

# **FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE CANANDAIGUA LAKEFRONT PLANNED UNIT DEVELOPMENT**

**Project Location:**

Northern shore of Canandaigua Lake  
NYS 5/US 20 and  
Lakeshore Drive

**Lead Agency:**

Canandaigua City Council  
2 North Main Street  
Canandaigua, NY 14424

**Project Sponsor:**

David Genecco and  
Parkway Plaza Limited Partnership  
183 East Main Street  
Suite 600  
Rochester, NY 14604

**Project Sponsor's Consultant:**

Stantec Consulting Services, Inc.  
2250 Brighton-Henrietta Town Line Road  
Rochester, NY 14623-2706

**Project Sponsor's Planner:**

Barton Partners, Inc.  
700 East Main Street  
Third Floor  
Norristown, PA 19401-4102

**Prepared: May 13, 2010 (revised May 23, 2010)**

**Filed: \_\_\_\_\_, 2010**

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## 1.0 INTRODUCTION

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This Final Environmental Impact Statement (“FEIS”) has been prepared for the proposed Canandaigua Lakefront Redevelopment Project (the “Project”) which is to be located along the north shore of Canandaigua Lake at the NYS 5/US 20 and Lakeshore Drive location. The Project Sponsor is David Genecco and the Parkway Plaza Limited Partnership (hereinafter referred to as the “Applicant”). The Canandaigua City Council is Lead Agency for the review of the Project pursuant to the New York State Environmental Quality Review Act, as set forth in Article 8 of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617 (collectively referred to as “SEQRA”).

On August 20, 2009, the City Council, as Lead Agency, accepted a Draft Environmental Impact Statement (“DEIS”) for the Project. The DEIS is incorporated by reference to this FEIS, with the exception of those revisions made to specific sections of the DEIS as identified in Section 2.0 below.

One purpose of the FEIS is to provide a Responsiveness Summary to all of the written comments received by the Lead Agency during the public comment period conducted for the DEIS, which extended from August 20, 2009 through October 20, 2009, as well as the verbal comments that were received at the public hearing for the DEIS held on October 1, 2009. Notes from the public hearing and copies of the written comments received from the public and involved and interested agencies are provided hereto in Appendix A.

The goal of the Responsiveness Summary contained in this FEIS is to address each comment as extensively and specifically as possible, given the information developed during the DEIS review process. In addition to providing a Responsiveness Summary of the comments received on the DEIS, this FEIS also sets forth an analysis of the Revised Alternative G Sketch Plan (“Alternative G”) that grew out of the City Council’s December 17, 2009 sketch plan approval of the Project pursuant to the Article XII of the City of Canandaigua Code (otherwise known as the Planned Unit Development or “PUD” Ordinance) and the public review and comment period for the DEIS.

Alternative G was approved as part of the City Council’s sketch plan review process set forth in Section 850-14 of the PUD Ordinance. As part of that review process, the City Council determined that Alternative G met the criteria set forth in Section 850-14(D), with the express reservation and condition that such approval was subject to the completion of this FEIS; the issuance of a findings statement by the City Council pursuant to 6 N.Y.C.R.R. § 617.11 of the SEQRA regulations; and that all future modifications and/or mitigation measures adopted by the City Council pursuant to such further SEQRA review shall constitute additional conditions of the December 17, 2009 sketch plan approval for Alternative G. Thus, Section 2.0 of this FEIS provides a further impact assessment of Alternative G; a discussion of its benefits and any potential significant adverse environmental impacts; and a review of a proposed measure which avoids or mitigates such impacts to the maximum extent practicable.

### SEQRA Timeline

The following represents a timeline of the SEQRA and zoning steps taken to date by the Lead Agency:

1. In April 2008, the Applicant submitted an application for sketch plan approval and a PUD zoning designation for the Project.
2. The City Council, after obtaining additional information, deemed the submission to be complete and initiated the SEQRA review process for the Project by declaring itself Lead Agency.
3. On October 2, 2008, the City Council issued a Positive Declaration pursuant to SEQRA requiring the preparation of an environmental impact statement for the Project.
4. On November 6, 2008, the City Manager issued a Coordinated Staff Review of the Project.
5. On December 11, 2008, the City Council conducted a public hearing for the purpose of considering the PUD district designation for the area in accordance with the PUD

Ordinance, and for the purpose of obtaining public input regarding sketch plan approval or disapproval for the Project.

6. On August 20, 2009, the City Council issued a Notice of Completion of a Draft Environmental Impact Statement (“DEIS”) as prepared by the Applicant, and thereafter conducted a public comment period from August 20, 2009 through October 20, 2009 and a public hearing on October 1, 2009 for the DEIS and the sketch plan proposal pursuant to SEQRA and Section 850-124(C)(1) of the PUD Ordinance.
7. The City Council then referred the sketch plan to the City Planning Commission for review.
8. On November 10, 2009, the City of Canandaigua Planning Commission issued a report for the Project.
9. 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 State General Municipal Law.
10. The City Manager submitted a report based on coordinated staff review of the Project. Pursuant to Section 850-124(C)(2) of the PUD Ordinance, the City Council was required to act on the sketch plan proposal (as revised and amended by the Applicant) within 60 days of the October 1, 2009, which requisite time period was extended by consent of the Applicant to December 17, 2009.
11. The City Council voted on December 17, 2009 to accept Alternative G with specific conditions. A copy of the official resolution is attached hereto as Appendix B. A description and analysis of Alternative G is also presented in Section 2.0 of this FEIS.

#### Remaining SEQRA Steps

The following is a timeline of the remaining SEQRA steps to be completed by the Lead Agency:

1. Following the close of the comment period for the DEIS, all comments received in writing and at the public hearing were reviewed, summarized, and addressed in this FEIS. A further impact assessment of Alternative G is also provided in this FEIS.
2. Once deemed completed by the City Council, copies of the FEIS will be distributed to all involved agencies, made available at the public repositories, and a Notice of Completion of the FEIS will be published in NYSDEC’s Environmental Notice Bulletin.
3. Following a ten-day period after publication of the Notice of Completion for the FEIS, a Statement of Findings in accordance with SEQRA shall be issued and filed by the City Council within thirty (30) days after the filing of this FEIS. The issuance of the Statement of Findings shall conclude the SEQRA review of the Project.

### **1.1. List of Written Comments Received**

Written comments on the DEIS were received from the following agencies/organizations and individuals:

<b>Table 1 – List of Written Comments Received</b>
Labella Associates P.C. 300 State Street, Suite 201 Rochester, NY 14614 (undated memo to Rick Brown, City of Canandaigua)
NYS Department of Environmental Conservation Thomas P. Haley, Environmental Analyst Division of Environmental Permits 6274 east Avon-Lima Road Avon NY 14414 (October 6, 2009)
NYS Department of Transportation Robert A. Traver, P.E. Acting Regional Director Region 4 1530 Jefferson Road Rochester, NY 14623-3161 (October 13, 2009)
Canandaigua Lake Watershed Alliance P.O. Box 323 Canandaigua, NY 14424 (October 5, 2009) and related letter dated September 4, 2008.
Joe Proe 5354 Sunflower Drive Canandaigua, NY 14424 (October 15, 2009)
City of Canandaigua Office of Development and Planning Commission Richard E. Brown City Hall Two North Main Street Canandaigua, NY 14424 (November 12, 2009) (hereafter referred to as City of Canandaigua)
City Staff: Fire, Assessment, Planning City of Canandaigua Two North Main Street Canandaigua, NY 14424 (November 12, 2009)

Louis Loy City of Canandaigua Public Works Director
Mark Brown City of Canandaigua Assessor

A copy of each comment letter is provided in Appendix A. The formal comment period extended from August 20, 2009 through October 20, 2009.



## **1.2. *List of Speakers at the October 1, 2009 Public Hearing***

The following individuals provided oral comments at the DEIS Public Hearing held on October 1, 2009.

<b>Table 2 – List of Speakers at the October 1, 2009 Public Hearing</b>
Stephen Lewandowski representing the Canandaigua Lake Watershed Alliance (Note: Written comments were later supplied and are addressed in section 3.0 of the FEIS).
Tom Warth, an attorney with Hiscock & Barclay representing Dan Homick, property owner of 215 Lakeshore Drive (Note: Written comments were requested but were not received)  A summary of topics commented on by Mr. Warth is included in Appendix A.
Joe Proe, 5354 Sunflower Drive, Canandaigua (Note: Written comments were later supplied and are addressed in section 3.0 of the DEIS).

## **2.0 REVISED ALTERNATIVE G SKETCH PLAN**

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The Lead Agency accepted the DEIS on August 20, 2009 for public review and comment. As a result of both the comments received on the DEIS and the completion of the sketch plan review process by the City Council pursuant to the PUD Ordinance, Revised Alternative G Sketch Plan (or “Alternative G”) was prepared and submitted for approval by the City Council pursuant to Section 850.14 of the PUD Ordinance. Alternative G was prepared to address concerns pertaining to the Project’s overall design, layout, and uses that were expressed during the public review of the DEIS and the sketch plan review process. In summary, the major concerns expressed over the previously proposed sketch plan included, but were not limited to, the following issues:

- Design layout including building setbacks from existing roads;
- The placement of commercial and retail space within the design;
- Integration of sufficient green or open space within the layout; and
- The number of construction phases and length of full build-out.

