

Resolution #2010-064

**A RESOLUTION ACCEPTING
A SEQRA FINDINGS STATEMENT FOR
THE CANANDAIGUA LAKEFRONT
PLANNED UNIT DEVELOPMENT**

July 1, 2010

WHEREAS, the Canandaigua City Council (the “City Council”) received a sketch plan application on April 28, 2008 from David Genecco and Parkway Plaza Limited Partnership (collectively the “Applicant”) for the Canandaigua Lakefront Redevelopment Project (the “Project”) and a planned unit development (“PUD”) zoning designation pursuant to the Planned Unit Development Ordinance of the City of Canandaigua as set forth in Article XII of the Code of the City of Canandaigua (the “PUD Ordinance”); and

WHEREAS, the City Council as the Lead Agency has conducted a coordinated review of the Project pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations (6 N.Y.C.R.R. Part 617); and

WHEREAS, the City Council accepted a Draft Environmental Impact Statement (“DEIS”) for the Project on August 20, 2009; and

WHEREAS, on December 17, 2009, the City Council passed Resolution #2009-181 approving the Project’s sketch plan with the express condition that such approval was subject to the completion of SEQRA by the City Council, and that all future modifications and/or mitigation measures adopted by the City Council shall be incorporated into and constitute additional conditions of the sketch plan approval; and

WHEREAS, the City Council accepted a Final Environmental Impact Statement (“FEIS”) on June 3, 2010, which was distributed and made available to the public pursuant to 6 N.Y.C.R.R. § 617.11; and

WHEREAS, the City Council has reviewed and prepared a Findings Statement as required by 6 N.Y.C.R.R. § 617.11.

NOW THEREFORE, BE IT RESOLVED, that the City Council, pursuant to SEQRA, accepts, issues and files the Findings Statement for the Project, a copy of which is attached and incorporated hereto as Attachment “A”; and be it further

RESOLVED, that by the City Council’s acceptance of the Findings Statement, any modifications and mitigation measures set forth therein shall constitute additional conditions of the sketch plan approval granted for the Project pursuant to Resolution #2009-181; and be it further

RESOLVED, the Finding Statement and this resolution shall be further published and distributed as required by any applicable statute and/or regulation

Motion by:	<u>Fenti</u>
Seconded by:	<u>Smythe</u>
Ayes:	<u>8</u>
Nays:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>1</u>

ADOPTED this 1st day of July, 2010

ATTEST:

Nancy C. Abdallah
City Clerk/Treasurer

**New York State Environmental Quality Review Act
Canandaigua City Council**

Findings Statement

Canandaigua Lakefront Planned Unit Development

Pursuant to Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (commonly referred to as the New York State Environmental Quality Review Act or “SEQRA”), the Canandaigua City Council (the “City Council”) makes the following findings:

1.0 ACTION

A Draft Environmental Impact Statement (“DEIS”) and Final Environmental Impact Statement (“FEIS”), which are collectively referred to as the “EIS,” have been prepared on behalf of the City Council. The purpose of the EIS is to identify and evaluate the potential significant adverse environmental impacts associated with both the redevelopment of 33.5 acres of property on the north side of Canandaigua Lake and the re-zoning of the property as a planned unit development (“PUD”) district pursuant to Article XII of the Code of the City of Canandaigua, as well as identify reasonable mitigation measures that shall avoid or minimize such potential adverse environmental impacts to the maximum extent practicable.

2.0 DESCRIPTION OF ACTION

The project area is located at the north end of Canandaigua Lake between Lakeshore Drive and NYS 5/US 20 in the City of Canandaigua. The action includes the redevelopment of approximately 33.5 acres of property, covering 11 tax parcels between Lakeshore Drive (the southern site boundary), Routes 5 & 20 (the northern site boundary), Booth Street (the western site boundary), and Muar Street to the east. The

action further includes the re-zoning of the project area as a PUD district pursuant to the Planned Unit Development Ordinance of the City of Canandaigua as set forth in Article XII of the Code of the City of Canandaigua (the “PUD Ordinance”).

David Genecco and Parkway Plaza Limited Partnership are collectively the Project Sponsor for the action.

The action entails the construction of approximately 184,300 square feet of commercial space; 332 residential units; 692 parking spaces; 957,527 square feet of impervious areas; and 2.0 acres of new parks and playgrounds (the “Project”). In addition, the Project shall involve the construction of a new east-west road to accommodate internal travel within the project area and the creation of three north-to-south roads from Lakeshore Drive to within the site, two (2) of which shall connect Lakeshore Drive through the project area to the existing Parkway Plaza. Lastly, the Project will include the construction of a new east-west water main along the east-to-west internal road, as well as the replacement of an existing sanitary sewer main.

3.0 PUBLIC NEED AND BENEFIT

The purpose of the Project is to redevelop, revitalize and create a viable economic center on the northern shore of Canandaigua Lake that complements the City of Canandaigua. The Project is designed to complement the adjoining property uses; significantly contribute to the City’s existing tax base; and enhance the character of the northern lakefront area as a viable place to live and visit. The public need for the Project is significant, since the area currently acts as a blighting influence on the surrounding properties and the aesthetic nature of the northern waterfront of Canandaigua Lake.

The Project shall be designed and completed consistent with the PUD Ordinance so that each phase of development will, standing alone, have a viable and singular contribution to the community. The Project will also publicly benefit the City of Canandaigua by redeveloping and improving existing infrastructure including sanitary sewer lines, water distribution mains, and stormwater drainage systems. The Project will

further provide a viable solution to the known and potential contaminated conditions of the project area without the use of the fiscal resources of the City of Canandaigua.

The Project offers several benefits to the community consistent with the City of Canandaigua's Comprehensive Plan. The Project will create a holistic getaway for visitors to Canandaigua Lake; will spur local business development while eliminating blight; will alleviate traffic issues that currently exist in the Kershaw Park area; will create additional public parking opportunities; will create an enhanced tax revenue base for the City; and will create jobs and quality housing options for the City of Canandaigua community. The proposed east-west and north-south connecting roads will also provide direct access to Parkway Plaza from the northern lakefront area; minimize external development traffic; provide alternative access routes to the lakefront; improve pedestrian access to the lakefront and to Parkway Plaza; redistribute traffic within the project area; and provide additional onsite parking opportunities for the Project's future residents and the public.

4.0 AGENCY JURISDICTION

The City Council is lead agency based on its zoning authority over the Project pursuant to the PUD Ordinance.

5.0 DATE FINAL ENVIRONMENTAL IMPACT STATEMENT FILED

June 8, 2010

6.0 FACTS AND CONCLUSIONS RELIED ON TO SUPPORT THE DECISION

These findings consider the relevant potential adverse environmental impacts, facts and conclusions disclosed in the EIS; weigh and balance relevant environmental impacts with social, economic and other considerations; and provide a rationale for the City Council's decision regarding the potential environmental impacts associated with the action. These findings also certify that the requirements of 6 N.Y.C.R.R. Part 617 have been met and that, consistent with social, economic and other essential considerations, among the reasonable alternatives available, the action is one which avoids or minimizes

potential adverse environmental impacts to the maximum extent practicable, and that such adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to these decisions those mitigation measures that are identified herein as practicable.

