amend Chapter 202 of the Town Code Regarding On-Site Wastewater Treatment Systems; and SEQR Intent to Declare Lead Agency;
- Resolution # 2017 – 096: Setting a Public Hearing on a Text Code Amendment to Amend Town Code Chapter 92 to Clarify Building Permit Expirations; and SEQR Intent to Declare Lead Agency

#### **RESOLUTION NO. 2017 – 066: APPOINTMENT OF A TOWN BOARD MEMBER**

**WHEREAS**, a vacancy exists on the Town Board of the Town of Canandaigua (herein after referred to as Town Board) due to the resignation of Board Member Greg Westbrook, in order for Mr. Westbrook to be appointed as the Town Supervisor of the Town of Canandaigua; and

**WHEREAS**, the Town Board advertised on January 10, 2017 the acceptance of letters of interest and resumes from residents through January 31, 2017 who might be interested in serving on the Town Board; and

**WHEREAS**, the Town Board held interview sessions with residents who might be interested in appointment to the Town Board on January 31, 2017, February 1, 2017, and February 6, 2017; and

**WHEREAS**, the residents of the Town of Canandaigua will elect a Town Board member to fill the unexpired term of the vacant Town Board position during the general election in November 2017 for the term ending December 31, 2019; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby appoints \_\_\_\_\_ to fill the unexpired term of the vacant Town Board position until December 31, 2017 after which time would be filled by the individual elected by the electors of the Town of Canandaigua for a term commencing January 1, 2018 through December 31, 2019.

**RESOLUTION NO. 2017 – 067: TRAINING CREDIT AUTHORIZATION FOR MEMBERS OF PLANNING BOARD, ZONING BOARD OF APPEALS, AND/OR ENVIRONMENTAL CONSERVATION BOARD**

**WHEREAS**, green infrastructure training was held on January 24, 2017 at 5:30pm at the Canandaigua Town Hall for members of the Planning Board, Zoning Board of Appeals, and Environmental Conservation Board; and

**WHEREAS**, the following members attended the training session: Tom Schwartz, Planning Board; Chuck Oyler, Planning Board; Ryan Staychock, Planning Board; Karen Blazey, Planning Board; Gary Humes, Planning Board; Pat Venezia, Environmental Conservation Board; and Terence Robinson, Zoning Board of Appeals; and

**WHEREAS**, the Town Board wishes to grant credit for one and one half hours of training for the training session provided to those members who attended; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua does hereby grant one and one half hours training credit for the individuals identified above; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to record such credit for the above identified individuals in the training tracking database.

**RESOLUTION NO. 2017 – 068: ACCEPTING THE RESIGNATION OF PARKS AND RECREATION COMMITTEE MEMBER, JEFF GRAFF**

**WHEREAS**, Jeff Graff, Parks and Recreation Committee Member, has tendered his resignation from the Town of Canandaigua Parks and Recreation Committee; and

**WHEREAS**, Mr. Graff has served as a Canandaigua Parks and Recreation Committee member since January 5, 2004; and

**WHEREAS**, Mr. Graff was a valuable member of the Parks and Recreation Committee and the 2007 Town of Canandaigua Parks and Recreation Master Plan; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby accepts the resignation of Mr. Graff, and thanks him for his years of service to the Town of Canandaigua and its residents, and wishes him well with future endeavors.

## **RESOLUTION 2017 – 069: TOWN CLERK ANNUAL REPORT**

**WHEREAS**, in accordance with Town Law 123, the Town Clerk has provided the Town Board and the Town Supervisor with her annual accounting report as well as access to her accounting records; and

**WHEREAS**, members of the Town Board were provided an opportunity to review this information and complete the required annual audit; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board accepts the annual report of the Town Clerk and finds her records to be in order.

## **RESOLUTION NO. 2017 – 070: SETTING A PUBLIC HEARING ON LOCAL LAW TO AMEND CHAPTER 60, RESIDENCY REQUIREMENTS, OF THE TOWN CODE OF CANANDAIGUA, ADDING DEFINITION OF TOWN MANAGER TO TOWN CODE SECTION 1-16; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering the amendment of Chapter 60 of the Town Code of the Town of Canandaigua known as "Residency Requirements", and adding the definition of Town Manager to Town Code Section 1-16; and

**WHEREAS**, the proposed local law, would require a person holding the position and office of Town Manager to be an elector or reside in Ontario County or an adjoining county thereof; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed local law; and

**WHEREAS**, a copy of the described proposed Text Code Amendments presented to the Town Board for consideration is included with this resolution and is identified as Attachment 6 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the Town Board intends to determine said proposed Text Code Amendments are classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on February 27, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

## **RESOLUTION NO. 2017 – 071: APPROVAL OF TOWN MANAGER JOB DESCRIPTION**

**WHEREAS**, the Town Board of the Town of Canandaigua has created the position of Town Manager to serve as the Chief Administrative Officer of the Town of Canandaigua; and

**WHEREAS**, the Town Board has developed a job description for the position of Town Manager in order to clearly define the role, responsibilities, and duties of the position; and

**WHEREAS**, a copy of the job description is included with this resolution and is identified as Attachment 7 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby approve the attached job description for the position of Town Manager; and

**BE IT FURTHER RESOLVED**, the Personnel Officer shall provide a copy of the Town Manager job description to the Ontario County Department of Human Resources, and place a copy in the official list of job descriptions for the Town of Canandaigua.

**RESOLUTION NO. 2017 – 072: AUTHORIZATION FOR TOWN SUPERVISOR TO SIGN CLOSE OUT DOCUMENTS FOR NYS CDBG GRANT # 166PR54-12**

**WHEREAS**, the Town of Canandaigua has been notified by the Office of Community Renewal (OCR) that it has determined the Town of Canandaigua has satisfactorily completed CDBG Project # 166PR54-12, the Purdy Mobile Road Sewer Expansion; and

**WHEREAS**, OCR has determined that the Town of Canandaigua can now begin the form closeout process of the grant; and

**WHEREAS**, the Town Board wishes to close out CDBG Project # 166PR54-12; and

**WHEREAS**, a copy of the Grant Closeout Transmittal Form presented to the Town Board for consideration is included with this resolution and is identified as Attachment 8 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes Town Supervisor Greg Westbrook to sign the grant closeout documents for CDBG Project # 166PR54-12.

**RESOLUTION NO. 2017 – 073: ACCEPTANCE OF THE MONTHLY FINANCIAL REPORTS**

**WHEREAS**, the Town Board is responsible for the general oversight of the Town's operations and finances; and

**WHEREAS**, the Town Supervisor, as Chief Financial Officer, is responsible for providing financial reports to the Town Board; and

**WHEREAS**, the Town Supervisor has provided the Town Board with hard copies and electronic copies of the January 2017 Monthly Revenue/Expense Control Report, Cash Summary Report, EFPR Solutions Executive Summary Report, as well as the and Highway/Water Department Overtime Report and All Department Overtime Report; and

**WHEREAS**, copies of these documents are included with this agenda and are identified as Attachment 1 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Canandaigua Town Board hereby confirms receipt and acceptance of these items.

**RESOLUTION NO. 2017 – 074: LETTER OF CREDIT FOR SITE IMPROVEMENTS FOR LAKEWOOD MEADOWS SECTION 9B (MIDDLE CHESHIRE ROAD)**

**WHEREAS**, the Town of Canandaigua Planning Board has granted a final (phased) subdivision approval for Lakewood Meadows Subdivision (Section 9B), Middle Cheshire Road, Canandaigua; and

**WHEREAS**, the Town of Canandaigua Planning Board has determined that a site improvement surety is to be provided and accepted by the Town Board prior to the issuance of building permits; and

**WHEREAS**, the Town Engineer has reviewed the proposed estimates and found them to be satisfactory to meet the conditions of approval and the work to be completed; and

**WHEREAS**, the applicant has provided a Letter of Credit in the amount of \$ 933,055.00 for the purposes of the site improvement surety; and

**WHEREAS**, a copy of the proposed estimates presented to the Town Board for consideration is included with this resolution and is identified as Attachment 9 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua DOES hereby approve and accept a site improvement surety in the total amount of \$ 933,055.00 in the form of a Letter of Credit.

**RESOLUTION NO. 2017 – 075: RATIFICATION OF PURCHASE AGREEMENT FOR TAX MAP # 125.16-1-16.000, ROUTE 21 SOUTH**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as Town Board) wishes to acquire less than one acre of property along Route 21 South identified as Tax Map # 125.16-1-16.000; and

**WHEREAS**, the Town Board has identified a public benefit for the acquisition of the described parcel for access to current and potential future public infrastructure improvement(s); and

**WHEREAS**, the Town Supervisor has been able to negotiate a price of \$ 4,000 for the purchase of Tax Map # 125.16-1-16.000, identified as .89 acres along Route 21 south of the hamlet of Cheshire; and

**WHEREAS**, a copy of the purchase agreement presented to the Town Board for consideration is included with this resolution and is identified as Attachment 10 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby ratifies the purchase agreement for Tax Map # 125.16-1-16.000 in an amount of \$ 4,000; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Supervisor and the Town Attorney to execute any and all documents relating to the acquisition of land identified as Tax Map # 125.16-1-16.000.



**RESOLUTION NO. 2017 – 076: ACCEPTANCE OF MAINTENANCE BOND FOR OLD BROOKSIDE SECTION 5 (TM#83.00-1-31.110)**

**WHEREAS**, Old Brookside, LLC has requested the final release of the letter of credit for Old Brookside Section 5, Canandaigua; and

**WHEREAS**, the Town of Canandaigua Planning Board has determined that a maintenance bond is to be provided and accepted by the Town Board prior to the final release of the letter of credit for said project; and

**WHEREAS**, the Town Engineer has reviewed the proposed maintenance bond and has found it to be satisfactory; and

**WHEREAS**, a copy of the proposed maintenance bond presented to the Town Board for consideration is included with this resolution and is identified as Attachment 11 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the applicant has provided a check in the amount of \$ 2,410.00 for the purposes of the maintenance bond; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua DOES hereby approve and accept the maintenance bond in the total amount of \$ 2,410.00 in the form of a check.

**RESOLUTION 2017 – 077: AUTHORIZATION TO ISSUE RFP FOR PARKS MOWING CONTRACT**

**WHEREAS**, the Director of Parks and Recreation is seeking to receive bids for a mowing contract that will consist of weekly mowing and weeding services at three Town parks: Blue Heron Park, Richard P. Outhouse Memorial Park, and Leonard R. Pierce Memorial Park; and

**WHEREAS**, a one-season mowing contract is accounted for in the 2017 approved budget line A.7110.400; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Director of Parks and Recreation to request proposals for a mowing contract in accordance with the Town of Canandaigua Procurement Policy; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Parks and Recreation to provide said quotes to the Town Board for consideration.

**RESOLUTION NO. 2017 – 078: SETTING A PUBLIC HEARING ON THE EXPENDITURE OF OPEN SPACE FUNDS FOR AGRICULTURE PROTECTION**

**WHEREAS**, the Town Board of the Town of Canandaigua on December 27, 2000 created a "Open Spaces Capital Reserve Fund"; and

**WHEREAS**, the Town Board of the Town of Canandaigua wishes to use "open space funds" for the protection of agriculture lands, matching contribution, pertaining to a NYS Department of Agriculture and Markets Purchase of Development Rights (PDR) award; and

**WHEREAS**, the Town Board wishes to hear from residents interested in speaking relative to the use of open space funds; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing on March 20, 2017 at 6:00pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424 for the purposes of hearing from residents about the use of open space funds; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Town Clerk to publish notice of the aforementioned hearing.

**RESOLUTION NO. 2017 – 079: SEQR DETERMINATION OF NON-SIGNIFICANCE FOR COUNTY ROAD 32 WATER DISTRICT EXTENSION 41**

**WHEREAS**, the Town Board of the Town of Canandaigua is considering the establishment of extension 41 to the Canandaigua Consolidated Water District to be known as, "County Road #32 Water Extension #41 to the Canandaigua Consolidated Water District"; and

**WHEREAS**, the Town Board of the Town of Canandaigua determines the County Road 32 Water District Extension 41 project is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board of the Town of Canandaigua has given consideration to the criteria for determining significance as set forth in § 617.7(c)(1) of the SEQR Regulations and the information contained in the Full Environmental Assessment Form Part 1; and

**WHEREAS**, the Town Board of the Town of Canandaigua has reviewed and completed Part 2 and Part 3 of the Full Environmental Assessment Form as presented; and

**WHEREAS**, a copy of Part 2 and Part 3 of the Full Environmental Assessment Form presented to the Town Board for consideration is included with this resolution and is identified as Attachment 12 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby designates itself as Lead Agency for the described action; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua has reasonably concluded there would not be any substantial adverse impact on the following: land use planning or zoning regulations; intensity of use of the land; character or quality of the existing community; environmental characteristics; existing level of traffic or infrastructure, use of energy; public or private water supplies; public or private wastewater treatment utilities; character or quality of important historic, archaeological, architectural or aesthetic resources; natural resources; potential for erosion, flooding or drainage problems; or creation of a hazard to environmental resources or human health; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua determines upon the information and analysis documented, the proposed action will not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua does hereby make a Determination of Non-Significance for the County Road 32 Water District Extension 41; and

**BE IT FURTHER RESOLVED**, the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and file with the Town Clerk as evidence the Town

Board has determined the proposed action will not result in any significant adverse environmental impact.

**RESOLUTION NO. 2017 – 080: ESTABLISHMENT OF EXTENSION 41 TO THE CANANDAIGUA CONSOLIDATED WATER DISTRICT IN THE TOWN OF CANANDAIGUA**

**WHEREAS**, the Town Board of the Town of Canandaigua, ("Board"), Ontario County, New York in relation to the establishment of a proposed water district extension to be known as the "County Road #32 Water Extension #41 to the Canandaigua Consolidated Water District", ("Extension"), pursuant to article 12 of the Town Law, has received a petition purporting to be executed by more than fifty-percent (50%) of all owners of taxable real property within the proposed Extension and executed by more than fifty-percent (50%) of all resident owners of taxable real property within the proposed Extension, a copy of which petition is on file in the Town Clerk's Office; and

**WHEREAS**, the Town Board has appropriated money from the General Funds of said Town to compensate the Town Engineer for preparation of a report, plan and map outlining the Extension; and

**WHEREAS**, said map, plan and report, including an estimate of cost, were duly prepared by MRB Group, P.C., engineers duly licensed under the laws of the State of New York; and

**WHEREAS**, said map, plan and report has been filed in the Office of the Town Clerk of the Town of Canandaigua where the same is available for inspection during regular business hours; and

**WHEREAS**, the Extension shall be bounded and described as set forth in Attachment 13 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the improvements proposed for the Extension are extending an existing water main located on County Road #32 from the intersection with Hopkins Road approximately 3,200 linear feet southwest along County Road #32, and consisting of the installation of an 8-inch water main, valves, hydrants, and appurtenances; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements is **\$158,400.00** and the method of financing the cost of said improvements shall be the issuance of serial bonds of the Town of Canandaigua maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the extension, assessed upon all the taxable real property within the Extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principle and interest on said bonds as the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principle and interest on said bonds as the same shall become due; and

**WHEREAS**, the estimated cost of hookup fees to the typical property in the Extension is **\$1,655.00** and the estimated cost of hookup fees to the typical one or two family home in the Extension is **\$1,655.00**; and

**WHEREAS**, the annual estimated cost of the Extension to the typical property therein is **\$1,547.77** for operation, maintenance and other charges and expenses to be paid, and the annual estimated cost of the Extension to the typical one or two family home therein is **\$1,547.77** for operation, maintenance, and other charges and expenses to be paid; and

**WHEREAS**, an explanation of the manner by which were computed said estimated costs of hookup fees and annual cost to the typical property and the typical one or two family home in said Extension has been duly filed in the Office of the Town Clerk where the same is available during regular office hours for examination by any person interested in the subject matter thereof; and

**WHEREAS**, the establishment of said extension and the improvements proposed therein have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, implementation which as proposed, the Town Board has determined will not result in any significant environmental effect; and

**WHEREAS**, an order was duly adopted by the Board on January 9, 2017, containing a legal description of the boundaries of the district, the improvements to be constructed, the maximum amount to be expended by the Board for said improvements, the method of financing to be employed, the fact that a map, plan and report were on file in the Office of the Town Clerk during the pendency of this proceeding for public inspection, and specifying the 13<sup>th</sup> day of February 2017 at 6:00 O'CLOCK P.M., at the Canandaigua Town Hall, 5440 Routes 5&20 West, Canandaigua, New York, as the time when and the place where the Board would hold a public hearing to hear all persons interested in the subject thereof; and

**WHEREAS**, said order issued by the Board directed that the Town Clerk duly publish the order in the official newspaper of the Town of Canandaigua, within the time prescribed by Town Law and proof of such publication having been duly presented to the Board; and

**WHEREAS**, said order issued by the Board directed that the Town Clerk duly post the order on the designated sign board located at the Town Hall within the time prescribed by Town Law, and proof of such posting having been duly presented to the Board; and

**WHEREAS**, the Board determined that the notice of public hearing was published and posted as required by law, and was otherwise sufficient; and

**WHEREAS**, the Board determined that all the property owners included in the extension are benefited thereby, that all property owners benefited by the extension are included in the extension and the establishment of the extension is in the public interest, all as more particularly set forth in the record of the proceedings; and

**WHEREAS**, said public hearing was duly opened at the time and place set forth in said order at which time all persons desiring to be heard were duly heard; and

**WHEREAS**, following said public hearing, and based upon the evidence given thereat, the Board on February 13, 2017, duly adopted a resolution determining in the affirmative all the questions set forth in Section 194(1) of the Town Law and approving the establishment of said extension; and

**WHEREAS**, the extension will require the approval of the New York State Comptroller prior to construction of the improvements as the annual estimated charge of the extension exceeds the maximum average annual cost allowance established by the New York State Department of Audit and Control; and

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to the provisions of Town Law, that the Town Board of the Town of Canandaigua herein specifically finds that:

1. The petition was signed and acknowledged or proved or authenticated as required by law and was otherwise sufficient.
2. The notice of hearing was duly published and posted as required by law and notice of the public hearing otherwise complied with due process requirements.
3. All the property and property owners within the proposed extension are benefited thereby.
4. All the property and property owners benefited are included within the limits of the extension.
5. The formation of the extension is in the public interest, and it is further

**ORDERED** by the Town Board of the Town of Canandaigua, Ontario County, New York, as follows:

Section 1. The extension hereby established shall be known as the "County Road #32 Water Extension #41 to the Canandaigua Consolidated Water District", and shall be bounded and described as set forth more fully in the map, plan and report on file in the Office of the Town Clerk, and as further described in exhibit "A".

Section 2. The improvements contemplated in the map, plan and report, the associated appurtenances, machinery, apparatus, public works and incidental improvements, and expenses in connection therewith, as more fully described in the map, plan and report, are hereby authorized and approved subject to approval by the NYS Comptroller. The maximum amount to be expended for said improvements is **\$158,400.00** and the method of financing the cost of said improvements shall be the issuance of serial bonds of the Town of Canandaigua maturing in annual installments over a period not exceeding 30 years, such bonds to be payable from the assessment levied upon all the taxable real property in the Extension, assessed upon all the taxable real property within the Extension at the same time and in the same manner as other Town Charges, in an amount sufficient to pay the principle and interest on said bonds as the same become due, but if not paid by such source, all the taxable real property in the Town of Canandaigua shall be subject to the levy of ad valorem taxes without limitation as to the rate or amount sufficient to pay the principle and interest on said bonds as the same shall become due

Section 3. The Supervisor of the Town of Canandaigua, or his designee, is hereby authorized and directed to take such action as is necessary and proper, and/or incidental, to obtain the approval of the New York State Comptroller pursuant to Town Law, including but not limited to submitting an application to the New York State Office of the Comptroller for permission to form the Extension.

#### **RESOLUTION 2017 – 081: AUTHORIZATION TO SURPLUS WASTE OIL TANK #2**

**WHEREAS**, Waste Oil Tank #2 is a 2,000 gallon tank listed in the tank inventory of the NYS DEC and identified as "W/O 2" on the petroleum storage certificate; and

**WHEREAS**, the Town Highway Department no longer needs this tank to collect waste oil; and

**WHEREAS**, the Highway Superintendent requests to surplus Waste Oil Tank #2; and

**WHEREAS**, the tank can be sold through the government surplus auction; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the surplus of Waste Oil Tank #2 and directs the Highway Superintendent to sell this tank at auction; and

**BE IT FURTHER RESOLVED**, the Town Board of the Town of Canandaigua hereby directs the Highway Superintendent to coordinate removal of Waste Oil Tank #2 from the NYS DEC tank inventory.

**RESOLUTION 2017 – 082: AUTHORIZATION TO SURPLUS RECYCLING BUILDING**

**WHEREAS**, it was necessary to deconstruct the existing Recycling Building (Bldg. 3) to make room for the new Highway Facility; and

**WHEREAS**, Town employees have since deconstructed the building; and

**WHEREAS**, the Highway Superintendent requests to surplus the Recycling Building; and

**WHEREAS**, construction materials left over from the deconstruction of the Recycling Building are metal roofing and sides, two (2) overhead doors, and wood framing; and

**WHEREAS**, the metal roofing and sides can be sold as scrap metal, the two (2) garage doors can be sold through online auction, and the wood can be stored by the Town to be re-used for future construction projects; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the surplus of the Recycling Building and directs the Highway Superintendent to sell all metal materials as scrap metal, to sell the two (2) garage doors through online-auction, and to store the wood to be re-used for future construction projects.

**RESOLUTION 2017 – 083: AUTHORIZATION TO SURPLUS DISCONTINUED WATER DEPARTMENT MATERIALS**

**WHEREAS**, the Environmental Protection Agency has enacted a program known as Lead Free Lawns which requires municipal water systems to discontinue use of all materials containing lead; and

**WHEREAS**, the Water Superintendent requests to surplus the following lead-containing items; and

- Eight (8) 1" straight meter tails
- Three (3) 1 x ¾" meter tails
- Six (6) 1" angle meter tails

**WHEREAS**, the above listed items can be sold as scrap metal; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the surplus of the above-listed items and directs the Water Superintendent to sell them as scrap metal.

**RESOLUTION NO. 2017 – 084: AUTHORIZATION OF ST PAULY TEXTILE AGREEMENT**

**WHEREAS**, St. Pauly Textile Inc. has been in communication with the Highway Superintendent to allow the placement of a clothing collection bin to be located at the Town's Transfer Station; and

**WHEREAS**, the Town requested St. Pauly Textile Inc to submit their agreement to the Town, submit their Certificate of Liability Insurance and NYS Workers' Compensation Insurance

Certificate, and to sign the Town's Independent Contractor Supplemental Terms and Conditions agreement; and

**WHEREAS**, St. Pauly Textile has submitted the signed agreements and required certificate of insurances to the Town; and

**WHEREAS**, a copy of the signed agreements and insurance certificates are included with the agenda attached to the Town Clerk's monthly report; this information is also is available for review in the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby accepts the agreement with St. Pauly Textile and authorizes the Town Supervisor to execute the agreement.

**RESOLUTION NO. 2017 – 085: 2017 CANANDAIGUA-FARMINGTON WATER & SEWER DISTRICT RATES**

**WHEREAS**, the rates were previously established for the Canandaigua Farmington Water & Sewer Districts by Resolution no. 2017-024; and

**WHEREAS**, it is the intent of the Town Board to supersede the previous resolution to make clear the actual water and sewer rates for the Canandaigua Farmington Water and Sewer districts; and

**BE IT RESOLVED:**

1. The Canandaigua Town Board does hereby establish the following rates for the Canandaigua-Farmington Water & Sewer District:

Water:	
Minimum Bill (0 – 6000 gallons charged at \$3.75/thousand)	\$22.50 per quarter
Usage over 6000 gallons	\$4.25/thousand gallons
Sewer:	
Flat rate billed per unit	\$87.50 per quarter

2. A copy of this resolution shall be on file with the Town Clerk's office.

**RESOLUTION NO.2017 – 086: AUTHORIZATION OF TOWN ENGINEER TO CONDUCT ANALYSIS OF TOWN HALL HVAC SYSTEM**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after called "Town Board") is considering the expenditure of funds for replacement of the upstairs portion of the Town Hall HVAC system; and

**WHEREAS**, the Town Board wishes to ensure the most efficient and cost effective operation of heating and cooling needs of the Town Hall in order to provide years of trouble free service for the users of the Town Hall; and

**WHEREAS**, the Town Board has received three quotes for replacement of the HVAC system ranging in price from \$ 50,000 to \$ 88,000 with a variety of options; and

**WHEREAS**, the Town Board has requested a quote from the Town Engineer, MRB, in order to conduct an analysis of the needs of the building as it relates to HVAC in order to further help the Town Board identify the most reasonable and cost efficient option for replacement of the HVAC system; and

**WHEREAS**, the Town Engineer has provided a quote for the completion of an HVAC analysis of the Town Hall; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby authorizes the Town Engineer to conduct an HVAC analysis in an amount not to exceed a total cost of \$ 2,500; and

**BE IT FURTHER RESOLVED**, the Town Board authorizes and directs the Town Supervisor to sign any and all documents relative to execution of the proposal.

**RESOLUTION NO. 2017 – 087: ADDING A MEMBER TO THE TECHNOLOGY COMMITTEE**

**WHEREAS**, Town Clerk Jean Chrisman has expressed an interest in being a liaison member of the Town Board Technology Committee; and

**WHEREAS**, the reason for this consideration is Clerk Chrisman is the primary contact person for all service orders and any other necessary contact with Integrated Systems or Frontier; and

**WHEREAS**, this request has been discussed with Technology Committee Chairman Kevin Reynolds, who recommends that Town Clerk Jean Chrisman be added to the Technology Committee; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Board agrees with the recommendation and approves Town Clerk Jean Chrisman to be added as a member of the Town's Technology Committee.

**RESOLUTION NO. 2017 – 088: APPROVAL OF CREDIT CARD POLICY**

**WHEREAS**, the Town Clerk's has been providing a credit card payment option for the convenience of its customers since April 2015; and

**WHEREAS**, the Town Board first adopted the Policy and Procedure for Accepting Public Credit Card Payments on February 23, 2015; and

**WHEREAS**, the Town Board is required to review and adopt the policy on a annual basis; and

**WHEREAS**, a copy of the Policy and Procedure is included with the agenda as an attachment to the Town Clerk's monthly report; this information is also is available for review in the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board the Town Board has reviewed the Policy and Procedure and hereby adopts the Policy and Procedure for Accepting Public Credit Card Payments for 2017.



**RESOLUTION NO. 2017 – 089: AUTHORIZATION FOR CHESHIRE VOLUNTEER FIRE DEPARTMENT TO PLACE A CIVIC AND COMMUNITY SERVICE SIGN AT 5439 STATE ROUTE 5 & 20**

**WHEREAS**, the Cheshire Volunteer Fire Department has made application to the Town of Canandaigua in order to construct a four feet by eight feet double sided one 8-inch aluminum composite civic and community sign in order to identify the location of the Cheshire Volunteer Fire Department at 5439 State Route 5 & 20; and

**WHEREAS**, the proposed sign would be dark red background with smooth shiny gold vinyl overlay with black vinyl outline placed on cedar posts painted brown and cut into shapes; and

**WHEREAS**, the Town Code of the Town of Canandaigua, Chapter 220 – 79 regulates Compliance relating to signs; and

**WHEREAS**, 220-79(D) (2) provides for exemption of Civic and Community Service Signs, *“Civic and community service signs. The regulations specified herein shall not apply to any sign found by the Canandaigua Town Board to be necessary to a civic or community service or otherwise necessary to serve the public interest, provided the findings of such board describe the natures, including size, location, design, illumination and duration of any such sign found to be necessary”*; and

**WHEREAS**, the applicant has provided a rendering and site plan of the proposed sign; and

**WHEREAS**, a copy of the site plan of the sign presented to the Town Board for consideration is included with this resolution and is identified as Attachment 14 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby declares the proposed sign to be a civic and community service sign.

**RESOLUTION NO. 2017 – 090: SETTING A PUBLIC HEARING ON A LOCAL LAW TO CREATE A PEDDLERS AND SOLICITORS LAW; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering a Code Update to create a new chapter of the Canandaigua Town Code, Chapter 153, to regulate peddling and soliciting in the Town of Canandaigua; and

**WHEREAS**, the Town Board would like to hear from interested residents about the proposed local law; and

**WHEREAS**, the Town Board wishes to refer the proposed text code amendment to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**WHEREAS**, the Town Board intends to determine said text code amendment is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**WHEREAS**, a copy of the Proposed Local Law presented to the Town Board for consideration is included with this resolution and is identified as Attachment 15 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on March 20, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to refer the proposed text code amendment and notification of SEQR intent to declare Lead Agency to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

**RESOLUTION NO. 2017 – 091: CANANDAIGUA YACHT CLUB ALCHOLIC BEVERAGES LICENSE NOTICE**

**WHEREAS**, the Town received on January 27, 2017, a 30-Day Advanced Notice, ("30-Day Notice"), for the Renewal of an On-Premises Alcoholic Beverages license application for the Canandaigua Yacht Club Inc.; and

**WHEREAS**, the Town does not express any opinion for or against the application;

**NOW, THEREFORE, BE IT RESOLVED** that, the Town Board takes no further action relative to the 30 Day Notice.

**RESOLUTION NO. 2017 – 092: ADOPTING NY STATE CLIMATE SMART COMMUNITIES PLEDGE**

**WHEREAS**, the Town Board of the Town of Canandaigua is proactive in the approach of supporting efforts to protect and enhance our environment; and

**WHEREAS**, the NYS Department of Environmental Conservation is encouraging local governments to adopt the Climate Smart Communities Pledge in an effort to influence the state's greenhouse gas (GHG) emission sources (including buildings, transportation, land use and community services), and feels that local cities, towns, and villages are best able to assess their own vulnerability; and

**WHEREAS**, it is believed that climate change poses a threat to our local and global environments and may be influenced by the burning of fossil fuels; and

**WHEREAS**, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

**WHEREAS**, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

**WHEREAS**, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come; and

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Canandaigua, in order to reduce greenhouse gas emissions and adapt to a changing climate, adopts the New York State Climate Smart Communities Pledge, which comprises the following ten elements:

1. Pledge to be a Climate Smart Community.
2. Set goals, inventory emissions, plan for climate action.
3. Decrease community energy use.
4. Increase community use of renewable energy.
5. Realize benefits of recycling and other climate-smart solid waste management practices.
6. Reduce greenhouse gas emissions through use of climate-smart land-use tools.
7. Enhance community resilience and prepare for the effects of climate change.
8. Support development of a green innovation economy.
9. Inform and inspire the public.
10. Commit to an evolving process of climate action.

**BE IT FINALLY RESOLVED**, the Town Board of the Town of Canandaigua directs the Town Clerk to mail a certified copy of this resolution to: Office of Climate Change, NYS DEC, 625 Broadway, Ninth Floor, Albany, NY 12233-1030.

**RESOLUTION NO. 2017 – 093: SETTING A PUBLIC HEARING ON A LOCAL LAW TO ADD CHAPTER 17 TO THE TOWN CODE OF THE TOWN OF CANANDAIGUA AND FOR SAID CHAPTER TO BE KNOWN AS AGRICULTURAL ADVISORY COMMITTEE; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering the adoption of a Text Code Amendment through the adoption of a local law to add Chapter 17 to the Town Code of the Town of Canandaigua establishing an Agricultural Advisory Committee; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed local law; and

**WHEREAS**, the Town Board wishes to refer the proposed text code amendment to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, Ontario County Agriculture Review Board, and the Ontario County Planning Board; and

**WHEREAS**, a copy of the described proposed Text Code Amendments presented to the Town Board for consideration is included with this resolution and is identified as Attachment 16 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the Town Board intends to determine said proposed Text Code Amendments are classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on March 20, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to refer the proposed text code amendment and notification of SEQR intent to declare Lead Agency to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of

Appeals, Ontario County Agriculture Review Board, and the Ontario County Planning Board;  
and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

**RESOLUTION NO. 2017 – 094: SETTING A PUBLIC HEARING ON A LOCAL LAW TO AMEND CHAPTER 220 AND CHAPTER 1 OF THE TOWN CODE OF THE TOWN OF CANANDAIGUA TO INCLUDE STEEP SLOPE PROTECTION AND DEFINITIONS RELEVANT TO STEEP SLOPE PROTECTION; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as “Town Board”) is considering the adoption of a Text Code Amendment(s) through the adoption of a local law to amend Chapter 220 to include steep slope protection and to amend Chapter 1-17 to include definitions relevant to steep slope protection; and

**WHEREAS**, the Town Board has received the proposed local law at the recommendation of the Town of Canandaigua Planning Board, Environmental Conservation Board, Citizen's Implementation Committee, and the Natural Resources Inventory Team which has been working diligently to draft such text code amendments; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed local law; and

**WHEREAS**, the Town Board wishes to refer the proposed text code amendment to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**WHEREAS**, a copy of the described proposed Text Code Amendments presented to the Town Board for consideration is included with this resolution and is identified as Attachment 17 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the Town Board intends to determine said proposed Text Code Amendments are classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on March 20, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to refer the proposed text code amendment and notification of SEQR intent to declare Lead Agency to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

**RESOLUTION NO. 2017 – 095: SETTING A PUBLIC HEARING ON A LOCAL LAW TO AMEND CHAPTER 202 OF THE TOWN CODE OF THE TOWN OF CANANDAIGUA REGARDING ON-SITE WASTEWATER TREATMENT SYSTEMS; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering the adoption of a Text Code Amendment(s) through the adoption of a local law to amend Chapter 202 to require adequate performance and inspections of individual on-site wastewater treatment systems; and

**WHEREAS**, the Town Board has received the proposed local law at the recommendation of the Town of Canandaigua Planning Board, Environmental Conservation Board, Citizen's Implementation Committee, and the Canandaigua Lake Watershed Council; and

**WHEREAS**, the Canandaigua Lake Watershed Council's workgroup has held a series of public information meetings on the proposed local law in 2014, 2015, and 2016, as identified in Attachment 18; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed local law; and

**WHEREAS**, the Town Board wishes to refer the proposed text code amendment to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**WHEREAS**, the above described proposed Text Code Amendments identified are attached described as Attachment 18; and

**WHEREAS**, the Town Board intends to determine said proposed Text Code Amendments are classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on March 20, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to refer the proposed text code amendment and notification of SEQR intent to declare Lead Agency to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

**RESOLUTION NO. 2017 – 096: SETTING A PUBLIC HEARING ON A TEXT CODE AMENDMENT TO AMEND TOWN CODE CHAPTER 92 TO CLARIFY BUILDING PERMIT EXPIRATIONS; AND SEQR INTENT TO DECLARE LEAD AGENCY**

**WHEREAS**, the Town Board of the Town of Canandaigua (herein after referred to as "Town Board") is considering a Text Code Amendment to amend Town Code Chapter 92 to clarify when a building permit shall expire; and

**WHEREAS**, the Development Office is recommending the proposed amendment to clarify the expiration date of a building permit; and

**WHEREAS**, the Town Board would like to hear from residents about the proposed local law; and

**WHEREAS**, a copy of the local law presented to the Town Board for consideration is included with this resolution and is identified as Attachment 19 to the agenda; this information is also available for review on the Town's website and is on file with the Town Clerk's office; and

**WHEREAS**, the Town Board wishes to refer the proposed text code amendment to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**WHEREAS**, the Town Board intends to determine said proposed text code amendment is classified as an Unlisted Action under the SEQR Regulations per §617 of the NYS Department of Environmental Conservation Law; and

**WHEREAS**, the Town Board intends to declare itself as the Lead Agency on the proposed action; and

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Canandaigua hereby establishes a public hearing to be held on March 20, 2017 at 6:00 pm at the Canandaigua Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424; and

**BE IT FURTHER RESOLVED**, the Town Board directs the Director of Development to refer the proposed text code amendment and notification of SEQR intent to declare Lead Agency to the Town of Canandaigua Planning Board, Environmental Conservation Board, Zoning Board of Appeals, and the Ontario County Planning Board; and

**BE IT FINALLY RESOLVED**, the Town Clerk is directed to provide notice of said public hearing.

➤ Approval of the following Town Board Meeting Minutes:

January 9, 2017  
January 31, 2017  
February 1, 2017  
February 6, 2017

➤ Approval of Charge Back Billing –

The charge back billing summary presented to the Town Board for consideration is included with this agenda and is identified as Attachment 20 to the agenda. This information is also available for review on the Town's website and is on file with the Town Clerk's office.