In response to these and other comments, the Applicant submitted Alternative G which incorporated design revisions in order to address the comments received from the City Council and the public, while still realizing the goals and objectives of the Project. This Section 2.0 now provides a further impact assessment of Alternative G, as well as an analysis of its potential benefits and a preliminary discussion of potential mitigation measures. As discussed above, the City Council conditioned its sketch plan approval of Alternative G on the completion of this FEIS, and has required that any future modifications and/or mitigation measures adopted by the City Council as part of its SEQRA review of the Project shall constitute further conditions of its December 17, 2009 approval of Alternative G.

## 2.1. *Comparison of Alternative G and the previously proposed sketch plan*

Figure 1 shows the previously proposed sketch plan (DEIS, Section 2.2.1) above Alternative G (as approved by the City Council).



Figure 1

A comparison of various site features and environmental impacts between the previously proposed sketch plan and Alternative G is provided below in Table 3.

<b>Table 3 – Sketch Plan Comparison Table</b>			
<b>Site Feature or Potential Impact</b>	<b>Previously proposed sketch plan (see Figure 2.2.1 of the DEIS)</b>	<b>Alternative G</b>	<b>Change in Proposed Impact</b>
Proposed Commercial Space	175,700 sq. ft.	184,300 sq. ft.	+ 8,600 sq. ft.
Proposed Residential Units	329	332	+3 units
Projected # of Residents	773	780	+7
Total Impervious Area	1, 056,377 sq. ft. (24.25 acres)	957,527 sq. ft. (21.98 acres)	-98,850 sq. ft. (-2.27 acres)
Greatest Proposed Building Height	60 ft.	60 ft.	No net change
Parking Spaces (Existing plus Proposed)	1,192	1,350	+158
Green Space	27 percent of site	29 percent of site	Increase in Green Space
Proposed Wetland Adjacent area Impact	0.6 acres	0.6 acres	No net change
Vegetation	Natural vegetation to be removed except portion of Wetland adj. area. Eleven existing trees saved	Natural vegetation to be removed except portion of wetland adj. area. Eleven existing trees saved	No net change
Stormwater Runoff (100 year storm)	Proposed peak discharge 94 c.f.s.	Proposed peak discharge 94 c.f.s.	No net change
Grading	Entire site graded except portion of wetland adj. area	Entire site graded except portion of wetland adj. area	No net change
Cultural Resources	Monitoring during construction	Monitoring during construction	No net change
Groundwater	De-watering during below grade construction, No anticipated permanent impact	De-watering during below grade construction, No anticipated permanent impact	No net change
Noise	No new “Noise Generator” uses will be introduced to the Project site	No new “Noise Generator” uses will be introduced to the Project site	No net change
Water Use	Proposed flow of 106,900 gallons/day	Proposed flow of approx. 106,900 gallons /day	No net change
Parks and Recreation	1.6 acres of new park/playground	2.0 acres of new park/playground	+0.4 acres

A summary of revisions to the DEIS appendices, tables and figures resulting from the assessment of Alternative G is provided below in Table 4.

<b>Table 4 - SUMMARY OF CHANGES TO DEIS APPENDICES, TABLES, FIGURES</b>		
<b>CHANGES TO Draft EIS APPENDICES</b>		
1)	PUD Regulations	No Change
2)	Market Study	Market study was completed on Phase IA. Phase IA program uses have not materially changed. Therefore the market study is still applicable.
3)	City of Canandaigua Comprehensive Plan	No Change
4)	Topographic Survey	No Change
5)	Parkway Plaza as built survey	No Change
6)	Phase I Alta Survey	No Change
7)	FEMA Flood Zone Regulatory Measures	No Change
8)	Preliminary Stormwater Report	Alternative G has more greenspace and less impervious surfaces. The stormwater flows would be slightly less. Therefore, the preliminary stormwater report would be treated as conservative.
9)	DEC Correspondence Dated 5/18/2009	No Change
10)	Phase IA & Phase IB Cultural Resources Investigations Report	See December 23, 2009 letter in FEIS Appendix C
11)	Traffic Impact Study	The proposed development is essentially the same size. Therefore, the traffic impact study is still applicable.
12)	City of Canandaigua Flood Damage Prevention Code	No Change
13)	State of New York Floodplain Management Code	No Change
14)	City of Canandaigua Zoning Map	No Change
15)	City of Canandaigua Zoning Regulations	No Change
16)	SEQRA Documentation to Date	No Change

<b>CHANGES TO Draft EIS TABLES</b>		
1)	1.2 Description of The Area pg. 2	No Change- the addresses and owners within the Project site remain the same
2)	2.2.2 Area and Bulk Restrictions pg. 7	See FEIS Table 5
3)	2.2.8 City Approvals pg. 12	See FEIS Table 7
4)	2.3.3 Additional Property Tax Generated From the Project pg. 17	See FEIS Table 8 updated for current tax rates
5)	2.4 Public Approvals pg. 20	See FEIS Table 7
6)	3.1.2 Soil Type Represented in Project Area pg. 24	No Change- the soil type within the Project site has not changed
7)	3.7.1 Intersection Analysis Justification pg. 36	No Change- Alternate G includes same intersections as original plan
8)	3.7.4 Ambient Noise Levels pg. 42	No Change-there has not been a significant change in uses of the tested areas
9)	3.8 Existing Estimated Water Usage pg. 43	No Change
10)	3.9.6 Public Schools pg. 46	No Change- no new schools have been opened and no existing schools have closed
11)	3.13 Existing Property Taxes pg. 52	No Change- the value of existing parcels have not changed
12)	4.3.3 Peak Stormwater Discharge Rates pg. 62	No Change-Alternative G has less impervious area
13)	4.7.1B Trip Generation Summary pg. 77	No Change- the development is essentially the same size.
14)	4.7.1B Traffic Table for PUD pg. 79	No Change- the development is essentially the same size.
15)	4.7.1C Projected Traffic Volumes pg. 83	No Change- the development is essentially the same size.
16)	4.8 Proposed Estimated Water Usage pg. 87	No Change- the development is essentially the same size.
17)	4.13.1 B Property Tax Generated From Project pg. 97	See FEIS Table 8 updated for current tax rates
18)	4.13.1C Water & Sewer Fee Revenue pg. 98	No Change

<b>CHANGES TO Draft EIS FIGURES</b>		
1)	Figure 2.1 Project Location Map pg. 5	No Change
2)	Figure 2.2.1 Site Layout pg. 6	See FEIS Figure 2
3)	Figure 2.2.2 Building Heights pg. 7	No change- See FEIS Figure 22 for clarification
4)	Figure 2.2.4 Site Access & Parking pg. 9	See FEIS Figure 4 (Revised DEIS Figure 2.2.4)
5)	Figure 2.3.3A Site Photos of Existing Site pg. 19	No Change
6)	Figure 2.3.3B Site Photos of Existing Site pg. 19	No Change
7)	Figure 2.5.2 Phasing Diagram pg. 22	See Figures 7-11 (Phasing Plans)
8)	Figure 3.5.1 Pedestrian View on Lakeshore Toward Muar pg. 29	View remains the same
9)	Figure 3.5.2 Vehicular View from Lakeshore Toward Muar pg. 30	View remains the same
10)	Figure 3.5.3 View from Kershaw Walking Trail pg. 31	View remains the same
11)	Figure 3.5.4A View from 5&20 Looking Toward the Lake pg. 32	View remains the same
12)	Figure 3.5.4B View from 5&20 Looking Toward the Lake pg. 32	View remains the same
13)	Figure 3.5.5A View within Plaza pg. 33	View remains the same
14)	Figure 3.5.5B View within Plaza pg. 33	View remains the same
15)	Figure 3.5.6 View from Lake onto Future Townhomes pg. 34	View remains the same
16)	Figure 3.7.2 Existing Parking pg. 40	See FEIS Table 6 for clarification
17)	Figure 3.10 Existing Street Light pg. 48	No Change
18)	Figure 3.11A & 3.11B Kershaw Park Photos pg. 49	No Change
19)	Figure 4.1.2 Locations & Dimensions of Structures pg. 57	See FEIS Figure 5
20)	Figure 4.4.2 Proposed Trees To Be Removed pg. 65	No change
21)	Figure 4.5.1 Proposed Height Restrictions pg. 67	No Change- See FEIS Figure 22 for clarification
22)	Figure 4.5.5.1 Pedestrian View on Lakeshore Drive toward Muar Street pg. 68	View remains the same
23)	Figure 4.5.2.B.1 Pedestrian View of Lakeshore Drive Toward Muar Street pg. 68	View remains the same
24)	Figure 4.5.5.2 Vehicular View from Lakeshore Drive Toward Muar Street pg. 69	View remains the same
25)	Figure 4.5.2.B.2 Vehicular View From Lakeshore Drive Toward Muar Street pg. 69	View remains the same