These findings are based on the proceedings and submissions that were included as part of the record. Pursuant to SEQRA, the City Council completed a Full Environmental Assessment Form, and sought and received, concurrence from other involved agencies for the City Council to act as Lead Agency for this action. Public scoping was conducted and a Final Written Scope was accepted on March 5, 2009. The DEIS was completed and accepted by the City Council on August 20, 2009. Written comments on the DEIS were received by the City Council through a public comment period which extended from August 20, 2009 to October 22, 2009. A public hearing on the DEIS was held on October 1, 2009. Comments were provided, summarized, and responded to in the FEIS. The FEIS was filed by the City Council on June 8, 2010.

On November 10, 2009, the City of Canandaigua Planning Commission issued a report for the Project, and on December 9, 2009, the Ontario County Planning Board rendered a favorable report to the City Council (with certain comments and modifications) pursuant to Section 239-m of the New York General Municipal Law.

On December 17, 2009, the City Council approved the sketch plan for the Project (as revised and amended by the Project Sponsor), and reviewed and conditioned by the Planned Unit Development Committee at its December 10, 2009 meeting. The approval of the sketch plan is expressly subject to both the completion of the EIS and the issuance of a findings statement by the City Council pursuant to SEQRA, whereby all future modifications or mitigation measures adopted by the City Council pursuant to such further SEQRA review are to be incorporated into, and shall constitute additional conditions of, the sketch plan approved on December 17, 2009. The sketch plan approved by the City Council has been identified as Revised Alternative G Sketch Plan and was further reviewed in the FEIS. The City Council has also designated the project area as a PUD district on the City of Canandaigua Zoning Map.

The potential impacts reviewed in the EIS are summarized by topic below. Each section below presents a summary of potential impacts; the analysis conducted by the City Council; the required mitigation and conditions; and the findings of each topic.

7.0 LAND AND LAND USE

7.1.1 Discussion of Potential Impacts

Approximately 33.5 acres of land, covering 11 tax parcels, will be impacted by the Project. A large portion of the project area has already been disturbed as a result of prior commercial development and the historical placement of fill material. Nevertheless, the impact to the existing property and land uses posed by the Project will be significant and, in part, constitute an improvement to the area's current condition.

The proposed grades for the full build-out of the Project were chosen to replicate the existing drainage directions as much as possible. The project area will be slightly graded to improve drainage, and the land form will remain uniform without steep grades or slopes. Thus, the action will have a minor and insignificant impact on the project area's existing topography.

The project area will be slightly raised for two reasons: (1) all structures in the project area need to be above the flood plain elevation of 692 ft.msl, and therefore habitable finish floor elevations of 693 ft.msl were chosen for the Project; and (2) raising the current grade of the project area will provide a reasonable slope along which the proposed roadways and stormwater piping are to be constructed.

The Project will also have a positive impact on the soil which will improve the area's drainage, as well as address potential environmental remediation needs for the project area. These impacts are more fully analyzed in Section 17.0 below. In addition, a number of trees along the wetlands buffer zone will be left undisturbed.

According to the Soil Conservation Service mapping, the soil within the project area primarily consists of Sloan silt loam which is described as poorly drained. Part of

the rationale for raising the interior grid of the project area will be to improve drainage in light of existing soil conditions.

7.1.2 Mitigation Measures and Conditions

The following are the mitigation measures and conditions that shall be implemented by the Project Sponsor to address potential impacts to land and land use:

- Portions of the project area may be subject to future environmental remedial efforts which may require contaminated soils to undergo various treatment measures. Fill material will be used if soil treatment for environmental remediation is deemed inappropriate by the New York State Department of Environmental Conservation (“NYSDEC”). Any soil remedial measures will be completed in accordance with the applicable requirements and directives of NYSDEC.
- During construction, temporary measures will be used to protect the public health from any contaminated soils. These measures will be detailed in an environmental report to be submitted to the NYSDEC, the New York State Department of Health (“NYSDOH”), and the City of Canandaigua for review and approval.
- All trees existing within the wetlands buffer zone area shall be left undisturbed during the construction of the Project.
- Topsoil used for the construction of the Project will be graded off at areas to be disturbed prior to any cut or fill operations. All topsoil will be placed in piles surrounded by silt fence and temporarily seeded to reduce erosion. After construction is complete, topsoil will be placed in areas that will receive grass or landscaping.
- All land disturbances conducted during the Project’s construction shall be subject to appropriate soil erosion control measures such as silt fences, catch basins, sedimentation protection and deep sedimentation pools

within the detention pond. All soil erosion control measures shall be submitted to the City of Canandaigua for review and approval prior to the commencement of construction.

7.1.3 Findings

The Project will result in land and land use disturbances impacting approximately 33.5 acres of property that has already been disturbed by commercial development. However, these potential impacts are greatly minimized by the grading, soil erosion control, and remedial soil measures to be completed by the Project Sponsor. In addition, the Project constitutes redevelopment of a currently blighted and vacant area. The City Council thus determines that, with the implementation of the mitigation measures and conditions identified above, any potential significant adverse environmental impacts to land and land use resulting from the action shall be minimized and/or avoided to the maximum extent practicable.

8.0 WATER AND WETLAND RESOURCES

8.1.1 Discussion of Potential Impacts

Given the project area's close proximity to Canandaigua Lake, groundwater is projected to be within 3 to 5 feet below ground surface. The project area is relatively flat and has a slight grade allowing surface water to flow off the project area in 3 general directions. 23.5 acres of the project area flows in an easterly direction toward Muar Street and eventually into the Muar Lake Lagoon. The northwest portion of the project area (approximately 9.7 acres) drains in a westerly direction to the north end of the feeder canal. The feeder canal joins with the Canandaigua Lake Outlet approximately 1,500 feet outside the City of Canandaigua limits. On the southwest side of the project area, approximately 11.9 acres flows to catch basins located along the Lakeshore Drive on the east side of Booth Street.

The project area contains a 100-year flood plain with an elevation of 692 ft.msl according to the Flood Emergency Rate Map. The project area flood plain generally follows the contours of Canandaigua Lake extending from the lake 125 feet north to

Lakeshore Drive, except that it extends a maximum of 350 feet onto shore ending near the Lakeshore House/Hess gas station vicinity. There are no FEMA floodways located within the project area.

The construction of the project area will have little impact on groundwater since the construction will be primarily above groundwater levels. Groundwater will impact construction because it will define the lowest floor elevations; where possible such elevations will be placed above groundwater. Dewatering shall be required for certain construction components such as foundation footers and some utilities.