➤ Payment of the Bills

Abstract Claim Fund Totals presented by Town Clerk  
Voucher Summary Report for Town Board signatures  
(By signing, Town Board members represent they have reviewed the purchases for compliance with the Town's approved policies & approve of the prepared Voucher Summary Report and the attached invoices)

Utility Abstract dated 02/03/2017 totaling \$43,987.96  
General fund \$21,733.18

Highway fund \$10,685.92  
Water fund \$5,499.78  
Lighting districts \$1,167.65  
TA fund \$4,901.43

Abstract dated 02/08/2017 totaling \$404,350.10

General fund \$126,018.77  
Highway fund \$183,622.78  
Water fund \$17,437.58  
Water districts \$55,478.50  
Drainage districts \$5,239.00  
Lighting districts \$1,149.34  
TA fund \$15,404.13

- Privilege of the Floor
- Other Business
- Privilege of the Floor
- Executive Session, as requested
- Adjournment

# ATTACHMENT 1



Dennis Brewer, Director of Parks and Recreation, report to the Town Board for February 13, 2017

Town of Canandaigua Parks and Recreation Master Plan: MLA and the Parks and Recreation Committee listed the tasks including:

- Inventory and Analysis

- Needs Analysis

- 5-Year Capital Improvement Plan

- Mapping of each park – including a trails map

- Opportunities for Tourism Improvements

- Plan a network of trails throughout the Town of Canandaigua

- Explore opportunities for a local history trail

- Explore Park Sustainability

- Evaluate Facility Maintenance

- Update Vision, Goals, and Objectives

- Financial Implementation

- Assist in developing recreation programs

We went over a survey with plans to finalize it at the next meeting.

Parks and Recreation Committee: The next meeting is scheduled for February 15 at 6:00 at town hall.

Town/City Summer Guide: The guide should be done this week with it going to the printers next week. It will be given to all students in grades K to 5 and copies given to interested students in grades 6 to 8. It will be placed in different location in the area as well as being put on-line.

Conference: I will be attending a conference on "Basic Supervision" in Rochester on February 15.

Parks and Recreation Positions: An ad is being placed on-line and in the paper for job openings.

Resolutions: I have two resolutions:

Request for an additional part time seasonal laborer

Request to go out for bid for mowing services

## Highway and water superintendent report

### Highway

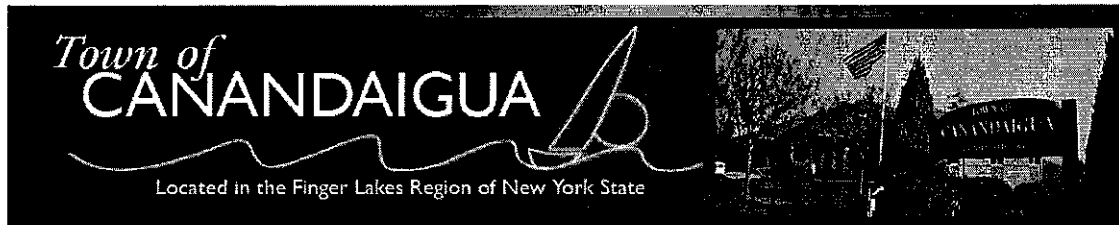
1. Quite a lot of repairs in older trucks. Three radiators, two water pumps, and a list of other items that were all repaired by our town employees. This work if performed by outside vendors to replace a water pump and radiator in one truck would have cost \$ 4,300.00. Using our employees to do the same work including labor and parts \$ 2,940.00. This is a savings of \$ 1,360.00. This one example of what goes on in the highway department to save money for the town residents.
2. The town highway employees have removed most of the pole barn that was called recycling building for the future highway building. The rest will be removed as soon as we install the new electric service to the transfer facility. Town highway employees are currently working on getting this new electric service installed.

### Water

1. Worked with MRB on the hydrant flow test for the water master plan.
2. Met with a land owner on a possible tank site for the future.
3. Continue to seek funds for Woolhouse road water extension

### Other items

1. RFQ's for the point of sales terminal and for water billing will be going out this month.
2. Conversation with NYPA on energy savings for street lighting, in floor heat vs radiant heat and pumping water.
3. Working with Bob Fox and Doug on the long range budget.

[View this email in your browser](#)

JANUARY 19, 2017

**PRESS RELEASE**

**FOR IMMEDIATE RELEASE**

**CONTACT: TERRY FENNELLY, CHAIR, PUBLIC WORKS COMMITTEE**

**PHONE: 585-394-1120**

**EMAIL: [TFENNELLY@TOWNOFCANANDAIGUA.ORG](mailto:TFENNELLY@TOWNOFCANANDAIGUA.ORG)**

**TOWN OF CANANDAIGUA NEW HIGHWAY FACILITY PROJECT MOVES FORWARD**

(Canandaigua, NY) – A new Town of Canandaigua highway facility is getting closer to reality. Public Works Committee Chairman Terry Fennelly has announced the time period for a permissive referendum has recently concluded for authorizing the issuance of a bond anticipation note and the expenditure of funds for the new project.

The capital improvement project will replace the existing highway barn constructed in 1971. Costs for the new highway facility are anticipated to be approximately \$5.967 million dollars, and will be funded in part by financial reserves on hand along with issuance of a serial bond not to exceed \$5 million dollars.

"The existing buildings are past their useful life", according to Public Works Committee Chairman Terry Fennelly. "Planning for the future of our residents and the Town of Canandaigua is something we have to continually consider as we look at these types of projects and future projected growth."

The overall project will demolish the existing 14,000 square foot highway barn and construct a new 40,000 square foot facility located at the Town of Canandaigua's campus at 5440 Route 5 & 20, West. Additional transfer station and traffic flow improvements are also included in the project in order to provide safety for the employees while also incorporating ease of use for residents.

"The safety of Town of Canandaigua employees and the ability for residents to utilize the facility have been important factors in the overall design", said Canandaigua Highway Superintendent Jim Fletcher.

The anticipated financial impact for residents is an increase in the town tax rate of approximate 25 cents to 31 cents per thousand dollars of assessed value. An average home in the Town of Canandaigua of \$250,000 assessed value would see an increase in Town tax bill of approximately \$62.50 to \$77.50 per year.

More information on the proposed project including site plans, and drawings is available on the Town of Canandaigua's website at [www.townofcanandaigua.org](http://www.townofcanandaigua.org).

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You are receiving this email because you opted in on the Town of Canandaigua website.

**Our mailing address is:**

Town of Canandaigua  
5440 Routes 5&20 West

## Assessor's Report February 13, 2017

Year to date there have been 10 sales in Town ranging from \$96,000 to \$285,000. Not enough data for anything meaningful.

March 01 is the deadline for all exemption forms, so right now my office is working on calling/emailing any residents that have not responded to exemption renewal notices that were sent out last year. We handle renewals on Senior, Enhanced Star, Low income/disability, and Ag parcels. In total about 900 exemptions that need to be looked at each year, as well as any new exemptions coming in.

*Christopher Lyon, IAO*

**Town of Canandaigua**  
Director of Development  
Administrative Report  
February 13, 2017

**DEVELOPMENT OFFICE:**

**CIC:** The Citizen's Implementation Committee (CIC) continues to meet twice per month to provide oversight in the implementation of our Town's Comprehensive Plan. Meeting on January 17<sup>th</sup> the CIC spoke with members of the Town's Parks and Recreation Committee, along with MLA Associates (the consulting firm hired to assist with the plan). On February 7<sup>th</sup> the CIC met with BFJ Planning to discuss the proposed TDR Program. The CIC will be reviewing the concept and forwarding a recommendation in the coming months.

**PROJECT TEAM KICKOFF:** The CIC held a project team kickoff meeting on Tuesday, February 7<sup>th</sup>. Residents were invited to learn more about the teams that will be working on specific topics during the 2017 calendar year. The teams for 2017 include:

- Complete Streets: research concepts for the recommendation of a complete streets policy to be considered by the Town Board;
- Open Space & Conservation: through the RFP process, prepare an open space and conservation plan to be presented to the Town Board;
- Site Design/Criteria: complete a chapter update to the Town Code for the site design and development criteria;
- Mixed Use Overlays/TDR: develop concept plans for each growth node including a proposed Transfer of Development Rights (TDR) program;
- Natural Resources: continue to work on proposed code amendments relative to steep slope protection, natural resources, ridgelines, and shoreline;
- Parks & Recreation: work to update the Town's Parks and Recreation Master Plan to improve and plan for expanded recreational resources to meet the needs of the community over the next ten years.

**NRI Team / ECB:** The NRI Team working closely with the ECB met in a joint meeting with the Planning Board to review the proposed steep slope protection law. The NRI Team has continued to work very hard on clarification of this proposed law, and working collectively with the Planning Board to determine the impact on proposed development. The NRI Team and the Planning Board collectively feel the proposed law provides a balance between protection and development in close proximity to steep slopes.

**FEMA – FLOOD PLAIN:** Code Enforcement Officer Chris Jensen has recently returned from FEMA headquarters in Maryland where he has been re-certified as a FEMA Flood Plain Manager. Mr. Jensen routinely reviews plans in Flood Plains along Canandaigua Lake, and tributaries in the Town of Canandaigua.

**Town of Canandaigua**  
Director of Development  
Administrative Report  
February 13, 2017

**COUNTY PLANING:** Town of Canandaigua Ontario County Planning Board representative David Wink has been named as the Chair of the Ontario County Planning Board. Congratulations Dave!

**NY POWER AUTHORITY:** Town of Canandaigua Highway Superintendent Jim Fletcher and I recently met with a representative of the New York Power Authority. The Power Authority would like to explore opportunities for energy efficiency improvements with the Town of Canandaigua. We would like to invite the representative to meet with the Public Works Committee in the near future.

**FINGER LAKES LAND TRUST:** Supervisor Greg Westbrook and I met recently with the Finger Lakes Land Trust to update the Land Trust on our continued involvement with agriculture, open space, and conservation protection. Additionally, the FL Land Trust has informed us that the closing will be taking place this month on the Pritchard PDR.

**GRANTS:** Sarah Reynolds and I have been working on a number of grants lately on behalf of the Town of Canandaigua. Sarah worked closely with the Clerk's office to submit a records retention and digital conversion file grant. This grant if awarded would assist with converting decades of paper files into a digital format. Additionally, we have now submitted what we believe is all of the proper grant paperwork for reimbursement of \$ 100,000 pertaining to the Deuel Road reconstruction project. We have also received our final reimbursement check (\$25,000) to pay for the Town's new Agriculture Enhancement Plan from the NYS Department of Agriculture and Markets. Additionally, we have begun submitting paperwork for reimbursement of partial costs associated with the mandated MS4 program from the NYS DEC. We are anticipating approximately \$ 30,000 in reimbursement toward our costs. Finally, we are planning to submit for an Urban Forestry grant to help cover some of the costs associated with Miller Park.

Upcoming Meetings:

**Planning** – The next scheduled Planning Board meeting is February 14<sup>th</sup> at 6:30pm.

**Zoning** – The Zoning Board of Appeals next meets February 21<sup>st</sup> at 6:00pm.

**Environmental Conservation Board** – March 2<sup>nd</sup> at 4:30pm.

**Citizens Implementation Committee** – February 2st at 9:00am – NRI Team

Sincerely,

Doug Finch, Director of Development



Historian's Report for February Town Board Meeting:

I am planning on a series of videos in 2017, that will then be linked to our website for a public presentation. The first is planned to be a presentation on Canandaigua District Schools for the Centerfield Homemakers to be presented on February 16th at 12 noon at the Canandaigua Town Hall. Others will be planned based on the success of the first.

Other potential goals for this year are as follows:

**Goal 1.** Review all requests for the demolition of existing farm and residential structures, for the purpose of further documentation of what exists today; on-going. This will be accomplished with the continued cooperation of the Code Enforcement Officer. On going.

**Goal 2.** Continue site plan reviews to incorporate full consideration of impacts to historic assets as requested by the Director of Development, Planning Board, Zoning Board of Appeals, and the Environmental Conservation Board. On going.

**Goal 3.** Create a listing of the Historically Significant Sites of the Town of Canandaigua. Prepare a booklet and/or power point program and expand the History Website about these sites for public education and evaluate the feasibility of creating informational signs for posting at these sights.

**Goal 4.** Consider developing a Driving Tour Booklet and/or Audio Tour of these sites with GPS information. Work with the Technology Committee.

**Goal 5.** Oral History: Continue my on-going interviewing of Canandaigua Town Residents for their life stories and stories about more of the Historical and Culturally Significant sites in the Town. In conjunction, evaluate the availability of equipment to automatically download interview sessions into a computer. Work with the Technology Committee to create audio programs for the Town's website.

**Goal 7.** Evaluate Hunn Cemetery for recognition as an Historic Site through the NYS Dept. of Parks, Recreation and Historic Preservation and the subsequent availability of grant funds for protection/fencing/and further preservation. Will work with Doug Finch to make initial contact with NYS Dept. of Parks, Recreation and Historic Preservation and/of Landmark Society for their recommendations by mid 2017.

**Goal 8.** Continue to develop and promote a variety of Power Point Presentations for interested groups within the Town of Canandaigua, Ontario County, and Western New York including some more on the History of the Town of Canandaigua.

Respectfully submitted, Ray Henry



## **Town Clerk Report for the February 13, 2017, Town Board Meeting**

1. **Monthly Financial Report:** Revenues collected in the Town Clerk's office for the month of January 2017 totaled \$132,374.44. (see attached).
2. **Water Bill Payments:** The authorization forms were sent to each Canandaigua Water District user. There has been an excellent response to date. The first billing cycle for this type of payment will be April 2017.
3. **2017 Tax Collection:** January was a very busy month in the Town Clerk's office. A total of \$9,083,399.19 (84%) was collected. Attached is a Collection Summary Report for Batches 1 through 84). The Town was paid in full by January 18. Two payments have been made to the Ontario County Treasurer's office.
4. **LGRMIF Grant Application:** With the assistance of Doug Finch and Sarah Reynolds, the grant was submitted to Albany on Tuesday, January 17, 2017. The Town should hear on the outcome of this grant in June 2017.
5. **2016 Town Clerk Records of Receipts and Bank Statements:** Each January the Town Board is required by NYS Town Law §62 to review the Town Clerk's Annual Financial Report and cash receipt/bank reconciliation book. My records of receipt and bank statements are on the table in the Supervisor's office. There is a resolution on the agenda to accept my 2016 records. Attached to this report is a summary of the receipts for 2016.
6. **Technology Committee:** I am requesting the Town Board to add me to the 2017 Technology Committee. The reason for this request is I am the main contact person for all service orders and any other necessary contact with Integrated Systems or Frontier. A resolution is on the agenda for your consideration.
7. **St. Pauly Textile:** There is a resolution on the agenda authorizing Supervisor Westbrook to sign the agreement with St. Pauly Textile to allow them to place a clothing collection bin at the Transfer Station. A copy of the information related to this request is attached to this report.
8. **Policy and Procedure for Accepting Public Credit Card Payments:** The Town Board is required to review and adopt this policy on annually. A resolution is on the agenda for your consideration. A draft copy of this Policy and Procedure is attached to this report.
9. **Liquor License Renewal – Canandaigua Yacht Club:** There is a resolution on your agenda to acknowledge this request. This is for the renewal of their current liquor license. A copy of the information is attached to this report.

Please let me know if you have any questions.

Submitted by,

*Jean Chrisman*

Jean Chrisman  
Town Clerk

Account#	Account Description	Fee Description	Qty	Local Share
A.2001	Cabins / Halls / Pavilions	Onanda Halls/Lodging	9	2,935.00
	Onanda Cabin NON Residential Daily	Onanda Cabin NON Residential Daily	4	1,055.00
	Outhouse Park Hall Full Day	Outhouse Park Hall Full Day	5	750.00
	Park Rentals	Onanda Cabin Residential Weekly	3	4,725.00
	WL Schoolhouse Weekend	WL Schoolhouse Weekday	2	70.00
		WL Schoolhouse Weekend	2	120.00
		Sub-Total:		
A.2590	Building Fee	Building Fee	2	5,176.40
			Sub-Total:	
A0380	AR Charge Back Billing	AR Charge Back Billing	1	142.50
			Sub-Total:	
A1255	Conservation	Conservation	1	1.38
	Marriage Lic.	Marriage License Fees	2	35.00
	Misc. Fees	Copies	3	0.75
		Marriage Cert	2	20.00
		Sub-Total:		\$57.13
A1603	Misc. Fees	Death Cert	37	370.00
			Sub-Total:	
A2110	Plan & Zone	Zoning Fee	7	1,950.00
			Sub-Total:	
A2120	Plan & Zone	Soil Erosion	2	300.00
			Sub-Total:	
A2544	Dog Licensing	Female, Spayed	41	533.00
		Female, Unspayed	1	19.00
		Male, Neutered	38	494.00
		Male, Unneutered	8	152.00
		Replacement Tags	2	6.00
	Late Fees	Late Fees	17	85.00
	Sub-Total:		\$1,289.00	
A2590	Plan & Zone	Site Development	21	3,663.10
			Sub-Total:	
A2591	Misc. Fees	Transfer Coupons	365	730.00
			Sub-Total:	
CM-2001	Plan & Zone	Parks And Recreation	1	1,000.00
			Sub-Total:	
F.2140	Rents Payments	Rents Payments	70	107,197.19
			Sub-Total:	
F.2142	Water Sales	Water Sales	1	119.50
			Sub-Total:	
F.2144	Service Hookups	Service Hookups	1	550.00

Account#	Account Description	Fee Description	Qty	Local Share
<b>Sub-Total:</b>				<b>\$550.00</b>
<b>Total Local Shares Remitted:</b>				<b>\$132,199.82</b>
Amount paid to:	NYS Ag. & Markets for spay/neuter program			106.00
Amount paid to:	NYS Environmental Conservation			23.62
Amount paid to:	State Health Dept. For Marriage Licenses			45.00
<b>Total State, County &amp; Local Revenues:</b>		<b>\$132,374.44</b>	<b>Total Non-Local Revenues:</b>	<b>\$174.62</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Jean Chrisman, Town Clerk, Town of Canadaigua during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

# Town of Canandaigua Town & County 2017

## Collection Summary

Batches 1 thru 84

District:	Taxes Collected:	Penalty:	Surcharge:	Notice Fee:	Remaining Uncollected:
Town & County 2017	9083393.65	5.54	0.00	0.00	1785710.84
<b>Totals:</b>	<b>9083393.65</b>	<b>5.54</b>	<b>0.00</b>	<b>0.00</b>	<b>1785710.84</b>

### Collection Statistics:

Number of Postings:	4179
Percentage Collected:	84%
Number of Adjustments:	2
Number of Voids:	31
Number of Returned Payments:	0
Number Refunded Duplicate Pmnts:	5
Notice Handling Fees Collected:	0.00
Received Via:	
Mail: 3037	
Counter: 1116	

Cash:	26134.51
Check:	7849144.38
Other:	1208120.30
<b>Total:</b>	<b>9083399.19</b>
Minus Duplicate/Over Payments:	0.00
	<b>9083399.19</b>
Taxes:	9083393.65
Penalty:	5.54
Surcharge:	0.00
Ret. Check Fees:	0.00
Notice Fees:	0.00
<b>Total:</b>	<b>9083399.19</b>
Minus Direct / Under Payments:	
0 Direct:	0.00
0 Under:	0.00
	<b>9083399.19</b>

### Other Payment Type Breakout:

Credit Card:	48	94195.07
Money Order:	10	6743.27
Another Type:	569	1107181.96

Collected =  
84%

Warrant total  
\$10,869,103.79

Account#	Account Description	Fee Description	Qty	Local Share
A.2001	Cabins / Halls / Pavilions	Onanda Halls/Lodging	175	44,410.00
	Onanda Cabin NON Residential Daily	Onanda Cabin NON Residential Daily	40	15,345.00
	Onanda Cabin NON Residential Weekly	Onanda Cabin NON Residential Weekly	9	6,420.00
	Onanda Cabin Residential Daily	Onanda Cabin Residential Daily	18	4,250.00
	Outhouse Park Hall Full Day	Outhouse Park Hall Full Day	54	8,145.00
	Outhouse Park Pavilion	Outhouse Park Pavilion	40	1,800.00
	Park Rentals	Onanda Cabin Residential Weekly	20	7,025.00
	WL Schoolhouse Weekend	WL Schoolhouse Weekend	6	360.00
		<b>Sub-Total:</b>		<b>\$87,755.00</b>
A.2590	Building Fee	Building Fee	55	17,473.12
			<b>Sub-Total:</b>	<b>\$17,473.12</b>
A0380	AR Charge Back Billing	AR Charge Back Billing	2	95.00
			<b>Sub-Total:</b>	<b>\$95.00</b>
A1255	Conservation	Conservation	94	327.59
	Games of chance	games of chance	1	25.00
	Marriage Lic.	Marriage License Fees	39	682.50
	Misc. Fees	Copies	321	97.75
		Marriage Cert	29	290.00
	Miscellaneous	Site Design Dev. Regs.	3	427.20
		<b>Sub-Total:</b>		<b>\$1,850.04</b>
A1603	Misc. Fees	Birth Cert	2	20.00
		Death Cert	282	2,920.00
		<b>Sub-Total:</b>		<b>\$2,940.00</b>
A2001	General Lic.	Park Permit Res	59	2,065.00
		Park Permits Non	10	650.00
	Walk Ins	Onanda Receipts	185	21,613.00
		<b>Sub-Total:</b>		<b>\$24,328.00</b>
A2110	Building Fee Plan & Zone	Building Fee	10	1,820.00
		Site Signs	3	294.00
		Zoning Fee	71	22,349.20
		<b>Sub-Total:</b>		<b>\$24,463.20</b>
A2120	Plan & Zone	Soil Erosion	71	10,650.00
		<b>Sub-Total:</b>		<b>\$10,650.00</b>
A2148	Misc. Fees	Returned Check Fee	3	60.00
		<b>Sub-Total:</b>		<b>\$60.00</b>
A2544	Dog Licensing	Exempt Dogs	8	0.00
		Female, Spayed	598	7,774.00
		Female, Unspayed	72	1,368.00
		Male, Neutered	533	6,929.00
		Male, Unneutered	82	1,558.00
		Replacement Tags	6	18.00

Account#	Account Description	Fee Description	Qty	Local Share
	Late Fees	Late Fees	211	1,069.00
		<b>Sub-Total:</b>		<b>\$18,716.00</b>
A2590	Plan & Zone	Site Development	453	73,658.47
		<b>Sub-Total:</b>		<b>\$73,658.47</b>
A2591	Misc. Fees	Transfer Coupons	8447	23,106.00
		<b>Sub-Total:</b>		<b>\$23,106.00</b>
CM-2001	Plan & Zone	Parks And Recreation	47	47,000.00
		<b>Sub-Total:</b>		<b>\$47,000.00</b>
F.2140	Rents Payments	Rents Payments	387	647,099.54
		<b>Sub-Total:</b>		<b>\$647,099.54</b>
F.2142	Water Sales	Water Sales	15	3,609.80
		<b>Sub-Total:</b>		<b>\$3,609.80</b>
F.2144	Service Hookups	Service Hookups	21	27,450.00
		<b>Sub-Total:</b>		<b>\$27,450.00</b>
F.2148	Penalty	Penalty	195	4,190.31
		<b>Sub-Total:</b>		<b>\$4,190.31</b>
<b>Total Local Shares Remitted:</b>				<b>\$1,014,444.48</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				1,593.00
Amount paid to: NYS Environmental Conservation				6,258.41
Amount paid to: State Health Dept. For Marriage Licenses				877.50
<b>Total State, County &amp; Local Revenues: \$1,023,173.39</b>				<b>Total Non-Local Revenues: \$8,728.91</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Jean Chrisman, Town Clerk, Town of Canadaigua during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

Supervisor

Date

Town Clerk

Date

# St. Pauly Textile, Inc.

1067 Gateway Dr.  
Farmington, N.Y. 14425  
585-924-7941  
www.StPaulyTextile.com

October 4, 2016

Town of Canandaigua  
5440 State Route 5 & 20  
Canandaigua, NY 14424

Please, *sign* this before  
returning it to us!

Thank you!

## Re: Clothing Collection Shed Agreement

Dear Friend:

Let us start by saying thank you! Over the last twenty years, St. Pauly Textile, Inc. has formed relationships with over 1,100 local community organizations. Together, these partnerships have allowed organizations to raise funds while collecting clothing that can be sent to people throughout the U.S. and across the globe. Since we started as a family-run company twenty years ago, we have maintained a philosophy that good business should always be about helping others. We are honored to partner with you organization and hope to continue to build on this success.

As you are aware, our current relationship is built on a system that allows local organizations to provide a valuable community service while raising funds by collecting donated clothing and selling that clothing to our company. To assist local collection efforts, St. Pauly Textile, Inc. provides a clothing drop-off shed on your location. The organization then collects clothing through donations from the community. Our company pays the organization for every pound that we pickup.

We are responsible for maintaining and insuring the drop-off sheds. If there are any issues with the sheds at any time, please contact us so that we can ensure that the shed maintains a positive appearance and remains in compliance with all applicable building codes.

**In order to continue this relationship**, please sign this letter indicating your consent to have our collection container on your property to facilitate donations of clothing to your organization. By signing, you are simply consenting that we can continue to place a shed on your property for your organization to collect clothes. As always, you can cancel this arrangement at any time. **Please return a signed copy of this letter by October 31 using the enclosed self-addressed stamped envelope.**

If you have any questions or concerns, please feel free to call or email anytime!

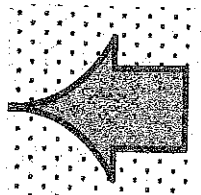
Very truly yours,

Shed Consented to by **Property Owner:**

The Team at St. Pauly Textile, Inc.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_



# *Town of Canandaigua*

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(585) 394-1120

Fax: (585) 394-9476

*Established 1789*

## **INDEPENDENT CONTRACTOR SUPPLEMENTAL TERMS AND CONDITIONS**

These Supplemental Terms and Conditions ("Terms and Conditions") are required to be incorporated into any agreement between the Town of Canandaigua ("Town") and any Independent Contractor ("IC") providing services and/or work to the Town (collectively, "Services"). The Terms and Conditions herein shall supersede any other inconsistent terms between the Town and the IC.

### **1. Payment Terms**

- A. Any and all requests for payments for Services shall be submitted to the Town Clerk in writing and shall be certified as true and correct. Payment is subject to approval by the Town at its next regular Town Board meeting and no late charges, penalties, and/or interest may be assessed by the IC against the Town until the Town has approved payment to the IC.
- B. The maximum liability of the Town shall in no case exceed the maximum amount appropriated by the Town for the Services.

### **2. Ownership of Work Product**

All work product, including records in any medium, compiled and/or prepared by the IC in the delivery of Services to the Town (collectively, "Work Product"), shall become and remain the property of the Town. IC shall not, by virtue of the Services to the Town have or obtain any right, title or interest in or to such Work Product, and shall have no right to disclose, use, and/or exploit such Work Product, except that IC may maintain a copy of the Work Product for purposes of maintaining its business records.

### **3. Assignment and/or Subcontract**

IC is prohibited from assigning any and/or all of its rights under any agreement with the Town without the prior express written consent of the Town. IC is prohibited from subcontracting any part of the Services without the prior written consent of the Town. In the event that the Town consents to an assignment and/or subcontract, all Services received by



8. Notices

All notices of any nature shall be in writing and sent by registered or certified mail postage pre-paid to each party as follows:

Town of Canandaigua

Canandaigua Town Clerk  
Canandaigua Town Hall  
5440 Routes 5 & 20 West  
Canandaigua NY 14424

Independent Contractor

St Pauly Textile Inc  
1067 Gateway Dr  
Farmington NY 14425

9. Termination

The Town reserves the absolute right to terminate the Services upon thirty (30) days written notice to the IC.

10. Insurance

The IC shall deliver a certificate of general liability insurance, errors and omissions insurance, or professional liability insurance, as the case may be, ("Liability Insurance"), with a limit amount no less than \$1,000,000.00 per occurrence, and naming the Town as the Certificate Holder. IC agrees to maintain the Liability Insurance in full force and effect until the completion of the Services.

\_\_\_\_\_ Liability Insurance requirement waived (Consent from the Town's insurance carrier must be obtained prior to granting a waiver absent an emergency).

\_\_\_\_\_ Modification of limit amount to \$\_\_\_\_\_ (Consent from the Town's insurance carrier must be obtained prior to a modification absent an emergency).

IC shall also deliver to the Town proof that IC maintains Worker's Compensation Coverage.

Dated: 12/19/16

Independent Contractor

By: [Signature]  
Authorized Agent

**COPY**



STPAU-5

OP ID: A5

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

01/05/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Brown & Brown of New York, Inc 45 East Avenue Rochester, NY 14604 Tarek Eldaher	<b>CONTACT NAME:</b> Amber Porpora	
	<b>PHONE (A/C, No, Ext):</b> 585-232-4424 <b>FAX (A/C, No):</b> 585-232-5813	
<b>INSURED</b> St. Pauly Textile, Inc. St. Pauly Textile East, Inc. 1067 Gateway Dr. Farmington, NY 14425	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
	<b>INSURER A:</b> Harleysville Insurance Company	23582
	<b>INSURER B:</b> Utica National Assurance Co	10687
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	X	BOP43159J	05/29/2016	05/29/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			BA43225J	05/29/2016	05/29/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000	X		CMB46355J	05/29/2016	05/29/2017	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	4839043	04/16/2016	04/16/2017	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Canandaigua and their respective officials and employees are listed as additional insured on a primary and non-contributory basis when required by written contract. A waiver of subrogation is applicable to the general liability policy. General liability coverage applies to ongoing and completed operations.

## CERTIFICATE HOLDER

## CANCELLATION

TOWNCAN

Town of Canandaigua  
5440 Route 5 & 20W  
Canandaigua, NY 14424

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD

**CERTIFICATE OF NYS WORKERS' COMPENSATION INSURANCE COVERAGE**

<b>1a. Legal Name &amp; Address of Insured (Use street address only)</b> St. Pauly Textile, Inc.  1067 Gateway Dr. Farmington, NY 14425  <b>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., a Wrap-Up Policy)</b>	<b>1b. Business Telephone Number of Insured</b> 585-292-0460  <b>1c. NYS Unemployment Insurance Employer Registration Number of Insured</b>  <b>1d. Federal Employer Identification Number of Insured or Social Security Number</b> 161513527
<b>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</b>   Town of Canandaigua 5440 Route 5 & 20W Canandaigua, NY 14424	<b>3a. Name of Insurance Carrier</b> Utica National Assurance Co  <b>3b. Policy Number of entity listed in box "1a":</b> 4839043  <b>3c. Policy effective period:</b>  04/16/16 to 04/16/17  <b>3d. The Proprietor, Partners or Executive Officers are:</b> <input checked="" type="checkbox"/> included. (Only check box if all partners/officers included) <input type="checkbox"/> all excluded or certain partners/officers excluded.

This certifies that the insurance carrier indicated above in box "3" insures the business referenced above in box "1a" for workers' compensation under the New York State Workers' Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the **INFORMATION PAGE** of the workers' compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box "2".

*The Insurance Carrier will also notify the above certificate holder within 10 days IF a policy is canceled due to nonpayment of premiums or within 30 days IF there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.*

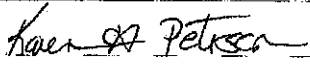
**Please Note:** Upon the cancellation of the workers' compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers' Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers' Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Karen Peterson

(Print name of authorized representative or licensed agent of insurance carrier)

Approved by:

  
(Signature)

January 5, 2017

(Date)

Title: Commercial Lines Manager

Telephone Number of authorized representative or licensed agent of insurance carrier: (585) 232-4424

**Please Note:** Only insurance carriers and their licensed agents are authorized to issue Form C-105.2. Insurance brokers are **NOT** authorized to issue it.

C-105.2(9-07)

www.wcb.state.ny.us

**COPY**

## **Workers' Compensation Law**

### **Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.**

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

**COPY**

## **TOWN OF CANANDAIGUA**

### **Policy and Procedure for Accepting Public Credit Card Payments**

Adopted by the Canandaigua Town Board on February 23, 2015. Resolution #2014-232

Confirmed by Town Board on January 9, 2017 by Resolution 2017 - \_\_\_\_\_

In an effort to improve customer service and operating efficiencies, on June 9, 2014, the Canandaigua Town Board adopted Resolution 2014-112 authorizing the acceptance of credit cards for the payment of certain items such as park reservations, water purchases and permitting fees. On \_\_\_\_date\_\_\_\_, the Town Board approved accepting credit cards for the payment of Town or County taxes.

#### **POLICY:**

The Town will accept certain credit cards for the payment of all transactions. The credit card user will be responsible for all fees associated with the credit card use.

#### **PROCEDURE:**

1. The Town Board is responsible for selecting a credit card service provider that offers competitive user fees and services that meet the needs of the receiving department. Once selected, the service provider contract will be reviewed and approved by the Town Board on an as needed basis. At no time shall the Town allow service fees to be paid by anyone other than the user.
2. The Town Clerk's office will accept the use of a credit card for the payment for all transactions. As the technology becomes available, the Town Board may elect to add a credit card payment option for walk-in visitors and renters at Onanda Park.
3. The Town Clerk or designee shall balance the credit card receipts against the Daily Cash Report when cash receipts exceed \$250.00. In addition the Town Clerk or designee will review the daily transaction reports for obvious errors, omissions or discrepancies between the credit card service provider and the Town Clerk accounting reports.
4. The Town Clerk or designee shall reconcile the credit card receipts against the service provider account on a weekly basis. A copy of the reconciliation reports shall be provided to the Town's financial advisor for review.
5. Prior to the 10<sup>th</sup> day of each month, the Town Clerk will present the Town Supervisor with an accounting summary report along with a check made payable to the Town of Canandaigua, for the amount of payments collected during the prior month. The accounting reports must show the amount charged to the service provider and the amount paid to the Town.
6. The Town Board is responsible for reviewing this policy on an annual basis and making modifications as needed.

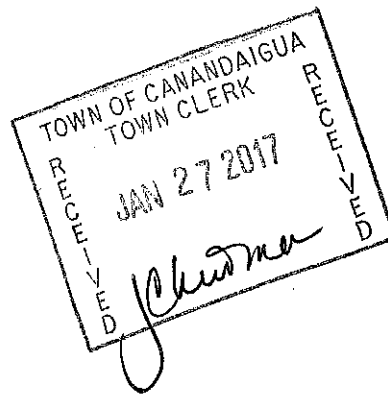
January 20, 2017

To: Town Clerk

Town of Canandaigua

5440 Rt. 5&20 West

Canandaigua, NY 14424



Enclosed is the Renewal Application Notice Form for the seasonal liquor license of the Canandaigua Yacht Club. After 30 days, we will begin our annual renewal process for the actual liquor license.

If there are any questions or concerns, please contact me at (585) 260-2780.

Regards,

*Bruce W.M. McGinnis* **COPY**

Bruce W.M. McGinnis

General Manager

Canandaigua Yacht Club, Inc.

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____



**State Liquor  
Authority**

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a  
Local Municipality or Community Board**

(Page 1 of 2)

1. Date Notice Was Sent: January 20, 2017 1a. Delivered by: Certified Mail Return Receipt Requested ☒

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License

☐ New Application ☒ Renewal ☐ Alteration ☐ Corporate Change ☐ Removal ☐ Class Change

For **New** applicants, answer each question below using all information known to date.

For **Renewal** applicants, set forth your approved Method of Operation only.

For **Alteration** applicants, attach a complete written description and diagrams depicting the proposed alteration(s).

For **Corporate Change** applicants, attach a list of the current and proposed corporate principals.

For **Removal** applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation.

For **Class Change** applicants, attach a statement detailing your current license type and your proposed license type.