<b>CHANGES TO Draft EIS FIGURES (continued)</b>		
26)	Figure 4.5.5.3 View From Kershaw Walking Trail pg. 70	View remains the same
27)	Figure 4.5.2.B.3 View From Kershaw Walking Trail pg. 70	View remains the same
28)	Figure 4.5.5.4.A View From 5&20 Looking Toward Lake pg. 71	View remains the same
29)	Figure 4.5.2.B.4.A View From 5&20 Looking Toward Lake pg. 71	View remains the same
30)	Figure 4.5.5.4.B View from 5&20 Looking Toward Lake pg. 72	View remains the same
31)	Figure 4.5.2.B.4.B View From 5&20 Looking Toward Lake pg. 72	View remains the same
32)	Figure 4.5.5.5.A View Within The Area Of The Plaza pg. 73	See FEIS Figure 13 (Revised Figure 4.5.5.5A)
33)	Figure 4.5.2.B.5.A View Within The Area Of The Plaza pg. 73	See FEIS Figure 12 (Revised Figure 4.5.2.B.5A)
34)	Figure 4.5.5.5.B View Within The Area Of The Plaza pg. 74	See FEIS Figure 15 (Revised Figure 4.5.5.5.B)
35)	Figure 4.5.2.B.5.B View Within The Area Of The Plaza pg.74	See FEIS Figure14 (Revised Figure 4.5.2.B.5.B)
36)	Figure 4.5.5.6 View From Lake Looking Toward Future Townhomes pg. 75	See FEIS Figure 17 (Revised Figure 4.5.5.6)
37)	Figure 4.5.2.B.6 View From Lake Looking Toward Future Townhomes pg. 75	See FEIS Figure16 (Revised Figure 4.5.2.B.6)
38)	Figure 4.10 Existing Street Light pg. 94	No Change
39)	Figure 5.2 Alternative Site Layout A pg. 101	No Change
40)	Figure 5.3 Alternative Site Layout B pg. 102	No Change
41)	Figure 5.4 Alternative Site Layout C pg. 103	No Change
42)	Figure 5.6 Alternative Site Layout E pg. 104	No Change

The following Draft EIS sections have not been materially changed as a result of Alternative G:

- 2.1 Project Location – The Project parcels have remained the same.
- 2.2.3 City of Canandaigua PUD Regulations – There has not been a change in the PUD regulations since the time of the DEIS.
- 2.2.6 Use of Green Building Methods-no change.
- 2.2.7 Design Principles-no change.
- 2.3.1 Purpose of the PUD- no change.
- 2.3.2 Project needs- no change.
- No material changes have been made to Section 3: Existing Documentation.
- Section 4.1.14 Impacts to Soils- no change.



- Section 4.1.5 Impacts to Site disturbance- no change.
- Section 4.1.6 Suitability to soils and subsurface conditions- no change.
- Section 4.1.9 Re-deposition of Topsoil- no change.
- Section 4.1.10 Soil Erosion Control- no change.
- Section 4.2 Groundwater Resources- no change.
- Section 4.3.2 Surface water impacts- no change.
- Section 4.3.3 Projection of Post development peak run off flow- no change.
- Section 4.3.5 Sizes of main stormwater conduits and proposed detention basins- no change.
- Section 4.3.7 Finish floor elevations- no change.
- Section 4.3.8 Erosion Control- no change.
- Section 4.3.9 SWPPP report timing- no change.
- Section 4.3.10 Other Stormwater management options- no change.
- Section 4.4 Vegetation and Wildlife- no change.
- Section 4.6 Historic, Archaeological and Cultural Resources- no change based on Alternative G, however, see Section 3 of this FEIS for updated correspondence with SHPO.
- Section 4.7.1 Traffic and Noise- no change because the development is essentially the same size. The traffic analysis is still applicable.
- Section 4.7.3 Pedestrian Traffic- - no change because the development is essentially the same size. The pedestrian traffic analysis is still applicable.
- Section 4.7.4 Noise- no change because the uses within the development have not materially changed.
- Section 4.8 Utilities and Energy usage- no change because the uses within the development have not materially changed.
- Section 4.9 Community Services- no change, see clarifications in Section 3 of this FEIS.
- Section 4.10 Community Character and Lighting- no change.
- Section 4.12 Hazardous Site Conditions- no change, see clarifications in Section 3 of this FEIS.
- Section 4.13 Community Fiscal Resources- no material change, see Section 3 of this FEIS for a revised revenue table based on current taxes.
- No material changes have been made to Section 5: Assessment of Reasonable alternatives.
- No changes have been made to Section 7.0 Unavoidable Adverse Environmental Impacts; please see Section 2.3, “Potential Significant Adverse Environmental Impacts of Alternative G” below.

The following sections of the DEIS have changed as a result of Alternative G:

- Section 2.2.1 Site Layout has been revised (See Figure 2 below):



**Figure 2**

The following are the project changes that were made to the previously proposed sketch plan as reflected in Alternative G:

Keeping the existing City sanitary pump station in its current location. This change was made in order to reduce the public infrastructure funds needed to complete the Project.

Reconfiguration of program space to move commercial uses within the mixed use buildings to Lakeshore Drive. This change was made in order to further meet the goals of the City of Canandaigua Comprehensive Plan, as recommended by the City Council and the City and County Planning Commissions.

Relocation of the proposed wellness center into Phase I mixed use building and creation of a commercial building in its space. These changes were made to create additional parking spaces for the development by reducing the footprint of the building on that parcel.

Addition of on-street parking and parking spaces within the parking lot adjacent to the sanitary pump station and eastern parking lot near the stormwater pond. Parking spaces were also added under the apartment buildings located behind Parkway Plaza. Additional parking was added due to concerns that the City Council had regarding sufficiency of parking for visitors of the development and Canandaigua Lake.

An additional road through Parkway Plaza that divides the plaza by affectively opening up Routes 5&20 to Lakeshore Drive. This change was made in order to further meet the goals of the City of Canandaigua Comprehensive Plan.

The creation of more open green space (*See Figure 3, Illustrative Sketch Plan below*) as follows:

1. A main courtyard across from Kershaw Park is included within Phase I.
2. An open space fountain area across from Kershaw Park is included in Phase II.
3. A residential playground area is included in Phase III.
4. A large east-west oriented green open space and public pedestrian muse leading to Kershaw Park is included in Phase IV.

Changes to the open space components of the Project were made in response to City Council and public comments that the previously proposed plan relied too heavily on Kershaw Park for recreational space for the Project. As a result, Alternative G has an open space framework that works in conjunction with Kershaw Park. There are several internal neighborhood open spaces proposed for the redevelopment, including a large retail oriented plaza/courtyard with views toward Canandaigua Lake. Additionally, smaller pocket parks and plazas are located at various locations on the Project site and throughout the phased development. These open spaces will be programmed with playgrounds, outdoor seating, and/or recreational green space. Each phase containing a residential use will have a recreation area, and therefore the future residents of the Project will not overtax the existing Kershaw Park.



**Figure 3**

- Section 2.2.2 Area & Bulk Restrictions – Building coverage and impervious coverage have changed with Alternative G (See Table # 5: Revised DEIS, Table 2.2.2).

<b>Table 5</b>	
<b>Setback</b>	<p>The minimum setback proposed for the mixed use buildings (residential over retail) is 0 feet.</p> <p>The minimum setback for residential buildings and the commercial building adjacent to the storm water pond is 10 feet.</p>
<b>Building Coverage</b>	
Site Area	33.5Ac 1,459,260 sf
Building Coverage	<p>312,069 sf (21.4%)</p> <p>(includes proposed buildings and existing structures to remain)</p>
<b>Impervious Coverage</b>	957,527 sf (65.6%) - includes proposed and existing structures, streets, sidewalks and parking lots.
<b>Maximum Building Height</b>	60 feet



- Section 2.2.4 – Site access and parking have been revised based on the results of the Project’s traffic impact study. The previously proposed sketch plan included a North-South street connecting Booth Street near McDonalds to Lakeshore Drive. This street has been eliminated in Alternative G because of the potential stacking problems on Booth Street, and thus represents a change in the configuration of the Project designed to mitigate and/or remove a potential significant adverse traffic impact. In addition to the removal of a street, access to the site was added from Parkway Plaza with the addition of a second thoroughfare from Parkway Plaza to Lakeshore Drive. The proposed East-West Street remains and continues to be an important aspect of creating a street grid in the Project area thus mitigating any potential significant adverse traffic impacts. (See Figure 4: Revised DEIS, Figure 2.2.4 below).



Figure 4

Table 6 below is a summary of the revised parking counts within the site access and parking plan as compared to existing spaces.

<b>Table 6 - Parking Summary Canandaigua Lakefront PUD</b>				
	<b>Existing</b>	<b>Proposed</b>	<b>City Code Req.</b>	<b>ULI Shared Parking</b>
<b>Commercial / Retail</b>				
<i>Off-Street Parking</i>	658	545	616	616
<i>On-Street Parking</i>		139		
<b>Office</b>	--	90	90	5
<b>Residential</b>	--	576	498	398
<b>TOTAL</b>	658	1350	1204	1019
<b>Lakeshore Drive</b>				
<i>On-Street Parking</i>	33	50	--	--

- Section 2.2.5 – Utilities have changed whereby the sanitary pump station will not be relocated by Alternative G.
- Section 2.2.8 – City Approvals have been revised per City Staff comments (See Table 7 below).
- Section 2.3.3 – Project Benefits - Project benefits are materially the same; however, Alternative G is more consistent with the City of Canandaigua's Comprehensive Plan and conforms to the goals of the City of Canandaigua's Comprehensive Plan by:
  - 1) Inclusion of courtyards, patios and safe alleyways between the units:
    - A main courtyard across from Kershaw Park is included within Phase I.
    - An open space fountain area across from Kershaw Park is included in Phase II.
    - A residential playground area is included in Phase III.
    - A large east-west oriented green open space and public pedestrian muse leading to Kershaw Park is included in Phase IV.
  - 2) Providing a balanced / mixed use focused on public access to Canandaigua Lake:
    - The Project is a mix of residential and commercial uses with percentages based on a recent marketing study.
    - The majority of the buildings to be located along Lakeshore Drive contain first floor commercial uses.
  - 3) Providing year-round use:
    - The commercial uses (including the wellness center) will provide year-round use.
    - Mixing residential products (units) with the proposed retail will strengthen the market for year-round uses in the area.
  - 4) Creating a pedestrian-friendly project:
    - The Project area will have sidewalks and streetscapes on the new streets in addition to the courtyards and green spaces noted above.
    - The Project will include sidewalk connections from and through Parkway Plaza to Lakeshore Drive and Kershaw Park.
  - 5) The height of multi-story buildings does not overwhelm the lakefront district.
    - The buildings to be located along Lakeshore Drive will be 3 or 4 stories maximum and will not overwhelm the lakefront district. The buildings will not exceed the 60 feet height restriction set forth in Section 850-123 of the PUD Ordinance, and many of the buildings are substantially set-back from Lakeshore Drive.
    - The frontage is broken to provide visual access to Canandaigua Lake from spaces, units, sidewalks and streets to the north of Lakeshore Drive. The 5 plex apartments have also been set back from Lakeshore Drive slightly in Alternative G.
- Section 2.4 – The required approvals for the Project have been updated (See Table 7 below).