The proposed drainage patterns for the Project shall follow the existing patterns. Approximately 17.2 percent of the stormwater that currently flows through the feeder canal will be routed to a proposed stormwater management facility to be located on the east side of the project area. The predominant drainage direction being to the east is in keeping with the existing flows. Approximately 29.2 acres will flow in this direction and approximately 9.1 acres will flow to the southwest and into the south end of the feeder canal. In addition, 6.7 acres of the project area will discharge runoff northwesterly into the north end of the feeder canal. The total runoff that will discharge to the northern Lakeshore Drive catch basins (under fully developed conditions) is approximately 6.6 acres.

Grading patterns for the project area will not significantly change as a result of the action; existing surface water patterns will remain. However, surface runoff rates at the north and south ends of the feeder canal will be reduced due to the site grading. The total amount of stormwater flowing to the Lakeshore Drive stormwater sewer will decrease due to the Project's grading proposal, and a larger portion of the project area's generated runoff will be directed into the proposed stormwater management facility. Revised Alternative G Sketch Plan also results in a reduction in the amount of impervious surfaces from 29% to 25% and the increase of open space from 27% to 29% of the project area, therefore further reducing the potential for stormwater loading.

The 100-year flood plain elevation will be slightly filled within the flood plain fringe area on the eastern side of the project area. There will also be an excavation within

the floodway fringe area for the proposed stormwater management facility. Volume for fill will be greater than the excavation for the stormwater management facility. Even though an increase in the base flood elevation is not anticipated to produce an adverse impact, the Project shall comply with all applicable NYSDEC Flood Plain Development and Floodway requirements. The National Flood Insurance Program also recognizes fill in a flood fringe area as an accepted practice.

The proposed stormwater management facility is presented by the Project Sponsor as being located within the buffer zone area of NYS Wetland CG-20 located east of Muar Street. According to the NYSDEC Fresh Water Wetlands Map, a portion of NYS Wetland CG-20 occupies the eastern portion of the project area. The western edge of NYS Wetland CG-20 was delineated, with the wetland boundary primarily following the edge of water from Lakeshore Drive north to the south of New York State Routes 5 & 20. A wooden bulkhead parallels most of the wetland edge. A drainage channel that follows the slope along Muar Street and connects to a meadow was also identified and delineated on the eastern edge of the project area. Due to its close proximity to NYS Wetland CG-20 (just east), this additional area will likely be considered a “jurisdictional” wetland by the U.S. Army Corps of Engineers.

The Project Sponsor has submitted that there is regulatory precedent to support the siting of the stormwater management facility in a wetland buffer zone area based on prior NYSDEC decisions. Given that this area naturally collects stormwater in an unmanaged fashion, a stormwater management facility will be more effective at controlling and treating stormwater.

8.1.2 Mitigation Measures and Conditions

The following are the mitigation measures and conditions the Project Sponsor shall implement and/or comply with to avoid and/or minimize the Project’s potential significant adverse environmental impacts to water and wetland resources:

- The Project Sponsor shall construct a stormwater management facility on the eastern portion of the project area just east of Muar Street pursuant to

applicable NYSDEC and City of Canandaigua standards. The Project Sponsor proposes that the stormwater management facility be placed in the buffer zone area of NYS Wetland CG-20, subject to NYSDEC review and approval. If NYSDEC does not approve the proposed location of the stormwater management facility, the Project Sponsor shall relocate the stormwater management facility out of the buffer zone area, but still east of Muar Street, and accordingly reduce the size of the proposed commercial building and parking spaces to be located south of the wetland area (as set forth in Revised Alternative G Sketch Plan), in a manner that ensures there is no reduction in the current proposed capacity for public parking.

- The Project Sponsor shall construct a stormwater conveyance system to direct the vast majority of the stormwater generated by the Project to the proposed stormwater management facility.
- The Project Sponsor shall prepare and submit a Stormwater Pollution Prevention Plan to the City of Canandaigua and NYSDEC for review and approval prior to the commencement of any construction phase.
- The Project Sponsor shall implement a Soil Erosion Control Plan as approved by the City of Canandaigua prior to the construction of any phase of the Project. The Soil Erosion Control Plan shall include, at a minimum, the creation of temporary topsoil stockpiles, temporary seeding plans and silt fencing plans designed to mitigate the potential impact of soil erosion to surface water resources to the maximum extent practicable.
- Water quality treatment features including forebays and permanent deep pools shall be incorporated into the design and construction of the proposed stormwater management facility. Any and all potential disturbances to wetland and wetland buffer zone areas shall be completed subject to the review and approval of NYSDEC and the U.S. Army Corps of Engineers (as applicable).

- **8.1.3 Findings**

The Project will largely avoid wetlands and streams with the exception of the proposed construction of a stormwater management facility on .6 acres of the buffer zone area to NYS Wetland CG-20. Location of the stormwater management facility shall be subject to the review and approval of NYSDEC. If it is determined that the location of the stormwater management facility is not permitted by NYSDEC, it shall be re-located out of the buffer zone area, but still located just east of Muar Street, with accompanying reductions in the size of the proposed commercial building and parking lot to be located south of NYS Wetland CG-20 in a manner that ensures there is no reduction in the lot's current projected capacity for public parking.

Notwithstanding the potential impact to the buffer zone area of NYS Wetland CG-20, the Project's benefits in the form of improved stormwater management outweigh the potential adverse environmental impacts the action poses to wetlands and water resources. Thus, the City Council has determined that with the implementation of, and/or compliance with, the mitigation measures and conditions identified above, the Project will not pose a significant potential adverse environmental impact to water and wetland resources.

9.0 VEGETATION AND WILDLIFE

9.1.1 Discussion of potential impacts

The development of the project area will result in a loss of approximately 6 acres of open space and mature trees. The lawn and open space areas in the central and western portions of the project area will be developed and become impervious areas given that these portions of the project area will become commercial uses, parking and roadways. Open space and lawn areas in the eastern portion of the project area will primarily remain open space, with the stormwater management facility proposed to be placed in the buffer zone area adjacent to NYS Wetland CG-20 (or just outside the buffer zone area as discussed in Section 8.0 above).

All trees having a dbh of equal to or greater than 8 inches were field located by the Project Sponsor identified in Figure 4.4.2 of the DEIS. The Project Sponsor further identified eight (8) of these trees that would remain undisturbed after build-out of the Project, with the remaining trees being removed.

The proposed landscaping for the project area includes traditional street trees and planting strips to buffer pedestrians from traffic on the proposed new streets, the stormwater management facility, and a variety of additional open spaces and parks/playgrounds.

According to the NYS Heritage Program and the U.S. Fish and Wildlife Service databases, there is no record of any endangered species or significant habitat in the project area. NYS Heritage Program does identify Canandaigua Lake as a “waterfowl winter concentration area.”