**COPY**

**This 30-Day Advance Notice is Being Provided to the Clerk of the following Local Municipality or Community Board**

3. Name of Municipality or Community Board: Town of Canandaigua

**Applicant/Licensee Information**

4. License Serial Number, if Applicable: 3012293 Expiration Date, if Applicable: 10/31/2016

5. Applicant or Licensee Name: Canandaigua Yacht Club, Inc

6. Trade Name (if any): Canandaigua Yacht Club

7. Street Address of Establishment: 3524 West Lake Road

8. City, Town or Village: Canandaigua, NY. 14424 ,NY Zip Code: 14424

9. Business Telephone Number of Applicant/Licensee: 585-396-9200

10. Business Fax Number of Applicant/Licensee: \_\_\_\_\_

11. Business E-mail of Applicant/Licensee: SAILCYCLE@Rochester.RR.COM

12. Type(s) of Alcohol sold or to be sold: ☐ Beer & Cider ☐ Wine, Beer & Cider ☒ Liquor, Wine, Beer & Cider

13. Extent of Food Service: ☒ Full food menu; Full Kitchen run by a chef or cook ☐ Menu meets legal minimum food availability requirements; Food prep area at minimum

14. Type of Establishment: \_\_\_\_\_

15. Method of Operation: (Check all that apply) ☒ Seasonal Establishment ☐ Juke Box ☐ Disc Jockey ☐ Recorded Music ☐ Karaoke

☒ Live Music (Give details: i.e. rock bands, acoustic, jazz, etc.): VARIOUS Styles for dinners + picnics

☐ Patron Dancing ☐ Employee Dancing ☐ Exotic Dancing ☐ Topless Entertainment

☐ Video/Arcade Games ☐ Third Party Promoters ☐ Security Personnel

☐ Other (specify): \_\_\_\_\_

16. Licensed Outdoor Area: (Check all that apply) ☒ None ☐ Patio or Deck ☐ Rooftop ☐ Garden/Grounds ☐ Freestanding Covered Structure ☐ Sidewalk Cafe ☐ Other (specify): \_\_\_\_\_



**State Liquor  
Authority**

OFFICE USE ONLY  
☐ Original    ☐ Amended    Date \_\_\_\_\_

**Standardized NOTICE FORM for Providing 30-Day Advanced Notice to a  
Local Municipality or Community Board**  
 (Page 2 of 2)

17. List the floor(s) of the building that the establishment is located on: 1, 2
18. List the room number(s) the establishment is located in within the building, if appropriate: 1, 2, 3, 4
19. Is the premises located within 500 feet of three or more on-premises liquor establishments? ☐ Yes ☒ No
20. Will the license holder or a manager be physically present within the establishment during all hours of operation? ☒ Yes ☐ No
21. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee.  
 \_\_\_\_\_
22. Does the applicant or licensee own the building in which the establishment is located? ☒ Yes (If Yes SKIP 23-26) ☐ No

**Owner of the Building in Which the Licensed Establishment is Located**

23. Building Owner's Full Name: \_\_\_\_\_
24. Building Owner's Street Address: \_\_\_\_\_
25. City, Town or Village: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_
26. Business Telephone Number of Building Owner: \_\_\_\_\_

**Representative or Attorney representing the Applicant in Connection with the  
application for a license to traffic in alcohol at the establishment identified in this notice**

**COPY**

27. Representative/Attorney's Full Name: Michael J Beyma
28. Street Address: 300 Burch & Lomb Place
29. City, Town or Village: Rochester State: N.Y. Zip Code: 14604
30. Business Telephone Number of Representative/Attorney: 585-258-2840
31. Business Email Address: \_\_\_\_\_

I am the applicant or hold the license or am a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

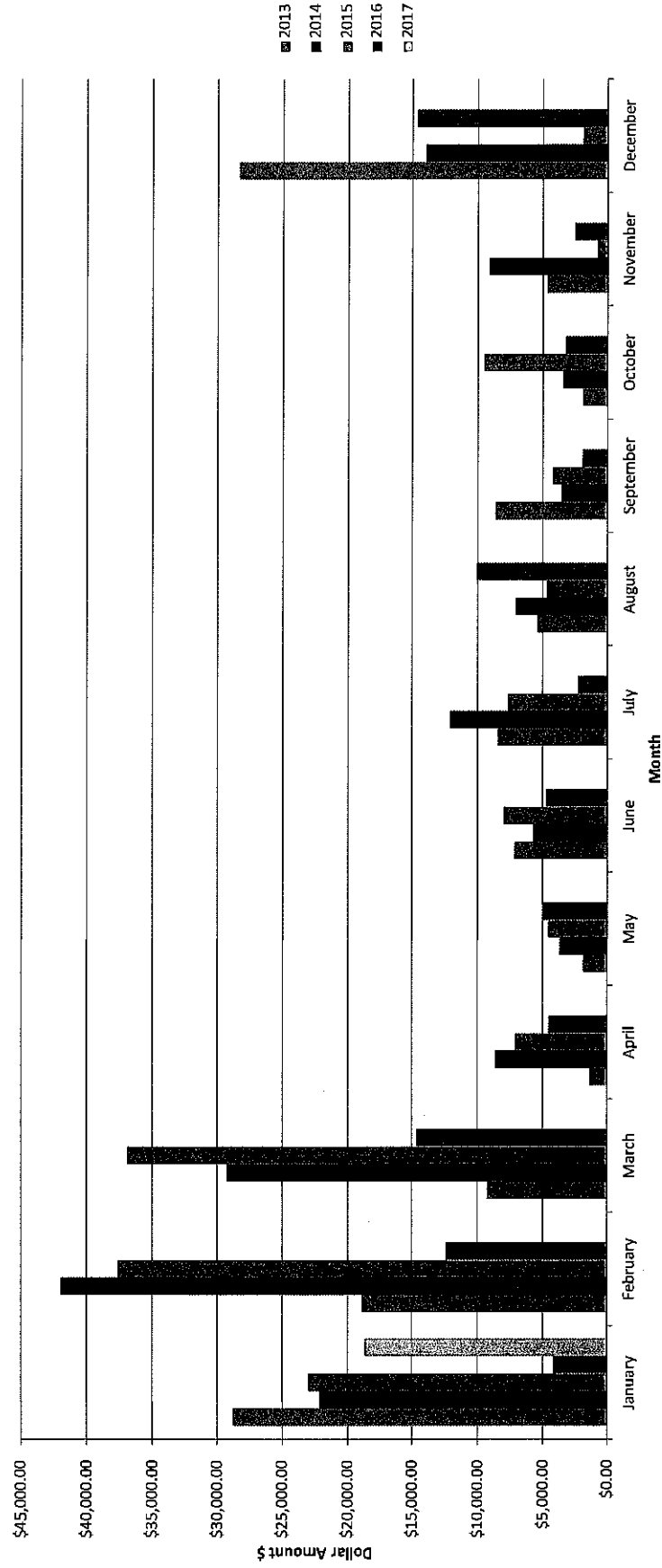
By my signature, I affirm - under **Penalty of Perjury** - that the representations made in this form are true.

32. Printed Name: Bruce W. M. McGinnis Title: Club Manager
- Signature: X Bruce W. M. McGinnis



	2013	2014	2015	2016	2017
January	\$28,862.28	\$22,155.51	\$23,046.67	\$4,183.58	\$18,707.18
February	\$18,935.61	\$42,035.88	\$37,674.78	\$12,418.13	
March	\$9,287.84	\$29,302.83	\$36,977.77	\$14,682.85	
April	\$1,401.60	\$8,649.62	\$7,173.22	\$4,584.14	
May	\$1,914.73	\$3,707.54	\$4,618.01	\$5,061.36	
June	\$7,188.71	\$5,730.26	\$8,040.67	\$4,741.15	
July	\$8,475.63	\$12,116.04	\$7,718.19	\$2,298.19	
August	\$5,479.85	\$7,085.96	\$4,720.03	\$10,152.84	
September	\$8,704.27	\$3,575.99	\$4,299.72	\$1,962.98	
October	\$1,948.35	\$3,476.09	\$9,558.24	\$3,273.32	
November	\$4,708.75	\$9,158.92	\$844.76	\$2,596.51	
December	\$28,423.96	\$14,038.96	\$1,957.16	\$14,667.81	

### Overtime Amounts for All Employees 2013-2016





**2016**  
**4th QTR SALES TAX REVENUE**

Municipality	2014	2015	2016	% Change 2015-2016
<b><u>TOWNS</u></b>				
BRISTOL	193,683.81	187,777.01	189,149.90	0.73%
CANADICE	191,456.99	187,101.03	187,468.33	0.20%
CANANDAIGUA	1,113,477.06	1,085,109.40	1,088,371.67	0.30%
EAST BLOOMFIELD	204,798.08	198,739.78	200,488.23	0.88%
FARMINGTON	791,074.73	764,552.91	770,397.39	0.76%
GENEVA	365,990.23	354,718.94	356,492.04	0.50%
GORHAM	501,688.32	490,006.55	491,291.91	0.26%
HOPEWELL	274,303.99	261,711.69	262,727.04	0.39%
MANCHESTER	258,891.14	249,321.38	250,946.47	0.65%
NAPLES	132,514.76	128,418.92	129,328.85	0.71%
PHELPS	339,080.29	327,551.07	328,675.24	0.34%
RICHMOND	364,582.71	354,460.58	355,167.12	0.20%
SENECA	235,949.95	228,043.84	229,744.12	0.75%
SOUTH BRISTOL	332,855.66	323,552.22	324,036.49	0.15%
VICTOR	1,360,398.10	1,320,293.17	1,331,869.44	0.88%
WEST BLOOMFIELD	186,323.37	180,818.66	182,115.91	0.72%
<b>TOTAL TOWNS</b>	<b>6,847,069.19</b>	<b>6,642,177.15</b>	<b>6,678,270.15</b>	<b>0.54%</b>
<b><u>VILLAGES</u></b>				
BLOOMFIELD	84,169.35	81,043.33	81,733.25	0.85%
RUSHVILLE	11,689.75	11,233.83	11,402.57	1.50%
MANCHESTER	87,545.29	84,189.07	84,548.96	0.43%
SHORTSVILLE	73,609.80	70,772.08	71,132.83	0.51%
CLIFTON SPRINGS	125,391.16	120,490.15	121,357.33	0.72%
NAPLES	75,079.33	72,495.83	72,680.14	0.25%
PHELPS	104,167.72	100,172.25	100,632.64	0.46%
VICTOR	218,101.75	210,689.83	212,259.92	0.75%
<b>TOTAL VILLAGES</b>	<b>779,754.15</b>	<b>751,086.37</b>	<b>755,747.64</b>	<b>0.62%</b>
<b>TOTAL TOWNS &amp; VLGS</b>	<b>7,626,823.34</b>	<b>7,393,263.52</b>	<b>7,434,017.79</b>	<b>0.55%</b>
<b><u>CITIES</u></b>				
CANANDAIGUA**	1,123,270.15	1,103,767.42	1,112,924.87	0.83%
GENEVA**	829,720.08	804,749.50	815,210.51	1.30%
<b>TOTAL CITIES</b>	<b>1,952,990.23</b>	<b>1,908,516.92</b>	<b>1,928,135.38</b>	<b>1.03%</b>

\*\* includes the amount paid by  
NYS to cities under old method

# ATTACHMENT 2

February 2, 2017

TO: Town Board  
FR: Environmental Conservation Board  
RE: Monthly Report – January/February

### **2017 PROJECTS PLAN**

Attached you will find our 2017 Projects Plan adopted at our February meeting for your approval. During the months of January and February much of our time was consumed with deliberation over the final draft of this Plan.

### **ORGANIZATIONAL MEETING**

ECB Rules of Procedure were revised as needed. Kim Foreman was elected Vice-Chair. Other business and discussion of the Rules was conducted.

### **OPEN SPACE CONSERVATION TEAM:**

Doug Finch announced the formation of the Open Space Conservation Team and the opportunities for the ECB to be involved. It was agreed that member/s of the ECB would be selected to participate in this new Team. It was also discussed that the Conservation Easement Workshop that had been planned for 2017 and co-sponsored by the Conservation Easement Team will now be delayed until this new Team gets underway. It is possible that this workshop will be included in the new project.

### **PRESENTATION BY CHRIS JENSEN**

Mr. Jensen lead a discussion on the overview of the MS4 program and how the ECB could participate in implementing public awareness of improving water quality and promoting clean water. This discussion generated opportunities that we thought we should undertake this year. The ECB will address these issues by adding to our Project Plan; a Rain Garden presentation for the public, and information through various means of the detrimental effects of disposal of leaves and animal waste directly into the lake and its tributaries.

### **PRESENTATION BY KATE SILVERSTRIM**

Ms. Silverstrim gave the Board an overview of the Town newsletter which has recently been introduced. The newsletter's second printing will be in March and we were advised of the particulars of deadlines and distribution. It was agreed that the ECB could use one full page in the Spring edition. The ECB will formulate a plan of articles to access this resource in future editions. Kate also explored the opportunity of disseminating information through the water bill mailings. The ECB is eager to develop a systematic response to these possibilities.

## **PUBLIC OUTREACH FRAMEWORK**

Eric Cooper, ZO, gave a description of all resources in the Town that the ECB could take advantage of for public outreach. This was a very interesting topic and many ideas were generated for future use.

## **TRAININGS**

In order to fulfill our requirements for Training Credits, the ECB members were made aware of four trainings in the upcoming months. Several members have already signed up for these trainings and it is anticipated that once again all members will achieve the required credit units for 2017.

Respectfully submitted,

Joyce Marthaller, Chair  
Environmental Conservation Board

cc: ECB Members  
Dir. Of Development

February 2, 2017

TO: Town Board  
FR: Environmental Conservation Board  
RE: **2017 PROJECTS PLAN**

We present this Plan for your approval.

### **INVASIVE SPECIES AND TREE DISEASES:**

Workshops and newsletter articles, website postings, etc. to target:

- Terrestrials - Hemlock Woolly Adelgid - Target residents along Menteth Gully Japanese Knotweed and others in a training for the Hwy Dept.
- Aquatics - Onanda Park Presentation similar to last year's presentation.
- Oak Wilt - Assess need for a workshop after Jan.9<sup>th</sup> presentation by DEC and Community Forestry Workshop in Cheshire on Feb.4<sup>th</sup>. Use other outreach methods as needed.

### **CONSERVATION EASEMENT WORKSHOP**

The Town has approved the CIC goal of an Open Space and Conservation Plan to be prepared during 2017. A committee is now being formed for this objective. It is been agreed that two Environmental Conservation Board members will participate in this committee. Therefore, our previous intention to partner with the Conservation Easement Team and the Finger Lakes Land Trust to develop a workshop for a public information meeting on Conservation Easements will be delayed. This objective will probably be included in new committee's scope of work.

### **CONSERVATION MAPPING**

The Conservation Mapping Sub-Committee of the ECB has offered to participate in the mapping of trails as the new Parks & Recreation Plan gets underway. The Sub-Committee Chair keeps the ECB apprised of this progress.

### **MS4**

The ECB continues to participate in public outreach in the MS4 program. At our Jan 5<sup>th</sup> meeting Chris Jensen presented an "Overview of the MS4 Program and How the ECB Could Participate in Public Outreach". After this discussion, the Board agreed to the following:

- A presentation on Rain Gardens, their benefits and how to establish one.
- A newsletter article in the spring issue regarding the seasonal yard clean-up of leaves and animal waste that tends to wind up in the lake and its tributaries. This practice is detrimental to the health of the lake.

## **PUBLIC OUTREACH FRAMEWORK**

In reviewing the strengths and challenges of the past year, we are dedicated to improving our public outreach mandate. At our February meeting, staff gave an overview of available resources in the town.

- Utilizing all of the resources available at Town Hall.
- Utilize staff knowledge of resources available.

## **STRENGTHEN PARTNERSHIPS**

Developing working partnerships to further our goals of informing our residents of environmental issues will be an important function of the ECB this year. Organizations with a like mission can be utilized more effectively to improve our outreach.

- Invite CLWA, as speaker, to clarify mutual participation in outreach programs.
- Review relationship potential with SWCD, FLCC, Cooperative Extension, and Watershed Council and others.

Respectfully submitted,

Joyce Marthaller, Chair  
Environmental Conservation Board

cc: ECB Members  
Dir. Of Development



# ATTACHMENT 3

January 31, 2017

To: The Canandaigua Town Board

From: The Town Events Committee

Re: 2017 Events Planning

Dear Town Board members,

The Events Committee met on Tuesday, January 31 to plan events for 2017.

We have a preliminary schedule of events and will be working on details during future meetings.

The following are the scheduled Events for 2017:

**Square Dance: April/May**

A very successful dance was held at the Cheshire Fire Hall last year with over 150 people attending.

We are thinking of holding the dance at Onanda Park's Crouch Hall this year.

**4<sup>th</sup> of July Parade:**

Our "Award Winning" Steamboat Float will again be used during the parade. We will also be inviting organizations/people to march with us.

**Ontario County Fair: July**

The Events Committee will be working with the Ontario County Fair Board and other organizations to participate with displays.

**Halloween @ Onanda: Saturday, October 28**

This event was extremely successful last year with over 400 people attending and 16 organizations participating. Additional organizations have expressed an interest in being included this year.

We are looking forward to the Town Board's continued support.

Thank you,

Oksana Fuller

Chair, Events Committee

# ATTACHMENT 4

**Memo**

**To:** Canandaigua Town Board  
**From:** Personnel Committee Chair, Samantha Pierce  
**Date:** January 6, 2017  
**Re:** February Monthly Report: 2016 Year in Review

---

Over the past six months, the Personnel Committee has been meeting once or twice a month to improve communication throughout departments and receive recommendations and thoughts from employees. The following list is what the Personnel Committee has accomplished thus far:

1. An in depth review of the Employee Handbook. The Personnel Committee found a number of corrections that needed to be made regarding the Employee Handbook and has also come up with a few recommendations to the Town Board to consider.
2. Research, recommend and transition the Deferred Compensation Plan. We did a lot of research regarding a deferred compensation plan that best fit the employees of the Town and made the recommendation to switch from Nationwide to the NYS Deferred Comp Plan. The transition to the NYS Plan has been made and in addition to transitioning existing participants to the plan, several other town employees had the opportunity to receive information and enroll in the plan as well.
3. Improve communication with all departments. Information is now being included with paychecks every two weeks to help the communication to all employees, as well as one member from each department being on the Personnel Committee to help spread information.
4. Improve access to health benefits. We set up a flu shot clinic in the fall that served both employees and Town residents.

The Personnel Committee's 2017 Plan is to continue meeting monthly to discuss upcoming topics. We plan to hold the flu shot clinic again this year, as well as to improve our United Way activities, possibly hold CPR and First Aid trainings for Town employees, and address any other ideas to improve communication and efficiency throughout the Town. Ideas from employees, department heads, and board members are welcomed and appreciated. Thank you!

Personnel Committee Members – Michelle Amon, Barb Henry, Chris Lietz, Samantha Pierce, Pam Post, Kate Silverstrim, Jeff Winner

# ATTACHMENT 5

## TOWN OF CANANDAIGUA

### Policy and Procedure for Accepting Public Credit Card Payments

Adopted by the Canandaigua Town Board on February 23, 2015. Resolution #2014-232

Confirmed by Town Board on January 9, 2017 by Resolution 2017 - \_\_\_\_\_

In an effort to improve customer service and operating efficiencies, on June 9, 2014, the Canandaigua Town Board adopted Resolution 2014-112 authorizing the acceptance of credit cards for the payment of certain items such as park reservations, water purchases and permitting fees. On \_\_\_\_date\_\_\_\_, the Town Board approved accepting credit cards for the payment of Town or County taxes.

#### POLICY:

The Town will accept certain credit cards for the payment of all transactions. The credit card user will be responsible for all fees associated with the credit card use.

#### PROCEDURE:

1. The Town Board is responsible for selecting a credit card service provider that offers competitive user fees and services that meet the needs of the receiving department. Once selected, the service provider contract will be reviewed and approved by the Town Board on an as needed basis. At no time shall the Town allow service fees to be paid by anyone other than the user.
2. The Town Clerk's office will accept the use of a credit card for the payment for all transactions. As the technology becomes available, the Town Board may elect to add a credit card payment option for walk-in visitors and renters at Onanda Park.
3. The Town Clerk or designee shall balance the credit card receipts against the Daily Cash Report when cash receipts exceed \$250.00. In addition the Town Clerk or designee will review the daily transaction reports for obvious errors, omissions or discrepancies between the credit card service provider and the Town Clerk accounting reports.
4. The Town Clerk or designee shall reconcile the credit card receipts against the service provider account on a weekly basis. A copy of the reconciliation reports shall be provided to the Town's financial advisor for review.
5. Prior to the 10<sup>th</sup> day of each month, the Town Clerk will present the Town Supervisor with an accounting summary report along with a check made payable to the Town of Canandaigua, for the amount of payments collected during the prior month. The accounting reports must show the amount charged to the service provider and the amount paid to the Town.
6. The Town Board is responsible for reviewing this policy on an annual basis and making modifications as needed.

## **Town of Canandaigua Credit Card & Credit Account Policy and Procedure**

Adopted by Town Board on February 24, 2015 Resolution #2014-232

Confirmed by the Town Board on January 9, 2017 by Resolution # 2017-041

**Policy:** The Town Board of the Town of Canandaigua hereby authorizes the use of Town Board approved credit cards and credit accounts by employees for the sole use and benefit of the Town of Canandaigua. The purpose of the credit cards and credit accounts is to streamline and simplify the purchasing and payment process for certain transactions. Any and all purchases made with a credit card or on a credit account must be made in accordance with the procedures contained herein. Failure of an employee or elected official to adhere to the requirements and restrictions of this policy will result in appropriate disciplinary or remedial action.

### **Procedure:**

#### **Establishing Credit or Securing a Town Credit Card:**

1. Only the Town Board may approve the creation of a town charge account.
2. Prior to the establishment of a store credit card or store credit account, the Town Board shall, by resolution, approve the account, designate who has the authority to sign the contract between the retail business and the Town of Canandaigua, and who has authority to have access to the account.
3. On an annual basis, the Town Board will review, and if needed modify, this information.
4. The Department Manager shall be responsible for immediately notifying the store in writing when an employee is no longer authorized to use an account. A copy of this written notice must be provided to the Bookkeeper and the Town Board.
5. The Town Bookkeeper is responsible for maintaining all credit card information (including the information for reporting lost or stolen cards), a current list of charge accounts and a list of approved users.

### **Authorized Users:**

1. Use of credit cards / credit accounts is restricted to current employees and elected officials.
2. Authorized users shall sign a statement indicating they have read and understand the Town of Canandaigua Credit Card & Store Account Policy.

### **Use of Credit Cards and Credit Accounts:**

1. Store credit cards shall be kept in the Town Clerk's office vault or in the Highway Superintendent's office safe.
2. Upon approval from their department head, an authorized employee may sign out a store credit card or use a store credit account. The employee shall sign their name, the date, credit card name, and the time the card was signed out into the log book prior to using the store credit card.
3. Upon return from making a purchase, the credit card shall be returned to the Town Clerk's or Highway Superintendent's office and the employee shall note in the log book the amount spent, and the date and time the card was returned.
4. The receipt for all purchases shall be returned to the Town Clerk's or Highway Superintendent's office the same business day or within 24 hours. The person making the purchase shall sign the receipt and return the receipt to the Dept Head.
5. The Dept Head must review the receipt to insure only approved items have been purchased. Once approved and within 24 hours, the Dept Head must sign and date the receipt and submit the receipts to the Town Bookkeeper.
6. The Town Bookkeeper is responsible for reconciling the receipts with the billing statement.

#### Compliance with Credit Limits and Procurement Policy:

1. A credit card / credit account may be utilized to make purchases up to the amount authorized for expenditures without prior Town Board approval and in accordance with the Town's Procurement Policy.
2. Under no circumstances will purchases be permitted which exceed the credit limit imposed by the store.

#### Limits and Restrictions:

1. The credit card / credit account shall not be utilized for items of personal use, amusement or entertainment purposes, alcoholic beverages, or any product, service, or fee that would not be authorized pursuant to the purchasing policies adopted by the Town of Canandaigua.
2. An employee who makes an unauthorized purchase will be liable for and must pay the Town of Canandaigua the total dollar amount of such unauthorized purchases, plus any finance charges or administrative fees charged by the store in connection with the misuse.
3. Appropriate administrative or judicial actions will be taken by the Town of Canandaigua to recoup such costs, if necessary.

#### Lost or Stolen Cards:

1. Employees are responsible for safeguarding the card while in their possession.
2. Lost or stolen cards shall immediately be reported to the department head and Town Bookkeeper.
3. The Town Clerk and the Town Highway Superintendent are responsible for immediately notifying the credit card company, both verbally and in writing, as well as the Town Bookkeeper, and the Town Supervisor.

#### Bill Payment:

1. At no time shall a store receipt be entered into the accounting system for payment without the monthly billing statement from the store company, unless a particular store does not mail a monthly statement to the Town.
2. Upon reconciliation of store billing statements against the sales receipts, the Bookkeeper, Town Clerk, or Highway Superintendent shall then enter the invoice amount into the Town's accounting system.
3. The billing statement and corresponding receipts shall be attached to the printed voucher.
4. The billing statement, receipts, and voucher will be submitted for Town Board review and approval.
5. All balances shall be paid in full by the Town on or before the date due.
6. At no time shall the Town of Canandaigua incur finance charges as a result of failure to pay a credit card bill in a timely manner.



## **TOWN BOARD ANNUAL REVIEW OF ESTABLISHED CREDIT CARDS AND CREDIT ACCOUNTS**

Reviewed and Approved by the Canandaigua Town Board on \_\_\_\_\_ Resolution # \_\_\_\_\_

### **List of Credit Cards As of 2.2015:**

- WalMart
- Wegmans
- Tractor Supply
- Lowes

### **List of Authorized Users of Credit Cards & Credit Accounts:**

- Assessor or designee
- Director of Development or designee
- Town Clerk or designee
- Town Supervisor or designee
- Historian
- Highway & Water Superintendent or designee
- Director of Parks and Recreation or designee

### **List of Credit Accounts As of 2.2015:**

- HEP
- Shortsville Auto Parts
- Sherwin Williams
- Auto Value Finn's Auto
- Mayflowers Gardens
- Radio Shack
- Northern Nurseries

# ATTACHMENT 6

## 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:)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 17

A local law TO AMEND TOWN CODE CHAPTER 60 RELATING TO RESIDENCY REQUIREMENTS  
(Insert Title)  
FOR THE POSITION OF TOWN MANAGER AND TO ADD THE DEFINITION OF TOWN  
MANAGER TO TOWN CODE SECTION 1-16.

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.)

(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 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 17, 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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

(Seal)

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

TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_ OF 2017

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ATTACHMENT "A"

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

**SECTION ONE. Authority.** This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law authorizing Towns to adopt a Local Law which may amend or supersede any provision of the Town Law in relation to its own property, affairs, or government or in relation to any of the other enumerated subject matters in Law, unless there is a specific State legislative restriction on such amendment or supersession.

**SECTION TWO. Supersession of State Law.** The Town Board of the Town of Canandaigua hereby supersedes the provisions of New York State Public Officers Law § 3(1) and New York State Town Law § 23 for purposes of the residency requirements for the Town Manager of the Town of Canandaigua.

**SECTION THREE.** A new Article shall be added to Town Code Chapter 60. Said new Article shall immediately follow Article II (Code Enforcement Officer). Said new Article shall be known as "Article III: Town Manager" and shall include a new section 60-3. The text of the new § 60-3 shall be as follows:

In the Town of Canandaigua, Ontario County, the provisions of Public Officers Law § 3(1), and Town Law § 23 requiring a person to be a resident or elector of the Town of Canandaigua is hereby superseded and shall not prevent a person from holding the office of Town Manager in the Town of Canandaigua, provided that such person shall reside in the County of Ontario or an adjoining county thereof or relocate to the same within 180 days of his or her appointment.

**SECTION FOUR.** The following definition shall be added to Town Code § 1-16:

**TOWN MANAGER.** The official appointed by the Town Board to serve as chief administrative officer of the Town of Canandaigua pursuant to Chapter 58 of the Canandaigua Town Code.

**SECTION FIVE. Severability.** The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law.

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

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Text Code Amendment, Town of Canandaigua Town Code			
Name of Action or Project: Text Code Amendment, Chapter 60, Town Code of the Town of Canandaigua			
Project Location (describe, and attach a location map): Town of Canandaigua, Town Hall located at 5440 Route 5 & 20 West, Canandaigua, NY 14424			
Brief Description of Proposed Action: The proposed action would be a text code amendment, amending Chapter 60 of the Town of Canandaigua Town Code known as "Residency Requirements". The specific action would supersede Public Officers and Town Law and shall not prevent a person from holding the office of Town Manager provided that such person shall reside in the County of Ontario or an adjoining county thereof.			
Name of Applicant or Sponsor: Town of Canandaigua, Town Board		Telephone: 585-394-1120 E-Mail: dod@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Town of Canandaigua, Town Board</u> Date: <u>February 13, 2017</u> Signature: <u><i>[Signature]</i> Dad, on behalf of Town Board</u>		

# ATTACHMENT 7

Job Description  
Town Manager  
Town of Canandaigua

**POSITION SUMMARY**

The Town Manager shall be the chief administrative officer of the Town and shall implement and administer all laws, town code, resolutions, and policies adopted by the Town Board and shall perform such other duties as may be required by the Town Board or law. The Town Manager shall be responsible to the Town Board and shall have the following powers and duties as defined in Town of Canandaigua, Town Code Chapter 58:

- A. Serve in a confidential and policy advisory position to the Town Board in connection with all town business and affairs.
- B. Research and provide to the Town Board such materials and information, including reports, as may be necessary to provide the Board with information upon which it can make decisions.
- C. Oversee and implement the Town's personnel policies in a fair and equitable fashion in accordance with applicable laws and regulations.
- D. Assist the Town Board in identifying its financial, personnel and material needs and problems.
- E. Undertake studies of Town needs and operations and make recommendations to the Board concerning the same.
- F. Conduct a continuing study of all functions and activities of the Town for purposes of devising ways and means of obtaining greater efficiency and economy.
- G. From time to time, make recommendation to the Town Board as to measures or programs which will improve the efficiency or economy of the Town government.
- H. Serve as a liaison to the Town's financial advisors.
- I. Keep abreast of available grants-in-aid from the other levels of government, pursue such revenue sources and make and follow through on all grant and aid applications and inquiries.
- J. Supervise the purchase of services, materials, supplies, equipment and letting of contracts.
- K. See that all inquiries by residents of the Town or other interested persons are referred to the appropriate Town official or department head for investigation or response.
- L. Coordinate communication from the Town to the public, updates to the Town's website and the issuance of media/press statements and written communications to the public.

- M. Attend the meetings of the Town Board, as needed, and assist in the preparation of the agenda of such meetings.
- N. Attend all regular and special Board meetings and participate in the same.
- O. Consult with and assist the Town Attorney in the preparation of any resolutions, ordinances or local laws requiring their services.
- P. Prepare suggested or recommended resolutions for Town Board action.
- Q. Make preliminary review of budget requests and make recommendation concerning them to the Town Board. May be appointed the Town Budget Officer by the Town Supervisor in accordance with NYS Town Law §103(2).
- R. Preliminarily review for Town Board action all invoices received by the town.
- S. Assist the Town Board in all billings and collections to the extent allowed by law.
- T. Make continuing review and reports to the Town Board of all existing and proposed capital projects.
- U. Make organizational studies using such techniques as work distribution, workflow charting, task analysis, random sampling, work measurement studies, statistical analysis and system analysis.
- V. Evaluate the effectiveness of operating programs in achieving organization objectives.
- W. Make recommendations to develop and maintain sound organization structures, to improve management methods and procedures and to the effective use of manpower, money and materials.
- X. Develop liaison and cooperative arrangements with other governmental bodies, with regional organizations, with local institutions and with private organizations; attend meetings of the Town Zoning Board of Appeals and Town Planning Board meetings as he may choose or as requested by the Town Board; and report pertinent matters to the Town Board.
- Y. Prepare for approval of the Town Board and other town agencies informational releases of significant action as well as other communications to town residents, the public or other public agencies where and when directed to by the Town Board.
- Z. Perform such other powers and duties as may be prescribed, modified or revoked from time to time by the Town Board by resolution.

## **ESSENTIAL JOB FUNCTIONS**

### **Town Board**

The Town Manager serves as the principal advisor to the five member Town Board, including the position of Town Supervisor, on a variety of technical and administrative issues regarding budget, funding, development of procedures for effective management, long-range planning, development of goals and appropriate programs and the establishment of open and candid public relations/awareness programs. Keeps Town Board informed of appropriate information and is responsible to the Town Board for the administration of all day to day town operations, applying extensive knowledge of a wide variety of Town government functions.

Develops and/or oversees development and implementation of town wide policies, regulations and procedures, and measures progress of town wide goals. Ensures that Town Code is enforced and that the provisions of all contracts, permits, and privileges granted by the Town are observed and actively managed. Supervises the adoption and implementation of the Comprehensive Plan, Land Development regulations and any amendments or revisions as directed by the Town Board.

Shall develop and recommend the annual budget calendar to the Town Board. May be appointed the Budget Officer, and shall either get ready or assist with the preparation and submission of the annual budget and capital program to the Town Board. Initiates programs and formulates short and long term strategic plans as needed to enhance the achievement of goals pertaining to all Town functions and services. This will often include approval of major expenditures and approval of budget proposals and amendments after being directed by the Town Board, in order to ensure the financial integrity of the Town. Reviews, evaluates and enhances the intergovernmental relationships and financial arrangements for the Town's best interest.

Works closely with the appropriate departments and financial advisors to analyze and forecast both current and future years' revenues and expenditures, including providing budget estimates with future years' revenue and cost projections as necessary. Ensures fiscal responsibility through oversight of the town-wide annual operating budget, and closely monitors compliance with Town Board approved capital improvement plan. Provides regular quarterly reports to the Town Board on the financial status of the operating budget and capital plan.

Reviews all items that come before the Town Board and makes recommendations on pertinent items to assure coordination of all functions of Town government. Ensures that all laws, acts, provisions or regulations as directed by the Town Board shall be executed faithfully.

Attends, takes part in discussions but does not have voting rights at all Town Board meetings. Attends other meetings including committee meetings, Planning, Zoning, or Environmental Conservation Board meetings as needed.

Performs or directs investigations, studies, and surveys as needed by the Town Board. Shall make such other reports as the Town Board may require concerning the operations of Town departments, offices, and agencies subject to the Town Manager's direction and supervision.

Fully advises and reports to the Town Board on administrative activities, the financial condition and future needs of the Town and makes such recommendations to the Town Board concerning the affairs of the Town as the Town Manager deems desirable or as requested by the Town Board.

Shall perform such other duties as are specified in the Town Charter or may be required by the Town Board.

### **SUPERVISE OPERATIONS**

Administers the day to day operations of the Town and provides administrative oversight of all Town Board appointed positions. Directly supervises the positions of: Assessor, Director of Development, Historian, Director of Parks and Recreation, Health Officer, Code Enforcement, Zoning Inspector, Planning Aide, Office Specialist, Clerk, and Finance Clerk. Provides Administrative support and budgetary financial oversight, on behalf of the Town Board; to the appointed positions of Registrar of Vital Statistics, Receiver of Taxes, Record Access Manager, and Water Superintendent.

As directed by the Town board, appoints, evaluates and provides training for those under his/her charge. When deemed necessary for the good of the Town, suspend or remove all Town employees and appointed administrative officers pursuant to State Law, Town Law, and Town personnel policies after first receiving direction from the Town Board.

Makes recommendations for appointments and removal of relevant positions and memberships on committees to the Town Board.

Encourages an attitude of cooperation among staff which makes most efficient use of resources and results in a service orientation to the community.

### **COMMUNITY AND CUSTOMER SERVICE**

Meets with private citizens, civic groups, and business organizations to provide information on Town policies, programs and activities. Represents the Town on State, regional, local policy development or advisory committees as required or as necessary for the benefit of the Town.

Assures the prompt investigation of citizens' questions and/or complaints regarding the functions of departments or any function of the Town as appropriate.

Ensures the establishment of programs which maintain effective working relationships within the Town and with other governmental agencies and civic organizations.

Develops programs and mechanisms to enhance community relations by providing a high level of customer service and follow-up.

## **PREFERRED QUALIFICATIONS**

### **Education and Experience Requirement**

Master's degree in public administration or related. At least ten years participation and/or experience working with elected officials. Experience should include reporting directly to an elected board.