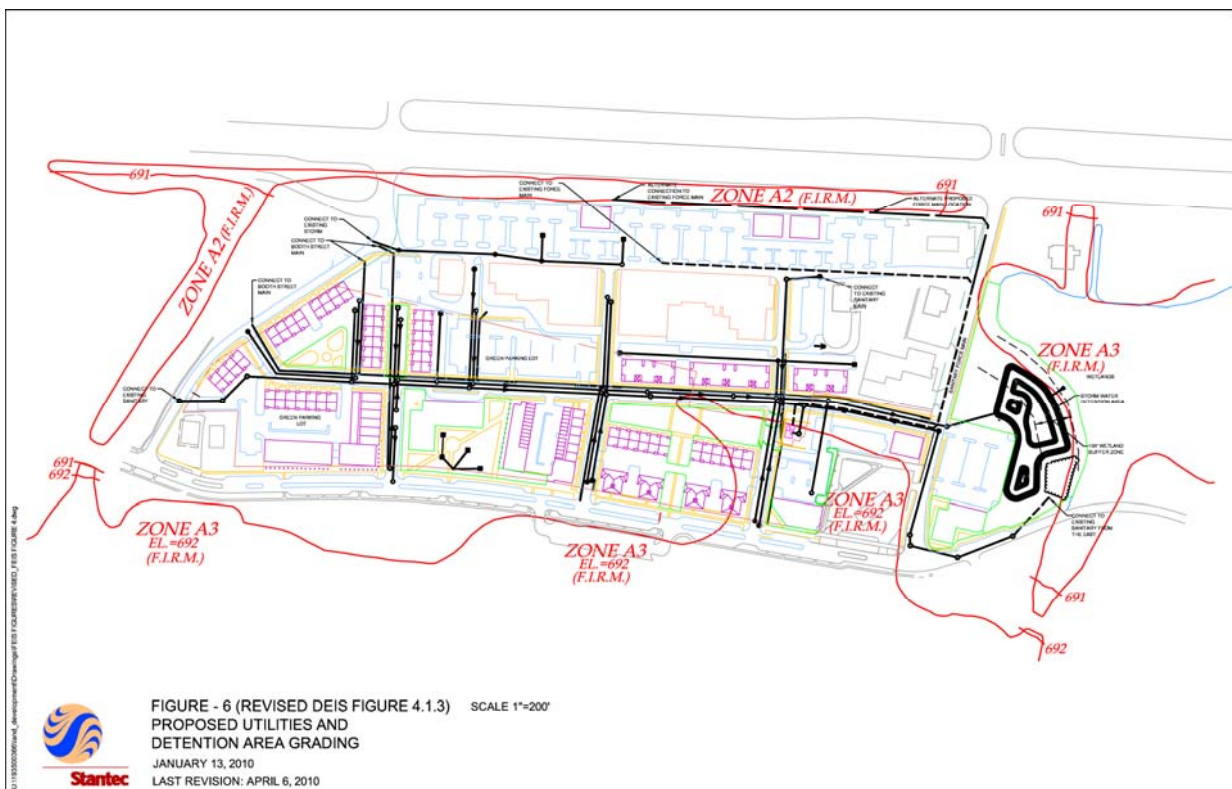
**Table 7 – Anticipated Required Permits  
(former table 2.4)**

<b>Agency</b>	<b>Permit / Approval</b>
City of Canandaigua	SEQR
City of Canandaigua – City Council	PUD*
City of Canandaigua	Preliminary Sketch Plan
City of Canandaigua	Final Sketch Plan
City of Canandaigua	Review/Approval of Design Elements to be Dedicated (prior to DEC and DOH)
City of Canandaigua – Dept. of Public Works	Utility Connection Permits for Water, Sanitary
City of Canandaigua – Building Department	Building Permits
City of Canandaigua – City Tax/Planning Dept.	
Ontario County	Tax Merger/Subdivision
New York Dept. of Env. Cons. (NYSDEC)	Re-Subdivision
New York Dept. of Env. Cons. (NYSDEC)	Phase II Stormwater Permit
New York Dept. of Env. Cons. (NYSDEC)	Article 24 Wetlands Buffer Zone Permit
New York State Dept. of Transportation (DOT)	Highway Work Permit
New York State Dept. of Transportation (DOT)	Utility Permit
New York State Health Department	Water Distribution Permit
FEMA	Floodplain Development

- Section 2.5.1 – Infrastructure improvements have changed in Alternative G only by the fact that the sanitary pump station will not be relocated.
- Section 4.1.2 – The location and dimensions of buildings and improvements have been revised to reflect Alternative G (See Figure 5 Alternative Program Diagram).



- Section 4.1.3 – Grading Plan and proposed topography (See Figure 6: Revised DEIS, Figure 4.1.3 Proposed Utilities and Detention Area Grading).





- Section 4.1.7 – Fill (See Figure 6: Revised DEIS Figure 4.1.3 Proposed Utilities and Detention Area Grading above and Figure 18 on pg. 33 of FEIS).
- Section 4.1.8 – Phasing Impacts on land has been revised in Alternative G to be 6 phases, rather than 9 phases, in order to address concerns raised during the DEIS and sketch plan review processes regarding the length of full construction (See Figures 7-11 Revised Phasing Plans below). Infrastructure improvements are still anticipated to be completed in Phase I of the Project prior to the construction of building foundations.



**Figure 7A**



**Figure 7B**





Figure 8



Figure 9





Figure 10



Figure 11

- Section 4.3.1 – Drainage Patterns (See Figure 6: Revised DEIS Figure 4.1.3 Proposed Utilities and Detention Area Grading).
- Section 4.3.4 – Proposed Stormwater Management Facilities (See Figure 6: Revised DEIS Figure 4.1.3 Proposed Utilities and Detention Area Grading).
- Section 4.3.6 – Grading for detention basins (See Figure 6: Revised DEIS Figure 4.1.3 Proposed Utilities and Detention Area Grading).
- Section 4.5.1 – Proposed design guidelines have been changed with regard to the following views: the view within the area of Parkway Plaza and the view from Canandaigua Lake looking toward the future townhomes (See Figures 12 (Revised DEIS Figure 4.5.2 B.5A); 13 (Revised DEIS Figure 4.5.5.5.A); 14 (Revised DEIS Figure 4.5.2B.5B); 15 (Revised DEIS Figure 4.5.5.5B); 16 (Revised DEIS Figure 4.5.2B.6); and 17 (Revised DEIS Figure 4.5.6) on the following pages.





Figure 12



Figure 13





Figure 14



Figure 15





Figure 16



Figure 17

- Section 4.7.2: Parking has been revised to increase the number of total parking spaces proposed by Alternative G (See Table 6 and Figure 4 above). This Project change has been made to address comments expressed regarding the availability of parking.
- Section 4.11: Parks and Recreation has been enhanced by creating more open and green space within the development areas of the Project. This Project change has been made in order to mitigate the potential impact on Kershaw Park by future residents of the Project.