9.1.2 Mitigation Measures and Conditions

The Project Sponsor shall implement the following mitigation measures and conditions to addressing potential impacts to vegetation and wildlife:

- The Project Sponsor will undertake all efforts to minimize or avoid the removal of trees have a dbh of equal to or greater than 8 inches subject to review and approval by the City of Canandaigua. The loss of trees existing within the project area shall be mitigated by the planting of new trees and vegetative buffers subject to the review and approval of the City of Canandaigua. As part of its review process with the City of Canandaigua, the Project Sponsor shall identify all existing trees that will be saved and not impacted by the Project prior to the commencement of any construction phase.
- The Project Sponsor shall implement a proposed landscaping plan subject to the review and approval of the City of Canandaigua serving to mitigate the loss of any existing vegetation to the maximum extent practicable.

- The Project is designed to impact .6 acres of the buffer zone area of NYS Wetland CG-20 for construction of a proposed stormwater management facility. Impacts to the wetland itself shall be mitigated by the facility's water quality features which shall include forebays and a permanent deep pool. If NYSDEC does not approve the location of the stormwater management facility within the buffer zone area of NYS Wetland CG-20, the Project Sponsor shall relocate the stormwater management facility just west of the perimeter of the buffer zone area, thus reducing the size of the proposed commercial building and parking lot located south of NYS Wetland CG-20, but with no reduction in the proposed capacity for public parking.

9.1.3 Findings

The action may result in minor impacts to vegetation including the loss of certain trees and open spaces. The action will not result in significant adverse impacts to wildlife, including any endangered species or significant habitats. The City Council has determined that upon implementation of the mitigation measures and conditions identified above, the action will minimize potential significant adverse environmental impact to vegetation and wildlife to the maximum extent practicable.

10.0 TRAFFIC

10.1.1 Discussion of potential impacts

At full build-out, the Project is anticipated to generate over the existing baseline traffic levels approximately 225 vehicular trips during the weekday evening peak hour and 113 vehicular trips during the Saturday peak above those currently generated by the project area (as highlighted in Table 47.1 of the DEIS). Capacity analysis results and field observations indicate that most intersections within the project area are operating at overall acceptable levels of operation. At the stop-sign controlled Lakeshore Drive intersections at Booth Street and Muar Street, the following movements that may experience longer delays as a result of the Project:

- Southbound Muar Street left turning vehicles at the intersection of Lakeshore Drive are anticipated to experience longer delays under full build-out conditions during the Saturday peak hour. This movement is anticipated to experience increased demand delays with Project development traffic.
- The southbound Booth Street traffic at the Lakeshore Drive intersection is anticipated to experience longer delays under full build-out of the Project.

Overall, no significant degradation of operations is anticipated as a direct impact of the full build-out of the Project. With the implementation of the mitigation measures listed below, overall acceptable intersection operations will be experienced.

Pursuant to its March 12, 2010 correspondence, the New York State Department of Transportation (“DOT”) agrees that, at full build-out, the Project should not significantly impact Routes 5 & 20 or its approaches. Attached and incorporated hereto as Attachment “A” is DOT’s March 12, 2010 correspondence. DOT did state, however, that during Saturday peak periods, trips generated from the Project may impact Routes 5 & 20 and its intersections with Booth Street and Muar Street. It is acknowledged that these impacts will likely occur during the summer months in the early afternoon hours. DOT has stated that since these impacts are anticipated only to occur 1 day a week (Saturday) for the summer months, changes in intersection geometry and traffic signal phasing may not be warranted, if it is determined that the negative impacts during off peak periods associated with such changes would outweigh the positive impacts for the summer Saturday peak.

10.1.2 Mitigation Measures and Conditions

The following traffic improvements shall be implemented as measures and conditions to minimize and/or avoid potential adverse impacts the Project may have on existing traffic conditions:

New York State Routes 5 & 20 at Booth Street

- Add permissive/protected left turn phasing for the Routes 5 & 20 approaches.
- Add eastbound right turn overlap traffic signal phasing.
- Add permissive/protected left turn phasing for the northbound Booth Street approach.
- Make minor traffic signal timing adjustments to accommodate future traffic as needed.
- Re-stripe the Booth Street northbound approach to reflect exclusive left turn lane and a shared through/right turn lane.

New York State Routes 5 & 20 at Muar Street

- Add a right turn overlap phase for northbound and southbound Muar Street approaches.
- Make traffic signal timing adjustments necessary to address future traffic conditions.

Lakeshore Drive at Booth Street

- Provide high visibility pedestrian crossings at intersection to tie in with Kershaw Park pedestrian/trail system.
- Maximize use of the medians along Lakeshore Drive to provide pedestrian refuge islands.

Lakeshore Drive at Muar Street

- Provide high visibility pedestrian crossings at intersection to tie in with Kershaw Park pedestrian/trail system.

- Monitor and reevaluate intersection operations prior to full build-out of Project.

All traffic route and signal improvements for the Project shall be completed subject to the review and approval of DOT and the City of Canandaigua. All modifications to the existing Parkway Plaza access points or construction of new access points and dedicated internal roadways shall be completed in conformance with the applicable City of Canandaigua and DOT standards, and subject to their respective reviews and approvals. Lastly, all traffic route and signal improvements subject to the review and approval of DOT and the City of Canandaigua shall consider elements specifically designed to enhance and/or improve bicycle traffic.

With respect to pedestrian traffic generated by the Project, the following mitigation measures shall be implemented by the Project Sponsor:

- All new roads within the development will be constructed to have sidewalks in conformance with City of Canandaigua standards.
- Links to external sidewalk systems and trails in Kershaw Park will be provided to the Project.
- New development and roadway systems shall provide direct access to Parkway Plaza from Lakeshore Drive and the Canandaigua Lakefront.
- Crosswalk locations shall be made available at all the intersections along Lakeshore Drive.
- Mid-block crossing locations shall also be maintained or improved as a result of the reduction in driveways on the north side of Lakeshore Drive.

10.1.3 Findings

The City Council has determined that the implementation of the measures and conditions identified above shall minimize and/or avoid potential significant adverse impacts the Project may have on existing traffic conditions to the maximum extent

practicable. In addition, the Project and its new roadway system will further enhance and improve existing traffic conditions, which will minimize vehicular accident occurrences at Parkway Plaza access points; provide added intersection capacity at the signalized intersections with New York State Routes 5 & 20; and provide an enhanced traffic grid system which will better distribute traffic during peak summer months.

11.0 VISUAL SETTING AND AESTHETIC RESOURCES

11.1.1 Discussion of potential impacts

The overall architectural character of the Project is designed to rejuvenate the lakefront district by emulating the nature of the existing Canandaigua Main Street architecture, while simultaneously taking advantage of the northern lakefront location. By both preserving and enhancing the viewsheds between surrounding properties and within the project area, the Project enhances the aesthetic resources and visual setting of the lakefront.

The potential impact to visual setting and aesthetic resources associated with the Project is significant due to the change in the density of use that currently exists at the project area. Low level, single-story buildings are primarily located throughout the project area. The area has currently low density usage, and a majority of the buildings located within the project area are vacant and abandoned.