At least five years experience having a working knowledge of Town, County, and State codes and regulations. Extensive knowledge of municipal organization and functions and related federal, state, and local laws, rules and regulations and special programs.

Experience should also include progressively responsible experience in municipal management, or an equivalent combination of education and relevant management experience.

### **KNOWLEDGE, SKILLS, ABILITIES, EXPERIENCE REQUIRED**

- Extensive knowledge of the theory, principles and practices of public administration.
- Extensive knowledge of municipal organization and functions and related federal, state, and local laws, rules regulations and special programs.
- Ability to understand policy, and implement policy decisions as directed by the Town Board.
- Extensive experience should include general state or local government administration.
- Ability to write and understand town code, take directive from the Town Board as a whole and then execute those directives.
- Ability to understand general municipal regulations, land use planning, and have a solid understanding of budgetary principals.
- Ability to make recommendations to the Town Board regarding opportunities for efficiency improvements, and the evaluation of current programs.
- Ability to communicate with the general public.
- Ability to sustain operations and perspective of the governmental mission.
- Ability to formulate and implement sound clerical and fiscal policy and procedures.
- Ability to prepare and monitor a balanced budget.
- Ability to plan, direct, and coordinate the work of appointed employees.
- Ability to plan and prepare grants and monitor resultant programs and/or activity.
- Ability to express ideas effectively, orally and in writing.
- Ability to gain and retain effective working relationships with town employees, the Town Board, and other public officials and the community at large.
- Ability to manage capital expenditures and administrative budgets.
- Ability to sustain operations and perspective of the governmental mission.
- Must be a United States Citizen or eligible to work in the United States.
- Able to speak clearly and persuasively in positive or negative situations.
- Must have demonstrated experience in finance, budgeting, cost control, infrastructure, and maintain an efficient operation.

- Demonstrated experience in dealing with media, intergovernmental organizations, and the public.

#### **WORKING HOURS/PHYSICAL/ENVIRONMENTAL DEMAND:**

- May be required to work hours other than the regular Town Hall hours including nights, weekends, holidays, and emergency situations as needed.
- Physical Requirements: Tasks involve some unassisted lifting, carrying, pushing, and/or pulling of moderately heavy objects up to 25 pounds. Tasks involve stooping, kneeling, crouching, crawling, climbing, and balancing. Tasks may involve extended periods of time at a keyboard, with extended periods of visual concentration.
- Data Conception: Requires the ability to compare and/or judge the readily observable, functional, or composite characteristics (whether similar to or divergent from obvious standards) of documentation, accounts, and reports.
- Interpersonal Communication: Requires the ability to speak and/or signal people to convey or exchange information. Includes giving and receiving instructions, assignments and/or directions. Includes considerable public relations activities. Must communicate efficiently and effectively in Standard English.
- Language Ability: Requires the ability to read a variety of materials relevant to government, legal, and town administration operations that range from moderate to complex levels.
- Intelligence: Requires the ability to analyze and interpret problems, and draw valid conclusions in task processing and prioritization. Requires the ability to coordinate accurate completion of multiple tasks within established time frames, i.e., moderate to long range planning principles and techniques.
- Numerical Aptitude: Requires the ability to add, subtract, multiply and divide; calculate decimals and percentages; interpret graphs.
- Form/Spatial Aptitude: Requires the ability to inspect items for proper length, width and shape, and visually read various information.
- Motor Coordination: Requires the ability to coordinate hands and eyes accurately in handling, sorting, and compiling data, in operating modern office equipment, and in manipulating field equipment.
- Interpersonal Temperament: Requires the ability to work with people from a variety of departments in both giving and receiving instructions. Requires the ability to apply consistent tact and courtesy in frequent public contact. Must be able to perform under stress of deadlines.
- Physical Communication: Requires the ability to talk and hear: (talking: expressing or exchanging information by means of spoken words; hearing: perceiving nature of sounds by ear).
- Environmental Requirements: Tasks are regularly performed without exposure to adverse environmental conditions, e.g., direct, cold, rain, fumes.



Reasonable accommodations will be made in accordance with existing ADA requirements for otherwise qualified individuals with a disability. This job description is not intended to be and should not be construed as an all-inclusive list of all the responsibilities, skills or working conditions associated with the position. While it is intended to accurately reflect the position activities and requirements, the Town Board reserves the right to modify, add or remove duties and assign other duties as necessary. This job description does not constitute a written or implied contract of employment. The Town of Canandaigua is an equal opportunity employer.

# ATTACHMENT 8



## Homes and Community Renewal

ANDREW M. CUOMO  
Governor

JAMES S. RUBIN  
Commissioner/CEO

January 20, 2017

Honorable Greg Westbrook  
Town of Canandaigua  
5440 Routes 5 and 20 West  
Canandaigua, NY 14424

Dear Supervisor Westbrook:

Re: Grant Closeout  
NYS CDBG Project #166PR54-12

The Office of Community Renewal (OCR) has determined that the Town of Canandaigua has satisfactorily completed CDBG Project #166PR54-12 and can now begin the formal closeout process.

The Town of Canandaigua is requested to review the attached NYS CDBG Grant Closeout Transmittal Form and instructions for completing the form. An **ORIGINAL** signed copy of this form must be returned to the OCR within 30 days of the date of this letter.

If you have any questions or need any additional information, please contact me at (518) 474-2057 or by e-mail at [Andrew.Griffin@nyshcr.org](mailto:Andrew.Griffin@nyshcr.org).

Sincerely,  
Andrew Griffin  
Community Developer  
Office of Community Renewal

cc: Doug Finch, Director of Development

## **NYS CDBG GRANT CLOSEOUT TRANSMITTAL FORM**

By signing this Grant Closeout Transmittal Form, the Town of Canandaigua acknowledges that any remaining balance of funds for CDBG Project Number 166PR54-12 identified on Schedule B Final Budget and Accomplishments will be deobligated and no further disbursements related to this grant will be processed after the submission of these forms.

Further, by signing this Grant Closeout Transmittal Form, Greg Westbrook as Supervisor of the Town of Canandaigua acknowledges that the following conditions have been met;

1. The Town of Canandaigua has completed CDBG Project Number 166PR54-12 according to the terms and conditions of the Grant Agreement dated December 20, 2012 between the Town of Canandaigua and the Housing Trust Fund Corporation (HTFC).
2. The Town of Canandaigua, for and in consideration of the CDBG funds distributed to it by the Office of Community Renewal (OCR) on behalf of the HTFC, does hereby remise, release and discharge the HTFC, its officers, employees and agents, of and from all liabilities, obligations, claims, and demands whatsoever arising out of the Grant Agreement for CDBG Project Number 166PR54-12 entered into on December 20, 2012 between the Recipient and the HTFC.
3. It is hereby certified that all activities undertaken by the Recipient with funds provided under the Grant Agreement, to the best of my knowledge, have been carried out in accordance with the Grant Agreement between the Town of Canandaigua CDBG Project Number 166PR54-12 and the HTFC, and that every statement and amount set forth in this instrument is, to the best of my knowledge, true and correct as of this date.
4. CDBG Program Income shall be accounted for on Program Income Register in accordance with the provisions of the NYS CDBG Regulations pertaining to property management and program income. The Recipient shall continue to comply with NYS CDBG program income reporting requirements.
5. Any property acquired by the Recipient or Subrecipient, in whole or in part with NYS CDBG funds has been identified on Real Property Register.
6. All costs incurred subsequent to the most recent annual audit period will be audited at the time the Recipient's next annual audit is conducted in accordance with OMB Circular A-133. The Recipient will resolve any audit findings related to both the program and financial aspects of the grant. In the event there are any costs which are disallowed by this audit or any subsequent audits which cover NYS CDBG expenditures, and which are sustained by the OCR, the amount of such costs shall be returned to the OCR via the HTFC.

7. No costs have been incurred after the completion date of **December 19, 2014** for the above contract. All necessary documents and procedures have been followed, thereby finalizing the above referenced contract.

The Recipient further acknowledges that the Final Budget and Accomplishments identified on Schedule B of this closeout transmittal are true and correct.

Chief Elected Official

\_\_\_\_\_  
Signature of Chief Elected Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Chief Elected Official

\_\_\_\_\_  
Title

Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Title

Office of Community Renewal

\_\_\_\_\_  
Signature of Developer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Developer

\_\_\_\_\_  
Title

## Schedule B

### Final Budget and Accomplishments

166PR54-12	Town of Canandaigua	Final Award Amount	Expended Amount	Balance Remaining
166PR5412-01	T. of Canandaigua Purdy Rd Sewer	\$600,000.00	\$600,000.00	\$0.00
Grand Total:		<u>\$600,000.00</u>	<u>\$600,000.00</u>	<u>\$0.00</u>

Any balance of funds identified on this page has been or will be deobligated.

<u>Actual Accomplishments</u>		
166PR5412-01	205 People (General)	2014

<u>Last Drawdown by Activity</u>	
166PR5412-01	11/20/2014

#### For OCR Use Only

Fiscal Year End Date: \_\_\_\_\_

FAE Received: YES ☐ No ☐ Due Date: \_\_\_\_\_

Subject to Single Audit: YES ☐ No ☐ Audit Due Date: \_\_\_\_\_

Audit Previously Submitted: YES ☐ No ☐ Date Received: \_\_\_\_\_

## PROGRAM INCOME REGISTER

**NOTE:** 24CFR570.489(e) defines program income as gross income received by a state, a unit of general local government or a subrecipient of a unit of general local government that was generated from the use of CDBG funds.

All funds received from revolving loan funds are considered program income, regardless of the amount generated.

A full Program Income Report for all program income generated as a result of NYS CDBG funded activities will be collected on an annual basis through the Annual Performance Report (APR).

**A. PROGRAM INCOME APPLICABILITY**

For this CDBG Project # \_\_\_\_\_ only, please select one of the following:

- ☐ This project will not result in any program income being generated
- ☐ Including program income generated as result of this project, program income from all NYS CDBG funded activities is not anticipated to be in excess of \$35,000
- ☐ Including program income generated as a result of this project, program income from all NYS CDBG funded activities is in excess or may be in excess of \$35,000
- ☐ This project has generated program income as the result of a revolving loan fund

**B. PROGRAM INCOME**

24CFR570.489(e) and 24CFR85.25 set the rules for program income which requires Recipients earning program income to have an approved Program Income Plan (PIP) or Revolving Loan Fund Plans (RLF) on file with the OCR. If the PIP or RLF has previously been submitted, please provide the date this was submitted to OCR. If an approved plan is not on file, please submit a plan with this grant closeout. Please note that the Grant Closeout Transmittal may be delayed pending OCR approval of a newly submitted PIP or RLF.

- |  |  |
|--|--|
| <input type="checkbox"/> PIP Previously Submitted Date _____ | <input type="checkbox"/> RLF Plan Previously Submitted Date _____  |
| <input type="checkbox"/> New PIP Attached                    | <input type="checkbox"/> New RLF Plan Attached <span style="float: right;"><input type="checkbox"/> N/A</span> |

**C. INTEREST EARNED ON PROGRAM INCOME (NYS CDBG FUNDED ACTIVITIES ONLY)**

24CFR570.489(c)(2) states that interest earned by units of general local government on grant funds before disbursement of the funds for activities is not program income and must be returned to the Housing Trust Fund Corporation (HTFC), except that the unit of general local government may keep interest amounts of up \$100 per year for administrative expenses. If interest earned on program income is in excess of \$100, has this been returned to the HTFC? ☐ YES ☐ NO

If yes, the date funds were submitted to OCR: \_\_\_\_\_ Amount of interest returned: \_\_\_\_\_

If interest has not been returned, please explain: \_\_\_\_\_

**D. CERTIFICATION OF PROGRAM INCOME REGISTER**

I hereby certify that to the best of my knowledge, this Program Income Register is true and correct and accurately reflects the Program Income history for \_\_\_\_\_.

\_\_\_\_\_  
Chief Elected Official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
Date

## REAL PROPERTY REGISTER

☐ N/A

Property Description:					Parcel ID/ Code				
Source of Property									
Title Holder									
PO/Check #			Source of Funds			Acquisition Date			
Total Cost		Total CDBG funds		Total # of Units		Cost per Unit		% of CDBG funds	
Location:						NY	ZIP + 4		
Use:		Condition							
Disposition Date:		Sale Price							
Description									

Property Description:					Parcel ID/ Code				
Source of Property									
Title Holder									
PO/Check #			Source of Funds			Acquisition Date			
Total Cost		Total CDBG funds		Total # of Units		Cost per Unit		% of CDBG funds	
Location:						NY	ZIP + 4		
Use:		Condition							
Disposition Date:		Sale Price							
Description									

☐ Additional pages attached



# ATTACHMENT 9



**Five Star Bank**  
Made for You.

**IRREVOCABLE STANDBY LETTER OF CREDIT**

**NO. 7002058932**

\*\*\*\*\*

**DATE:** January 30, 2017

**TO:** TOWN OF CANANDAIGUA

**REGARDING:** Section 9B of the Lakewood Meadows Subdivision, Middle Cheshire Road,  
Town of Canandaigua, County of Ontario and State of New York

Ladies and Gentlemen:

For the account of **S & J Morrell, Inc.** ("Borrower"), we hereby authorize you to draw on us up to an aggregate amount of Nine Hundred Thirty-Three Thousand Fifty-Five and 00/100 Dollars (\$933,055.00), which amount is available by payment against the following documents:

1. Your draft or drafts drawn on us and bearing the clause: "Drawn Under Five Star Bank Letter of Credit Number 7002058932".
2. The original of this Credit and all amendments, if any, for our endorsement. If your demand represents a partial drawing hereunder, we will endorse the original Letter of Credit and return same to you for possible future claims. If however, your demand represents a full drawing or if such drawing is presented on the day of the Expiration Date hereof, we will hold the original for our files and remove same from circulation.

Partial drawings are permitted under this Credit.

This Credit shall expire on February 1, 2020 (such date being the "Expiration Date"). This Credit shall terminate on the earlier of (a) 5:00 p.m. prevailing eastern time on the Expiration Date, or (b) the date on which we honor a draw which exhausts the entire stated amount.

This Credit sets forth in full the terms of our undertaking. This undertaking shall not in any way be revoked, modified, amended, or amplified by reference to any document, instrument or contract referred to herein or in which this Credit is referred to or to which this Credit relates and any such reference shall not be deemed to incorporate herein by reference any document or instrument.

We hereby agree with you that any draft or drafts drawn under and in compliance with the terms and conditions of this Credit shall be duly honored if presented at our counters at Five Star Bank, Attention: Todd W. Andrews, Vice President, 2851 Clover Street, Suite 2, Pittsford, New York 14534 together with document(s) as specified and the original of this Credit on or before the above stated Expiration Date. The proceeds of each such draft shall be paid directly to the applicable Contractor(s).

This Credit is irrevocable and unconditional. This Credit is not assignable or transferable.

This Credit shall be governed by and subject to the International Standby Practices 1998, International Chamber of Commerce Publication 590 (the "ISP") and to the extent not inconsistent with the ISP, the laws of the State of New York.

Very truly yours,

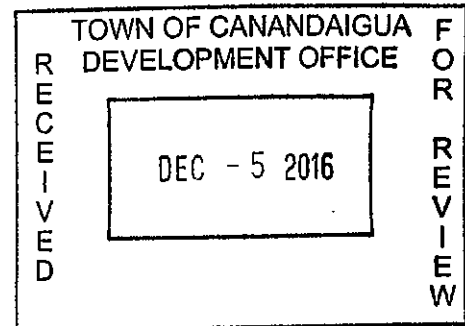
FIVE STAR BANK

By:   
Todd W. Andrews, Vice President

December 2, 2016

Mrs. Jean Chrisman, Town Clerk  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

**RE: LAKEWOOD MEADOWS SECTION 9B  
LETTER OF CREDIT ESTIMATE REVIEW  
TAX MAP NO.: 112.00-1-32.111  
CPN No. 051-16  
MRB PROJECT NO.: 0300.12001.000 – PHASE 87**



Dear Mrs. Chrisman,

Please be advised that MRB Group has completed a review of the submitted Letter of Credit Estimate dated November 15, 2016 for the approved Final Subdivision Plans titled: Lakewood Meadows Subdivision, Section 9B, prepared by Marathon Engineering.

Based on our review, the quantities and unit prices identified in the Letter of Credit Estimate are consistent with the approved subdivision plans and private contractor pricing respectively. Therefore, we recommend that a Letter of Credit be approved in the amount of **\$933,055.00**. A copy of the applicant's Engineers Estimate is enclosed for your file.

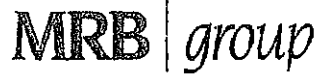
Please note that the original surety documentation regarding the establishment of the Letter of Credit is required to be submitted to the Town Clerk for processing. Once the original is received by the Town Clerk, all information will be forwarded to the Town Attorney for review prior to being placed onto the Town Board agenda.

Any questions and/or comments you may have in this regard, please feel free to contact us at your earliest convenience.

Sincerely,

Lance S. Brabant, CPESC  
Senior Planning Associate

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Enclosures:

- Applicants Engineers Estimate dated November 15, 2016
- C      Pamela Helming, Supervisor  
         Kristine Singer, Town Bookkeeper  
         Doug Finch, Director of Development  
         Jim Fletcher, Highway and Water Superintendent  
         Chris Jensen, P.E., Code Enforcement Officer  
         Richard Tiede, P.E. – Marathon Engineering



39 Cascade Drive / Rochester, NY 14614 / Phone (585) 458-7770

### Letter of Credit

**Project:** Lakewood Meadows Section 9B  
**Prepared For:** Morrell Builders  
 1501 Pittsford - Victor Road STE 100  
 Victor, NY 14564

**Date:** 11/15/2016

This Letter of Credit for Section 9B represents the probable construction costs in 2016 dollars to complete the site improvements as shown on the plans entitled "Final Plans - Section 9B for Lakewood Meadows Subdivision Section 9B" last Revised 10/18/16. The plans and letter are subject to changes for town and agency final comments and approvals.

### Summary of Costs

Section No.	Section Description	Amount (\$)
1	<b>Earthwork &amp; Erosion Control</b>	
	• EARTHWORK	168,905
	• EROSION CONTROL	77,568
	<b>TOTAL</b>	<b>\$ 246,473</b>
2	<b>Water Main System</b>	
	• ON-SITE WATER	
	<b>TOTAL</b>	<b>\$ 109,150</b>
3	<b>STORM DRAINAGE SYSTEM</b>	
	• PIPING, STRUCTURES, ETC.	
	<b>TOTAL</b>	<b>\$ 76,963</b>
4	<b>ROADWAYS SYSTEM</b>	
	<b>TOTAL</b>	<b>\$ 350,557</b>
5	<b>LANDSCAPING/MISCELLANEOUS</b>	
	• STREET TREES/MONUMENTS	
	<b>TOTAL</b>	<b>\$ 42,570</b>
<b>SUB-TOTAL</b>		<b>\$ 825,713</b>
<b>10% Contingency</b>		<b>\$ 82,571</b>
<b>MUNICIPAL OBSERVATION 3%</b>		<b>\$ 24,771</b>
<b>OVERALL TOTAL</b>		<b>\$ 933,055</b>

## SECTION 1: EARTHWORK AND EROSION CONTROL

Item Number	Item Description	Quantity	Unit	Unit Price (\$)	Amount (\$)
<b>EARTHWORK</b>					
1.1	Clearing and Grubbing	11	AC	500.00	5,500
1.2	Strip and Stockpile Topsoil	11,068	CY	2.75	30,437
1.3	Earthwork cuts/fills	41,452	CY	2.75	113,993
1.4	Redistribute topsoil	6,900	CY	2.75	18,975
				<b>Subtotal:</b>	<b>\$ 168,905</b>
<b>EROSION CONTROL</b>					
1.4	Construction entrance	—	LS	—	3,000
1.5	Silt Fence	3,420	LF	3.00	10,260
1.6	Stone Check Dam	57	EA	250.00	14,250
1.7	Storm Drop Inlet Protection	11	EA	125.00	1,375
1.8	Temporary sediment basins Includes maintenance & restoration upon completion	4	EA	2,500.00	10,000
1.9	Temporary Seeding	6	AC	1,000.00	6,000
1.10	Straw Matting/Erosion control Blankets for Permanent Swales	3,400	SY	1.00	3,400
1.11	Slope Protection, excluding permanent swale areas	12,855	SY	1.50	19,283
1.12	Concrete Washout Station	1	EA	1,500.00	1,500
1.13	Final Stabilization (seeding)including mulching w/tackifier	9	AC	1,000.00	8,500
				<b>Subtotal:</b>	<b>\$ 77,568</b>

**TOTAL EARTHWORK AND EROSION CONTROL** **\$246,473**

**SECTION 2: WATER MAIN SYSTEM**

Item Number	Item Description	Quantity	Unit	Unit Price (\$)	Amount (\$)
2.1	Connection to existing water main	3	EA	500.00	1,500
2.2	8" DR-14 Plastic watermain including trenching, bedding, testing, backfilling, bends and warning tape	1,950	LF	30.00	58,500
2.3	8" Gate valve and box complete	5	EA	1,250.00	6,250
2.4	Hydrant and guard valve complete	2	EA	3,350.00	6,700
2.5	8" Anchor Tee	2	EA	600.00	1,200
2.6	Plastic water Service including curb stop/box	24	EA	1,200.00	28,800
2.7	8" x 8" x 8" Tapping sleeve and valve	1	EA	3,750.00	3,750
2.8	Concrete encasement	3	CV	250.00	750
2.9	Blowoff Assembly	3	EA	400.00	1,200
2.10	Watermain Testing	1	LS	500.00	500
				Subtotal:	\$ 109,150

**SECTION 3: STORM DRAINAGE SYSTEM**

Item Number	Item Description	Quantity	Unit	Unit Price (\$)	Amount (\$)
3.1	8" PE Storm Piping	43	LF	25.00	1,075
3.2	8" End Section	1	EA	125.00	125
3.1	12" PE Storm Piping	541	LF	27.00	14,607
3.2	12" End Section	5	EA	175.00	875
3.3	18" PE Storm Piping	100	LF	30.00	3,000
3.4	18" End Section	4	EA	225.00	900
3.5	24" PE Storm Piping	34	LF	35.00	1,190
3.6	24" End Section	1	EA	275.00	275
3.7	24" x 24" Drop Inlet structure	6	EA	1,800.00	10,800
3.8	30" PE storm piping	107	LF	38.00	4,066
3.9	30" End Section	1	EA	250.00	250
3.10	5'-0" dia. Manhole	1	EA	3,400.00	3,400
3.11	Remove end Section and connect to new pipe	1	LS	250.00	250
3.12	Plunge pool	3	EA	500.00	1,500
3.13	Medium Stone Fill	90	CV	35.00	3,150
3.14	Stone fill clean & replace as required	1	LS	500.00	500
3.15	Outfall Structure	1	EA	5,000.00	5,000
3.16	Bio Retention area (not including plantings)	1	EA	26,000.00	26,000
				Subtotal:	\$ 76,963



## SECTION 4: ROADWAY SYSTEM

Item Number	Item Description	Quantity	Unit	Unit Price (\$)	Amount (\$)
4.1	Road boxout Includes excavation, shaping, and proof rolling (68,658 SF)	4,450	CY	3.50	15,575
4.2	2' Paved Shoulder	4,154	LF	12.50	51,925
4.3	12" Compacted NYSDOT # 703-0201 Type 2 crusher run	2,543	CY	32.00	81,376
4.4	3" Lift of Item #304-2.02 Type 1 crusher run	636	CY	32.00	20,352
4.5	3" Asphaltic concrete binder #4303.13 Type 3 with tack coat, complete	7,629	SY	12.00	91,548
4.6	1.5" Asphaltic concrete top item #403.17 type 7F	7,629	SY	9.00	68,661
4.7	30" Wide concrete gutters includes excavation, subbase, and placement	1,760	LF	12.00	21,120
				Subtotal:	\$ 350,557

## SECTION 5: LANDSCAPING/MISCELLANEOUS

Item Number	Botanical Name / Common Name	Quantity	Unit	Unit Price (\$)	Amount (\$)
5.1	<i>Acer rubrum</i> 'Red Sunset' / Red Sunset Maple	14	EA	250.00	3,500
5.2	<i>Panicum virgatum</i> / Switchgrass	22	EA	25.00	550
5.3	<i>Ilex vert.</i> 'Winter Red' / Winter Red Winterberry	8	EA	30.00	240
5.4	<i>Hamamelis vernalis</i> / Vernal Witchhazel	12	EA	250.00	3,000
5.5	<i>Picea Abies</i> / Norway Spruce	15	EA	250.00	3,750
5.6	<i>Acer saccharum</i> / Sugar Maple	13	EA	250.00	3,250
5.7	<i>Quercus rubra</i> / Northern Red Oak	6	ea	250.00	1,500
5.7	Grass Trails	1,290	LF	3.00	3,870
5.8	Stone dust trails	1,380	LF	7.00	9,660
5.9	R.O.W. Monuments	24	EA	250.00	6,000
5.10	Conservation area marker	9	EA	250.00	2,250
5.11	Record Mapping	1	LS	5,000.00	5,000
				Subtotal:	42,570

GRAND TOTAL \$ 825,713

# ATTACHMENT 10

### COUNTER-OFFER

Re: McCabe to Town of Canandaigua  
00 NYS Rte 21  
Canandaigua, NY 14424  
Tax Map#: 125.16-1-16.000

The seller accepts all the terms and conditions of your offer dated, 1/27/2017,  
EXCEPT:

1. Purchase Price shall be \$4,000.00.
2. Buyer shall pay for abstract and survey.
3. Buyer attorney will prepare all necessary closing documents to consummate the transaction as Seller will not be retaining an attorney.
4. This counter-offer shall expire 2/8/2017.
5. *No environmental audit to be done by seller.*

Dated:

*2/2/17*

*X*  
seller

Accepted:

Dated:

  
Buyer



# PURCHASE AND SALE CONTRACT FOR LOTS AND VACANT LAND

Plain English Form published by and for the exclusive use of the Greater Rochester Association of REALTORS®, Inc., the Monroe County Bar Association, and those County Bar Associations that have approved its use, COMMISSIONS OR FEES FOR THE REAL ESTATE SERVICES TO BE PROVIDED ARE NEGOTIABLE BETWEEN REALTOR® AND CLIENT.

When Signed, This Document Becomes A Binding Contract. Buyer or Seller May Wish to Consult Their Own Attorney. Buyer acknowledges that information contained in the Multiple Listing Service is not guaranteed and should be independently verified before signing this Contract.

TO: Bryan McCabe ("Seller") FROM: Town of Canastota ("Buyer")  
OFFER TO PURCHASE

Buyer offers to purchase the property described below from Seller on the following terms:

1. Property Description; Seller's Power and Authority. Property known as 00 NYS Rt 21  
in the County of Ortigue Town ☒ City ☐ Village of Canastota  
State of New York, Zip 14424 also known as Tax No. 125.16-1-16.000  
including all buildings and any other improvements and all rights which the Seller has in or with the property. Approximate Lot Size: 1.890 acres

Description: (Include specific inclusions and exclusions) see attached ONCOR Project Information Sheet  
Seller represents to Buyer that: (i) Seller owns the property and has the power and authority to sell it, (ii) Seller is not in bankruptcy, and (iii) Seller has sufficient funds (including the proceeds from this sale) to close this transaction and pay Seller's closing expenses.

2. Price & Payment. The purchase price is: (Check and complete applicable provisions.)  
☒ (A) Three thousand Four hundred Dollars (\$3,400.00) per acre,  
☐ (B) 4,000.00 Dollars (\$ 4,000.00) per acre,  
☐ exclusive ☐ inclusive of area within the right-of-way, as determined by instrument survey.

Buyer shall receive credit at closing for any deposit made hereunder. The balance of the purchase price shall be paid as follows:  
(Check and complete applicable provisions.)

☒ (1) By official bank draft or certified check at closing.  
☐ (2) Seller Financing. By Buyer delivering a purchase money bond and mortgage to Seller at closing. This purchase money bond and mortgage shall be in the amount of \$ 3,400.00, shall be amortized over a term of 30 years and all due and payable in 30 years from the date of closing, shall bear interest at the rate of 4 % per year, and shall be paid in monthly installments of \$ 15.00, including principal and interest. The mortgage shall contain the statutory clauses as to payment, insurance, acceleration on default after thirty (30) calendar days, taxes, assessments, and water rates and also shall provide for late charges of two percent (2%) of any monthly payment which is not paid within fifteen (15) calendar days after it is due and for recovery of reasonable attorneys' fees if the mortgage is enforced or foreclosed or otherwise referred to an attorney for collection. The mortgage shall allow Buyer to prepay all or part of the mortgage without penalty at any time but shall also provide that the mortgage be paid in full if Buyer sells the property, unless Seller consents in writing to assumption of the mortgage debt. The balance of the purchase price will be paid at closing by official bank draft, or certified check.  
☐ (3) Mortgage Assumption pursuant to the terms and conditions of the Mortgage Assumption Addendum.

3. Contingencies. Buyer makes this offer subject to the following contingencies. If any of these contingencies are not satisfied by written notice to the other party by the dates specified (collectively, the "Contingency Deadline Dates"), then either Buyer or Seller may cancel this contract (the "Contract") by written notice to the other, provided that the applicable contingency has not otherwise been satisfied by a party after the applicable Contingency Deadline Date by written notice to the other party and prior to any date on which this Contract is cancelled. With reasonable notice, Seller agrees to allow Buyer and/or its agents access to the property for the purpose of satisfying these contingencies. (Check and complete applicable provisions.)

☐ (A) Development Approvals. This offer is contingent upon Buyer obtaining all requisite approvals from any governing body having jurisdiction for construction and/or development of the property as acceptable to Buyer and Seller to obtain approval in final, non-appealable form, upon conditions acceptable to Buyer and Seller. Buyer and Seller agree to make joint application by and diligently pursue the application.  
☐ (B) Subdivision Approval. This offer is contingent upon ☐ Buyer ☐ Seller obtaining all requisite approvals from any governing body having jurisdiction for subdivision approval of the property. Buyer and Seller agree to make joint application for subdivision approval by and diligently pursue the application. The final approval, upon conditions acceptable to Buyer and Seller, shall be obtained on or before \_\_\_\_\_.  
☐ (C) Percolation, Engineering, and Subsurface Tests. The Buyer shall have permission to enter the property for the purpose of conducting percolation, engineering and subsurface tests. If any such tests are unsatisfactory to Buyer in the sole discretion of the Buyer, then the Buyer shall have the option of cancelling this Contract by written notice to the Seller without further liability on

Seller's Initials XBM

Buyer's Initials \_\_\_\_\_

the part of either party. Buyer shall make such determination within \_\_\_\_\_ calendar days of acceptance. Buyer shall restore the ground to the same condition as found.

- ☐ (D) Water Availability. The Buyer shall have permission to enter the property for the purpose of drilling a well for water at Buyer's expense provided that Buyer shall deposit as security in Seller's attorney's trust account an amount sufficient to cover the maximum expense of well drilling shown on a written estimate provided by Buyer's well driller. If the water supply is unsatisfactory in the opinion of the Buyer, then the Buyer shall have the option of canceling this Contract by written notice to the Seller without further liability on the part of either party. Buyer shall make such determination within \_\_\_\_\_ calendar days of acceptance. Buyer shall restore the ground to the same condition as found.
- ☐ (E) Mortgage Contingency. This offer is subject to Buyer obtaining and accepting a written \_\_\_\_\_ mortgage loan commitment in an amount not to exceed ☐ \_\_\_\_\_ % of the purchase price or ☐ \$ \_\_\_\_\_, at an interest rate not to exceed \_\_\_\_\_ %, for a term of \_\_\_\_\_ years (the "Commitment"). Buyer shall immediately apply for this loan and shall have until \_\_\_\_\_, 20\_\_\_\_ to obtain and accept a Commitment. The conditions of any such Commitment shall not be deemed contingencies of this Contract but shall be the sole responsibility of Buyer; however, a commitment that is conditioned on an appraisal of the property shall not be deemed a "Commitment" hereunder. Acceptance of a Commitment by Buyer shall be deemed a waiver and satisfaction of this contingency.
- ☐ (F) Cash Transaction Contingency. This offer is subject to Buyer providing Seller with written proof that Buyer has immediately available U.S. funds in the amount of the purchase price by \_\_\_\_\_, 20\_\_\_\_.
- ☐ (G) Sale and Transfer of Title Contingency. This offer is subject to the sale and transfer of title of Buyer's existing property pursuant to the terms and conditions of the Sale and Transfer of Title Contingency Addendum.
- ☒ (H) Attorney Approval. This Contract is subject to the written approval of attorneys for Buyer and Seller within 5 calendar days, excluding Sundays and public holidays, from date of acceptance (the "Approval Period"). If either attorney (i) does not provide written approval within the Approval Period or (ii) makes written objection to or conditionally approves (collectively, the "Objection") the Contract within the Approval Period and the Objection is not cured by written approval by both attorneys and all of the parties within the Approval Period, then (A) either Buyer or Seller may cancel this Contract by written notice to the other and any deposit shall be returned to the Buyer or (B) the approving attorney may notify the other party (with a copy to any attorney listed below) in writing that no approval has been received and that the noticed party has five (5) calendar days, inclusive of Sundays and public holidays, from receipt of the notice ("Grace Period") to provide written attorney approval or disapproval of the Contract. The approving attorney shall provide to the noticed party (with a copy to any attorney listed below) a copy of the approving attorney's approval letter, whether conditional or not, along with the written notice of the Grace Period. If written attorney approval or disapproval is not provided to the approving attorney within the Grace Period, then this Attorney Approval contingency shall be deemed waived by the noticed party and any conditions in the approving attorney's approval letter shall be deemed accepted by the noticed party.
- ☐ (I) Waiver of Attorney Approval Contingency. This offer is not subject to the Buyer's attorney approval.
- ☐ (J) Gas, Mineral, Oil and Timber Rights Lease Approval. This offer is subject to Buyer's approval of all gas, mineral, oil and timber rights leases affecting the property (the "Leases") within seven (7) calendar days after Buyer's receipt of the Leases from Seller. Seller agrees to provide Buyer with complete copies of all Leases including all amendments within seven (7) days of acceptance.
- ☒ (K) Environmental Audit Contingency. This offer is subject to an environmental audit at Buyer's expense, within forty-five (45) calendar days of acceptance, satisfactory to the Buyer in the Buyer's sole discretion.
- ☒ (L) Other Contingency(ies). Subject to Town Board ratification at next regular Town Board meeting.

4. Pre-Closing Inspection. Buyer shall have the right to inspect the property within forty-eight (48) hours before the time of closing.

5. Closing Date and Place. Closing shall take place at the Brookfield Farm County Clerk's Office or at the offices of Buyer's lender on or before March 30, 2014, whereupon Buyer shall have possession of the property. At any time after such specified date, any party who has completed its obligations under this Contract which are to be completed prior to closing may notify the other party that time is of the essence to close (the "Time of Essence Notice") which Time of Essence Notice shall set forth a specific time for closing on a day that is at least seven (7) calendar days after delivery of the Time of Essence Notice to such other party pursuant to Paragraph 19 hereof.

6. Title and Related Documents. Seller shall deliver at Seller's expense, unless otherwise provided in B. below as to the instrument survey map:

- At least fifteen (15) calendar days prior to the closing date, to Buyer or Buyer's attorney, (i) a draft of the proposed deed and (ii) abstract of title, fully guaranteed tax and Court searches, all dated or re-dated after the date of acceptance, with a local tax certificate or Village or City taxes, if any (all of which shall be continued to and including the day of closing at Seller's expense).
- The ☐ Buyer ☒ Seller shall furnish and pay for an instrument survey map of the property and shall have markers placed on the angle points and pins on the corners. The map shall be prepared by a licensed surveyor and dated or re-dated after the date of this contract. The map shall show acreage ☒ inclusive ☐ exclusive of the rights of way. The map shall be furnished to the parties and their attorneys at least fifteen (15) calendar days prior to the closing date. The map shall be certified to meet the standard requirements of the Monroe County Bar Association, Buyer's mortgage lender and, if applicable, meet the filing standards for subdivision as set forth by the responsible agency of the county in which the property is located.
- At the closing, to Buyer, a properly signed and notarized, (i) Warranty Deed with lien covenant (or Executor's Deed, Administrator's Deed or Trustee's Deed, if Seller holds title as such), (ii) documents required by law, and (iii) documents required by Buyer's lender, provided there is no cost or liability to Seller.