## **2.2.      *Benefits of Alternative G***

Alternative G is considered the preferred project alternative since the revisions made to the proposed site layout mitigate or remove potential significant adverse impacts associated with the previously proposed sketch plan. Examples of these further mitigation measures include:

- An increase in green space and a clearer definition of green space (recreational areas in each phase). Phase I includes an active court yard across from Kershaw Park, which opens the proposed development into the park. It includes a substantial parking lot to benefit users of the new retail, residential and open space that is being created. Phase II includes a commercial building adjacent to Lagoon Park, as well as an open space fountain area across from Kershaw Park. Residential units are located behind commercial uses. Sufficient parking is provided adjacent to the developments and additional overflow parking is planned for users of Kershaw Park. Phase III contains retail along Lakeshore drive with residential units behind. This phase also includes an open space area for the residents of Phase III. Phase IV will include a reconfiguration of Parkway Plaza beginning with the extension of the north-south connector road. Additional improvements will include out parcels for Parkway Plaza, and facade improvements that will be made in accordance with the requirements of the PUD Ordinance. Phase V includes a residential community with an extensive green area (south of the east-west road), and a public pedestrian muse leading to Kershaw Park. The large green area within Phase V will be for private residential use and enjoyment.
- The large courtyard area is reinstated adjacent to the primary mixed-use commercial area.
- The addition of more first floor commercial spaces along Lakeshore Drive. The majority of the buildings on Lakeshore Drive consist of retail on lower floors and residential uses on upper floors. The proposed retail buildings are also located adjacent to existing commercial spaces.
- An increase of setbacks from Lakeshore Drive for a number of buildings.
- A decrease in the number of construction phases and the year estimated for completion.
- A decrease in building footprint area through the use of more multi-story buildings.
- An increase in available parking. Alternative G clarifies the number of proposed private and public parking spaces for each phase. Based on the Lead Agency's request, the Applicant has increased public parking by adding on-street spaces; increasing the number of spaces in both public parking lots to be located within Phase II; and creating spaces underneath the apartment units within Phase IV. Parking has been organized and located to the interior of the proposed blocks, behind the buildings. When parking areas do approach the public realm, garden walls and additional landscaping will be required as visual buffers. As for the sufficiency of parking, the parking level is consistent with the current, applicable City of Canandaigua zoning code provisions. All for-sale residential units will have 2, off-street parking spaces per unit, in addition to on-street parking for visitors. Rental units will average between 1.5 and 1.75 off-street parking spaces per unit. Additionally, there are several public parking lots proposed to provide overflow parking, serving the ground level retail uses, as well as to ease the parking demand for Kershaw Park. Commercial uses will have an average of 3 off-street parking spaces per 1,000 square feet.



### **2.3. *Potential Significant Adverse Environmental Impacts of Alternative G***

A reassessment of the potential significant adverse environmental impacts associated with Alternative G indicates that there are no apparent discernible differences in the level of such potential impacts, when comparing the previously proposed sketch plan with Alternative G. Changes proposed in Alternative G will not result in new potential significant adverse environmental impacts that were not already evaluated in the DEIS. To the contrary, revisions to Alternative G result in design changes that mitigate and/or remove certain potential significant adverse environmental impacts noted in the previously prepared sketch plan. In particular, the following potential environmental impacts associated with the previously proposed sketch plan are mitigated and/or removed by project changes reflected in Alternative G:

**Stormwater Management** Alternative G will result in a reduction in the amount of impervious surfaces from 29 to 25%, therefore further reducing the potential for stormwater loading and acting, per se, as a form of mitigation. The Project site will drain more completely and efficiently in the future with the addition of catch basins and stormwater piping. The stormwater management facility will also be designed to comply with NYSDEC stormwater quantity and quality mitigation requirements.

**Parking:** Alternative G will result in the increase of 158 parking spaces. The additional parking spaces is viewed as a beneficial impact to both the future users of the Project areas, as well as the public visiting Kershaw Park. Of the 158 parking spaces, 139 parking spaces will be provided on-street along the new roads and an additional 17 public spaces along Lakeshore Drive. The Applicant has also increased the number of parking spaces in the parking lots and created spaces underneath the proposed apartment units.

**Green Space:** Alternative G will result in a 2.0% increase in green space, and a clearer definition of green space through the creation of additional recreational areas within each development phase. The additional green space serves to mitigate both visual impacts and impacts on community character.

**Parks and Recreation:** Alternative G will result in the addition of 0.4 acres of new park/playground, further mitigating the potential impact in Kershaw Park as well as providing a benefit to the users of the Project site.

## **2.4.      *Proposed Mitigation Measures for Potential Significant Adverse Environmental Impacts***

Sections 3.0 and 4.0 of the DEIS analyze and disclose the existing environmental conditions and potential environmental impacts in the form of historic/cultural impacts; traffic; parking; community character; lighting; impacts to land; vegetation and wildlife; noise; and community services. Table 3 entitled "Sketch Plan Comparison Table" presents a comparison of the potential impacts, if any, between the previously proposed plan presented in the DEIS and Alternative G presented here in the FEIS (and approved by the City Council).

The net difference in potential impacts between the two sketch plans relate only to stormwater management, parking, green space and parks and recreation. As stated above, the mitigation measures proposed in the DEIS, and incorporated in Alternative G, equally apply and are reflected in the changes made to the Project as shown in this Section 2.0.

## 3.0 RESPONSES TO COMMENTS

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This Section 3.0 presents responses to all of the comments received during the DEIS comment period. Section 3.0 is organized by the specific subject headings identified in the DEIS, and the comments are grouped according to the nature of the comment or question. Each comment is summarized and includes an identification of the agency or individual responsible for the comment. Responses follow each comment.

The responses to comments have been broken down by the following sections:

- 3.1 Topography, Soils and Land Use
- 3.2 Groundwater Resources
- 3.3 Surface Water and Drainage – Floodplains
- 3.4 Vegetation and Wildlife (Wetlands)
- 3.5 Visual Setting and Aesthetic Resources
- 3.6 Historic, Archaeological and Cultural Resources
- 3.7 Traffic and Noise
- 3.8 Utilities and Energy Usage
- 3.9 Community Services
- 3.10 Community Character and Lighting
- 3.11 Parks and Recreation
- 3.12 Hazardous Site Conditions
- 3.13 Funding Sources

A list of each commenter is provided in Sections 1.1 and 1.2 above in this FEIS. The following sections are presented in a manner that summarizes each of the written and oral comments received; identifies the respective commenter; and is followed by the respective response to the comment. Copies of all written comments are provided hereto in Appendix B.

It is important to note that the responses provided below are addressed to the Project as a whole, but are also responded by references to those aspects of Alternative G that are applicable, and as presented in Figure 2 on page 14 of this FEIS (and discussed in greater detail in Section 2.0 above). Responsiveness Summary thus attempts to show how the comment raised during the DEIS public review is addressed by the specific elements of Alternative G which further mitigates the potential significant adverse environmental impacts associated with the Project.

### 3.1. Topography, Soils and Land Use

#### Comment 1

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

In a discussion of the proposed grading, there is a reference to Figure 4.1.3, but no figure is provided.

**Response:**

Figure 4.13 was included in the DEIS Appendix and has subsequently been acknowledged by the Commenter. Figure 18A, shown below (this figure, identical with Figure 6 included earlier in this document, is a revised version of Figure 4.13 of the DEIS), highlights the proposed grading in the area of the detention pond.

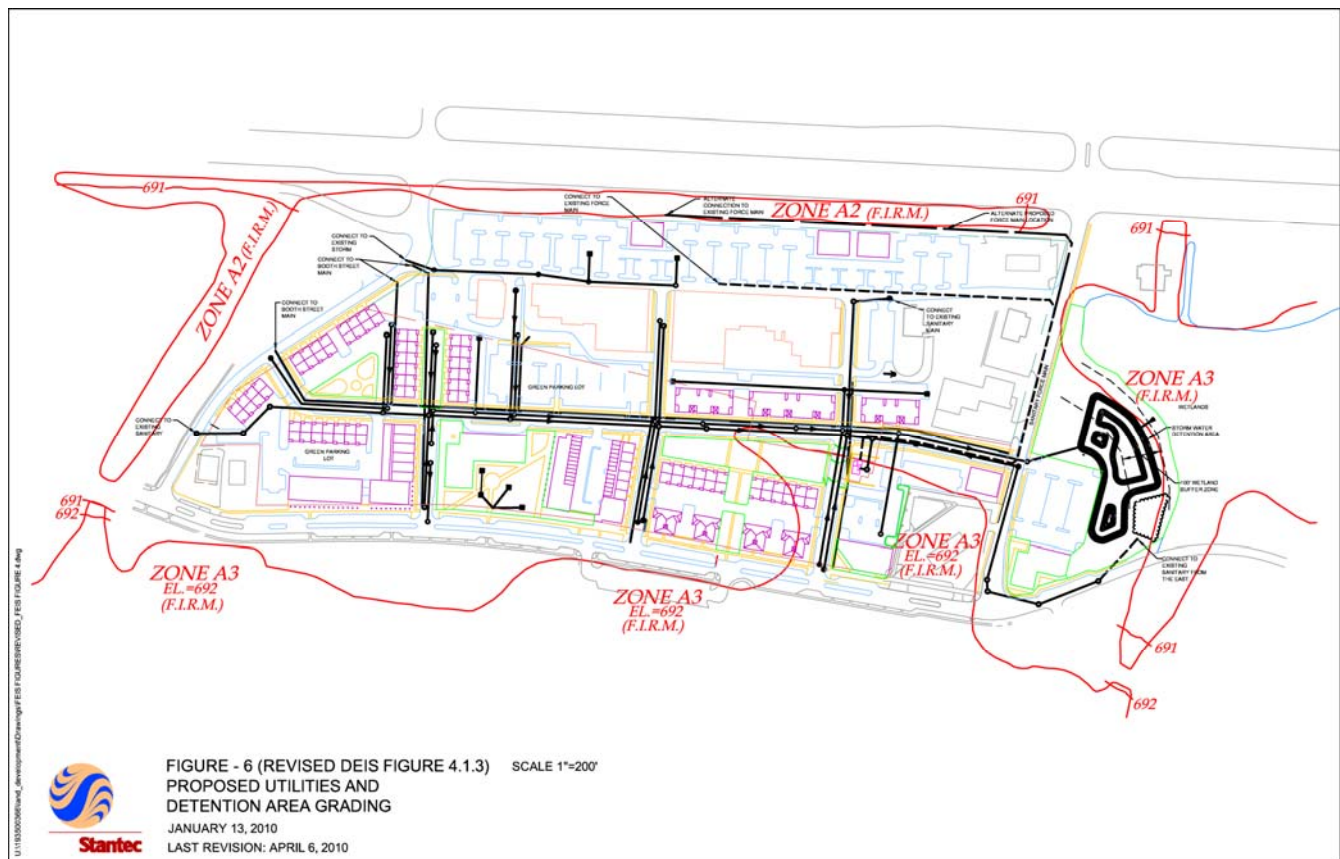


Figure 18A

## Comment 2

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

The EIS should discuss specific design criteria that will be necessary for the development of these stormwater facilities within the mapped floodplain such as berm heights and anti-backflow valves, etc. Also, the Department will need to review detailed stormwater plans to determine if a Dam Safety permit will be required.