The Project proposes to increase significantly the density of the usage of the project area, as well as proposes the construction of buildings at a maximum height of 60 feet. With the Project, Lakeshore Drive is activated through the placement of mixed-use residential buildings with retail located on ground floors. The Project Sponsor proposes that the character of these buildings be in accordance with the existing City of Canandaigua Main Street architecture including wider sidewalks to provide ample pedestrian movement and ground floor retail possibilities. The Project Sponsor proposes that the streetscape and landscape shall follow, but improve and enhance, the character of the existing Kershaw Park elements while promoting the street character of Lakeshore Drive.

The Project has been designed so that no current adjacent viewsheds are lost after full build-out. Canandaigua Lake will continue to be visible from North Main Street, while Parkway Plaza will remain blocking views of the lake from Routes 5 & 20. The proposed buildings are oriented to frame the public plaza and open spaces to be constructed along Lakeshore Drive, and shall be set back from Lakeshore Drive giving ample room for pedestrian traffic and activity. The Project Sponsor has varied the scale of the street frontage in a manner that is consistent with a pedestrian (and therefore) urban environment. When breaks in buildings are necessary to break up the scale of the frontage, as well as properly phase the Project, garden walls, trellises and landscaping will be installed so as not to create a disjointed frontage. Street trees and landscaping shall be implemented along the Lakeshore Drive frontage of the Project to ensure that the Project is consistent with the aesthetic feel and visual impact of Kershaw Park.

11.1.2 Mitigation Measures and Conditions

The following measures and conditions shall be implemented and/or complied with by the Project Sponsor to mitigate the potential adverse impacts on the visual setting and aesthetic resources of the area to the maximum extent practicable:

- The number of construction phases shall be reduced to 6, with a target completion date of full build-out for the Project of 7 years.
- A temporary topsoil berm will be placed north of the east/west road that will serve to block the back of the Parkway Plaza during construction phases to reduce potential temporary visual impacts subject to the review and approval of the City of Canandaigua.
- All building heights for the Project shall be kept at or below the 60-foot maximum height set forth in the PUD Ordinance.
- The architectural design of the Project phases shall complement and be consistent with the traditional City of Canandaigua Main Street vernacular. All specific architectural elements of the Project, including

but not limited to building materials and color schemes, shall be subject to City of Canandaigua review and approval.

- All buildings along Lakeshore Drive shall be aligned and set back to maintain the viewshed of Canandaigua Lake along Lakeshore Drive and Kershaw Park.
- All existing viewsheds are to be enhanced by providing streetscape and sidewalks on proposed streets, subject to the review and approval of the City of Canandaigua.

11.1.3 Findings

The City Council has determined that the implementation of the measures and conditions identified above shall mitigate to the maximum extent practicable potential adverse impacts the Project may have on the existing visual setting and aesthetic resources.

12.0 UTILITIES AND ENERGY USE

12.1.1 Discussion of potential impacts

The potential energy usage generated by the Project will be in proportion to the square footage of building spaces created. The exact amount of kwh/therm to be used will be a function of the construction detailing.

The estimated water usage for the parcels within the project area is approximately 106,900 gallons per day. The estimated wastewater flows are approximately equal to the water usage.

The Project will involve the construction of new utilities along the proposed streets including a new water main, sanitary sewer line, stormwater conduits and catch basins, electric, gas, cable and telephone. Some of the benefits of the proposed utility improvements include: (1) improvement to the water main creating a loop system which will help maintain pressure and allow for alternate routing during periods of maintenance;

(2) replacement of a sanitary sewer line that has had historical maintenance issues including numerous grease blockages; and (3) upgrades to the pump station and force main which will provide for a more energy efficient and greater capacity benefit.

12.1.2 Mitigation Measures and Conditions

The following measures shall be implemented to mitigate the Project's potential impacts to utilities and energy use: (1) daylight sensors and timers will be used on outdoor lighting for residential buildings; (2) water-conserving fixtures will be placed within all buildings with appropriate flush/flow rates determined by the plumbing engineer; and (3) Energy Star appliances and light fixtures will be used throughout the Project.

12.1.3 Findings

Upon implementation of the mitigation measures identified above, the City Council has determined that the Project will not result in a significant adverse impact to utilities and energy usage.

13.0 NOISE

13.1.1 Discussion of potential impacts

The project area is located along a commercial strip of property on the north side of Lakeshore Drive which runs along the northern shores of Canandaigua Lake. During the construction period of the Project, associated construction noise levels will be generated on a temporary basis. However, post-construction noise levels are not expected to be notably different from those currently existing at the project area. Noise will potentially come from vehicular traffic, delivery trucks, HVAC units, and parking lot maintenance (sweeping and snow removal). The largest potential noise generator in the Project vicinity is vehicular traffic along adjacent roadways including Routes 5 & 20 and Lakeshore Drive.

The Project will generate comparable noise levels at the Project boundaries given that vehicular traffic to and from the project area will be the most notable noise generator.

The Project will not contain any uses considered to be a significant “noise generator” such as a manufacturing facility, outdoor stadium, etc.

13.1.2 Mitigation Measures and Conditions

The proposed building facades shall serve as effective barriers in locations where they shield parking lots and access roads. Therefore, noise berms will not be needed for the Project and, given that no adverse noise impacts are anticipated, no additional mitigation measures are required.

Construction-related noise will be temporary in nature and will be completed in accordance with the City of Canandaigua ordinances and regulations regarding the limits on construction activities.

13.1.3 Findings

The Project will not result in any potential significant adverse impacts to existing noise levels.

14.0 MUNICIPAL SERVICES

14.1.1 Discussion of potential impacts

The Project may have potential impacts on municipal services including fire and police protection, ambulance, the City Court system, waste collection and schools. There are no potential significant adverse impacts on community services anticipated since the projected tax revenues to be produced by the Project will significantly offset any increased expenses.

All the buildings constructed within the project area will be completed in accordance with the New York State Building Code. Each building will have a fire suppression system that includes sprinklers within the units. Sprinkler heads will also be placed outside on any balconies. All buildings will contain fire and smoke detectors and alarms and all residential units will have stove fire stoppers installed above the unit

ranges. As a result, there is no anticipated significant adverse impact to the level of fire protection services to be provided within the City of Canandaigua.

The apartment complexes will have experienced management companies with criminal and financial background check procedures. The retail space may result in a small increase for police service due to both the communal nature of the plaza, as well as to responding to possible incidents of shoplifting. The increased volume of traffic in the area is not expected to increase vehicular accidents as the new traffic grid proposed for the Project will help alleviate current traffic control issues.

It is anticipated that there may be a slight increase in ambulance calls to the project area. The residential units will create approximately 773 new residents to the area. It is likely that more volunteers will be needed to handle the potential increase in volume of services. Nevertheless, the Project is not anticipated to have a significant adverse impact on either the City Court system or the collection of waste in the City of Canandaigua. Because all of the residential buildings contain either 1 bedroom or 2 bedroom units, the unit size and price range of the units will likely attract seniors or young professionals, and not families with children. For these reasons, the Project is expected to have a minimum impact on school enrollment.