Marketability of Title. Seller shall convey good marketable and title to the property in fee simple, free and clear of all liens and encumbrances. The parties acknowledge and agree that good and marketable title to the property, free and clear of all liens and encumbrances, means, without limit, that all gas, mineral, oil and timber rights will transfer with the property to Buyer, except for gas.

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Purchase and Sale Contract for Lots and Vacant Land  
(All Prior Versions are Obsolete)

Seller's Initials

Buyer's Initials

mineral, oil and timber rights that have been leased under Lease(s) approved by Buyer pursuant to Paragraph 3(j) above and except as otherwise provided in Paragraph 13 below. However, Buyer agrees to accept title to the property subject to: (a) restrictive covenants of record common to the tract or subdivision of which the property is a part, provided these covenants have not been violated or the time for objection to any violation has expired, (b) public utility easements within fifteen (15) feet of lot lines which do not interfere with any existing improvements on the property or with any improvements that Buyer may construct in compliance with all present restrictive covenants of record and zoning and building codes, and (c) except for waterfront properties, fences deviating from the actual property line one foot or less, provided the fence placement does not impair access to the property from a right of way or cause the property to be in violation of any restrictive covenant, easement, or agreement of record or of any building, zoning or subdivision code.

8. **Objections to Title.** If Buyer raises a valid written objection to Seller's title which indicates that title to the property is unmarketable, then Seller may cancel this Contract upon written notice to Buyer, and the deposit shall be returned to Buyer. However, if Seller: (a) is able to cure the objection on or before the closing or (b) is able to insure the title objection and Buyer is willing to accept insurable title, then this Contract shall continue, subject to the Seller curing the title objection and/or providing insurable title at Seller's expense. If Seller fails to cure the title objection on or before the closing, or if Buyer is unwilling to accept insurable title, Buyer may cancel this Contract upon written notice to Seller and the deposit shall be returned to Buyer.

9. **Transfer Tax, Recording Costs, Mortgage Tax, and Closing Adjustments.** Seller will pay the real property transfer tax and special additional mortgage recording tax, if applicable. Buyer will pay for recording the deed and mortgage, mortgage tax and mortgage assumption charges, if any. Excluding delinquent items, interest and penalties, the following will be prorated and adjusted between Seller and Buyer as of the closing date: taxes, other assessments and municipal charges computed on a fiscal year basis; common charges or assessments; water, pure water, and sewer charges.

10. **Zoning.** Seller represents that the property is zoned residential.

11. **Risk of Loss.** Risk of loss or damage to the property by fire or other casualty until transfer of title shall be assumed by the Seller. If damage to the property by fire or such other casualty occurs prior to transfer, Buyer may cancel this Contract without any further liability to Seller and Buyer's deposit is to be returned. If Buyer does not cancel but elects to close, then Seller shall transfer to Buyer any insurance proceeds, or Seller's claim to insurance proceeds payable for such damage.

12. **Condition of Property.** Buyer agrees to purchase the property and all buildings, fixtures and other improvements, AS IS, subject to reasonable use, wear, tear, and natural deterioration between now and the time of closing.

13. **Gas, Mineral, Oil and Timber Rights.** Seller represents that all gas, mineral, oil and timber rights will transfer with the property except \_\_\_\_\_.

14. **Services.** Seller represents that the following services are available at the property line: ☐ Electric, ☐ Fuel Oil, ☐ Gas (Natural), ☐ Propane, ☐ Public Sewers, ☐ Public Water, ☐ Septic System, ☐ Telephone, ☐ Well, ☐ Other \_\_\_\_\_.

If propane is checked, Seller represents that the propane tank ☐ is not ☐ is owned by Seller and that there ☐ is not ☐ is an existing written contract to provide propane between the propane company and Seller.

15. **Deposit to Listing Broker; Default.** Buyer ☐ has deposited ☐ will deposit within two (2) calendar days of acceptance \$ 10,000 in the form of a N/A with N/A (Bank) and which deposit is to (Escrow Agent) which deposit will be held at N/A. If not accepted or if this Contract thereafter fails to close for any reason not the fault of the Buyer, if Buyer fails to complete Buyer's part of this Contract, Seller is allowed to retain the deposit to be applied to Seller's damages and may also pursue other available rights and remedies Seller has against the Buyer, including but not limited to a lawsuit for any real estate brokerage commission paid by the Seller. If Seller fails to complete Seller's part of this Contract, Buyer's deposit will be returned to Buyer, and Buyer may pursue other available rights and remedies Buyer has against Seller.

16. **Real Estate Broker.** \_\_\_\_\_ brought about this purchase and sale.  
☐ (a) The parties agree that \_\_\_\_\_  
☐ (b) It is understood and agreed by Buyer and Seller that no broker brought about this purchase and sale.

17. **Life of Offer.** This offer shall expire on February 9, 2017 at 5:00pm.

18. **Responsibility of Persons Under This Contract; Non-Assignability.** If more than one person signs this Contract as Buyer, each person and any party who takes over that person's legal position will be responsible for keeping the promises made by Buyer in this Contract. If more than one person signs this Contract as Seller, each person or any party who takes over that person's legal position, will be fully responsible for keeping the promises made by Seller. However, this Contract is personal to the parties and may not be assigned by either without the other's consent.

19. **Notices.** Notices under this Contract shall be made by a party to the other party and shall be in writing and deemed delivered to the other party upon receipt. An attorney for a party may also give any notices under this Contract to the other party with a copy to such other party's attorney designated on this Contract, if any. Seller and Buyer agree that notices under this Contract may be delivered to any address and/or fax number designated by Seller or Buyer, as applicable, on the Administrative Information page of this Contract.

Delivery of notices under this Contract shall be made by personal delivery, overnight courier, first class mail, or by fax, provided that the original of the faxed notice shall also be mailed by first class prepaid mail within one calendar day, excluding Saturdays, Sundays and public holidays, following the date of the fax transmission.

Seller's Initials X [Signature]

Buyer's Initials [Signature]

If delivery is made by personal delivery, the notice(s) delivered shall be deemed received on the date delivered. If delivery is made by overnight courier or first class mail, the notice(s) delivered shall be deemed received one calendar day, excluding Saturdays, Sundays and public holidays, following the date upon which the notice(s) are deposited with the overnight courier service with delivery charges prepaid or charged to sender's account or with the postal service with required postage affixed. If delivery is made by fax, the notice(s) transmitted shall be deemed received on the date the sender receives confirmation from the recipient's equipment that the entire transmission has been received, provided the required mailing is completed.

20. Entire Contract; Miscellaneous. This Contract when signed by both Buyer and Seller will be the record of the complete agreement between the Buyer and Seller concerning the purchase and sale of the property. No oral agreements or promises will be binding. Seller's representations in this Contract shall not survive after closing. If any provision of this Contract is rendered invalid or unenforceable, it shall not affect the validity or enforceability of the remaining provisions. This Contract shall be construed, enforced and interpreted under the laws of the State of New York, without regard to principles of conflicts of laws.

21. Addenda. The following Addenda are incorporated into and attached to and made a part of this Contract:

- ☐ Agricultural Districts/Farming Activity Disclosure
- ☐ All Parties Agreement (FHAVA)
- ☐ Electric Availability

- ☐ Mediation
- ☐ Mortgage Assumption
- ☐ Sale & Transfer of Title Contingency

- ☐ Uncapped Natural Gas Well Disclosure
- ☐ Utility Surcharge
- ☐ Wayne County Disclosure Notice for all Residential Property
- ☐ Well and Septic System

☐ Other: \_\_\_\_\_

DATED: 1.27.17

BUYER

[Signature] Buyer of record

DATED: \_\_\_\_\_

BUYER

☐ ACCEPTANCE OF OFFER BY SELLER ☒ COUNTER OFFER BY SELLER  
Seller accepts the offer and agrees to sell on the terms and conditions set forth.  
☐ Waiver of Seller's attorney approval. This offer is not subject to Seller's attorney approval.

DATED: \_\_\_\_\_

2/2/17

SELLER

[Signature]

DATED: \_\_\_\_\_

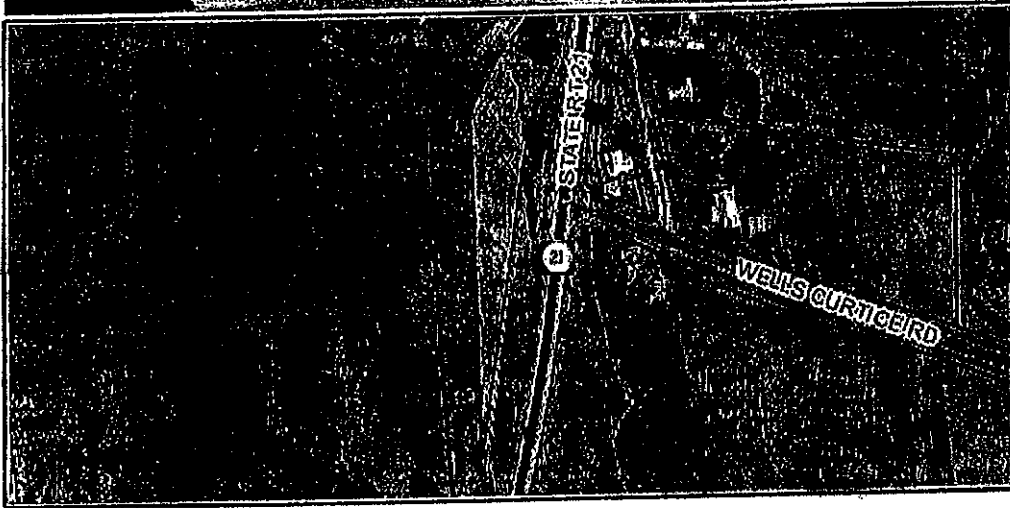
SELLER

# ONCOR Ontario County Online Resources

Ontario County, New York

20 Ontario Street

Canandaigua, NY 14622



## Property Information

**Tax Map ID:** 125,16-1-16,000  
**Physical Address:** ST RT 21 S  
**Community:** Town of Canandaigua  
**Easting:** 620263  
**Northing:** 1027387  
**Roll Section:** 1 2016 **Acres:** 0.890  
**Property Class:** ( 314 ) Rural vac<10  
**School District:** Cdga City Sch Dist  
**Frontage:** 77.00 **Depth:** 710.00  
**Heat:** **WHERE TO VOTE**  
**Fuel:**  
**Water:** Comm/public 4285 State Rt 21 South,  
 Canandaigua (Cheshire Fire Hall)  
**Sewer:** Private  
**NOTES:**

## BUILDING DETAILS (RURAL VAC ONLY)

**Year Built:** **Sq Ft.**  
**Condition:**  
**Style:**  
**Stories:** **Central Air:**  
**Siding:**  
**Basement:**  
**Full Baths:** **Half Baths:**  
**Bedrooms:** **Fireplaces:**

## Assessed Values:

**Full Market Value:** \$1,800  
**Total Assessment:** \$1,800  
**Land Assessment:** \$1,800

## Owner Information

**Owners:** MCCABE, BRYAN J

**Address 1:** 4157 WOOLHOUSE RD

**City:** CANANDAIGUA

**State, ZIP:** NY 14424

**Deed Book:** 864 **Deed Page:** 941 **Date:** 7/1/1987

## Recent Sales

Residential Sales (Valid Only)



THIS MAP AND INFORMATION IS PROVIDED "AS IS" AND ONTARIO COUNTY MAKES NO WARRANTIES OR GUARANTEES, EXPRESSED OR IMPLIED, INCLUDING WARRANTIES OF TITLE, NON-INFRINGEMENT, MERCHANTABILITY AND THAT OF FITNESS FOR A PARTICULAR PURPOSE CONCERNING THIS MAP AND THE INFORMATION CONTAINED HEREIN. USER ASSUMES ALL RISKS AND RESPONSIBILITY FOR DETERMINING WHETHER THIS INFORMATION IS SUFFICIENT FOR PURPOSES INTENDED.

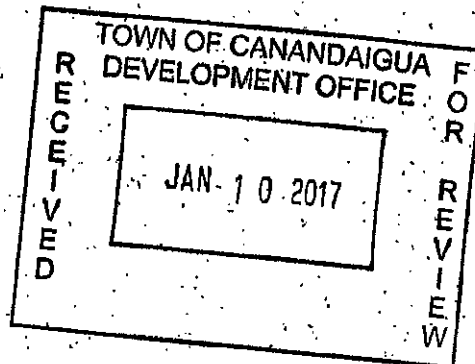


# ATTACHMENT 11

January 10, 2017

Mrs. Jean Chrisman, Town Clerk  
Town of Canandaigua  
5440 Routes 5 & 20 West  
Canandaigua, New York 14424

RE: OLD BROOKSIDE SECTION 5  
MAINTENANCE BOND REVIEW  
TAX MAP NO: 83.00-01-31.110  
CPN No: 043-11  
MRB PROJECT NO: 035000.520



Dear Mrs. Chrisman,

It is our understanding that the applicant would like to close out the Letter of Credit for the above referenced project. Prior to closing out the Letter of Credit, a maintenance bond is to be provided in the amount of 10% for 2-years for the Asphalt Top Course portion of the roadways.

We offer the following total construction figures of items to be dedicated to the Town which were taken from the approved Letter of Credit Estimate for the project and the required maintenance bond amount immediately following:

<u>Amount</u>	<u>Total Construction Cost</u>	<u>10% Maintenance Bond</u>
Sec. D: Asphalt Top Course	\$24,100.00	\$2,410.00

Therefore a Maintenance Bond in the amount of **\$2,410.00** is to be provided **PRIOR** to final release of the Letter of Credit and shall remain on file for two (2) years from the date it is accepted by the Town of Canandaigua. The maintenance bond is to be provided to the Town of Canandaigua Town Clerk.

Please feel free to contact our office with any comments or questions you may have in this regard.

Sincerely,



Lance S. Brabant, CPESC  
Senior Planning Associate



C  
Greg Westbrook, Town Supervisor  
Thomas Schwartz, Planning Board Chairman  
Jim Fletcher, Highway and Water Superintendent  
Doug Finch, Director of Development  
Kristine Singer, Town Bookkeeper  
Chris Jensen, P.E., Code Enforcement Officer  
Tom Danks, BME Associates  
Todd Goodwin, Old Brookside, LP

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# ATTACHMENT 12

**THE TOWN OF CANANDAIGUA**  
**COUNTY ROAD 32 WATER DISTRICT EXTENSION 41**

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**ONTARIO COUNTY, NEW YORK 14424**

**SEQR**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**  
**(EAF) PART 2 AND 3**

**JANUARY 2017**

Prepared by

**MRB** | *group*  
Engineering, Architecture & Surveying, D.P.C.

**THE CULVER ROAD ARMORY**  
**145 CULVER ROAD, SUITE 160, ROCHESTER, NEW YORK 14620**  
**TELEPHONE: (585) 381-9250 FACSIMILE: (585) 381-1008**

**Full Environmental Assessment Form**  
**Part 2 - Identification of Potential Project Impacts**

Agency Use Only [If applicable]	
Project :	County Road 32 Water District Ext. 41
Date :	January 9, 2017

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i> <div style="float: right; text-align: right;"> <input type="checkbox"/> NO      <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>2. Impact on Geological Features</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <span style="float: right;"><input checked="" type="checkbox"/> NO <input type="checkbox"/> YES</span> <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>3. Impacts on Surface Water</b> The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <span style="float: right;"><input type="checkbox"/> NO <input checked="" type="checkbox"/> YES</span> <i>If "Yes", answer questions a - i. If "No", move on to Section 4.</i>			
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>4. Impact on groundwater</b> The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Public Water Supply</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>5. Impact on Flooding</b> The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>



g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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<b>6. Impacts on Air</b> The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> )	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>7. Impact on Plants and Animals</b> The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b> The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Public Water Supply</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

<b>9. Impact on Aesthetic Resources</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>10. Impact on Historic and Archeological Resources</b> The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

<b>11. Impact on Open Space and Recreation</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>12. Impact on Critical Environmental Areas</b> The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**13. Impact on Transportation**

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

*If "Yes", answer questions a - g. If "No", go to Section 14.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**

The proposed action may cause an increase in the use of any form of energy.

☒ NO☐ YES

(See Part 1. D.2.k)

*If "Yes", answer questions a - e. If "No", go to Section 15.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____			

**15. Impact on Noise, Odor, and Light**

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☒ NO☐ YES

(See Part 1. D.2.m., n., and o.)

*If "Yes", answer questions a - f. If "No", go to Section 16.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

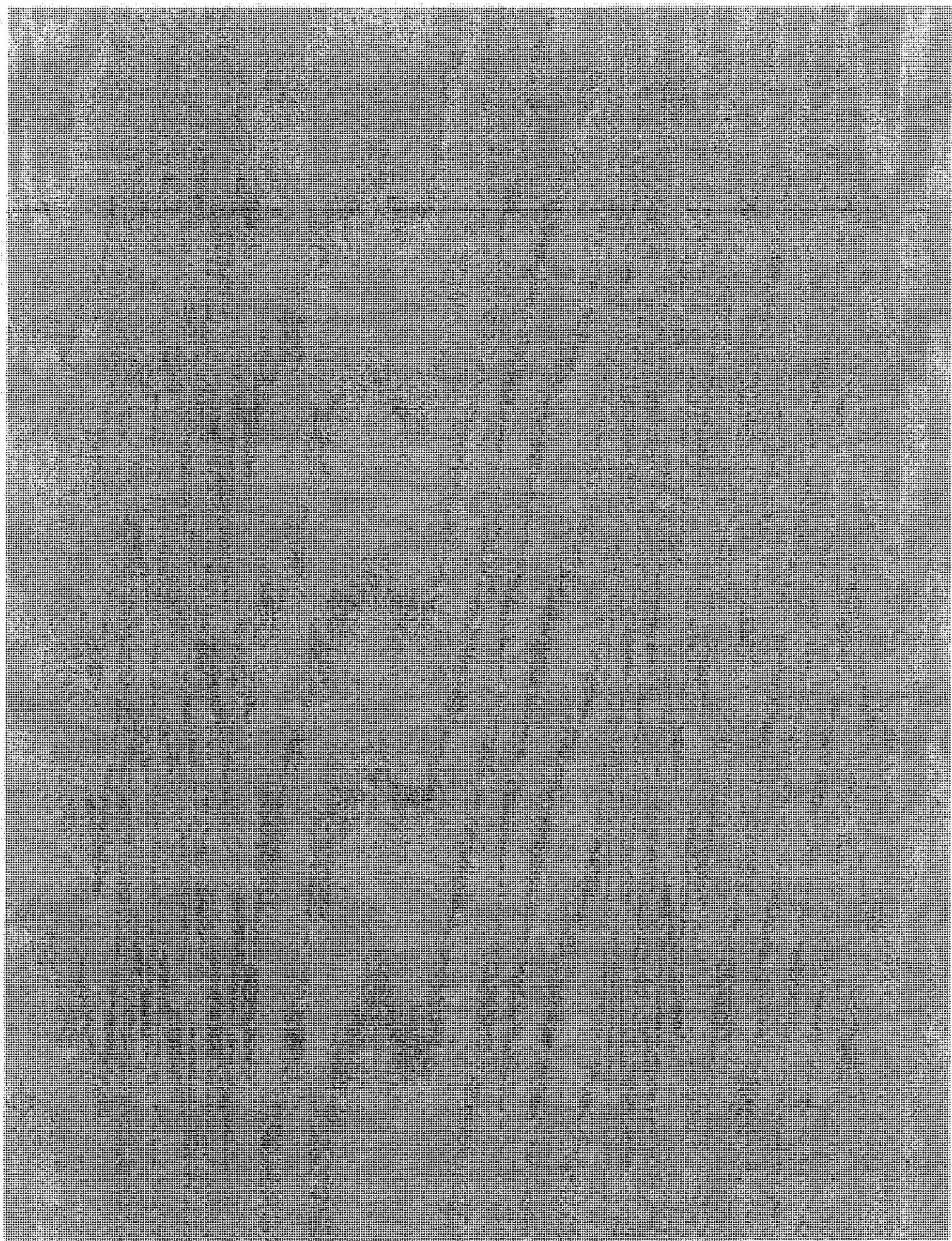
d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>16. Impact on Human Health</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	<b>Relevant Part I Question(s)</b>	<b>No, or small impact may occur</b>	<b>Moderate to large impact may occur</b>
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

<b>17. Consistency with Community Plans</b> The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>18. Consistency with Community Character</b> The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**





**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The Town of Canandaigua Town Board has reviewed and accepted Parts 1 & 2 of the Full Environmental Assessment Form (EAF) for this action. The Town Board has been established as the lead agency, under SEQRA, for making the required determination of significance. In addition, the general public was made aware of the public review and comment period provided by the Town Board. No significant adverse impacts were identified as the result of this review process. Please see the attached documentation supporting the EAF Part 3 in support of this decision.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information  
Environmental Assessment Form (EAF) Part 3, the supporting documentation to the EAF and Mapping.

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the  
Town of Canandaigua Town Board as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Town of Canandaigua - County Road 32 Water District Extension 41

Name of Lead Agency: Town of Canandaigua Town Board

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date: January 9, 2017

Signature of Preparer (if different from Responsible Officer)

*Shawn Lopez*

MRB Group

Date: January 9, 2017

**For Further Information:**

Contact Person: James Fletcher, Highway and Water Superintendent

Address: Town of Canandaigua, 5440 Route 5 & 20 West, Canandaigua, New York 14424

Telephone Number: (585) 394-3300

E-mail: [jfletcher@townofcanandaigua.org](mailto:jfletcher@townofcanandaigua.org)

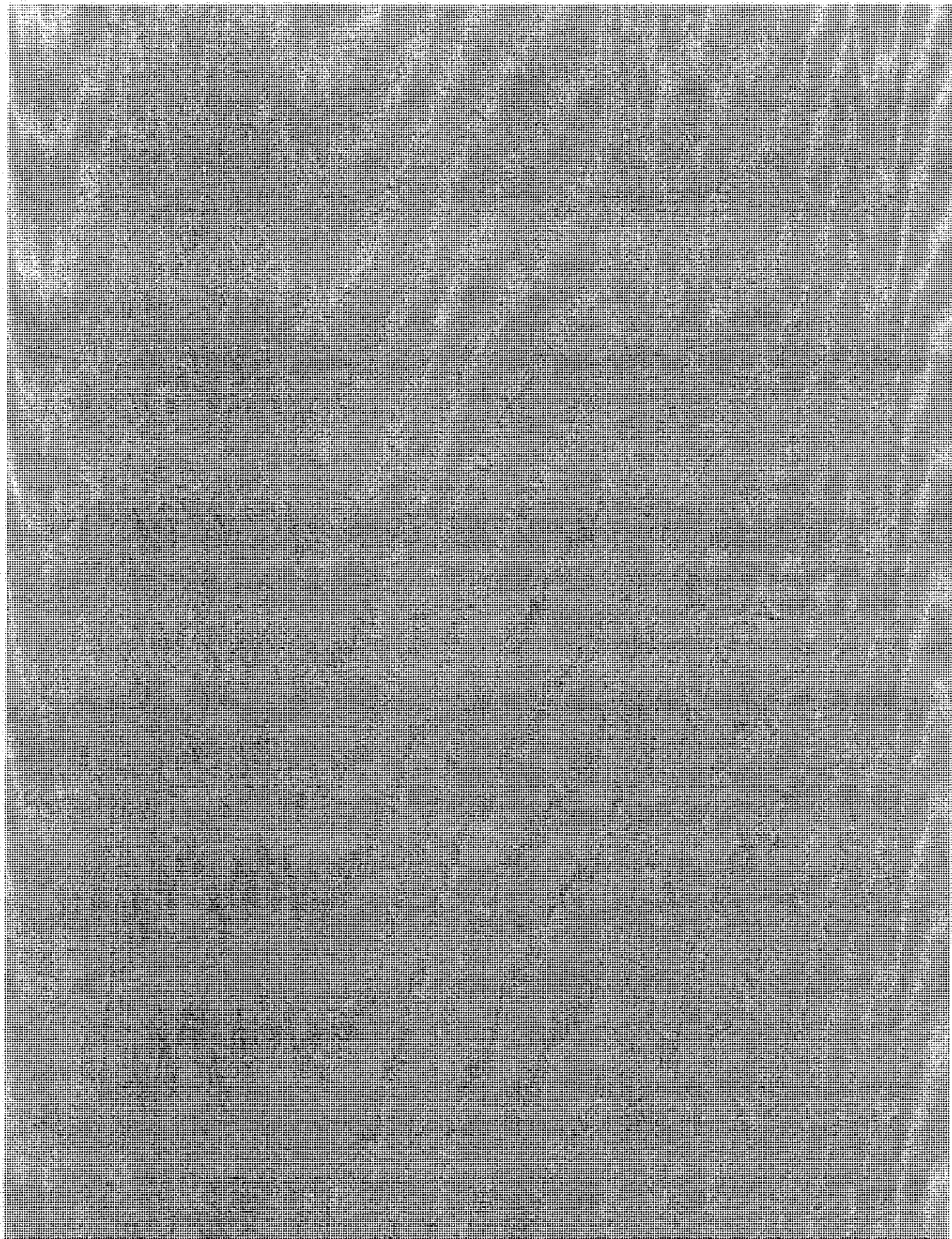
**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>



**Note:** All potential impacts that have been identified in the Full EAF Part 2 as No or Small Impacts have been described in this document. Numbering is consistent as outlined in Full EAF Part 2.

1. **IMPACT OF LAND** – The proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1)
  - a. *The proposed action may involve construction on land where depth to water table is less than 3 feet.*
    - The project will occur in areas where the average depth to the water table is approximately 1 to 2 feet below the surface according to the USDA Natural Resources Conservation Service - Web Soil Survey. Appropriate dewatering measures and drainage measures will be installed during construction. The project will meet all NYS Department of Environmental Conservation (NYSDEC) requirements to assure that erosion and sedimentation are managed throughout the construction phase of the project and all water quality practices required are in place.
  - b. *The proposed action may involve construction on slopes of 15% or greater.*
    - Approximately 16% of area within the public right-of-way has slopes of 15% or greater according to the USDA Natural Resources Conservation Service - Web Soil Survey. Erosion control measures pertaining to steep slopes in accordance with NYSDEC Standards and Specifications for Erosion and Sediment Control will be implemented to assure that steep slopes are protected and stabilized at all phases of the project.
3. **IMPACTS ON SURFACE WATER** - The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h)
  - d. *The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.*
    - The proposed action is located primarily within rural/residential areas, consisting primarily of single-family homes and farmland; however, available mapping demonstrates that waterbodies are located adjacent to the project areas. No work is proposed within the identified waterbodies or streams. The proposed watermain will be located primarily within the existing road rights-of-ways and is not expected to negatively impact adjacent waterbodies. Please see the attached U.S. Fish and Wildlife Service National Wetlands Inventory Map.
  - h. *The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.*
    - Portions of the project will be stripped of vegetation and bare soils will be exposed for periods of time during construction. The site will be susceptible to potential erosion with the potential of discharge of sediment into the existing waterways. Approved erosion and sediment control measures as

outlined in the Storm Water Pollution Prevention Plan (SWPPP) will be implemented during construction. Erosion and sediment control measures will be inspected to ensure proper installation and function throughout the construction project.

- 4. IMPACT ON GROUNDWATER** - The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

*h. Other Impacts: Public Water Supply*

- The proposed project includes the installation of an 8-inch watermain and appurtenances from the intersection of County Road 32 and Hopkins Road heading westerly along County Road 32 a distance of approximately 3,500 lineal feet. The proposed project includes the request from property owners along the above-referenced roadway, abutting the existing Water District (along County Road 32) for the extension of public water as the properties are using private water supplies (well water). This new water main extension will improve the water quality and quantity to the existing homes.

- 8. Impact on Agricultural Resources** – The proposed action may impact agricultural resources. (See Part 1 E.3.a and E.3.b)

*h. Other Impacts: Public Water Supply*

- The proposed watermain will be located primarily within the existing road rights-of-ways and is not expected to negatively impact the surrounding agricultural resources; however, coordination with New York State Agriculture and Markets will be completed as part of the permitting process and a Notice of Intent will be completed.

# FIGURE A

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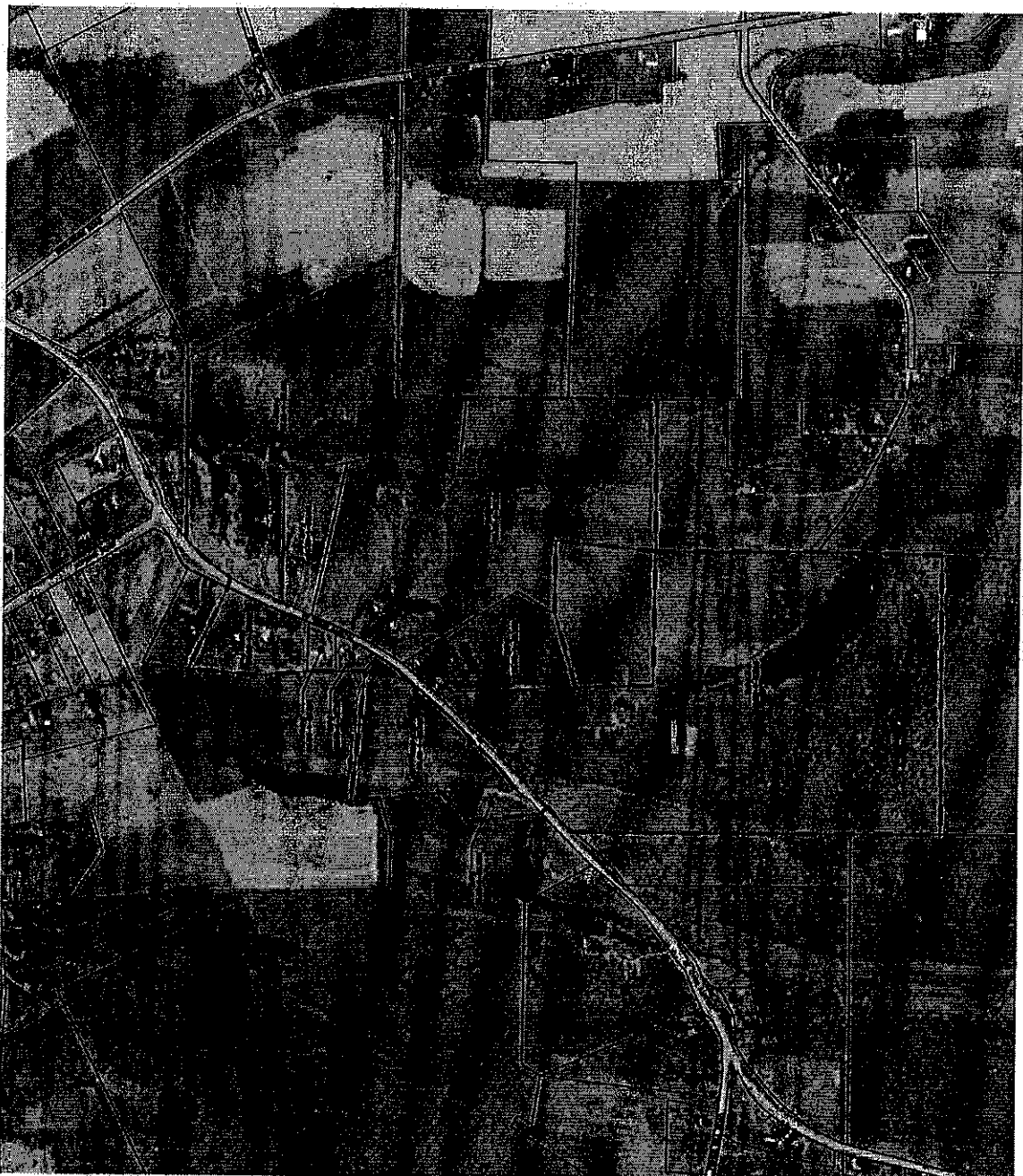
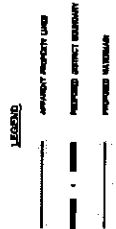
## PROJECT MAPS

- DISTRICT MAP AND PLAN
- AERIAL MAP
- SHPO – ARCHEOLOGICAL SENSITIVITY AREA MAP
- SOIL MAPPING (NRCS)
- WETLANDS INVENTORY MAP



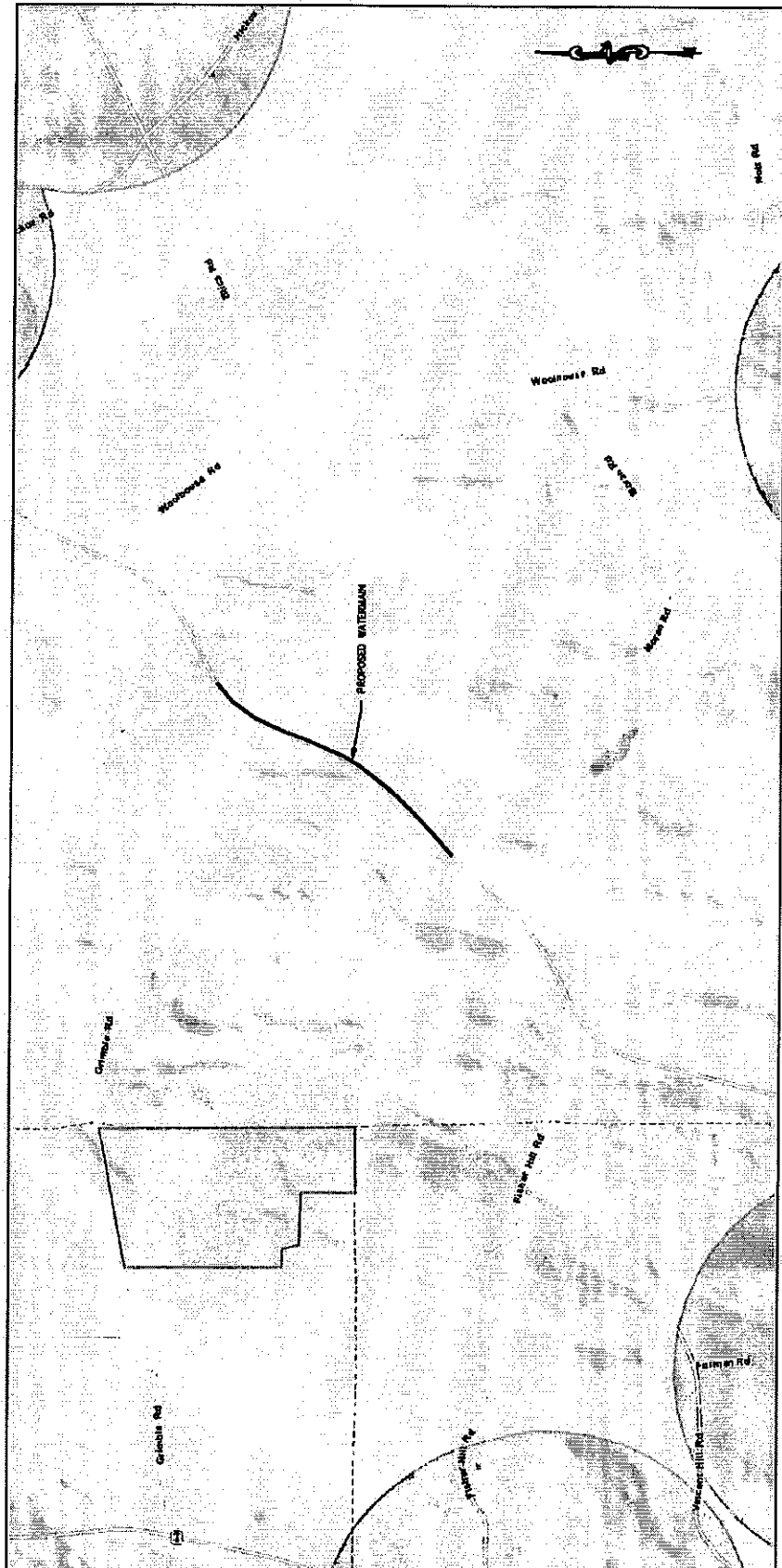


Project File: COUNTY ROAD 32 WATER DISTRICT EXT.  
TOWN OF CANANDAIGUA  
ONTARIO COUNTY, NEW YORK  
Drawing Title: AERIAL MAP

[illegible]



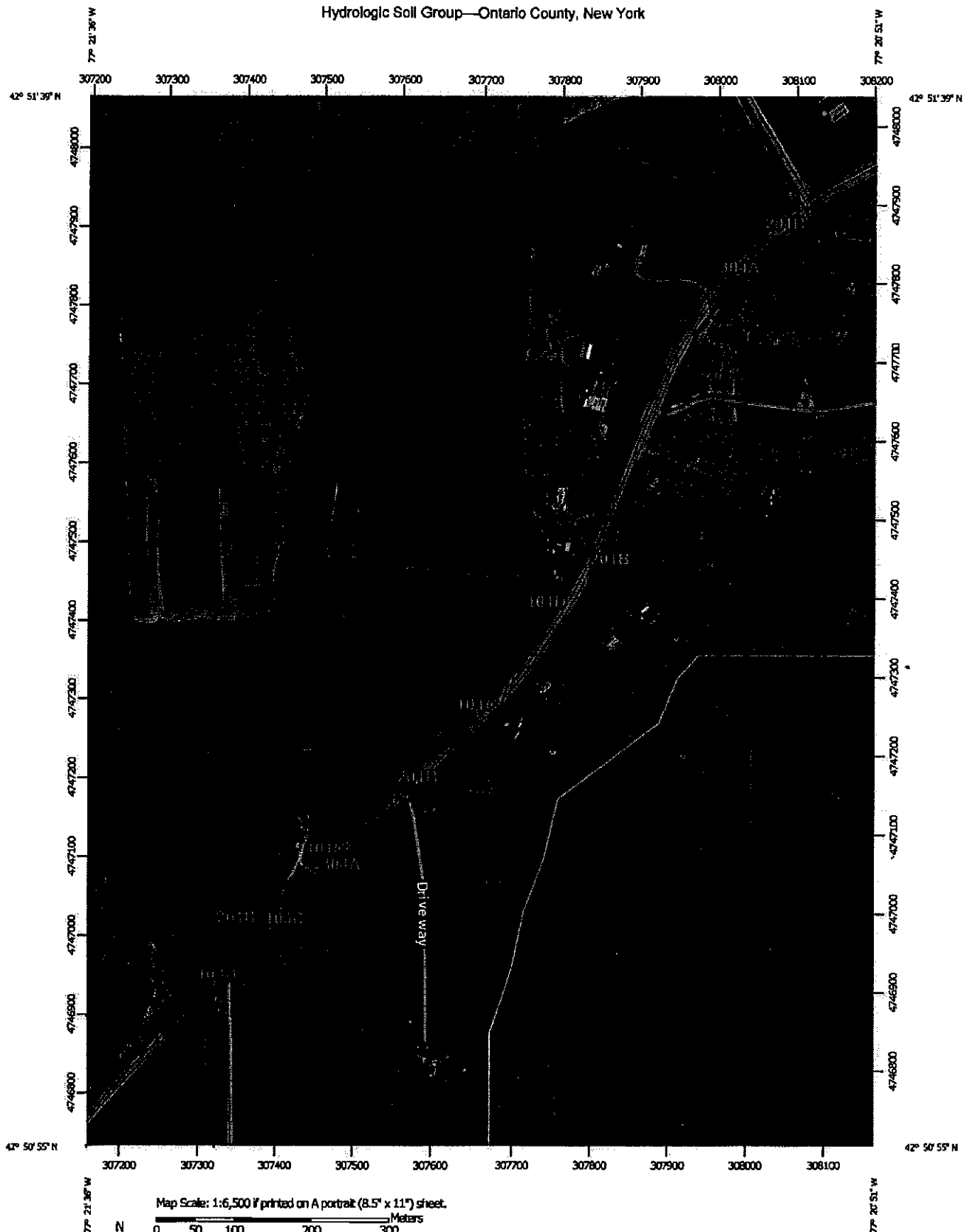
<b>MRB group</b> Engineering, Architecture, Surveying, P.E. 1000 West 10th Street, Suite 100 Lincoln, Nebraska 68501 Phone: (402) 441-1000		Project Title: <b>COUNTY ROAD 32 WATER DISTRICT EXT.</b> TOWN OF CANANDAIGUA ONTARIO COUNTY, NEW YORK SHPO ARCHEOLOGICAL SENSITIVE AREAS	Drawing Title: <b>SHPO ARCHEOLOGICAL SENSITIVE AREAS</b> Date: Scale: Author: Check By: Date:	Revision: Date: By: Check By: Date:
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DRAWING ALTERNATION:  
 THIS DRAWING IS THE PROPERTY OF MRB GROUP. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF MRB GROUP. ANY VIOLATION OF THIS NOTICE SHALL BE SUBJECT TO LEGAL ACTION.