**Response:**

The Applicant notes that the eastern stormwater detention area will not be located within the FEMA mapped floodplain; therefore, the incorporation of floodplain design criteria is not needed (*see* FEIS Figure 18A on pg.32). The Applicant anticipates that stormwater berms will only pond between 2 and 4 feet of water. Dam safety permits are typically required only when the ponding elevation is 10 feet or higher. Therefore, a dam safety permit requirement is not applicable for these relatively short berms.

An anti-backflow valve may be helpful for times when the lake level is higher than the pond level. They are usually mounted in the pond outlet manhole. The Applicant will be required to file detailed stormwater plans to the NYSDEC during the final design states for the Project and before the commencement of construction. Please refer to the response to Comment 4 in Section 3.3 of this FEIS for specific floodplain management criteria and respective design methods for development within the FEMA designated floodplains.

### **3.2.      *Groundwater Resources***

No Comments Received.

### **3.3. Surface Water and Drainage**

#### **Comment 1**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

Richard E. Brown, City of Canandaigua  
November 12, 2009

**Comment:**

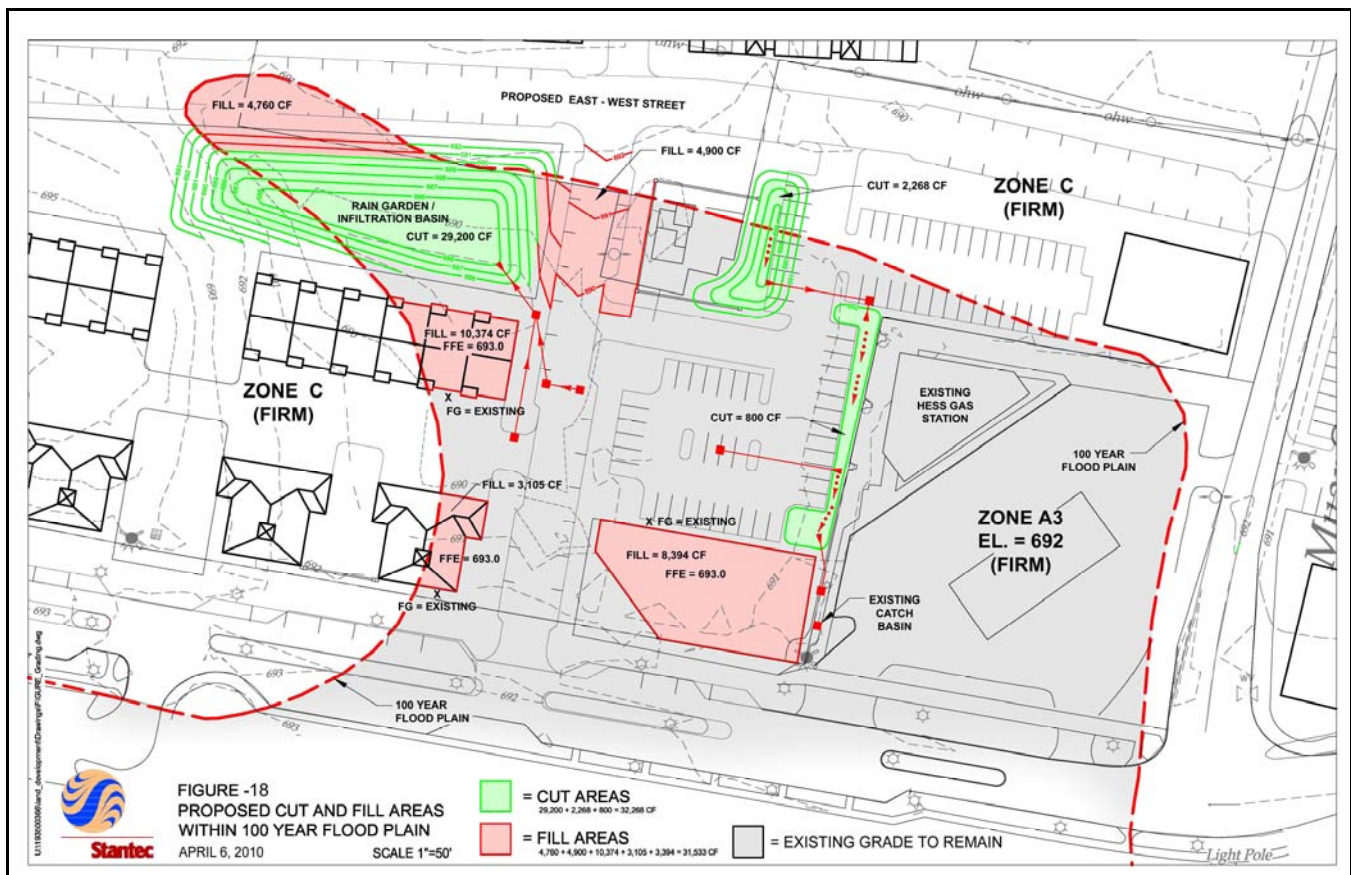
The DEIS should include a discussion of the potential impacts, if any, that will occur as a result of the floodplain filling. Will other properties suffer from an increase in potential flooding as a result of the proposed filling of floodplain?

**Response:**

The Applicant has prepared Appendix D which shows the floodplain map for the Project area. Figure 6, found in Section 3.1 of this FEIS, also illustrates the boundary of the A3 floodplain at an elevation of 692 feet. As Figure 6 shows, there is only a limited floodplain area within the Project's limits. The finished floors of any buildings within the floodplain area would be elevated above the 100-year flood level. With respect to the potential impact to the floodplain itself, the Applicant has indicated that the minor filling proposed within the floodplain would (at worst case) raise the base flood elevation by less than a hundredth of one foot. The Applicant is also of the opinion that gaining permission to fill is a reasonable outcome of the applicable NYSDEC permit process.

However, in the event that no filling is allowed, Figure 18B below depicts an alternative approach to proposed cut and fill within the portion of the 100 year floodplain that is within the Project limits. Figure 18B shows that a cut/fill balance can be obtained during the design phase. Achieving this balance would eliminate any net increase of fill within the floodplain and, consequently, any impact or change to the base flood elevation. The downside to this alternative approach would include the necessity to use a portion of one designated green area as a "rain garden" and the inability to direct surface water runoff from within the limits of the floodplain to the stormwater management facility proposed for development just to the east.

Regardless of the outcome, the Applicant has reaffirmed their belief that the Project remains feasible and that there remains sufficient flexibility to allow for the Project to be designed in conformance with FEMA's floodplain regulations.



**Figure 18B**

## **Comment 2**

### **Commenter:**

NYS Department of Environmental Conservation (NYSDEC)

October 6, 2009

### **Comment:**

All of the conceptual alternatives fail to consider the stormwater requirements. Why are the stormwater facilities not shown on the plans?

### **Response:**

The Applicant has indicated that the preliminary contours for the stormwater area were shown in Figure 18A on pg. 32 (See Revised DEIS Figure 4.1.3). The need for a stormwater detention area on the eastern (lowest) portion of the Project site is common to any of the development alternatives. The stormwater report (included in the DEIS) describes the proposed components including a fore-bay, sediment traps and wetland type vegetation.

Approximate contours for the stormwater facility are shown in Figure 18A on pg.32 of this FEIS. Section 3.4 also discusses potential construction in the wetland buffer area.



### Comment 3

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

Why is the FEMA floodplain map not included as part of the appendix?

**Response:**

A copy of the FEMA map was included as Item 3 of the DEIS. A copy of the FEMA map is also included in Appendix D of this FEIS. This map shows that only a small portion of the Project area occupies a floodplain and that no portion of the Project site is in a floodway.

### Comment 4

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

If the City or applicant were to seek state funding, the Project may need to comply with 6 NYCRR Part 502: Floodplain Management Criteria for State Projects. Since the Applicant indicates that State and Federal funds will be pursued, it would be beneficial to include a discussion on the consistency of the preferred alternative with the Part 502 requirements. This information will be useful when agencies are evaluating grant/funding applications.

**Response:**

In response to the comment, the Applicant's engineer compiled the summary below. The anticipated design methods are highlighted to show how the Applicant shall comply with 6 NYCRR Part 502 (if applicable).

The floodplain management criteria as outlined in 6 NYCRR Part 502.4 criteria are noted below along with anticipated design methods:

- 1) **CRITERIA:** be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the Project.

**DESIGN METHODS:** Building foundations will be designed based on buoyancy calculations to prevent flotation and will be strong enough to prevent collapse or lateral movement.

- 2) **CRITERIA:** be constructed with materials and utility equipment resistant to flood damage.

**DESIGN METHODS:** Foundations will be poured concrete and utilities will be water resistant to resist flood damage.

- 3) **CRITERIA:** be constructed by methods and practices that minimize flood damage.