14.1.2 Mitigation Measures and Conditions

There are no mitigation measures and conditions suggested for impacts to community services.

14.1.3 Findings

The Project will not result in a significant adverse impact to community services. The projected tax revenues generated by the Project will greatly exceed any potential costs associated with increased services demands created by the Project.

15.0 COMMUNITY CHARACTER AND LIGHTING

15.1.1 Discussion of potential impacts

One of the Project's objectives is to enhance the existing community character of the neighborhood surrounding the project area. Vacant buildings and underutilized parcels within the Project area have a blighting impact on the neighborhood and the northern waterfront of Canandaigua Lake. The Project Sponsor proposes to demolish the abandoned buildings and reuse the land for more appropriate density uses consistent with the requirements of the PUD Ordinance.

The Project will replace overgrown vegetation with planned landscaped areas. In place of the underutilized land and vacant buildings, a new community of townhomes, rental apartments and mixed use commercial buildings will be constructed complemented by landscaped open spaces and recreational areas. The proposed townhomes will complement the existing Roseland Park neighborhood and will attract households with a similar range of incomes. The inclusion of townhomes and apartment complexes will create a diverse residential community.

The Project is intended to spur development within both the northern lakefront and downtown areas of Canandaigua consistent with the objectives and the requirements of the City of Canandaigua's Comprehensive Plan. All buildings on the proposed plan are focused onto newly proposed streets and open spaces that are to be constructed as part of the development. Buildings will be oriented to these internal streets and open spaces in an effort to treat these new spaces not only as thoroughfares for moving vehicles, but places which will attract people and pedestrians. Buildings are, therefore, pulled forward to frame these spaces rather than set back in a more conventional suburban arrangement.

The Project will have a significant change in the current land density usage that exists on the project area. At this time, the majority of the project area site is vacant with abandoned buildings and commercial structures. The project will add 184,300 square feet of mixed use commercial space and 332 residential units with 29% of the site

remaining as open green space in the form of parks, playgrounds and recreational areas. 2.08 acres of new parks and playgrounds will be constructed at full build-out.

An objective of the PUD Ordinance is to increase density in the City of Canandaigua waterfront areas that are being under-utilized. The Projected building coverage at full build-out is 21.4%, below the average of most mid-sized downtown districts which have coverages of 30 percent and floor ratios of 60 percent.

The Project will entail a modern spin on traditional architecture in the City of Canandaigua and will tie Main Street to the northern lakefront area. The architectural character of the City of Canandaigua's Main Street will be used by the Project in order to integrate the northern lakefront with Main Street forming one integrated community rather than separate districts. The architectural character of the buildings will be designed to resemble multiple attached buildings instead of one large building. Pedestrian and vehicle views along Lakeshore Drive will be maintained by matching the style of street lighting and landscaping to that which currently exists along Kershaw Park.

Design of the Project will be so that views of Canandaigua Lake are not blocked. Generally, view corridors through the development sites of the park and lakefront remain by placing the buildings in a north/south direction rather than an east/west direction that would block views of Canandaigua Lake. The largest building designed within the project area will have a maximum height of 60 feet to ensure that the buildings do not overwhelm the lakefront and are consistent with the requirements of the PUD Ordinance.

Exterior lights within the project area will have a minimum adverse impact on the site and a lighting plan will be submitted to the City of Canandaigua for approval with the site plan review of each phase. It will include the type, height, intensity and location of lights. The lighting design shall be consistent with the existing lights that are currently located along Lakeshore Drive.

15.1.2 Mitigation Measures and Conditions

The following mitigation measures and conditions shall be implemented and complied with by the Project Sponsor to ensure that the character and lighting proposed

for the Project are consistent with the City of Canandaigua Comprehensive Plan and the current aesthetic nature of the City of Canandaigua Main Street and Kershaw Park:

- Landscaping and lighting elements of the Project shall be consistent with the current style and components that exist along Lakeshore Drive and shall be subject to the review and approval of the City of Canandaigua prior to the commencement of any construction phase.
- The architectural aspect of the Project shall be completed in a character consistent with the Main Street area of the City of Canandaigua.
- The construction of the buildings in the project area shall be completed in a fashion that maintains viewsheds of Canandaigua Lake from the Project site area to the maximum extent practicable. The largest building that will be permitted to be constructed within the project area will not exceed the maximum height of 60 feet as set forth in the PUD Ordinance.
- Exterior lighting fixtures used for the Project shall provide down-lighting, energy efficient light bulbs, and daylight sensors and/or timers. All efforts will be utilized to prevent unwanted glare into neighboring buildings and natural areas, and to limit the disturbance of the night sky to the maximum extent practicable.

15.1.3 Findings

The Project may result in impacts to the existing community character. The City Council has determined, however, that the implementation of the mitigations and conditions identified above shall minimize and/or avoid potential significant adverse impacts of the Project on the area's existing character and lighting aesthetic to the maximum extent practicable.

16.0 PARKS AND RECREATION

16.1.1 Discussion of potential impacts

The Project will increase the number of residents in the area that will take advantage of existing park and recreational facilities located along the northern waterfront of Canandaigua Lake. It is anticipated that future residents of the project area will become regular users of Kershaw Park, the nearby trail systems, Canandaigua Lake and other attractions within the waterfront area.

In return, some of the amenities the Project will make available to the Canandaigua Lake visitors include: (1) additional 103 on-street public parking spaces; (2) additional 86 on-street public parking spaces along the new north/south roads; (3) additional 17 on-street public parking spaces along Lakeshore Drive; (4) and the elimination of the current commercial aesthetic to be replaced by potential year-round shopping, dining and other outdoor activities.

16.1.2 Mitigation Measures and Conditions

In order to mitigate the potential increased use of Kershaw Park and other parks and recreational facilities, the Project Sponsor shall provide an open space and park/playground framework (as set forth in the Revised Alternative G Sketch Plan) that provides additional recreational opportunities. The Project includes 5.41 acres of green spaces, plazas and other open recreational areas. These open space areas will work in conjunction with Kershaw Park and include several internal neighborhood spaces including a large retail-oriented plaza courtyard with views toward Canandaigua Lake. Smaller pocket parks and plazas shall also be located at various spots within the project area and throughout the phased development. A main courtyard across from Kershaw Park shall be included in Phase I of the Project's development. An open space fountain area across from Kershaw Park will be constructed in Phase II, and a residential playground area included in Phase III. Lastly, a large east-to-west oriented green space and public pedestrian muse leading to Kershaw Park shall be included in Phase IV of the construction phase. Each phase containing a residential use will have a recreational area,

and therefore, the future residents of the Project will not overtax the existing Kershaw Park.

For the life of the Project, all parks and other recreational areas constructed within the project area shall be privately owned and maintained, but never operated in a manner that restricts future public use. Open spaces, including parks and other recreational areas, completed as part of the Project shall be made available to future users of the Project and maintained by a homeowners' association/common ownership entity.