0390-16003  
 1 of 1

# Hydrologic Soil Group—Ontario County, New York



Map Scale: 1:6,500 if printed on A portrait (8.5" x 11") sheet.

0 50 100 200 300 Meters

0 300 600 1200 1800 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

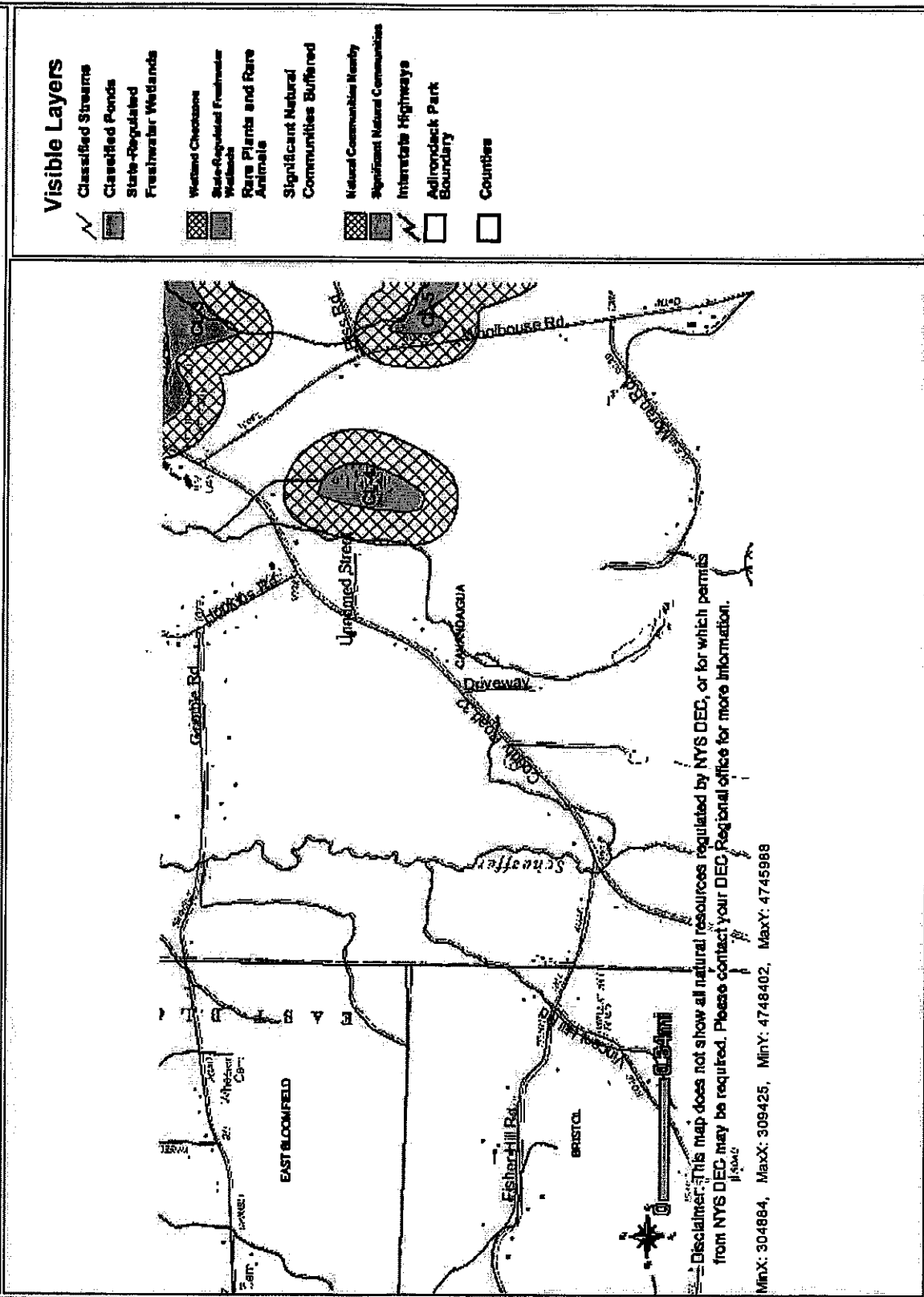


Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

9/27/2016  
Page 1 of 4

**County Road 32 Water District**



# ATTACHMENT 13

**SCHEDULE**  
**COUNTY ROAD 32 WATER DISTRICT EXTENSION NO 41**  
**TOWN OF CANANDAIGUA**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the Town of Canandaigua, County of Ontario and State of New York, and as shown on a map entitled "Map and Plan" prepared by MRB/Group dated Oct., 2016, and bounded and described as follows:

Beginning at the intersection of the northwesterly corner of TMP 96.00-1-39.211 with the easterly highway boundary of County Road 32; thence

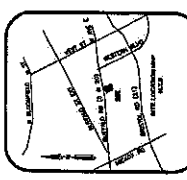
1. Easterly, along the northerly boundary of the last mentioned TMP, a distance of 1421.16'± to a point; thence
2. Southerly, along the easterly boundary of the last mentioned TMP, a distance of 1833.49'± to a point; thence
3. Westerly, along the southerly boundary of the last mentioned TMP, a distance of 1109.11'± to a point; thence
4. Southerly, along the easterly boundary of the last mentioned TMP, a distance of 538.77' to the southeasterly corner of the last mentioned TMP; thence
5. Southerly, along the easterly boundary of TMP 96.00-1-39.111 a distance of 1467.97'± to the southeasterly boundary of the last mentioned TMP; thence
6. Westerly, along the southerly boundary of the last mentioned TMP a distance of 1186.35'± to a point; thence
7. Northerly, along the westerly boundary of the last mentioned TMP a distance of 780.14'± to a point; thence
8. Westerly, along the southerly boundary of the last mentioned TMP a distance of 566.59'± to a point being the intersection with the southeasterly boundary of TMP 96.00-1-39.120; thence
9. Westerly, along the southerly boundary of TMP 96.00-1-39.120 a distance of 630.20'± to a point; thence
10. Southerly, along the easterly boundary of TMP 111.00-1-7.000 a distance of 600.00'± to a point; thence
11. Easterly, along the northerly boundary of the last mentioned TMP a distance of 1049.16'± to a point; thence

12. Southerly, along the easterly boundary of the last mentioned TMP a distance of 2259.77'± to a point; thence
13. Westerly, along the southerly boundary of the last mentioned TMP a distance of 2179.99'± to a point; thence
14. Northerly, along the westerly boundary of the last mentioned TMP a distance of 2873.68'± to a point being the southerly bounds of the existing County Road 32 right-of-way; thence
15. Northerly, along the last mentioned existing highway boundary a distance of 32.66'± to a point; thence
16. Northerly, along the last mentioned existing highway boundary a distance of 264.28'± to a point; thence
17. Westerly, crossing the last mentioned highway boundary a distance of 70.42'± to a point being the intersection of the southerly boundary of TMP 96.00-1-29.200 and the northerly highway boundary of County Road 32; thence
18. Northerly, along the westerly boundary of the last mentioned TMP a distance of 551.18'± to a point; thence
19. Easterly, along the northerly boundary of the last mentioned TMP a distance of 305.78'± to a point; thence
20. Northerly, along the westerly boundary of TMP 96.00-1-28.100 a distance of 487.38'± to a point; thence
21. Northerly, along the westerly boundary of the last mentioned TMP a distance of 223.63'± to a point; thence
22. Easterly, along the southerly boundary of the last mentioned TMP a distance of 1018.57'± to a point; thence
23. Northerly, along the westerly boundary of TMP 96.00-1-27.211 a distance of 232.50'± to a point; thence
24. Northerly, along the westerly boundary of TMP 96.00-1-27.212 a distance of 225.00'± to a point; thence
25. Northerly, along the westerly boundary of TMP 96.00-1-27.112 a distance of 931.59'± to a point
26. Easterly, along the northerly boundary of the last mentioned TMP a distance of 696.50'± to a point; thence

27. Northerly, along the westerly bounds of County Road 32 a distance of 344.51'± to a point; thence
28. Northerly, along the westerly bounds of County Road 32 a distance of 219.20'± to a point; thence
29. Southerly, perpendicular to the last mentioned westerly highway bounds to a point and place of beginning.

# ATTACHMENT 14





NO.	DESCRIPTION	DATE
1	PROPOSED	1/13/2017
2	REVISION	1/13/2017
3	REVISION	1/13/2017
4	REVISION	1/13/2017
5	REVISION	1/13/2017
6	REVISION	1/13/2017
7	REVISION	1/13/2017
8	REVISION	1/13/2017
9	REVISION	1/13/2017
10	REVISION	1/13/2017

**REVISIONS**

1. PROPOSED

2. REVISION

3. REVISION

4. REVISION

5. REVISION

6. REVISION

7. REVISION

8. REVISION

9. REVISION

10. REVISION



**elliott engineering**

11411

1/13/2017

**ELLIOTT ENGINEERING SOLUTIONS**

11411

1/13/2017

elliottengineering.com

**FINAL SITE PLAN (FIR)**

Checklist: Minimum: 1/13/2017

Final: 1/13/2017

**Checklist: Minimum: 1/13/2017**

Final: 1/13/2017

**Checklist: Minimum: 1/13/2017**

Final: 1/13/2017

**Checklist: Minimum: 1/13/2017**

Final: 1/13/2017

**SITE PLAN NOTES**

1. Existing Zoning: A-2.3
2. Site Area: 8.030 Acres
3. Lot Statistics: (Revised/Existing)

Minimum Area	Maximum Area	Minimum Depth	Minimum Width	Minimum Setback	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
500	500	100	100	100	100	100	100

4. Public Utilities

Settling Slower - Canandaigua Lake County Sewer District

Water - Town of Canandaigua

Power - Town of Canandaigua

Gas - Town of Canandaigua

Telephone - Town of Canandaigua

Cable - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

Other - Town of Canandaigua

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Other - Town of Canandaigua

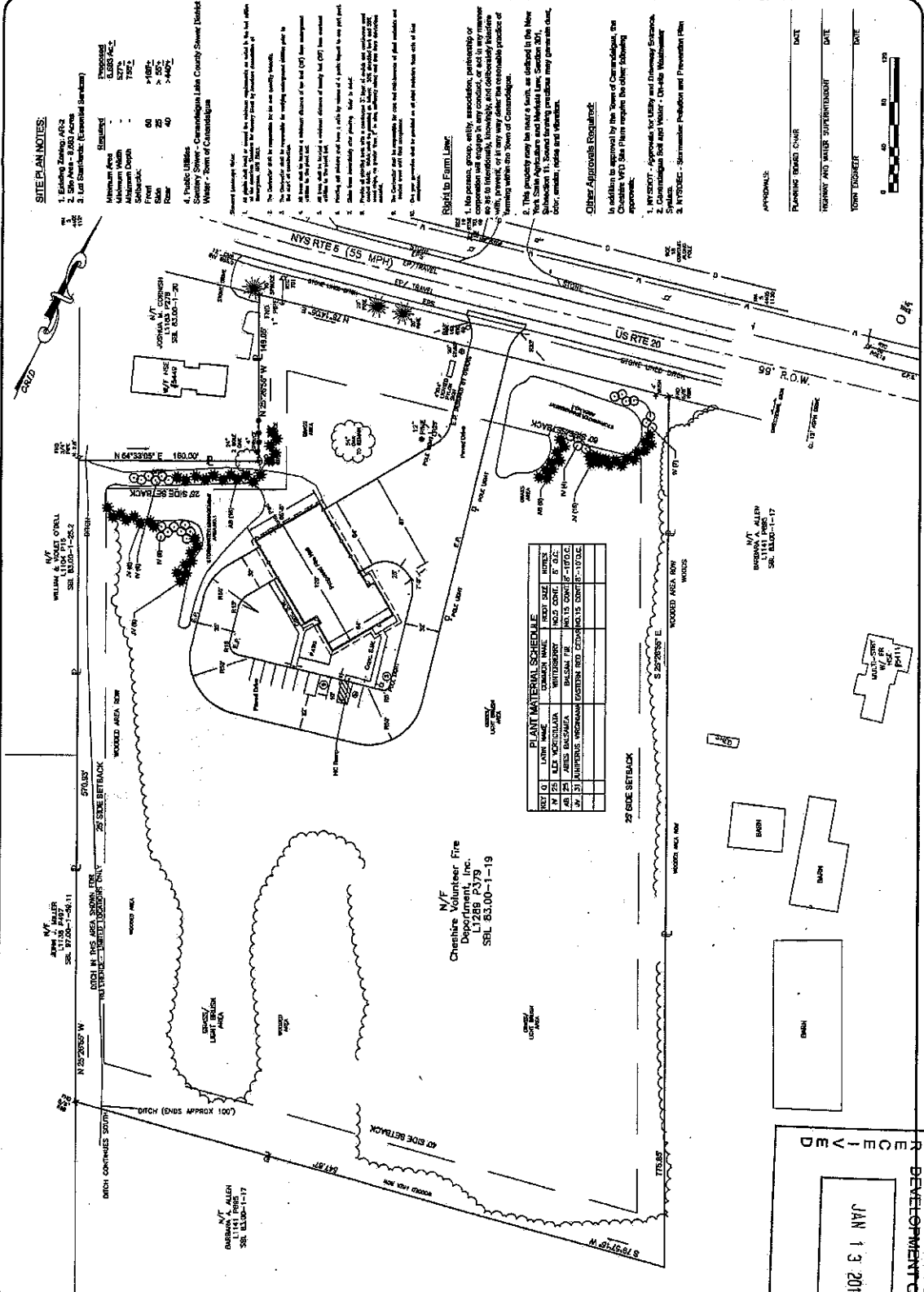
Other - Town of Canandaigua

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Other - Town of Canandaigua

Other - Town of Canandaigua



NO.	DATE	DESCRIPTION	BY	CHKD
1	1/13/2017	PROPOSED	ELLIOTT	ELLIOTT
2	1/13/2017	REVISION	ELLIOTT	ELLIOTT
3	1/13/2017	REVISION	ELLIOTT	ELLIOTT
4	1/13/2017	REVISION	ELLIOTT	ELLIOTT
5	1/13/2017	REVISION	ELLIOTT	ELLIOTT
6	1/13/2017	REVISION	ELLIOTT	ELLIOTT
7	1/13/2017	REVISION	ELLIOTT	ELLIOTT
8	1/13/2017	REVISION	ELLIOTT	ELLIOTT
9	1/13/2017	REVISION	ELLIOTT	ELLIOTT
10	1/13/2017	REVISION	ELLIOTT	ELLIOTT

**TOWN OF CANANDAIGUA**

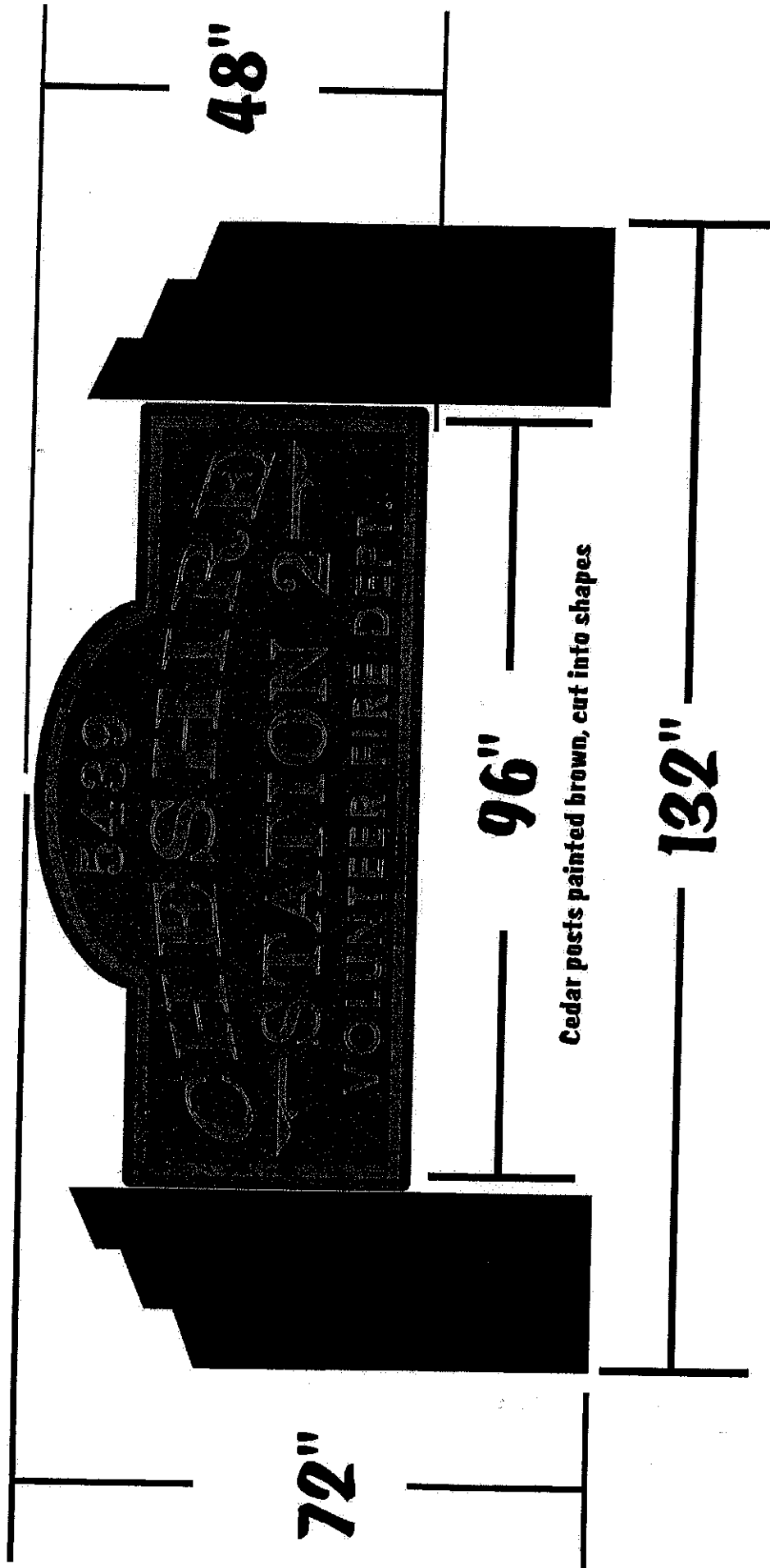
**RECEIVED**

**JAN 13 2017**

**REVIEWED**

**4'x8' 32 sq. ft., Double Sided 1/8" Aluminum Composite Sign  
Dark Red Background with Smooth Shiny Gold Vinyl Overlay  
w/black vinyl outline**

TOWN OF CANAIGUA DEVELOPMENT OFFICE	
	JAN 13 2017
RECEIVED	
FOR REVIEW	



# ATTACHMENT 15

## 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:)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 17

A local law TO ADD A NEW CHAPTER TO THE TOWN CODE OF THE TOWN OF  
(Insert Title)  
CANANDAIGUA REGULATING PEDDLING & SOLICITING WITHIN THE TOWN

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.)

(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 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 17, 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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**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 \_\_\_\_\_.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

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.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* 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

(Seal)

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

TOWN OF CANANDAIGUA  
LOCAL LAW #    OF 2017

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ATTACHMENT "A"

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

**SECTION ONE. Purpose.** The purpose of this Chapter is to prevent fraud, crime, unethical and dishonest business practices, and to protect the health, safety, and welfare of the residents of the Town of Canandaigua.

**SECTION TWO. Peddling and Soliciting.** A new Chapter shall be added to the Town of Canandaigua Town Code at Chapter 153. Said new Chapter shall immediately follow Town Code Chapter 152 (Parks and Recreation). Said new Chapter shall be entitled "Peddling and Soliciting." The text of said new Chapter shall be as follows:

**§153-1. License Required.** In all areas of the Town of Canandaigua, it shall be unlawful to peddle without first having obtained and paid for, and having in full force and effect, a current, valid license issued by the Town Clerk's Office. Each permitted Peddler must carry a copy of the license issued by the Town Clerk's Office on his or her person at all times when engaged in Peddling Activity.

**§ 153-2. Application Procedures.**

**A. Application for License.** Every applicant for a license to peddle or a renewal thereof shall be required to submit a written application supplying, under oath, in a form prescribed by the Town Clerk, the following information:

- (1) The name, home address, and local address, if any, of the applicant;
- (2) A physical description of the applicant, setting forth the applicant's age, height, weight, hair color, and eye color;
- (3) The name and address of the person, firm, or corporation for whom or through whom orders are to be solicited or cleared;
- (4) Goods, wares, services, or merchandise for which orders are to be solicited;
- (5) Honorably discharged members of the Armed Forces shall also state, if applicable, the county from which they secured a license, pursuant to Article 4 of the General Business Law, together with the date and number of such license;
- (6) A statement as to the period during which the applicant intends to solicit orders;

- (7) Proof that the applicant holds a New York State sales tax identification number;
- (8) A statement as to whether the applicant has ever been convicted of any crimes, including details as to the charges, dates of convictions, and any other information the Town Clerk deems appropriate;
- (9) If the applicant proposes to peddle on private property, written proof that the applicant has the permission of the owner or owners to use and occupy the premises for such purposes;
- (10) Such other and further information as the Town Clerk shall reasonably require;
- (11) The applicant, at the time of executing such application, shall submit as identification a driver's license or nondriver's photo identification, reasonably satisfactory to the Town Clerk, and a completed Ontario County Sheriff's Release of Information form;
- (12) Proof of liability insurance reasonably acceptable by the Town Clerk's Office must be submitted at the time of application.

**B. Fees for License.**

- (1) A license fee for peddlers shall be in such amount as the Town Board of the Town of Canandaigua may, from time to time, establish by resolution.
- (2) No fee shall be required by a veteran who has obtained a license pursuant to Article 4 of the General Business Law of the State of New York.

**C. Issuance.** Upon receipt of a properly filled out application and license fee, the Town Clerk shall review the application, and shall issue the license to the applicant within fourteen (14) days from the date of submission of the application.

**D. Denial.** The Town Clerk may deny the application if it does not comply with the requirements of § 153-2. When the Town Clerk denies an application, the Town Clerk shall specify to the applicant the reason or reasons therefor. Such decision must relate to the protection of the public safety, health, morals, or general welfare of the residents of the Town of Canandaigua. The Town Clerk may also deny any application by any person who shall have been convicted of any crime or of any violation of this Chapter.

**§ 153-3. Suspension of License.** Whenever the Town Clerk shall have probable cause to believe that any person to whom a license has been issued under this Chapter has violated any of the provisions of this Chapter or that any Peddler has misrepresented the purpose of his or her activities, the Town Clerk shall immediately



suspend the license temporarily and give the license holder written notice by certified mail of a hearing to be held before the Town Board of the Town of Canandaigua within ten (10) days of such temporary suspension to determine whether or not the license should be revoked. This notice must contain a statement of the facts upon which the Town Clerk has acted in suspending the license. If, after such hearing, the Town Board finds that this Chapter has been violated, or the activities of the Peddler have been misrepresented, the Board may, within two (2) days after the hearing, revoke the license and give the license holder written notice of the revocation and the reasons therefor.

#### **§ 153-4. Revocation of License.**

A. Any license issued pursuant to this Chapter may be revoked by the Town Board of the Town of Canandaigua after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statements contained in the application for the license.
- (2) Fraud, misrepresentation or false statements made in the course of carrying on business as a Peddler.
- (3) Any violation of the Town Code of the Town of Canandaigua.
- (4) Any violation of New York State Penal Law.
- (5) Conducting the business of a Peddler in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.
- (6) Upon the recommendation of the New York State Department of Health that the sale of food or food products or other edibles is being conducted under unsanitary conditions or that there is a violation of law, regulation, code, or ordinance cited by the New York State or Ontario County Board of Health.

B. Notice for a hearing for the revocation of a license pursuant to this section shall be given by the Town Clerk, in writing, setting forth specifically the grounds of the complaint and the date and time of such hearing. Such notice shall be mailed, postage prepaid, to the person holding the license, at his or her last known address at least ten (10) days prior to the date set for the hearing.

#### **§ 153-5. License Rules & Regulations.**

A. Hours of Operation. Peddling door to door is prohibited before 9:00 AM and after 7:00 PM Monday through Saturday. No peddling shall be permitted on Sundays.

B. Transfer of License. No license shall be transferable from one person to another.

- C. Age Restriction. No license for peddling under this Chapter shall be issued to any person under the age of eighteen (18) years.
- D. License to be carried. The license issued by the Town Clerk must be carried by the license holder at all times while engaged in peddling activity within the Town of Canandaigua.
- E. License to be produced. Any person licensed under this Chapter shall produce and exhibit his or her license upon the request of any person desiring inspection thereof.
- F. No licensed peddler shall willfully misstate the quantity or quality of any item or service offered for sale.
- G. No licensed peddler shall willfully offer for sale any goods, wares, services, or merchandise which is unwholesome or unsafe or defective in any way, unless clearly identified as such.
- H. No licensed peddler shall cause a public or private nuisance.
- I. Expiration of License. A license issued pursuant to this Chapter shall expire on (1) year from the date of issuance of said license.

**§ 153-6. Appeals.** Any person aggrieved by the action of the Town Clerk in the denial of a license shall have the right of appeal to the Town Board of the Town of Canandaigua. Such appeal shall be taken by filing with the Board, within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for such appeal. The Town Board shall set a time and place for a hearing on such appeal, provided that the same shall be set within sixty (60) days of receipt of the statement for appeal. Notice of such hearing shall be given in the same manner as provided in § 153-4(B).

**§ 153-7. Enforcement.** The provisions of this Chapter shall be enforced by the Ontario County Sheriff's Department, the New York State Police, or the Town of Canandaigua Code Enforcement Officer.

**§ 153-8. Penalties for Offenses.** The violation of any provision of this chapter shall be deemed an offense, except that for the purpose of conferring jurisdiction upon courts, such violation shall be deemed a misdemeanor. Each separate violation shall be punishable by a fine not to exceed \$250, and/or imprisonment for a period not to exceed 60 days. Each day's continued violation shall be deemed a separate offense.

**§ 153-9. Exceptions.** The following activities shall not be subject to the license requirements of this Chapter:

- A. Peddling for charitable or political purposes.
- B. Delivery of newspapers or periodicals.
- C. This chapter shall not apply so as to unlawfully interfere with interstate commerce.

**SECTION THREE. Definitions.** The following definitions shall be added to Town Code § 1-17:

**PEDDLER (PEDDLING).** A person who attempts to make personal contact with a resident at his or her residence without prior specific invitation or appointment from the resident for the purpose selling, or attempting to sell, any goods or services.

**PEDDLING ACTIVITY.** The act or action of making or attempting to make personal contact with a resident or residents at his or her residence without prior specific invitation or appointment from the resident for the purpose of selling, or attempting to sell, any goods or services.

**SECTION FOUR. Severability.** The provisions of this Local Law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Local Law.

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

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Text Code Amendment, Peddling and Soliciting

Location: Town of Canandaigua (town-wide), Town Hall, 5440 Route 5 & 20 West,  
Canandaigua, NY 14424

Description of the Action:

This action would add a new chapter to the Town of Canandaigua, Town Code regulating  
peddling and soliciting within the Town of Canandaigua

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead  
Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the  
Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after  
March 20, 2016 in accordance to 6 NYCRR Part 617.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Proposed Local Law to Create a Town of Canandaigua Peddler's Law			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: The purpose of this local law is to create a new chapter of the Canandaigua Town Code, Chapter 153, to regulate peddling and soliciting in the Town of Canandaigua.  <i>Text code amendment</i>			
Name of Applicant or Sponsor: Town of Canandaigua		Telephone: 585-394-1120 E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: Doug Finch Date: February 13, 2017 Signature: <i>D. Finch on behalf of town board</i>		

# ATTACHMENT 16



## 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.)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20<sup>17</sup>

A local law TO ESTABLISH AN AGRICULTURAL ADVISORY COMMITTEE BY ADDING A NEW  
(Insert Title)  
CHAPTER (17) TO THE TOWN OF CANANDAIGUA TOWN CODE

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.)

(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 2017 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 2017, 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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20  , in accordance with the applicable provisions of law.

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

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

(Seal)

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

TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_\_ OF 2017

---

ATTACHMENT "A"

AGRICULTURAL ADVISORY COMMITTEE

**SECTION ONE.** The following Chapter shall be added to the Town of Canandaigua Town Code as Chapter 17, immediately after Chapter 15 (Eminent Domain), and immediately before Chapter 18 (Environmental Conservation Board):

§ 17-1. Title. This Chapter shall be known as the "Agricultural Advisory Committee Law of the Town of Canandaigua, New York."

§ 17-2. Purpose. The purpose of this Chapter is to:

- A. Recognize the importance of agriculture as both a vital local economic base and as a land form that provides the Town of Canandaigua with much of its rural, rustic character and charm.
- B. Assure the continued viability of farming as an industry which is important to the local economy and to the preservation of open space and vistas.
- C. Provide for the most beneficial relationship between the use of land and buildings and the agricultural practices of the community and to further encourage the wise use and management of the Town's natural resources through modern farming practices.
- D. Provide the Town Board, the Planning Board, Zoning Board of Appeals, Environmental Conservation Board, and other relevant boards and committees of Town government with a conduit for recommendations from the agricultural community on the long and short term impact of a variety of matters and questions considered by these groups.
- E. Fulfill the goals of the Town of Canandaigua's Agriculture Enhancement Plan (December 2016) by establishing an advisory committee to coordinate public awareness of agricultural issues and the implementation of the Agriculture Enhancement Plan.

§ 17-3. Formation of Committee; Membership; Terms of Office

- A. The Town Board of the Town of Canandaigua hereby establishes an Agricultural Advisory Committee for the Town of Canandaigua. The Committee shall be composed of five members appointed by the Town Board as follows: Five residents of the Town of Canandaigua from the agricultural community, including but not limited to representatives from the greenhouse, crop production, cash

crops, cattle, grapes/vineyard, horse farms, organic, produce, vegetables, specialty crops, grocery, farm market, farmstead, nursery, or dairy segments of the industry.

- B. The members appointed to the Committee shall serve for a three year term. Upon initial formation, one member shall serve for a one-year term, two members shall serve for a two-year term, and all other members shall serve for a three-year term. Each year thereafter, reappointments or new appointments shall be for three-year terms.
- C. Appointments shall be from January 1 through December 31.
- D. Members shall serve without salary.

§ 17-4. Chairman; Rules of Procedure; Records.

- A. The Town Board shall designate one member of the Agricultural Advisory Committee to serve as Chairman thereof at its annual organizational meeting each year.
- B. At its first meeting of each year, the Agricultural Advisory Committee shall select, from among its members, a Recording Secretary.
- C. The Agricultural Advisory Committee shall adopt rules and procedures to govern its meetings.
- D. The Agricultural Advisory Committee shall keep accurate records of its meetings and activities to be filed with the Town Clerk and shall file an annual report as provided in § 17-7 of this Chapter.

§ 17-5. Referrals. All applications made to the Town Board, Zoning Board of Appeals, or the Planning Board for land development within any areas described as farm parcels, preserved land, adjacent to preserved lands (PDR farms), or open space identified in the Town of Canandaigua Agricultural Enhancement Plan (December 2016 or as periodically updated), as adopted by the Town Board, shall be referred to the Agricultural Advisory Committee for review and comment. Such referral shall occur once the information and materials submitted by an applicant have been deemed appropriate by Development Office staff and/or the respective board chair for placement on that board's agenda.

- A. Development Office staff shall be responsible for ensuring timely referral of said applications.
- B. At their own discretion the Town Board, Zoning Board of Appeals, Environmental Conservation Board, or the Planning Board may also refer to the Agricultural Advisory Committee any other matter for review and comment.