**DESIGN METHOD:** The buildings will be constructed such that no architectural openings to the lowest habitable floor will be constructed below the 100-year flood elevation.

- 4) **CRITERIA:** The Project shall be designed and constructed so that it is consistent with the need to minimize flood damage within the flood hazard area.

All public utilities and facilities, such as sewer, gas, electric and water systems, are to be located and constructed in a manner that minimizes or eliminates flood damage. For example, sanitary sewer manholes within the floodplain will have watertight covers.

**DESIGN METHOD:** Adequate drainage is provided to reduce exposure to flood hazards. Within the flood hazard area (which includes the Hess gas station), the existing stormwater drainage system will be re-used.

- 5) **CRITERIA:** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

**DESIGN METHOD:** Water supply systems will be designed and constructed per the latest AWWA water tightness standards to accomplish this.

- 6) **CRITERIA:** New and replacement sanitary sewage systems and any other waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharges from the systems into floodwaters and new and replacement onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**DESIGN METHOD:** Water tight manhole covers will be provided for any new sewers within the flood hazard area.

- 7) **CRITERIA:** All new residential structures and substantial improvements of existing residential structures shall have the lowest floor (including basement) elevated to not less than one foot above the base flood level.

**DESIGN METHOD:** There will be no basements within flood hazard areas and all new residential habitable floors will be at least one foot above the base flood level.

- 8) **CRITERIA:** All new nonresidential structures and substantial improvements of existing nonresidential structures shall have the lowest floor (including basement) elevated or flood proofed to not less than one foot above the base flood level, so that below this elevation the structure, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

**DESIGN METHOD:** There will be no basements with flood hazard areas. The lowest finished floor for new non-residential structures will be at least one foot above the base flood level.

## **Comment 5**

### **Commenter:**

Stephen Lewandowski – Canandaigua Lake Watershed Alliance  
October 5, 2009

### **Comment:**

On page 21 of the response we note that the proposal cites the advantage to “drain more fully” the property. We don’t know exactly what is meant by this, but we want

to point out that the whole concept of watershed management is based on detaining runoff sufficiently to allow treatment and dissipate the extra intensity caused by the addition of impervious surfaces to the watershed.

**Response:**

According to the Applicant, to “drain more fully” can be paraphrased to mean “more effectively drain”. The Project site shall be designed and graded in a manner that will more effectively drain than it currently does. The Applicant is of the opinion that the Project is consistent with the concept of project watershed management, and that by improving the drainage effectiveness for the Project site more fully, some of the existing ponding areas will be removed. The elimination of these smaller pond areas will create a more effective stormwater treatment regime and reduce potential safety and health issues such as breeding areas for mosquitoes. The detention area has been sized to capture, dissipate, treat and then slowly release the extra runoff.

## **Comment 6**

**Commenter:**

Stephen Lewandowski – Canandaigua Lake Watershed Alliance  
October 5, 2009

**Comment:**

The report notes that the site is 33.5 acres, more or less; buildings will cover 24.5% of the site and when developed, 66% of the site will be impervious surfaces. It also states that a 1.1 acre wet basin east of the proposed Wellness Center will receive the runoff from 23.5 acres draining to the east to the Lagoons and Outlet. As a wet basin, it will not have the capacity to accept and still treat runoff that a dry basin would have. We hope that it has been properly sized to process these flows.

**Response:**

It is the Lead Agency’s understanding that wet ponds are constructed basins that have a permanent pool of water below the outlet structure invert. This permanent pool provides the required volume for stormwater quality treatment. The area above the permanent pool and below the top of the pond provides storage volume for stormwater quantity mitigation. Stormwater runoff is detained in this area and slowly discharged through the outlet structure at a rate less than existing conditions for the 1, 10, and 100 year storm events (as required by NYSDEC and the City of Canandaigua).

The Applicant is of the opinion that the pond has been properly sized according to City of Canandaigua and NYSDEC criteria, and has appropriate volume for both water quality and quantity requirements. The following characteristics of the proposed wet pond have been preliminarily designed by the Applicant:

- Total Available Pond Storage Volume: 3.0 ac-ft at 690’ (Top of Pond)
- Surface Area of Pond at 690’: 1.06 acres
- Volume of Forebays and Permanent Pool: 1.1 ac-ft at 686.65’
- Calculated Height/Volume of Water for Each Analyzed Storm Event

<b>Storm Event</b>	<b>Height of Water</b>	<b>Required Volume of Water</b>
1-year	688.8'	1.8 ac-ft
10-year	689.3'	2.3 ac-ft
100-year	689.7'	2.7 ac-ft

As can be seen from the preceding table, the proposed wet pond/basin will allow for more stormwater volume than required by NYSDEC and the City of Canandaigua for each design storm. This will result in a far more effective stormwater management system than what currently exists at the Project site.

## **Comment 7**

### **Commenter:**

Stephen Lewandowski – Canandaigua Lake Watershed Alliance  
October 5, 2009

### **Comment:**

The rainfall estimates for the 10, 25 and 100 year design storms that are used to develop the runoff estimates are currently under review by the USDA NRCS because of a recent tendency to develop more intense rainfalls.

### **Response:**

The Applicant has incorporated approximately 0.3 acres of extra storage volume into the current design to accommodate more stringent design criteria, if and when they become available (*See* the table provided in the preceding response to Comment 6). Should the USDA NRCS research become finalized, and subsequently be accepted by NYSDEC and the City of Canandaigua prior to the Project's final design, the Applicant could be required to incorporate the revised storm event intensities into the Project design and adjust the stormwater management facility to accommodate the increased runoff volume.

## **Comment 8**

### **Commenter:**

Stephen Lewandowski – Canandaigua Lake Watershed Alliance  
October 5, 2009

### **Comment:**

If 23.5 acres of runoff is being directed east, then 10 acres of runoff will be directed west to the Feeder Canal. According to the report, this runoff travels southwest and northwest through two channels. At present, no detention or other protection is proposed for these flows. Disturbances occurring in these ten acres during construction will yield sediments and nutrients, and increased impervious surfaces will increase the intensity of flows, so some on-site detention and treatment should be developed, especially during the construction period.

### **Response:**

The Applicant states that the western drainage area will have a reduction in impervious area by 25%. This area is considered to be a redevelopment. Because it is an improvement and meets NYSDEC's 25% criteria, no water quality treatment is required. With regard to stormwater quantity, the peak flow rates are anticipated to

be reduced in the future due to the reduction in impervious area. The discharge will be to the existing City culvert that discharges to the feeder canal.

The Applicant will incorporate construction siltation control techniques throughout the Project, which will include:

- Sedimentation basins;
- Silt fences;
- Timing requirement for soil restoration;
- Mulch mixes; and,
- Seed and placement guidelines.

## **Comment 9**

### **Commenter:**

Stephen Lewandowski – Canandaigua Lake Watershed Alliance  
October 5, 2009

### **Comment:**

Care should be exercised to maintain the stability and capacity of the feeder canal and outlet since their open, stable, unobstructed channels provide the best protection against massive flooding of this area.

### **Response:**

The Lead Agency appreciates the concern. The Applicant has indicated that the Project's development plans exercise care to maintain the stability and capacity of the feeder canal and outlet. This western drainage area will have a reduction in impervious area by 25% and is considered a redevelopment. Because it is an improvement and meets NYSDEC 25% criteria, no water quality treatment is required. With regard to stormwater quantity, the peak flow rates are anticipated to be reduced in the future due to the reduction in impervious area. The discharge will be to the existing City culvert that discharges to the feeder canal.

## **Comment 10**

### **Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

### **Comment:**

The proposed action may impact Canandaigua Lake.

Although the Project is in close proximity to Canandaigua Lake, it is not within the Canandaigua Lake drainage basin. The site naturally drains away from the lake and it would seem reasonable to conclude that the site can be engineered to mitigate any impact on Canandaigua Lake. However, I do not think that this assumption is proven through the studies submitted as part of the DEIS.

### **Response:**

A field topographic survey has been prepared by the Applicant and is included in the DEIS as Appendix 4. The Applicant has reviewed this mapping and is of the opinion that the entire PUD site is "downstream" of Canandaigua Lake. Lakeshore Drive has catch basins that capture all surface water in that area. That existing stormwater

system acts as a barrier by intercepting stormwater flowing in the direction of the lake. The buried stormwater piping along Lakeshore Drive discharges in two directions. Approximately two-thirds of the stormwater loading discharges to the outlet canal north of the former Lakeshore Drive bridge. The remaining one-third discharges directly to the feeder canal. In summary, the Project site does not drain to Canandaigua Lake today and will not after it is re-developed. The Stormwater Report, included as Appendix 8 of the DEIS, contains figures that depict the existing stormwater basins.

## **Comment 11**

### **Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

### **Comment:**

The proposed action will require a Stormwater Discharge Permit.

This, in itself should not be a significant concern as the conditions of this permit will be overseen by NYSDEC. However, the nature of the permit and impact remain unknown.

### **Response:**

Please refer to the potential environmental impact discussions of the stormwater discharge that have been addressed in Sections 3.1 and 3.3 of the DEIS and Section 2.0 of this FEIS. A stormwater pollution prevention plan (SWPPP) shall be prepared for each phase of the Project. Each phase will include appropriate soil erosion control measures such as silt fences, catch basin sedimentation protection and detailed sedimentation pools within the detention pond. A large detention area is proposed on the east side of Muar Street to handle the majority of the stormwater generated on the Project site. This detention pond will include forebays and a deep pool, and will be designed to meet the stormwater criteria of the NYSDEC. The Applicant is of the opinion that the likelihood of obtaining a stormwater permit is high since the Project site currently drains to the outlet canal and the feeder canal already. Any stormwater detention/water quality components installed will be an improvement to that of the existing conditions, which have no water quality improvement components.