16.1.3 Findings

The Project, as set forth in Revised Alternative G Sketch Plan, retains 5.4 acres of open space and park/playground areas to serve both the future residents of the Project, as well as visitors to Kershaw Park and the northern lakefront. The 5.4 acres of open spaces and parks/playgrounds shall be completed to ensure that the Project's future residents will not overwhelm Kershaw Park. Each phase shall have significant open space for use by future residents. Thus, the City Council has determined that upon implementation of the mitigation measures and conditions identified above, the Project's potential significant adverse impacts to Kershaw Park, and other recreational and park facilities currently located within the Canandaigua Lake waterfront, shall be minimized or avoided to the maximum extent practicable.

17.0 ARCHEOLOGICAL AND ENVIRONMENTAL SITE CONDITIONS

17.1.1 Discussion of potential impacts

A Phase 1 Cultural Resource Investigation was conducted by the Rochester Museum and Science Center which found that no intact cultural bearing soils were located within the project area. The report concluded that there was significant documented soil disturbance throughout the project area. At this time, there are no known historical or cultural resources that have been determined to exist within the project area.

The New York State Office of Parks, Recreation and Historic Preservation (“OPRHP”) issued a letter on December 23, 2009 recommending that the Project Sponsor’s consulting archeologists review the final constructions plans to determine where depth of construction will exceed depth of fill. In these areas, OPRHP states that additional archeological testing will be required to look for Native American burials. No additional archeological testing is required for those areas where depth of construction will not exceed depth of fill. OPRHP recommended undertaking the additional archeological investigations prior to construction in light of the presence of Native American burials adjacent to the project area suggesting that the area in general was a special interest to Native inhabitants.

It is anticipated that during the construction of the Project, areas within the project area may be determined to be contaminated as a result of either the existing contamination that exists at Parkway Plaza and/or the historical use of portions of the project area as a municipal landfill. It is the Project Sponsor’s intention, as part of the development of the Project, that those areas discovered to be contaminated shall be addressed by the Project Sponsor pursuant to the New York State Brownfield Cleanup Program. Thus, the development of the Project will act as a positive benefit to the community in that it will address potential existing contamination impacts associated with the project area.

The Project Sponsor has indicated that Parkway Plaza Limited Partnership, the owner of Parkway Plaza, is currently participating in the New York State Volunteer Cleanup Program to address impacts associated with the former Parkway Cleaners tenancy. To date, remediation of the former Parkway Cleaners facility has included the excavation and removal of soil impacted with chlorinated solvents discharged during historical dry cleaning operations; installation of vapor mitigation systems within selected buildings at the Parkway Plaza; and the ongoing treatment of groundwater. In addition to these remedial efforts, a Site Management Plan addressing future conditions at the former Parkway Cleaners site has been prepared and submitted to the New York State Department of Environmental Conservation (“NYSDEC”). At this time, it appears that any impact of the Parkway Cleaner facility in the project area would be limited to a minor

encroachment of the groundwater plume. Since the portion of the project area potentially impacted by the groundwater plume is designated to be used for parking, the risk of vapor intrusion hazards in future buildings located within the project area is minimum. If necessary, however, soil vapor intrusion mitigation measures shall be incorporated into the design of all future on-site buildings.

Based on preliminary information provided to the Project Sponsor in a 2007 Phase I Environmental Assessment Report prepared by Day Environmental, the primary concerns associated with Phase I of the Project pertain to a historical gasoline station located in the area of the proposed open space plaza and the possible presence of historical above-ground residential oil tanks. The primary concerns associated with Phase II of the Project include the possibility of impacts from an off-site Hess gasoline station and the possibility that underground storage tanks from a former service station at that location may have encroached onto the project area. The primary concern with Phase III is the possibility of historical fill placement in the vicinity of the proposed townhouses and possible impacts from a historic gas station and dry cleaner store within the vicinity of the mixed use buildings along Lakeshore Drive. The primary concern with the environmental condition of the property with respect to Phase IV of the Project pertains to possible impacts from the former Parkway Plaza Dry Cleaners located to the north of the project area. The only potential environmental concern identified with respect to Phase IV of the development plan is the possibility of unidentified artificial fill from unspecified sources.

At this juncture, the actual scope and location of contamination within the project area has not yet been determined. It is the Project Sponsor's intention to conduct further environmental investigations of the project area as the construction's phases proceed. The need for any actual remedial actions to address potential suspected environmental concerns have not yet been identified by the Project Sponsor. Additional investigation will be completed in conjunction with future design activity to determine the need for remediation, and to select the appropriate remedial alternatives for each phase, if any. It is the Project Sponsor's opinion that regardless of the unknown nature of such potential

environmental impacts, any such concerns can be addressed within the previously discussed cost ranges for the Project.

The primary concern of the City Council is what impact, if any, the future discovery of impacted environmental conditions of the project area may have on the timing, scale, and configuration of the Project. In order to address a worst-case scenario associated with the future discovery of contamination, to the extent that such future impacts significantly change the configuration of the Project's future development plans, a new sketch plan/site plan and supplemental SEQRA analysis may be required for the Project.

17.1.2 Mitigation Measures and Conditions

With respect to the archeological conditions of the project area, the City Council requires as a mitigation measure that the Project Sponsor comply with the requirements set forth by OPHRP in its December 23, 2009 correspondence to Conifer Realty, LLC regarding the future need for archeological testing during construction phases. A copy of the December 23, 2009 correspondence is attached and incorporated hereto as Attachment "B." There are no additional mitigation measures or conditions required with respect to potential archeological impacts beyond what is set forth by OPRHP in its December 23rd correspondence.

With respect to the environmental condition of the project area, the City Council has determined that the following mitigation measures and conditions shall be implemented and complied with by the Project Sponsor:

- All future measures undertaken by the Project Sponsor to address environmental conditions at the project area shall be done in conformance with the requirements of the NYSDEC and NYSDOH.
- If it is determined that remedial solutions and actions are needed to address certain environmental conditions of the project area, the Project Sponsor shall undertake a review with the NYSDEC and NYSDOH for the approval of implementing, at a minimum, the following remedial

actions: soil vapor intrusion mitigation systems; containment cap systems; groundwater remediation; and/or the removal or replacement of contaminated soils (as applicable).

- Prior to the commencement of construction of any phase of the Project where it is determined that remedial actions are necessary to address contamination at the project area, the Project Sponsor shall post a performance bond or letter of credit with the City of Canandaigua as the sole named beneficiary in an amount to cover the projected cost of remediation as approved by the City Council.
- If it is determined that as a result of the discovery of an environmental condition at the project area, that the Project's future development plans shall be significantly revised to re-locate buildings, infrastructure, roads, parks and/or open spaces, the Project Sponsor shall submit a revised sketch plan or site plan to the City Council for review and approval, to the extent that such revisions trigger a new sketch plan or site plan review pursuant to the PUD Ordinance. It shall be further determined at the time the City Council considers the new plan as to whether a supplemental review pursuant to SEQRA is necessary.