- C. At their next regularly scheduled meeting after referral of an application, the Agricultural Advisory Committee shall review said application and cause all comments regarding same to be forwarded to the referring board before the referring board's next meeting.
- D. Comments made by the Agricultural Advisory Committee to referring agencies shall further the goals and objectives as stated in the Town of Canandaigua Comprehensive Plan, the Town of Canandaigua Agriculture Enhancement Plan, and other related documents adopted by the Town Board.
- E. At no time shall Agricultural Advisory Committee referral or review delay the legally established review process for an application.

§ 17-6. Additional Powers and Duties. The Agricultural Review Committee shall have the following powers and duties:

- A. Advise the Town Board and the Ontario County Agricultural and Farmland Protection Board in relation the proposed establishment, modification, continuation, or termination of any county agricultural district. The Agricultural Advisory Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area.
- B. Provide recommendations and support to the Town Board for the general implementation of the Town of Canandaigua's Agriculture Enhancement Plan.
- C. Review proposed zoning changes or development in agricultural districts.
  - (1) Whenever a proposed zoning, policy change, or development (residential, business, or industrial) affecting town agricultural zoning districts is presented to the Town Board within or contiguous to a county agricultural district or town agricultural zone, it shall be referred to the Agricultural Advisory Committee for review and comment. The Agricultural Advisory Committee shall have 45 days to respond with a recommendation(s) for the action(s).
  - (2) The Agricultural Advisory Committee shall present advice relating to the desirability of such action, including advice as to the nature of farming and farm resources within any proposed or established area. This recommendation(s) shall include a determination as to whether the proposed action(s) will have an unreasonably adverse effect on the continuing viability of farm enterprise or enterprises within the county or town agricultural districts. This recommendation(s) shall be advisory only.
- D. Review county, state, and federal legislation affecting agricultural issues and communicate the effect to the appropriate board and/or the Town Board.

- E. Serve as a vehicle for communication between the agricultural community, the Town of Canandaigua, and the Ontario County Agricultural and Farmland Protection Board.

§ 17-7. Reports. The Agricultural Advisory Committee shall submit an annual report to the Town Board not later than the first day of January each year concerning the status of the implementation of the Town of Canandaigua's Agriculture Enhancement Plan, and the activities and work of the Agricultural Advisory Committee and from time to time shall submit such other reports and recommendations as may be required.

§ 17-8. Construal of Provisions. This Chapter shall be deemed an exercise of the powers of the Town of Canandaigua to preserve and improve the quality of the natural and man-made environment on behalf of the present and future inhabitants thereof. This Chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

**SECTION TWO.** Severability. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this local law.

**SECTION THREE.** Effective Date. This local law shall take effect immediately upon its filing with the NYS Secretary of State.

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Town of Canandaigua Town Board proposed local law to amend Town Code, adding Chapter 17 "Agriculture Advisory Committee"			
Name of Action or Project: Town Code local law adoption, text code amendment, adding Chapter 17 "Agriculture Advisory Committee"			
Project Location (describe, and attach a location map): Town wide, Town Hall located at 5440 Route 5 & 20 West, Canandaigua			
Brief Description of Proposed Action: This action would result in the adoption of a local law which would amend the Town Code of the Town of Canandaigua to add Chapter 17 to the Town Code titled Agriculture Advisory Committee and set forth the duties, and the appointment process.			
Name of Applicant or Sponsor: Town Board of the Town of Canandaigua		Telephone: 585-394-1120 E-Mail: dod@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West,			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____		<input type="checkbox"/> NO <input type="checkbox"/> YES	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Town Board of the Town of Canandaigua</u> Date: <u>February 13, 2017</u> Signature: <u><i>W. S. H. DOD on behalf of Town Board</i></u>		

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Text Code Amendment, Agricultural Advisory Committee

Location: Town of Canandaigua (town-wide), Town Hall, 5440 Route 5 & 20 West,  
Canandaigua, NY 14424

Description of the Action:

This action would add a new chapter to the Town of Canandaigua, Town Code forming a Town  
of Canandaigua Agriculture Advisory Committee.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead  
Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the  
Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after  
March 20, 2016 in accordance to 6 NYCRR Part 617.

# ATTACHMENT 17

1/3/17

## 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.)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 17

A local law AMENDING TOWN CODE CHAPTER 220 TO INCLUDE STEEP SLOPE PROTECTION  
(Insert Title)  
AND AMENDING TOWN CODE SECTION 1-17 TO INCLUDE DEFINITIONS  
RELEVANT TO STEEP SLOPE PROTECTION

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.)

(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 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 17, 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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20 , in accordance with the applicable provisions of law.

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

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) (Name of Legislative Body)  
(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\*)

\* 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

(Seal)

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

**TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_\_ OF 2017**

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**ATTACHMENT "A"**

**SECTION ONE. Legislative Intent.** The legislative intent of the Town Board of the Town of Canandaigua in enacting the following amendments to Town Code is to preserve and protect the sensitive environment of steep slope areas in the Town of Canandaigua, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development to steep slope areas.

**SECTION TWO.** The following section shall be added to Town of Canandaigua Town Code Chapter 220, immediately after §220-7 (Applicability of Regulations), and immediately preceding §220-9 (Regulations Applicable to All Districts):

**§ 220-8.1 Town of Canandaigua Steep Slope Protection Law**

**§ 220-8.1 Steep Slope Protection Law**

**A. PURPOSE:** The purpose of this Steep Slope Protection Law is to conserve the sensitive environment of steep slope areas, and to regulate land use within these areas in a manner which protects the public interest by minimizing detrimental effects of land disturbance and development to steep slopes by:

- (1) Providing for the reasonable use of steep slopes while ensuring development will not induce soil erosion, unreasonably alter the natural topography of the area, require excessive grading, increase slope instability, increase stormwater runoff, contaminate surface waters or create onsite sewage treatment problems.
- (2) Guarding against property damage and personal injury;
- (3) Minimizing the potential for erosion, slope failure, stream siltation, increased storm water runoff, flooding, contamination of surface waters; and protecting the water quality of Canandaigua Lake and other downstream bodies of water.
- (4) Conserving existing steep slope woodlands for air and water quality benefits and the preservation of wildlife habitats.

**B. STEEP SLOPE PROTECTION AREAS (SSPA)**

- (1) The Steep Slope Protection Areas shall include all lands having slopes 15% or greater.



(2) Steep Slope Protection Areas are further categorized as:

- (a) Moderately Steep: 15% to <25% slope,
- (b) Very Steep: 25% to < 40% slope, and
- (c) Extremely Steep: 40% or greater slope.

#### **C. ACTIVITIES WITHIN A STEEP SLOPE PROTECTION AREA REQUIRING SITE PLAN REVIEW**

(1) The following activities require site plan approval through the Town of Canandaigua Planning Board, pursuant to Section 220-64, when located in a Steep Slope Protection Area except where specifically exempt in Section 220-8.1(C)(2):

- (a) **Zone A:** 500 square feet or greater of land disturbance within 2000 feet horizontal distance from the mean high water mark of Canandaigua Lake.
- (b) **Zone B:** 500 square feet or greater of land disturbance within 100 feet horizontal distance from any open watercourse.
- (c) **Zone C:** 2,000 square feet or greater of land disturbance occurring beyond the horizontal distance stipulations in Zones A and B above.
- (d) **All Zones:** Any prohibited use or activity, as specified in Section 220-8.1(D) that would create a land disturbance of less than 500 square feet for Zones A and B and create a land disturbance of less than 2,000 square feet for Zone C.

(2) The following activities are exempt from the site plan approval required for Steep Slope Protection Areas:

- (a) Soil cultivation for agricultural purposes and home gardens.

(3) All land disturbance that occurs on the Steep Slope Protection Area portion of the parcel within two (2) years shall be used to calculate the total area of land disturbance.

#### **D. PERMITTED AND PROHIBITED USES AND ACTIVITIES WITHIN A STEEP SLOPE PROTECTION AREA**

(1) **Moderately Steep Slopes (15% to < 25%)**

- (a) Permitted Uses and Activities on Moderately Steep Slopes (15% to < 25%): all permitted uses allowed in the underlying zoning district except for those uses and activities prohibited in Section 220-8.1(D)(1)(b) and not prohibited by any other Town Law are allowed within this slope category.
- (b) Prohibited Uses and Activities on Moderately Steep Slopes (15% to < 25%): The following uses and activities are specifically prohibited on Moderately Steep Slopes if the land disturbance is greater than the threshold for the applicable Zone as specified in 220-8.1(C)(1):

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- [1] Removal of existing ground cover and root systems except when related to a permitted use.

- [2] Solid waste disposal, recycling uses, junkyards, or other similar outdoor storage use.

- [3] Installation of an accessory structure, except for driveways, that requires greater than 4,000 square feet of land disturbance within the Steep Slope Protection Area.

**(2) Very Steep Slopes (25% to < 40%)**

- (a) Permitted Uses and Activities on Very Steep Slopes (25% to < 40%): The following uses and activities are permitted within this category provided that each use or activity is in compliance with the regulations of the underlying district and is not prohibited by any other Town Law.

- [1] One single-family residence with attached or detached garage.

- [2] One driveway to serve the residence and garage (Driveways must comply with the Town Private Driveways and Private Roads Law as well as the Town Site Design Criteria).

- [3] Trams and/or stairs as may be needed to access another elevation on the property.

- [4] Onsite wastewater treatment system. This must first be reviewed for location viability by local authorities, followed by design approval by the Watershed Inspector, DEC and/or the New York State Department of Health.

- [5] Utility transmission lines and aboveground utility line structures unless upon petition of a public utility corporation, the New York State Public Utility Commission shall, after public hearing, decide that the presence of such proposed lines or structures in

question is not reasonably necessary for the convenience or welfare of the public.

- [6] New or expanded paths developed specifically for golf carts, ATV's or other similar small vehicles- maximum path width to be six feet.
- [7] Detached accessory structures.
- [8] Those uses and activities otherwise prohibited by Section 220-8.1(D)(2)(b) but whose land disturbance is less than the threshold for the applicable Zone as specified in 220-8.1(C)(1).

(b) Prohibited Uses and Activities on Very Steep Slopes (25% to < 40%): If the land disturbance in this slope category is greater than the threshold for the applicable Zone as specified in 220-8.1(C)(1), the following uses and activities are specifically prohibited:

- [1] All items prohibited on Moderately Steep Slopes.
- [2] All terraced landscaping, with or without retaining walls, not directly required to construct items listed under Section 220-8.1(D)(2)(a).
- [3] Resource extraction uses.
- [4] Storm water retention basins.
- [5] Installation of an accessory structure that requires greater than 2,000 square feet of land disturbance on slopes 25% or more.

### **(3) Extremely Steep Slopes of 40% or More**

(a) Permitted Uses and Activities on Extremely Steep Slopes of 40% or More: The following uses and activities are permitted within this category provided that each use or activity is in compliance with the regulations of the underlying district and is not prohibited by any other Town Law:

- [1] The construction of new stairs and/or new tramways as required for access to an allowable building site, existing residence, elevation change on the property or to the water front for lakeside property.
- [2] Replacement of existing structures, stairs or tramways, all to be within the same footprint, that are currently on the property.

[3] The construction of roadside parking via retaining wall system if approved by the Town/County Highway Department or the New York State Department of Transportation, whichever has jurisdiction.

[4] Installation of structures, that requires land disturbance that is less than the threshold for the applicable Zone as specified in 220-8.1(C)(1).

[5] Those uses and activities otherwise prohibited by Section 220-8.1(D)(3)(b) but whose land disturbance is less than the threshold for the applicable Zone as specified in 220-8.1(C)(1).

(b) Prohibited Uses and Activities on Extremely Steep Slopes (40% or Greater): All uses or construction activities, other than those set forth in Section 220-8.1(D)(3)(a) that require land disturbance greater than the threshold for the applicable Zone as specified in 220-8.1(C)(1) are prohibited.

## **E. GENERAL REGULATIONS**

- (1) Any development proposed in a Steep Slope Protection Area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Development Office with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized. The Town of Canandaigua Development Office will provide steep slope site illustration examples to applicants.
- (2) All single-family residential land-disturbing activities in Steep Slope Protection Areas, including but not limited to clearing, grading, excavation, building construction, construction of driveways and roads, cutting, and filling, shall be limited to the minimum Steep Slope Protection Area necessary to accommodate the proposed use or activity, and shall in no case be greater than 15,000 square feet of Steep Slope Protection Area disturbance per parcel, plus land necessary for driveway access, on-site wastewater treatment system, and storm water management facilities.

- (3) Changes to the natural elevation of a steep slope development site shall be minimized. Any changes to the natural elevation of the site shall meet the following criteria:
- (a) The original, natural elevation of a Steep Slope Protection Area shall not be raised and/or lowered more than five feet on average across a contiguous 2,500 square foot area of grading and shall not exceed 10 feet in any location in the Steep Slope Protection Area.
  - (b) The natural elevation shall not be raised or lowered more than 3 feet within the required setback for structures. The setback distances are described in Chapter 220: Zoning, Schedule I.
  - (c) The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or 26.5 degrees of angle) without a retaining wall, stacked rock rip rap, or other similar structural stabilization.
  - (d) The natural elevation of the proposed driveway may exceed the requirements of 220-8.1(E)(3) as long as it is in compliance with the latest Town Site Design Criteria for driveways.
- (4) Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York Professional Engineer as to its structural integrity and written direction and certification as to its use.
- (5) If total land disturbance exceeds 7,500 square feet and greater than 50% of land disturbance is within a Steep Slope Protection Area, then lot coverage for the entire site shall be reduced to 90% of the allowable lot coverage for the underlying zoning district.
- (6) If a permanent driveway cannot be legally built to serve the residence or other improvement, no temporary construction road/driveway may be permitted in Steep Slope Protection Areas.
- (7) All development projects that disturb greater than 10,000 square feet of Steep Slope Protection Areas in Zones A and B, and 20,000 square feet of Steep Slope Protection Areas in Zone C shall be required to provide for water quality treatment up to the (1) one year storm event. If disturbance is greater than 1 acre but less than 5 acres in the Steep Slope Protection Area, then water quantity control must also be provided following the Town's Site Design Criteria and the New York State Stormwater Management Design Manual.

- (8) From October 15 until April 1, disturbed land areas in Steep Slope Protection Areas that are not worked for three (3) days shall not be left bare or exposed. Approved temporary or permanent protective straw mulch and/or erosion control blankets shall cover these disturbed areas to provide stabilization. From April 1st until October 15th disturbed land areas in Steep Slope Protection Areas that are not worked for five (5) days shall not be left bare or exposed. Approved temporary or permanent seeding along with protective straw mulch and/or erosion control blankets must cover these disturbed areas. All seeding, straw mulching and erosion control blankets shall meet the installation methods and quantities as stated in the New York State Standards and Specifications for Erosion and Sediment Control.
- (9) Rolled Erosion Control products shall be used to temporarily stabilize slopes that are equal to or greater than 1:3 (vertical:horizontal).
- (10) Trees with a Diameter Breast Height (DBH) of 6 inches or greater within twenty (20) feet of the mean high water mark of Canandaigua Lake, within twenty (20) feet of the top of slope of the shoreline cliff area or within twenty (20) feet from the top and toe of a gully shall not be removed unless they are deemed unhealthy or a safety hazard by a certified arborist or equivalent. Enhancing lake views can be done through a combination of canopy reduction and selective thinning without substantial tree removal. Tree removal may be allowed in the gully zone for the purposes of traversing a gully via a bridge or culvert structure to access another portion of the property.
- (11) The Planning Board may approve modifications to these standards in Section 220-8.1(E) if the applicant can prove that such modifications would result in less total site disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this local law to the greatest extent possible.

#### **F. BURDEN OF PROOF**

- (1) The applicant shall in all cases have the burden of proof of demonstrating that the proposed activity is fully consistent with the standards for approval set forth in Section 220-8.1.

#### **G. STEEP SLOPE PROTECTION AREA REVIEW PROCESS**

- (1) Steep Slope Protection Area Application: The Steep Slope Protection Area Review Process will follow the Town of Canandaigua Site Plan Regulations (Chapter 220 Article VII), in addition to the following criteria:
  - (a) The Preliminary Site Plan and Final Site Plan shall include the following:

- [1] Documentation that the improvements were designed to comply with § 220-8.1 and have been designed to fit the existing natural elements of the site instead of altering the site to fit the development goals.
- [2] Contours of existing and proposed conditions at vertical intervals of no more than two feet.
- [3] Temporary roads, driveways, parking areas and pathways, including the widths and slopes of these features.
- [4] Location of all trees within the proposed project limits that are located in a Steep Slope Protection Area with a DBH of 6 inches or greater and which, if any, of these trees will be cut as part of this project.
- [5] An overlay of each steep slope category as defined in § 220-8.1(B)(2) of this local law for existing site conditions.
- [6] Location and description of all existing and proposed, open and closed, drainage features, to include roof drains, footing drains and retaining wall drains, with discharge points identified. Storm water calculations shall be provided for all existing and proposed culverts or changes to gullies. The applicant will need to document that each of these drainage features can convey the 25 year-one hour storm event.
- [7] The Planning Board may request cross-sectional profiles of the existing and proposed slopes for projects that disturb greater than 2,500 square feet of a Steep Slope Protection Area. The applicant is encouraged to submit 3 cross-sectional profiles of the existing and proposed slopes if the applicant proposes greater than 2,500 square feet of disturbance in a Steep Slope Protection Area to expedite the review process.

- (2) The application shall be prepared in accordance with the New York State Standards and Specifications for Erosion and Sediment Control and the New York State Stormwater Management Design Manual.

**SECTION THREE.** The following definitions shall be added to Town of Canandaigua Town Code § 1-17:

**DIAMETER AT BREAST HEIGHT (DBH)** – The diameter of a tree trunk measured at a point four and a half (4.5) feet above ground level.

**EXTRACTION USE** - The removal of any soil, gravel, natural gas or other earth generated material from a property with the intent to sell or reuse. Site work performed via building permit in preparation for property improvements, where earth generated materials are removed off site incidental to construction activities, shall not be deemed an extractive use.

**FILLING**- Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or watercourses.

**GRADING** - The alteration of the surface or subsurface conditions of land, lakes, ponds or watercourses by excavation or filling.

**GULLY** – A natural geologic formation that carries water during or immediately after storm events and has a 10-foot vertical rise or greater from the toe of slope to the top of the bank and whose banks have a greater than 50% slope.

**LAND DISTURBANCE** –all actions that expose bare soil including but not limited to removal of vegetation and root systems, land clearing and grubbing, grading, excavation, filling, demolition, and stockpiling, but does not include agricultural land uses. Land disturbance does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

**ROLLED EROSION CONTROL PRODUCTS** - manufactured rolls of material used to protect slopes and/or waterways by resisting flow and aiding vegetation.

**SHORELINE CLIFF AREA** - slopes exceeding 100% (45 degrees) with a vertical height of 20 feet or greater measured from the first substantial toe of slope adjacent to Canandaigua Lake

**STABILIZED** - A condition where a ground surface that has suffered a land disturbance or been modified has received appropriate surface treatment, including structural cover or topsoil, seeding, mulching, geo-textile or erosion control matting (as applicable), to prevent erosion and sedimentation from occurring. In general, an area is considered "stabilized" when vegetative cover has exceeded 80% density coverage over that disturbed area or straw mulch has been applied and maintained at a rate of 2 tons per acre.

**STEEP SLOPE** – Any area of land having a slope of 15% or greater as delineated on a map(s) prepared for the Town utilizing LIDAR or by a licensed surveyor. This definition does not apply to Chapter 96: Canandaigua Lake Uniform Docking and Mooring.

**STEEP SLOPE PROTECTION AREA (SSPA)** – Those areas of land having slopes 15% or greater.



**STORM WATER RUNOFF** - The portion of precipitation that flows overland as a result of rain or due to melted snow and ice.

**TREE**- a woody plant that at maturity is 13 feet or more in height, with a single trunk at least 3 inches in diameter at breast height, unbranched for at least several feet above ground and having a more or less definite crown (Little, 1979)

**TREE GIRDLING**- the removal or killing of a ring of bark around a tree stem so that the flow of carbohydrates from the crown to the roots is blocked.

**TREE POISONING**- using pesticides, including herbicides, for the killing of a tree.

**TREE FELLING**- The cutting down of a tree.

**TREE REMOVAL**- The intentional act of tree girdling, tree poisoning, or tree felling, or using any mechanical tool or heavy equipment to remove a tree from the ground.

**TOP OF SLOPE**- the first substantial slope change on the upper portion of the shoreline cliff area that decreases the slope below 100%.

**VEGETATIVE PROTECTION** - Stabilization of erosive or sediment producing areas by covering the soil with:

- Permanent seeding, producing long-term vegetative cover,
- Short-term seeding, producing temporary vegetative cover, or
- Sodding, which is the placement of cultivated sod onto prepared topsoil to promote rapid soil stabilization.

**SECTION FOUR.** The definition of **WATERCOURSE** in Town Code §1-17 shall be replaced in its entirety with the following:

**WATERCOURSE** – A stream, gully or other body of water identified either on the Town of Canandaigua Watercourse Map, which is available in the Town Development Office, or identified through site reconnaissance as part of Planning Board review. Review would consist of a watercourse that contains a discernible channel, bed, and/or banks, flows in a particular direction, and has a drainage area of 20 acres or greater at the downstream end of the parcel.

**SECTION FIVE. Severability.** If any clause, sentence, paragraph, section, or part of this local law or the application thereof to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part of this local law or in its application to the person, individual, firm, corporation, or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION SIX. Effective Date.** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Town of Canandaigua Town Board proposed local law to amend Town Code, amending Chapter 220 and Chapter 1			
<b>Name of Action or Project:</b>			
Town Code local law adoption, text code amendment, including Steep Slope Protection			
<b>Project Location (describe, and attach a location map):</b>			
Town wide, Town Hall located at 5440 Route 5 & 20 West, Canandaigua			
<b>Brief Description of Proposed Action:</b>			
This action would result in the adoption of a local law which would amend the Town Code of the Town of Canandaigua to amend Chapter 220 to include Steep Slope Protection and amend Town Code Section 1 - 17 to include definitions relevant to Steep Slope Protection.			
<b>Name of Applicant or Sponsor:</b>		<b>Telephone:</b> 585-394-1120	
Town Board of the Town of Canandaigua		<b>E-Mail:</b> dod@townofcanandaigua.org	
<b>Address:</b>			
5440 Route 5 & 20 West,			
<b>City/PO:</b>		<b>State:</b>	<b>Zip Code:</b>
Canandaigua		NY	14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			<b>NO</b>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>YES</b>
			<input type="checkbox"/>
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			<b>NO</b>
If Yes, list agency(s) name and permit or approval:			<b>YES</b>
			<input type="checkbox"/>
			<input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: Town Board of the Town of Canandaigua      Date: February 13, 2017 Signature: <u>Jeff E. R. DOD on behalf of Town Board</u>		

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Text Code Amendment, Steep Slope Protection

Location: Town of Canandaigua (town-wide), Town Hall, 5440 Route 5 & 20 West,  
Canandaigua, NY 14424

Description of the Action:

This action would add amend the Town of Canandaigua Town Code, Chapter 220 to include steep slope protection and amending Town Code section 1-17 to include definitions relevant to steep slope protection.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after March 20, 2016 in accordance to 6 NYCRR Part 617.

# ATTACHMENT 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.)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 17

A local law REPLACING TOWN CODE CHAPTER 202: ON-SITE WASTEWATER TREATMENT LAW  
(Insert Title)

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.)

(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 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on \_\_\_\_\_ 20 17, 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) (Name of Legislative Body)  
(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*)  
on \_\_\_\_\_ 20 , in accordance with the applicable provisions of law.

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

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

(Seal)

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

TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_\_ OF 2017

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ATTACHMENT "A"

ON-SITE WASTEWATER TREATMENT LAW

**SECTION ONE.** Town of Canandaigua Town Code Chapter 202 shall be replaced in its entirety with the following:

**ARTICLE ONE – INTRODUCTORY PROVISIONS**

**§ 202-1. Title.** This Chapter shall be known as the "On-Site Individual Wastewater Treatment System Law of the Town of Canandaigua."

**§ 202-2. Applicability.** This Chapter shall govern the treatment of sewage by regulating all on-site individual wastewater treatment systems (hereinafter referred to as an on-site wastewater treatment system) within the Town of Canandaigua.

**§ 202-3. Purpose.** The purpose of this Chapter is to preserve and protect public health and the quality of surface and groundwater in the Town of Canandaigua by mandating the adequate performance of on-site wastewater treatment systems to prevent health hazards and adverse impacts to the environment. Specifically, this Chapter will ensure wastes disposed of by on-site wastewater treatment systems:

- A. Do not pollute or contaminate any surface water or groundwater source utilized for domestic drinking water supply or recreational purposes;
- B. Are not accessible to any carriers of disease;
- C. Do not give rise to a nuisance due to odor or unsightly appearance;
- D. Are not a source of nutrient pollution and do not contribute to excessive aquatic weed growth or harmful algal blooms in streams, lakes, or other bodies of water.

**§ 202-4. Authority.** Enactment of this Chapter is pursuant to Article 2 of New York State Municipal Home Rule Law and Article 3 of New York State Public Health Law.

**ARTICLE TWO – GENERAL REGULATIONS,  
DESIGN STANDARDS, AND REQUIREMENTS**

**§ 202-5. General Regulations.**

- A. It shall be unlawful to install, construct, alter, replace, enlarge, extend, or otherwise modify any on-site wastewater treatment system unless an on-site

wastewater treatment system permit is issued by the authority having jurisdiction, except as specifically exempted in § 202-7 of this Chapter.

- B. It shall be unlawful to change the use of real property or any building thereon, convey real property, expand a building or dwelling by increasing the number of bedrooms and/or bedroom equivalents, or increase the building or dwelling square footage by greater than twenty-five (25) percent of the square footage, or alter a building or dwelling such that the work area exceeds 50 percent of the aggregate area of the existing building without an inspection of the existing on-site wastewater treatment system by a Certified Inspector, pursuant to Article 3 of this Chapter.
- C. It shall be a violation of this Chapter to use any on-site wastewater treatment system that is in failure.
- D. On-site wastewater treatment systems with the absorption area located within 200 feet of Canandaigua Lake shall also comply with § 202-8 Requirements of Substandard Systems.
- E. There shall be no activities or conditions permitted which would interfere with the proper operation of on-site wastewater treatment systems. It is specifically prohibited to construct or place anything that would impact the absorption area including but not limited to: buildings, structures, paving, trees or shrubs, fill, the parking or crossing by vehicles, swimming pools, driveways or parking areas.
- F. It shall be unlawful to discharge anything but sewage into an on-site wastewater treatment system. Surface and subsurface water including roof, cellar, foundation and storm drainage shall not be discharged into the on-site wastewater treatment system and shall be disposed of so as to in no way affect the proper functioning of the system.
- G. All new on-site wastewater treatment systems or modifications to existing on-site wastewater treatment systems shall be designed by a Design Professional. The Design Professional shall have the right to contract with the Ontario County Soil and Water Conservation District through its Uniform Inspection Procedures Program for site and soil appraisals.

**§ 202-6. Design Standards to Meet the Requirements of this Chapter.**

- A. New York State Department of Health's Appendix 75-A of Part 75 of Title 10 of the New York Code of Rules and Regulations (10NYCRR) for systems with a design load of less than 1000 gallons per day.
- B. New York State Department of Environmental Conservation's New York State Design Standards for Intermediate Sized Wastewater Treatment Systems for systems with a design load equal to or greater than 1000 gallons per day.

**C.** In addition to the New York State design standards, the following standards shall also be met for all dwellings:

- (1)** The minimum design of the system shall be based on 130 gallons/day/bedroom and/or bedroom equivalent for all on-site wastewater treatment systems greater than 200 feet from Canandaigua Lake.
- (2)** The minimum design of the system shall be based on 150 gallons/day/bedroom and/or bedroom equivalent for all on-site wastewater treatment systems located wholly or partially within 200 feet of Canandaigua Lake.
- (3)** The size of the house shall be considered along with the number of bedrooms and/or bedroom equivalent for design loaded purposes, as follows:
  - (a)** Minimum design: 2 bedrooms.
  - (b)** 2 bedrooms and/or bedroom equivalents or up to 1200 square feet of heated living space shall be designed as a 2 bedroom design load.
  - (c)** 3 bedrooms and/or bedroom equivalents or 1201-2250 square feet of heated living space shall be designed as a 3 bedroom design load.
  - (d)** 4 bedrooms and/or bedroom equivalents or 2251-3300 square feet of heated living space shall be designed as a 4 bedroom design load.
  - (e)** 5 bedrooms and/or bedroom equivalents or 3301-4050 square feet of heated living space shall be designed as a 5 bedroom design load.
  - (f)** More than 5 bedrooms and/or bedroom equivalents or greater than 4050 square feet of heated living space – 110 gallons per day per additional bedroom and/or bedroom equivalent shall be added to the design load.
  - (g)** Final determination of design loading shall be by the authority having jurisdiction.

#### **§ 202-7. Exemptions.**

- A.** Minor alterations to on-site wastewater treatment systems shall not require an on-site wastewater treatment system permit provided such repairs are made to replace existing conditions in need of repair, and are done in a safe and sanitary manner.
- B.** Replacement of septic tanks and distribution boxes shall require an on-site wastewater treatment system permit but do not need to be designed by a Design

Professional provided such repairs are made to replace existing conditions. All alterations to the absorption field shall require an on-site wastewater treatment system permit and a design completed by a Design Professional.

**§ 202-8. Requirements for Substandard Systems.**

- A. Substandard systems with the absorption area located within 200 feet of Canandaigua Lake.**
  - (1)** Substandard systems with the absorption area located within 200 feet of Canandaigua Lake shall be brought into compliance with the design standards of § 202-6 of this Chapter within 12 months of the conveyance of real property and shall follow the procedures set forth in Article Four of this Chapter.
- B. Substandard Systems with the absorption area located within 200 feet of Canandaigua Lake with lot limitations: On parcels with existing substandard on-site wastewater treatment systems that have topographic, physiographic, lot size or other limitations that do not allow for meeting the design standards of § 202-6, the authority having jurisdiction shall require the parcel owner to meet the design standards of § 202-6 to the greatest extent possible.**
  - (1)** The parcel owner shall follow the procedures in Article Four of this Chapter to bring their on-site wastewater treatment system into compliance to the greatest extent possible. The authority having jurisdiction shall have the ability to grant a local waiver to the requirements of the law on substandard lots if the applicant can prove that they have met the requirements to the greatest extent possible. The authority having jurisdiction shall take the following into consideration when determining if the on-site wastewater treatment system meets the design standards of § 202-6 to the greatest extent possible:
    - (a)** Previous approvals and/or specific waivers granted by NYS-DOH, or the watershed Inspectors;
    - (b)** Distance separations to surface water and groundwater wells in order to minimize pathogen, nutrient, and/or other pollutant loading;
    - (c)** The ability to utilize the latest technology and the ability to maintain that technology;
    - (d)** Existing lot line setbacks and area requirements as related to individual properties; and
    - (e)** The extent to which the limitations are self-created.

(2) On previously developed sites with a substandard system, holding tanks may be utilized if the authority having jurisdiction deems it is the best available technology for the existing site conditions and limitations.

(3) Once the authority having jurisdiction has determined that the substandard system meets the design standards of § 202-6 to the greatest extent possible, the authority having jurisdiction shall provide the parcel owner with an on-site wastewater treatment system permit and a letter of acknowledgement stating that the parcel owner is meeting the design standards of § 202-6 to the greatest extent possible.

C. Substandard systems with absorption areas greater than 200 feet from Canandaigua Lake.

(1) Based on the system inspection, the authority having jurisdiction shall notify parcel owners in a written letter that their system is substandard. The letter will list all components of the system that are substandard. The property owner will NOT be required to upgrade the system unless it is in failure.

#### **§ 202-9. Maintenance of Enhanced Treatment Units and Holding Tanks.**

- A. All Enhanced Treatment Units (ETUs) are required to have a service contract with a certified manufacturer's representative, which provides for annual inspections or inspections at intervals specified by the manufacturer, whichever is stricter, as well as subsequent necessary adjustments by a certified manufacturer's representative for the life of the unit. Within 10 days of an inspection, a written report, which documents the results of the inspection and provides a written certification from the certified manufacturer's representative that the unit is fully functional and operating properly and is under a service contract, shall be sent to the authority having jurisdiction. Failure to hold a service contract, complete the required inspections, send the required inspection reports to the authority having jurisdiction, and/or complete the certified manufacturer's representative's maintenance schedule is a violation of this Chapter and shall be punishable according to Article 8 of this Chapter.
- B. Holding Tanks. All holding tanks shall be equipped with a float switch and high level alarm (audible and visual) located in a conspicuous place to indicate when pump out is necessary, which will be maintained in good working order at all times. The owner shall have a contract for service with a NYSDEC permitted septage waste transporter to pump the holding tank as needed. A copy of all pump-out records shall be submitted to the authority having jurisdiction. At no time will sewage discharge from the tank be allowed.

#### **ARTICLE THREE – REQUIREMENTS FOR NEW AND EXISTING ON-SITE WASTEWATER TREATMENT SYSTEM INSPECTIONS**

#### **§ 202-10. Inspections of New On-Site Wastewater Treatment Systems**

- A.** Installation of the on-site wastewater treatment system shall be under the direct supervision of a Design Professional. The authority having jurisdiction shall have the right to observe any portion of the installation of the system.
- B.** The applicant shall be prohibited from covering any component of the system without proper authorization from the authority having jurisdiction. Any change of construction approved by the authority having jurisdiction shall be noted on the original drawings before the system is back filled. An additional review and approval shall not be required for any minor alterations to the designs already approved by the authority having jurisdiction. Major alterations to the designs approved by the authority having jurisdiction shall require review and approval by the authority having jurisdiction. Major alterations shall include any changes to the absorption field and/or changes to the size or type of pretreatment tank.
- C.** As built plans and construction certification by a Design Professional shall be provide to the authority having jurisdiction after installation is completed.

#### **§ 202-11. Inspections of Systems With the Absorption Area or Holding Tank Located Within 200 Feet of Canandaigua Lake.**

- A.** All on-site wastewater treatment systems with an absorption area located wholly or partially within 200 feet of Canandaigua Lake or a holding tank located wholly or partially within 200 feet of Canandaigua Lake shall be required to have an on-site wastewater treatment system inspection completed by a Certified Inspector every five years after the adoption of this law.
- B.** If a parcel is located within 200 feet of Canandaigua Lake and the authority having jurisdiction does not have a stamped as-built drawing showing the location of the absorption area or holding tank, then an on-site wastewater treatment system inspection shall be required during the first 5-year inspection cycle. The first inspection shall be completed by the Watershed Inspector. Parcel owners will be exempt from future five year inspection cycles if the absorption area and holding tank has been determined to be greater than 200 feet from Canandaigua Lake. The authority having jurisdiction will provide written documentation to the parcel owner that the absorption area and holding tank is located greater than 200 feet from Canandaigua Lake.
- C.** The Watershed Inspector shall complete the first inspection for systems requiring inspections pursuant to § 202-11(B) of this Chapter that have not been inspected by the authority having jurisdiction since 1990 or do not have a stamped as-built drawing dated on/after 1990. The inspection or stamped as-built drawing must have documented the length, type, and location of absorption areas; the size, type, location and structural integrity of the pretreatment tank; and the tie dimensions. Parcel owners shall receive written notification by the Watershed

Inspector regarding this requirement and shall work with the Watershed Inspector to complete the inspection.

- D. The Town and the Watershed Inspector shall determine a schedule for the 5-year inspection cycle, with inspections due on or before December 31 of each inspection cycle year. The Watershed Inspector shall be responsible for notifying parcel owners of the upcoming required inspection by January 15<sup>th</sup> of the inspection cycle year. The Watershed Inspector shall send a list of parcels requiring inspection to the Town for each inspection cycle year and will copy them on correspondence to those parcel owners.
- E. Once the parcel owner is notified of the required inspection, the parcel owner will be responsible for arranging the inspection with a Certified Inspector.
- F. If a system is inspected between 5-year inspection cycles, then the 5-year inspection cycle shall be reset for 5 years from the date of the most recent inspection.

**§ 202-12. Inspections of Existing On-Site Wastewater Treatment Systems Throughout the Town**

- A. The authority having jurisdiction shall require an on-site inspection of an existing on-site wastewater treatment system as follows:
  - (1) Prior to a change of use. The owner of the parcel shall arrange for an on-site wastewater treatment system inspection before any change of use is undertaken. The authority having jurisdiction shall determine whether the change represents an increased hydraulic loading to the system. In instances where a site plan approval, special use permit, or variance is required, the authority having jurisdiction shall incorporate the on-site wastewater treatment system inspection report into the review process of the appropriate Planning Board of Zoning Board of Appeals.
  - (2) Prior to a conveyance of real property. The owner of the parcel shall arrange for an on-site wastewater treatment system inspection prior to the conveyance of real property. For conveyance of real property, the inspection must be completed at least 10 days prior to the transfer of property. The inspection report must be filed with the authority having jurisdiction, the current owner, and the proposed new owner prior to the transfer of property. It shall be a violation of this Chapter to not have the property inspected prior to the conveyance of real property. If the required inspection does not occur prior to the conveyance of real property, then the authority having jurisdiction will inspect the system following the access procedures defined in this Chapter.



- (3) Prior to the expansion of a building or dwelling that will increase the number of bedrooms and/or bedroom equivalents, or increase the building or dwelling square footage by greater than 25%, or alter a building or dwelling such that the work area exceeds 50% of the aggregate area of the existing building.
- (4) Prior to any alterations made to the absorption field or any change in the treatment system type.

#### **§ 202-13. Inspection Procedure**

- A. All existing on-site wastewater treatment systems requiring an inspection pursuant to this Chapter shall be performed by a Certified Inspector in accordance with and utilizing the OTN System Inspection Findings Worksheet (Rev 01/13 or as updated).
- B. The authority having jurisdiction reserves the right to observe any on-site wastewater treatment system inspection completed by a Certified Inspector following the procedures identified in Article 6.
- C. The authority having jurisdiction shall have 30 days to review the inspection report and notify the parcel owner of their findings. If the authority having jurisdiction deems the inspection or the associated report to be inadequate or incomplete, the authority having jurisdiction will notify the parcel owner by a letter within 30 days from when the report was received. The system shall be re-inspected and an inspection report shall be sent to the authority having jurisdiction. The system shall be considered uninspected until an adequate inspection report is submitted to the authority having jurisdiction.

#### **§ 202-14. Report of Findings**

- A. Upon completion of the inspection, the Certified Inspector shall document all procedures and furnish the owner with a report of findings. The report of findings must be the OTN System Inspection Findings Worksheet (Rev. 01/13 or as updated).
- B. All inspection reports must be filed with the authority having jurisdiction within 30 days of the inspection's completion, or by December 31 or the inspection cycle year as required by § 202-11 of this Chapter. Failure to submit the report to the authority having jurisdiction shall be considered a violation of this Chapter and shall be punishable according to Article 8 of this Chapter. The system shall be considered uninspected until an adequate inspection report is submitted to the authority having jurisdiction.
- C. The authority having jurisdiction shall have 30 days to review the inspection report and notify the parcel owner of their findings. If the authority having jurisdiction deems the inspection report adequate, the authority having

jurisdiction shall notify the parcel owner by letter, stating that the inspected on-site wastewater treatment system is determined to be either adequately functioning, a substandard system, or in failure. The report of findings by the Certified Inspector shall be attached and may be used to support the determination.

#### **ARTICLE FOUR – ON-SITE WASTEWATER TREATMENT SYSTEM PERMITTING PROCEDURES**

**§ 202-15. Application Material.** Applications for on-site wastewater treatment system permits shall be made by the parcel owner or a duly authorized agent, accompanied by the appropriate fee, to the authority having jurisdiction. Applications shall include the following information:

- A. The name, address, and telephone number of the applicant.
- B. Specific location of the parcel on which the on-site wastewater treatment system is located or proposed, including the tax map number and address for said parcel.
- C. The number of bedroom and/or bedroom equivalents and the square footage of the building.
- D. All plans shall be designed by a Design Professional showing the location of the proposed on-site wastewater treatment system and all wells, springs, other water supplies, buildings and watercourses within 200 feet of the proposed on-site wastewater treatment system, even if located on adjacent properties.
- E. Evidence to demonstrate that there is no public sewer available into which the sewage can be discharged or that it is impractical to discharge sewage into a community sewerage system.
- F. Evidence to demonstrate that the design complies with Article 2 of this Chapter.
- G. Documentation of substantiating data relating to site conditions, percolation tests, deep hole data, and topography of land.
- H. The authority having jurisdiction may conduct such investigations, examinations, tests and site evaluation to verify information contained in the application following the procedures identified in this Chapter.

#### **§202-16. Administrative Review.**

- A. The authority having jurisdiction shall not issue an on-site wastewater treatment system permit unless: A plan is submitted by a Design Professional as required by this Chapter; all permit fees have been paid; the plan complies with all

specifications of state and local laws; and within the Canandaigua Lake Watershed, a letter of approval has been obtained from the Watershed Inspector.

- B. When the authority having jurisdiction denies the application for an on-site wastewater treatment system permit, within 7 working days after taking such action, the authority having jurisdiction shall furnish the applicant with a written notice of denial setting forth in detail the reason for such action.

**§ 202-17. Fees.** The fees for any permit or inspection performed pursuant to this Chapter shall be determined by resolution of the Town Board.

**§ 202-18. State or Other Agency Approvals.** In addition to the approvals required herein, a review and approval by the New York State Department of Health (NYSDOH) or the New York State Department of Environmental Conservation (NYSDEC) or the Canandaigua Lake Watershed Inspector may be required.

## **ARTICLE FIVE – COMPLIANCE & REPORTING**

**§ 202-19. Access.**

- A. On parcels for which an on-site wastewater treatment system permit or inspection has been requested by the parcel owner or parcel owner's agent, the authority having jurisdiction shall be permitted by the parcel owner to make a physical inspection of the lands and premises in order to determine that all of the requirements of this local law have been complied with.
- B. When an inspection is required by Article 3 of this Chapter, the authority having jurisdiction shall request the permission of the parcel owner to make a physical inspection of the lands, premises, and/or buildings in order to determine that all of the requirements of this law have been complied with. If refused, the authority having jurisdiction shall apply to a court of competent jurisdiction for a search warrant.
- C. The authority having jurisdiction, upon complaint or upon show of due cause, shall request the permission of the parcel owner to make a physical inspection of the lands, premises, and/or buildings for which an on-site wastewater treatment system is believed to be a cause or potential cause of pollution or a health hazard. If refused, the authority having jurisdiction shall apply to a court of competent jurisdiction for a search warrant.

**§ 202-20. Deficiencies and Corrections.**

- A. Upon discovery of an on-site wastewater treatment system which is in failure, the authority having jurisdiction shall immediately notify the parcel owner in writing of the failure through a Notice of Violation. It shall be the responsibility of the parcel owner to forward the Notice of Violation to other involved or interested parcel

owners or renters. The Notice of Violation shall include the specific section of the law being violated, the components of the system which are not in compliance with the requirements of this law, the action that is necessary to correct the noncompliance, the date by which the permit must be obtained, the timeframe in which corrective actions must be completed.

- B. The authority having jurisdiction shall, by written notice and/or posting, order all work stopped on any on-site wastewater treatment system, which is in violation of this Chapter.
- C. Upon receipt of a Notice of Violation of a failed system that is directly discharging to the surface and/or surface water, the authority having jurisdiction shall order that the discharge be terminated immediately and if the on-site wastewater treatment system has a tank, the outlet shall be sealed and the tank used as a holding tank until the system is brought into compliance.
- D. To correct a violation, the on-site wastewater treatment system shall be brought into compliance with the design standards identified in § 202-6 of this Chapter.
- E. Upon discovery of a substandard system with an absorption area which is within 200 feet of Canandaigua Lake, the authority having jurisdiction shall notify the parcel owner in writing through a Notice of Noncompliance. The Notice of Noncompliance shall include the specific section of the law being violated, the components of the system that are not in compliance with the requirements of this Chapter, the action that is necessary to correct the noncompliance, and that the system shall be brought into compliance with this law within 12 months of the conveyance of real property as required by § 202-8 of this Chapter.

#### **§ 202-21. Failure to Complete Required Inspections.**

- A. Failure to complete required inspection and/or send the inspection reports to the authority having jurisdiction is a violation of this Chapter and is punishable according to Article 8 of this Chapter. The authority having jurisdiction shall notify the parcel owner through a Notice of Violation.
- B. Upon receipt of a Notice of Violation, the parcel owner shall be given 30 days to complete and submit the inspection report to the authority having jurisdiction.

### **ARTICLE SIX – COMPLAINTS**

#### **§ 202-22. Notification.**

- A. Complaints by individuals shall be made to the authority having jurisdiction with supporting information that an on-site wastewater treatment system may be in failure.

- B. If after further investigation, the authority having jurisdiction has due cause, the authority having jurisdiction shall notify the parcel owner and the inhabitants of said parcel in writing, within 7 business days of receipt of the complaint or personal observation and shall request access to the property to further investigate the potential failure. A copy of such notice shall be sent to the Town Clerk.
- C. The authority having jurisdiction shall follow the procedures in Article 5 of this Chapter to gain access to the parcel and depending on the outcome of the investigation will follow the procedures established in this Chapter to remedy any deficiencies.

## **ARTICLE SEVEN – APPEALS**

**§ 202-23. Appeals for Failed Systems.** On-site wastewater treatment systems in failure shall follow the standard procedures with the Code Enforcement Officer, the local Board of Health, and the New York State Department of Health.

**§ 202-24. Appeals for Non-Failed Systems.**

- A. Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of this Chapter or certain provisions thereof are encountered, the parcel owner may appeal the determination of the authority having jurisdiction to the Zoning Board of Appeals to request a variance from the requirements of this Chapter.
- B. The Zoning Board of Appeals may grant a variance from the requirements of this Chapter if the Zoning Board of Appeals finds the essential purpose of these regulations, namely the protection of public health and water quality, will be accomplished even if the variance is granted. The Zoning Board of Appeals shall consider the following factors and make applicable findings regarding:
  - (1) Whether the use or activity to be authorized by the variance is in harmony with the purpose and intent of this Chapter. The following items will be taken into consideration:
    - (a) Previous approvals and/or specific waivers granted by NYSDOH, or the Watershed Inspector.
    - (b) Distance separations to surface water and groundwater wells in order to minimize pathogen, nutrient and/or other pollutant loading;
    - (c) The ability to utilize the latest technology and the ability to maintain that technology;

- (d) Existing lot line setbacks and area requirements as related to individual properties;
- (2) Whether a substantial change will be produced in the general condition of the water quality or a substantial risk to groundwater quality or quantity will be created because of the variance.
- (3) Whether the hardship or difficulty can be alleviated by some other method that is feasible for the applicant to pursue.
- (4) Whether the requested variance is substantial.
- (5) Whether the variance requested is the minimum variance necessary to afford relief. To this end, the Zoning Board of Appeals may recommend a lesser variance than applied for.
- (6) The extent to which the hardship or difficulty has been self-created.

## **ARTICLE EIGHT – ENFORCEMENT**

### **§ 202-25. Violations.**

- A. In any instance where this Chapter is violated, the Town of Canandaigua may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with the terms of this Chapter, or to enforce a violation of this Chapter or to restrain by injunction, the violation of this Chapter.
- B. An application for an on-site wastewater treatment system permit shall include a section requesting consent by the parcel owner to permit the authority having jurisdiction to enter upon the premises without a search warrant to inspect the work which is the subject matter of the permit application.
- C. If a parcel owner fails to complete an inspection required by this Chapter, or to allow access to the parcel for the required inspection, the authority having jurisdiction shall obtain an administrative search warrant, which may be issued by a court of competent jurisdiction, to complete the required inspection.
- D. The Town Board (acting as the Town Board of Health) may schedule a hearing on an on-site wastewater treatment system that the authority having jurisdiction has determined to be in failure and has not been rectified by the parcel owner. In instances where the violation is deemed by the authority having jurisdiction to pose an imminent threat to public health, the Town Board may direct that the Town take corrective action and assess all costs and expenses incurred by the Town in connection with the proceedings and correction of the violation upon the parcel. The Town Board shall ascertain the cost of such correction action and such cost shall be charged and assessed against the owner of the property. The

expense so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

**§ 202-26. Penalties.** Each violation of a provision of this Chapter shall be punishable by a fine not to exceed the sum of \$250 or by imprisonment of not more than fifteen (15) days, or both. Each week such violation continues after notification to the person in violation shall constitute a separate violation. Such violation notice shall be served by certified mail, return receipt requested, or by personal service. Service by certified mail shall be complete upon deposit of the notice with the United States Postal Service.

## **ARTICLE NINE – MISCELLANEOUS PROVISIONS**

**§ 202-27. Conflict of Law.** In any case where a provision of this Chapter is found to be in conflict with a provision of any ordinance or local law, or with a provision of any statute, rule, regulation, or order of the State of New York, the provision which establishes the higher standard for the promotion of health, welfare, and safety of the citizens of the Town of Canandaigua shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or local law existing on the effective date of this Chapter, which establishes a lower standard for the promotion of the health, welfare, and safety of the citizens of the Town of Canandaigua, the provisions of this Chapter shall prevail.

**SECTION TWO.** The following definitions shall be added to Town of Canandaigua Town Code § 1-17:

### **AUTHORITY HAVING JURISDICTION**

The Code Enforcement Officer, Health Officer, or other official(s) designated by the Town Board or other regulatory agency, having the responsibility to implement and enforce the provisions of the Town of Canandaigua Town Code. Within the Canandaigua Lake Watershed, the authority having jurisdiction shall also include the Canandaigua Lake Watershed Inspector, who is designated by the Canandaigua Lake Watershed Commission and who shall have the joint responsibility to implement the provisions of Chapter 202 of this Code. The Canandaigua Lake Watershed Inspector shall work in partnership with the Town of Canandaigua for purposes of enacting the provisions of Chapter 202 of this Code. Final determinations and enforcement authority of Chapter 202 of this Code shall reside with the Town of Canandaigua.

### **CANANDAIGUA LAKE**

For purposes of Chapter 202 of this Code, shall mean the location where the mean high water level of Canandaigua Lake of 689.40 feet above sea level intersects the adjoining parcel. Distance measurements from Canandaigua Lake shall be a horizontal distance and shall be measured from the closest location.

### **CERTIFIED INSPECTOR**

Shall include a registered OTN Inspector or licensed Professional Engineer.

#### CHANGE OF USE

For purposes of Chapter 202 of this Code, shall mean a use of land with an associated building and on-site wastewater treatment system that is modified so as to likely cause an increase in hydraulic loading (e.g. change from an existing commercial use to residential use; change of an existing residential use to commercial use; change of a commercial use to a different type of commercial use).

#### CONVEYANCE OF REAL PROPERTY

The transfer of the title of real estate, in the form of a deed or other legal instrument, filed in the Office of the Ontario County Clerk, which involves none of the transferors of such deed or other legal instrument remaining in possession of such real estate. Non-arm's length transfers of title, transfers of an interest in title where one or more of the transferors remain in possession of such real estate and transfers of title to a spouse and/or one or more children, including transfers from a transferor's estate, shall not be considered a conveyance of real property.

#### DESIGN PROFESSIONAL

A person licensed or registered in the State of New York and authorized by the New York State Education Law to design systems described in 10 NYCRR Appendix 75-A per NYSDOH Fact Sheet Need for Licensed Design Professionals – Residential Onsite Wastewater Treatment Systems.

#### ENHANCED TREATMENT

The biological and physical treatment of wastewater to reduce the amount of biochemical oxygen demand (BOD) and total suspended solids (TSS) of wastewater effluent prior to distribution to an absorption area.

#### ENHANCED TREATMENT UNIT

Pre-manufactured structures that provide enhanced treatment of wastewater prior to discharge to a subsurface soil absorption area.

#### FAILURE

A condition existing within an on-site wastewater treatment system which causes the system to function in an unsanitary manner and which results in the discharge of untreated or partially treated wastewater onto ground surface, into surface water, into the groundwater, or which results in failure of building plumbing to discharge properly. Meeting any of the following criteria shall constitute failure:

- (1) Lack of a watertight pre-treatment vessel (i.e., septic or holding tank, aerobic treatment unit, etc.) prior to any subsurface treatment / absorption system.
- (2) There is a discharge of effluent directly or indirectly to the ground surface and ponding, surface outbreaks or saturated soils are over the absorption area.
- (3) "Cheater" or direct pipe surface discharge to include surface discharge of greywater.
- (4) A dye test results in the presence of dye on the ground surface.



- (5) There is a back up of sewage into the home, building or facility as a result of an overloaded or clogged absorption area.
- (6) The septic tank requires pumping more than four times per year and/or sewage is observed running back into the septic tank from the absorption area during pumping.
- (7) The absorption area is located within 100 feet of Canandaigua Lake and the bottom of the leach line invert is at or below the ten year flood elevation (690.00 feet).
- (8) The access lid of a holding tank, enhanced treatment unit or pump tank is located within 100 feet of Canandaigua Lake and is at or below the ten year flood elevation (690.00 feet).

#### GREYWATER

All wastewater from a building except from flush toilets and urinals.

#### HOLDING TANK

A water-tight tank that holds raw sewage and untreated effluent without an outflow.

#### MINOR ALTERATIONS

Routine maintenance and repairs to an on-site wastewater treatment system, including but not limited to the following: replacement of septic tank covers or baffles, replacement of distribution box covers, replacement of cracked pipes, pumping of the septic tank, and replacement of mechanical pumps and devices. "Minor alterations" shall not include replacement of a septic tank, distribution box, or any addition, alteration, or rearrangement of water distribution or drainage piping.

#### ON-SITE WASTEWATER TREATMENT SYSTEM PERMIT

A written permit issued by the authority having jurisdiction.

#### OTN INSPECTOR

Industry professional who has been trained and has successfully completed the 7.50 hour course for inspecting existing residential on-site wastewater treatment systems and has received a Registration Number from the New York Onsite Wastewater Treatment Training Network (OTN) indicating such. In the event that the OTN stops registering inspectors, the authority having jurisdiction will work with the Watershed Inspector to administer a training program and publish a list of approved inspectors for the public.

#### SEWAGE

The combination of human and household waste with water which is discharged to the plumbing system, including the waste from a flush toilet, bath, shower, sink, lavatory, dishwashing or laundry machine, or the water carried waste from any fixture, equipment or machine.

#### SUBSTANDARD SYSTEM

On-site wastewater treatment system that does not meet the design standards specified in Chapter 202 of this Code but shows no evidence of failure.

#### **TEN YEAR FLOOD ELEVATION**

An elevation of 690.00 feet above sea level.

#### **WORK AREA**

That portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this Code.

**SECTION THREE.** The following definitions contained in Town Code § 1-17 shall be replaced in their entirety with the following:

#### **ADEQUATELY FUNCTIONING**

An on-site wastewater treatment system that meets the design standards contained in Chapter 202 of this Code and shows no evidence of failure.

#### **BEDROOM AND/OR BEDROOM EQUIVALENT**

For the purpose of determining the size of an individual on-site wastewater treatment system, "bedroom and/or bedroom equivalent" shall mean a room with certain features characteristic of bedrooms, generally, which include, but are not limited to, the following:

- (1) Reasonable access to a full bathroom on the same floor, or within a half floor if the house is a split level; or
- (2) Adequate means to close off the room for privacy; or
- (3) A minimum of seventy (70) square feet in size.

#### **ON-SITE WASTEWATER TREATMENT SYSTEM**

A complete system of piping, watertight vessels or other facilities for the on-site collection, transport and treatment of sewage.

#### **SECTION FOUR.**

- A. The adoption of this Local Law shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this Local Law takes effect.
- B. The provisions of this Local Law shall be several, and if any clause, sentence, paragraph, subdivision, section, or part of this Local Law shall be judged by competent jurisdiction as being invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

**§ 202-29. Effective Date.** This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to Article 3 of the New York State Municipal Home Rule Law.

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Text Code Amendment, On-site WasteWater Treatment Law

Location: Town of Canandaigua (town-wide), Town Hall, 5440 Route 5 & 20 West,  
Canandaigua, NY 14424

Description of the Action:

This action would add amend the Town of Canandaigua Town Code, replacing Town Code  
Chapter 202: On-site waste water treatment law.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead  
Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the  
Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after  
March 20, 2016 in accordance to 6 NYCRR Part 617.

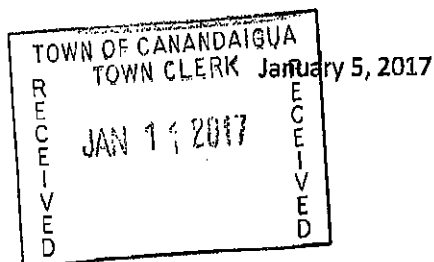
CANANDAIGUA LAKE  
WATERSHED COUNCIL



PROTECTING THE LIFELOOD OF OUR REGION

CANANDAIGUA LAKE  
WATERSHED COUNCIL

TOWNS OF BRISTOL, CANANDAIGUA, GORHAM, HOPEWELL, ITALY,  
MIDDLESEX, NAPLES, POTTER, SOUTH BRISTOL - VILLAGES OF NAPLES,  
NEWARK, PALMYRA, RUSHVILLE - CITY OF CANANDAIGUA



Dear Municipal Leader:

At the December 7, 2016 meeting of the Canandaigua Lake Watershed Council, (consisting of the fourteen watershed and water purveying municipalities), the members present unanimously endorsed the Final Draft Model Onsite Wastewater Treatment System Law, which has been enclosed for review by your municipality. As we have learned over the past 2 years, our lake is very sensitive to small changes in nutrients. This law is one of many strategies identified in the 2014 Comprehensive Update to the Canandaigua Lake Watershed Management Plan to protect the lake from nutrients and pathogens and is part of the larger integrated approach to watershed management and water quality protection. This law was took more than 1 year to develop and went through a very thorough process of public input and attorney review.

The Joint Municipal Land Use Workgroup has representatives from multiple municipalities that includes code enforcement officers and planning board members, the Watershed Council, Watershed Commission, and Watershed Association. The Workgroup has 6 major focus areas and began working on a model law for onsite wastewater treatment systems in October 2015. Over the last year, the law has gone through many iterations, continuing to refine the law based on our research, public feedback, and attorney review. We believe that the model law has reached the critical balance of protecting water quality in the lake without being overly burdensome to the public.

It is now up to each municipality to review the model law and determine if they would like to adopt the law, a version of it or not adopt it all. To aid in your review, we have compiled a few documents that provide an overview of the process to develop the law. Enclosed are the following:

- Process for the Development of the Final Draft Model Onsite Wastewater Treatment System Law – this document summarizes the process to develop the law, public outreach, and attorney reviews
- Final Draft Model Onsite Wastewater Treatment System Law
- Public Information Session Notes from July 11, 2016 and August 15, 2016 – these documents include each comment from the meetings and an associated response
- Attorney review to the law by Jeff Graff on November 17, 2016 and associated responses (review from April 14, 2016 is available if requested)

George Barden, the Watershed Inspector, and I would like to offer to aid your municipality in the process of adopting the law. We can come to your Town Board, Planning Board or any other meetings to

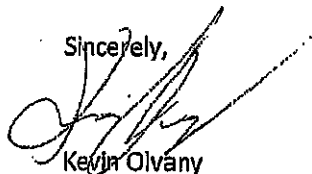
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Office: (585) 396-3630 • website: [www.canandaigualake.org](http://www.canandaigualake.org) • Fax: (585) 396-5002

Email: [Kevin.Olson@CanandaiguaNewYork.gov](mailto:Kevin.Olson@CanandaiguaNewYork.gov)  
205 Saltonstall Street, Canandaigua, New York 14424

explain the context of the law and its individual components. We are also available to attend/present at public information sessions or public hearings. Please do not hesitate to contact me with questions about the law or the process to develop it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Olvany', written over the word 'Sincerely,'.

Kevin Olvany  
Watershed Program Manager  
Canandaigua Lake Watershed Council  
205 Saltonstall St.  
Canandaigua, NY 14424  
[Kevin.Olvany@canandaiguanewyork.gov](mailto:Kevin.Olvany@canandaiguanewyork.gov)  
585 396-3630

## **Process for the Development of the Final Draft Model Onsite Wastewater Treatment System Law**

### **Joint Municipal Land Use Work Group**

The Joint Municipal Land Use Workgroup was reconvened in October of 2014 by the Watershed Council to build on past successes at developing local laws and to address additional water quality concerns in the watershed. The Canandaigua Lake Watershed Association (non-governmental membership association), the Ontario and Yates County Planning Departments, the Canandaigua Lake Watershed Council (fourteen watershed and water purveying municipalities), Canandaigua Lake Watershed Commission (water purveying municipalities), Planning Board Chairs, and Code Enforcement Officers all participate. The Towns of Canandaigua, Gorham, Middlesex, Italy, Naples, and South Bristol are all represented. The group meets periodically to discuss ways to improve local land use regulatory tools in order to more comprehensively protect water quality. The group prioritized six critical land use areas for their impact on the lake, which include: onsite wastewater systems, site plan review (along lake and town-wide), lot coverage requirements, steep slope requirements, scenic vista protection, and stream/water course protection.

The group completed recommendations on lot coverage and site plan review during 2015 and then began to focus on onsite wastewater treatment system requirements in October 2015. The workgroup began by assessing existing onsite wastewater treatment system laws from around New York State and comparing those laws to what we have in the watershed. The first draft of the law was produced in winter of 2015/2016. The law has gone through many iterations since this first draft, incorporating comments from municipal attorney reviews, public comments during two informational meetings along with individual written comments, the work of the Land Use Work Group members, and the Canandaigua Lake Watershed Council. There has been a significant effort to reach out to the public to both educate them about the law and to gain their feedback on the law. Multiple newspaper and newsletter articles were written in 2016 and 2 widely-advertised public information meetings were held.

After over one year of work on the law, the Final Draft Model Onsite Wastewater Treatment System Law was completed on November 23, 2016. The law was unanimously endorsed by the Watershed Council on December 7, 2016 and to be sent out to their representative municipalities. Because this is a home rule state, each municipality must decide if they would like to adopt the law or some version of it, or not adopt the law at all. While the law does not need to be uniformly implemented across the watershed, it is beneficial for realtors, onsite system inspectors, and private contractors to have similar laws passed by each municipality.

Below, we have included more detailed information on each step of the development of the law. Backup documentation for each of these items is available upon request.

### **Assessment of Existing Onsite Laws in New York State**

One of the first steps to developing the draft onsite law was to assess existing laws. Onsite wastewater treatment systems have been regulated by local municipalities throughout our region. The draft onsite

law draws from many of these existing laws along with looking at our own needs. The Watershed Council and Commission staff also consulted with a couple of these towns get their input on whether these laws are being successfully implemented.

- Sanitary Code of the Cayuga County Health District Article V - Owasco Lake and Little Sodus Bay
- Town of Torrey Wastewater Law (2014) – Seneca Lake
- Town of Huron Septic Law (1996, amended 2013) – Coastal Areas on Lake Ontario and Sodus Bay
- Keuka Watershed Improvement Cooperative Model Local Wastewater Treatment Law – Keuka Lake
- Town of Gorham On-site Individual Wastewater Treatment Systems Law- Canandaigua Lake
- Town of Canandaigua On-site Individual Wastewater Treatment Systems Law- Canandaigua Lake

### **Review by Municipal Attorneys**

The law was reviewed by a municipal attorney on two occasions. The first review was during an early iteration of the law in February 2016. The goal was to understand the legal framework for the law prior to public information meetings. The second review was after substantial revisions were made to the law based on the attorney review, input from the public, and input from the Watershed Council.

- Attorney Review by Jeff Graff of the Feb 22, 2016 Version of the Law
  - George Barden, Kevin Olvany and Kim McGarry met with Jeff Graff on April 11, 2016
  - Jeff Graff provided written comments on April 14, 2016
  - Based on these comments, the law was altered where appropriate and a detailed response was provided to Jeff Graff
  - Follow up meeting for the Town Supervisors for Gorham, Middlesex and South Bristol was held on June 16, 2016 with George Barden, Kevin Olvany, and Kim McGarry
- Attorney Review of the July 11, 2016 Version of the Law by Jeff Graff
  - Jeff Graff provided written comments on November 17, 2016
  - The law was altered where appropriate and a detailed response was created.

### **Public Outreach/Input**

Public input is imperative to the successful adoption and implementation of the law. Therefore, the public was informed about the law through two Watershed Association newsletters, multiple articles in the Daily Messenger, and at two public information/discussion meetings, as detailed below. The Watershed Council has copies of each article, comments from the public information meetings, and written comments, all of which are available to any municipality that would like this backup documentation.



- Canandaigua Lake Watershed Association Spring 2016 – 2 page article on the draft onsite law and its requirements – mailed to 954 residents, emailed to 739 residents
- Canandaigua Lake Watershed Association Summer 2016 – 1 page “mythbusters” on the draft onsite law – mailed to 954 residents, emailed to 739 residents
- Daily Messenger article, “Attorney scrutiny sought on proposed septic system law for Canandaigua Lake towns” February 9, 2016
- Daily Messenger article, “Failing septic systems threaten Canandaigua Lake” December 17, 2015
- Daily Messenger article, “Citizens drill down on fighting septic system pollution” July 14, 2016
- Eastside Public Information Session – July 11, 2016 at the Vine Valley Community House
  - Postcards sent to 185 shoreline property owners
  - Advertisement on the Canandaigua Lake Watershed Council Website and the Canandaigua Lake Watershed Association website.
  - Email notification sent to the Canandaigua Lake Watershed Association e-notification list, which has about 739 people.
  - Article promoting the event on July 7, 2016 in the Daily Messenger, “Flushing out failing septic systems around Canandaigua Lake”
  - Approximately 75 people attended the public information session
- Westside Public Information Session – August 15, 2016 at the South Bristol Town Hall
  - Article promoting the event on July 25, 2016 in the Daily Messenger, “Public urged to weigh in on model septic law for Canandaigua Lake communities”.
  - Advertisement on the Canandaigua Lake Watershed Council and Canandaigua Lake Watershed Association websites.
  - Postcards sent to 318 shoreline residents
  - Email notification sent to the Canandaigua Lake Watershed Association e-notification list, which has about 739 people.
  - Approximately 35 people attended the public information session
- Written Comments Provided by the Public
  - Lew Smith – Feb 22, 2016
  - Paul Reck – April 2, 2016
  - Marion Cassie – Feb 20, 2016

## *Short Environmental Assessment Form*

### *Part 1 - Project Information*

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: On-site Wastewater System Treatment Local Law			
Project Location (describe, and attach a location map): Town of Canandalgua			
Brief Description of Proposed Action: The purpose of the proposed local law would provide a text code amendment to protect the quality of the surface and ground water in the Town of Canandalgua by mandating the adequate performance of individual on-site wastewater treatment systems.			
Name of Applicant or Sponsor: Town of Canandalgua		Telephone: 585-394-1120 E-Mail: sreynolds@townofcanandalgua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandalgua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____		acres	
b. Total acreage to be physically disturbed? _____		acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____		acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO   <input type="checkbox"/>	YES   <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO   <input type="checkbox"/>	YES   <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO   <input type="checkbox"/>	YES   <input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Doug Finch Date: February 13, 2017 Signature: <u><i>[Signature]</i></u> <i>on behalf of Town Board</i>		

# ATTACHMENT 19

## 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.)

of CANANDAIGUA

Local Law No. \_\_\_\_\_ of the year 20 17

A local law TO AMEND TOWN OF CANANDAIGUA TOWN CODE CHAPTER 92 TO CLARIFY  
(Insert Title)  
WHEN A BUILDING PERMIT SHALL EXPIRE

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.)

(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 17 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on 20 17, in accordance with the applicable provisions of law.

**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.

**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 \_\_\_\_\_.

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 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

(Seal)

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



TOWN OF CANANDAIGUA  
LOCAL LAW # \_\_\_\_ OF 2017

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ATTACHMENT "A"

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

SECTION ONE. Town of Canandaigua Town Code § 92-2(I) shall be replaced in its entirety with the following:

§ 92-2(I) Time limits. Building permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Building permits shall expire 12 months after the date of issuance. The Date of issuance of a Building Permit shall be the date the Code Enforcement Officer approves and signs the Building Permit and associated Building Permit Application. A building permit which has become invalid or which has expired pursuant to this subdivision may be replaced upon application by the permit holder, payment of the applicable fee, and approval of the new application by the CEO. Where warranted by the CEO, a time extension for a building permit may be granted for a period of up to one additional year.

SECTION TWO. Town of Canandaigua Town Code § 92-2(K) shall be replaced in its entirety with the following:

§ 92-2(K) Fee. The fee specified in or determined in accordance with the provisions set forth in § 92-14, Fees, of this chapter must be paid prior to providing the issued building permit, for an amended building permit, or for renewal of a building permit.

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

**State Environmental Quality Review  
LEAD AGENCY COORDINATION REQUEST**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8  
(State Environmental Quality Review Act) of the Environmental Conservation Law

**The Canandaigua Town Board seeks Lead Agency Status for the  
environmental review for the action described below:**

Project Number

Name of Action: Text Code Amendment to Chapter 92 - Building Permit Expiration

Location: 5440 Route 5 & 20 West Canandaigua, NY 14424

Description of the Action:

Text Code Amendment to Town Code Chapter 92 clarifying when a building permit shall expire.

\_\_\_\_\_ This agency has no objection to the Canandaigua Town Board assuming Lead  
Agency Status for this action

\_\_\_\_\_ This Agency will seek Lead Agency Status

\_\_\_\_\_  
Print or Type Name of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer

Please return to:

Town of Canandaigua, Town Clerk  
5440 Route 5 & 20 West  
Canandaigua, NY 14424

If no response is received within 30 calendar days from the date of this authorization by the  
Canandaigua Town Board, the Canandaigua Town Board will assume Lead Agency on or after  
March 20, 2016 in accordance to 6 NYCRR Part 617.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Text Code Amendment to Chapter 92 Clarifying Building Permit Expiration			
Project Location (describe, and attach a location map): Town of Canandaigua			
Brief Description of Proposed Action: Text Code Amendment to amend Town Code Chapter 92 to clarify when a building permit shall expire.			
Name of Applicant or Sponsor: Town of Canandaigua		Telephone: 585-394-1120 E-Mail: sreynolds@townofcanandaigua.org	
Address: 5440 Route 5 & 20 West			
City/PO: Canandaigua		State: NY	Zip Code: 14424
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input type="checkbox"/>	<input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES If Yes, briefly describe: _____		NO <input type="checkbox"/>	YES <input type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: Doug Finch Signature: <i>Doug Finch</i> on behalf of Town Board Date: February 13, 2017		

# ATTACHMENT 20

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585)394-1120 / Fax: (585) 394-9476

[www.townofcanandaigua.org](http://www.townofcanandaigua.org)

*Established 1789*

TO: Supervisor, Greg Westbrook

RE: A380 Chargeback Review

DATE: February 6, 2017

FROM: Samantha Pierce

Supervisor Westbrook:

A380 charges on MRB Group Invoice 23318 for review at the 2/13/2017 meeting include the following:

Miller .....	\$250.00
Wegman.....	\$100.00
Kneut .....	\$50.00
Eddy Estate .....	\$50.00
Cotter .....	\$50.00
RG&E .....	\$50.00
Veterans.....	\$349.43
Lakewood Meadows.....	\$980.00
Centerpointe.....	\$200.00
Old Brookside.....	\$200.00
Lakeside Estates.....	\$300.00
Joy Wegman .....	\$150.00
Bartholf.....	\$200.00
DiMarco.....	\$370.00
North Road Solar Farm.....	\$715.00
Total A380 charges on MRB Invoice 23318 .....	<u>\$4,014.43</u>

A380 charges on Reeve Brown Invoice 3233 for review at the 2/13/2017 meeting include the following:

Lakewood Meadows.....	\$572.00
Total A380 charges on Reeve Brown Invoice 3233.....	<u>\$572.00</u>

A380 charges on Reeve Brown Invoice 3234 for review at the 2/13/2017 meeting include the following:

North Road Solar Project.....	\$52.00
Total A380 charges on Reeve Brown Invoice 3234.....	<u>\$52.00</u>

A380 charges on Reeve Brown Invoice 3231 for review at the 2/13/2017 meeting include the following:

Advanced Living Properties .....	\$182.00
Total A380 charges on Reeve Brown Invoice 3231.....	<u>\$182.00</u>

Total A380 charges.....	<u>\$4,820.43</u>
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