17.1.3 Findings

The City Council has determined that upon implementation of the mitigation measures and conditions identified above, the Project will not have a significant adverse impact on archeological and environmental site conditions of the project area. To the contrary, with respect to the environmental site condition, the Project will act as a positive benefit to the community in addressing known and potential impacts of contamination that exist within the project area.

18.0 MUNICIPAL FISCAL RESOURCES

18.1.1 Discussion of potential impacts

A revenue and expense analysis was completed by the Project Sponsor to ensure that the City of Canandaigua could support the Project's additional residents and businesses. The total annual expense increases for the City due to the Project are estimated at approximately \$325,000, while revenue is estimated at \$841,387. This results in a net increase in City revenue of over \$510,000.

Upon full build-out, the total annual tax revenues estimated to be created by the Project is over \$2.5 million (based on 2010 City rate (6.79), 2009-2010 school rate (1.90) and 2009 and 2010 county rate (6.78)). Of the \$2.5 million projected increase, \$534,266.31 would be annually allocated to the City of Canandaigua. In addition, the City would see increased revenue from water and sewer fees imposed on the Project, with an estimated net increased revenue from these fees at \$145,493. The Project will further produce certain one time income increases to the City in the form of building permits fees for the Project. Building permit fees for the total construction of the Project is estimated at \$63,210.

The City will incur expenses as a result of the Project in comparison to the revenue generated. While the FEIS indicated that the potential need for additional firefighters and police officers would be affected by a number of factors and, therefore, remained uncertain, the FEIS also acknowledged that it would be reasonable to assume some increase in demand for the services as a consequence of the Project. In a worst-case scenario, where two (2) new firefighters and two (2) new police officers were needed to serve the area, the City's personnel costs could increase by more than \$250,000. In addition, total waste collection charges to the City as a result of the increased number of residents at the project area are estimated to be \$58,682.

The addition of streets will also add to the City of Canandaigua's snow and ice control budget. At full build-out, the Project is estimated to increase the City's annual snow removal expenses by \$14,622.

The additional expense and charges associated with the Project, however, are greatly outweighed by the projected \$575,886.41 of annual tax revenues and \$145,493 in annual water and sewer fees the Project will generate specifically for the City of Canandaigua.

18.1.2 Mitigation Measures and Conditions

There are no applicable mitigation measures and conditions regarding community fiscal resources.

18.1.3 Findings

The estimated increase in annual tax revenues created by the Project of \$2.5 million significantly outweighs the projected increased costs and expenses to the City of Canandaigua associated with police and fire protection, snow removal, and waste collection. Thus, the City Council determines that the Project will not present a significant potential adverse impact to existing community fiscal resources.

19.0 PARKING

19.1.1 Discussion of potential impacts

The parking plan has been designed to meet the requirements set forth in Section 850-50(A)(14) of the City of Canandaigua Zoning Ordinance, which states that 3 spaces per 1,000 square feet of retail and 1.5 spaces per residential unit are required. There will be a total of 1,350 parking spaces located within the project area. 545 of these spaces will be provided for off-street parking; 139 of the spaces provided for on-street parking; 90 spaces for office; and 576 spaces provided for future residential users of the Project which will include residential garage and tandem spaces. Of the parking spaces to be provided by the Project, 17 parking spaces will be added to the existing 33 spaces along Lakeshore Drive. The proposed parking plan will also create 103 new on-street parking spaces for public use during major public events and busy summer weekends.

A parking lot with complete public access will be constructed behind one of the mixed-use buildings creating 185 parking spaces. There will be an additional 39 parking

spaces located at the proposed wellness center which provides another possible overflow parking lot that does not exist today.

19.1.2 Mitigation Measures and Conditions

The City Council has determined that specific mitigation measures shall be implemented by the Project Sponsor to ensure that designated parking is made available to the public. Parking shall be privately owned and maintained. All parking will be made available to public users except for spaces designated as exclusive for future, private residential purposes. With the exception noted above, no remaining parking spaces located within the project area shall be limited (by signage or otherwise) to prevent public parking.

19.1.3 Findings

The City Council has determined that upon implementation of the mitigation measures and conditions identified above, the Project shall minimize and/or avoid potential significant adverse impacts on existing parking located within the northern waterfront area of Canandaigua Lake to the maximum extent practicable.

20.0 FUTURE INFRASTRUCTURE COSTS

20.1.1 Discussion of potential impacts

The Project assumes a requirement for investment in public and private infrastructure upgrades and investments needed for the project area. The Project Sponsor has indicated in its opinion that the Project will not be feasible in the absence of public funding for infrastructure and site preparation improvements including the relocation of sanitary sewers; a new force main; construction of new public streets and water distribution mains; and the relocation of electric and gas utilities. The Project Sponsor has provided a pre-schematic opinion of the probable costs of these improvements of \$18,890,350.

The Project Sponsor has further indicated that they find it essential that all sanitary storm and sewer improvements be completed prior to Phase I of the Project due

to the current system's inability to sustain the Project. As a result, the remaining items such as roadways, sidewalks, demolition, parking, etc. may be phased in coordination with each PUD phase site plan review.

The Project Sponsor has further indicated that it is committed to seek out state and federal funds to finance the costs of the infrastructure that would be ultimately dedicated to the City of Canandaigua. Any and all improvements to infrastructure would be in conformity with the City of Canandaigua's specifications and the following would be proposed for dedication: the stormwater management facility; the four (4) new roads; and parking spaces along those roads.

20.1.2 Mitigation Measures and Conditions

The City Council has determined that the following mitigation measures and conditions shall be implemented to ensure that the funding of the infrastructure and site preparation needs for the Project do not adversely impact the current funding and infrastructure needs of the City of Canandaigua:

1. The initial phase of the Project shall include all roads, sidewalks, public utilities and stormwater management facilities necessary for the Project unless otherwise approved by the City Council.
2. All rights-of-ways (excluding private streets identified in Figure 26 of the FEIS) and facilities shall be constructed to the City of Canandaigua's specifications and dedicated to the City upon inspection and acceptance.
3. The City shall not expend any monies from its General, Water or Sewer Funds for the private infrastructure of this Project (excluding any planned upgrades to the City of Canandaigua's pump station located within the project area), unless such funds are offset by revenues from federal and state agencies or other non-local tax sources of funding that are specifically designated for the Project.

20.1.3 Findings

The initial phase of this Project shall include the design and construction of all infrastructure necessary for the Project, and all rights of ways and facilities shall be constructed pursuant to the City of Canandaigua's specifications and dedicated to the City upon inspection and acceptance. The City of Canandaigua shall not expend any monies from its General, Water or Sewer funds for the public infrastructure needs of this Project (excluding the planned upgrades to the pump station) unless such funds are offset by revenues from outside agencies that are specifically designated for this Project.

Thus, so long as the mitigation measures and conditions identified above are implemented and complied with by the Project Sponsor, the potential costs associated with the construction and implementation of the Project's infrastructure shall not constitute a significant adverse impact.

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