## **Comment 12**

### **Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

### **Comment:**

The proposed action may change flood water flows.

The proposed plan indicates the construction of more than 20 residential units in the 100-year floodplain. This is not permitted by local law.

### **Response:**

The Applicant has responded with their opinion that Section 731 of the City of Canandaigua Code permits the encroachment of structures within a 100-year floodplain provided that certain conditions are met.

Section 731-15 entitled “General Standards E (Encroachments)” states the required conditions needed for locating in a floodplain:

“In all areas of special flood hazard in which base flood elevation data is available pursuant to Section 731-14B or 731-15D(4) and no floodway has been determined the cumulative effects of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.”

The proposed construction plans for the Project are designed not to violate the requirements of Section 731-15. The fill (if any) will be minimal, and will not cause the base flood elevation to raise to one foot.

The issue of potential filling within the flood plain was reviewed earlier in this section in the response to Comment 1. As was indicated in that response, Appendix D of this FEIS shows the floodplain map for the Project area. The map reveals that there is only a limited floodplain area within the Project’s limits. The finished floors of any buildings constructed within this floodplain area would be elevated above the 100-year flood level. The Applicant has also stated that their calculations indicate that the minor filling proposed within the floodplain would (at worst case) raise the base flood elevation by less than a hundredth of one foot.

As was described in the response to Comment 1 and illustrated in the associated Figure 18, should no filling be allowed, an alternate approach to grading within the area could be relied upon to ensure that there would be no net increase in fill within the flood plain. Although this approach would comply with the strictest application of both the City of Canandaigua and NYSDEC floodplain requirements, it would necessitate using a portion of one green area as a “rain garden” and would preclude discharging surface water runoff from within the floodplain area to the stormwater management area proposed for development to the east. The applicant has affirmed their belief that the Project remains feasible and that there is sufficient flexibility to ensure conformance with the applicable floodplain regulations.

## **Comment 13**

### **Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

### **Comment:**

The Project may be incompatible with existing drainage patterns.

Drainage is a crucial issue for a site that is so flat and adjacent to both a municipal drinking water source (Canandaigua Lake) and a protected wetland (within the Lagoon Park), yet the drainage plans are very preliminary. A large, stormwater management facility is shown on the plan, yet this facility is not fully designed. There is even some question as to whether it would be permitted at this location (*see* #3 above, regarding the NYS wetland buffer). Therefore the potential impacts of drainage cannot be adequately assessed.

A secondary stormwater management facility is to be located to the west, outside of the Project boundary, on lands not under the applicants’ control (Wendy’s/Tim Horton’s). There is no evidence that this facility will be permitted by the owners and there is no alternative proposed if it is not.

**Response:**

The Lead Agency appreciates the concern and the Applicant has indicated their concurrence that drainage is a critical issue. A Preliminary Stormwater Report was completed and is part of the DEIS (Appendix 14). This study has been reviewed by the Lead Agency's independent consultant. The Applicant is of the opinion that the level of design for drainage is appropriate at this preliminary stage of the Project and will be further refined during the site plan and NYSDEC permitting processes. The grades for the stormwater piping have been calculated, and based upon them, approximate finished grade elevations are shown for the roadway. The drainage study confirms that the Project is feasible and that the NYSDEC regulations for stormwater quantity and quality can be met. In the event that the NYSDEC does not allow for the placement of the stormwater management facility in the wetland buffer zone, the facility will be relocated outside of the buffer zone, resulting in a loss of developable and parking areas located adjacent to the current proposed location of the stormwater facility.

The secondary stormwater management facility (located on the Wendy's/Tim Horton's parcel) previously shown on the drawings has been removed. The Project site's drainage patterns will be altered to reduce the amount of impervious area contributing runoff to the west by greater than 25%. This meets the NYSDEC requirements for stormwater quantity and quality mitigation, eliminating the need for the secondary stormwater management facility.

Based on the Applicant's history with another development, Rose Park, NYSDEC has approved well designed stormwater ponds within wetland/buffer areas. If, however, the wetland permit is not approved, the Applicant will redesign the stormwater pond to be outside of the wetland/buffer area. This would reduce the parking available at this location. The Applicant has acknowledged that this would, in turn, require either development of additional parking at another location on the site or, possibly, a reduction in the size of buildings developed in this area. However, the Applicant has not submitted any plans that would describe the potential site plan modifications in any detail.



### **3.4. Vegetation and Wildlife**

#### **Comment 1**

**Commenter:**

Labella Associates, P.C.  
memo to City of Canandaigua

**Comment:**

The DEIS states that the Freshwater Wetland Map shows the western edge of the wetland channel farther inland than what was delineated by Stantec (Section 3.4.2, Pg. 32-Freshwater Wetlands). This apparent discrepancy should be clarified in the FEIS. If there is uncertainty, there is no mention of any correspondence with the NYSDEC regarding the actual wetland boundary (wetland delineation) to assure impacts to the wetland are avoided.

**Response:**

The discrepancy noted between the State wetland boundary (taken from aerial photographs) as officially mapped and the actual field delineated wetland boundary is relatively minor, and apparently attributable to in-exact boundaries on the historical NYSDEC Freshwater Wetland mapping. The wetland boundary is well-defined by a historic bulkhead/breakwall. The wetland delineation conducted by Stantec is subject to confirmation by NYSDEC and Army Corps of Engineers, who typically visit the site for field work verification of the Project Engineer's delineation during the permit application review process. The wetland delineation will be confirmed as part of the joint wetlands permit application process.

In the event that either of these agencies disagree with Stantec's delineation, the wetland boundaries will be modified accordingly. The Applicant has indicated that their preferred response to avoid wetland impacts would be to reduce the amount of development on this parcel. Therefore, the Project as shown in Alternative G represents the maximum amount of development on this parcel allowable without encroachment into jurisdictional wetlands. The Applicant has not provided a plan describing this potential reduction in any detail.

#### **Comment 2**

**Commenter:**

Labella Associates, P.C.  
memo to City of Canandaigua

**Comment:**

The DEIS also states that there is a wetland area within the Project site that is in close proximity to the State wetlands (CG-20) that would likely be considered "jurisdictional" by the U.S. Army Corps of Engineers. This statement should be clarified and expanded on as necessary in the FEIS.

**Response:**

The delineated federal jurisdictional wetland noted within the NYSDEC wetland adjacent area is an apparent isolated wetland meadow. Due to its proximity to the NYSDEC wetland, it is anticipated that it could be subject both to federal and state jurisdiction. The jurisdiction of the isolated wetland meadow will be determined during the joint permit application review process. The Applicant has avoided

development on this area, and believes the current design will be accepted by NYSDEC because the lawn area located upgradient of breakwall lacks the requisite soils, hydrologic and vegetative characteristics needed to be a State jurisdictional wetland. Also, the proposed stormwater management facilities will be designed to provide greater wetland buffer characteristics and functions than that which currently exist in this portion of the site.

The Applicant has indicated an intent to either reduce the amount of development within the wetlands and adjacent area or eliminate development within this parcel should NYSDEC and/or U.S. Army Corps of Engineers determine that the respective wetlands are more extensive than what has been shown. However, no plans have been submitted describing how these potential reductions or eliminations would affect this portion of the site plan.

### **Comment 3**

**Commenter:**

Labella Associates, P.C.  
memo to City of Canandaigua

**Comment:**

The DEIS notes (Section 4.1.7, Pg. 64) fill material will not negatively impact the site and that to see specific areas refer to the Cut and Fill Diagram (Figure 4.1.7). The referenced figure appears to call for fill within the wetland adjacent area. This should be clarified in the FEIS.

**Response:**

Figure 6 labeled “Proposed Utilities and Detention Area Grading” shows the preferred alternative proposed by the Applicant. The fill noted in the wetland adjacent area is associated with the proposed stormwater management facility. This fill within the wetland adjacent area would be in the form of a berm and would be more than offset in volume with excavation within the stormwater adjacent area. The Applicant has indicated their opinion that this approach could also serve to provide diversity of habitat within the current mowed turf. Other issues related to the location of this stormwater detention area within the wetland adjacent area are discussed in more detail in the response to Comment 13 in the preceding section and in the responses to Comments 1, 2, 4 and 6 in this section.

### **Comment 4**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009; and

Richard E. Brown, Director of Development and Planning  
Letter dated November 12, 2009

**Comment:**

There is a mapped NYS regulated freshwater wetland on the eastern portion of the Project site. A wetland delineation must be conducted and submitted to the NYSDEC for review and approval. Figure 3.4.2 illustrates a wetland delineation but there is little discussion of the regulated areas within the narrative section of the DEIS. The plan indicates this area to be the location of the primary stormwater management facility. The creation of such a facility will require a NYSDEC wetland permit. The feasibility of acquiring such a permit is unknown and even if a permit

were approved, it may be conditioned upon plan modification, resulting in other unknown impacts. There is no discussion of how this impact might be mitigated. There are no alternatives suggested.

**Response:**

A wetland delineation was conducted on the subject property on April 17, 2009 by the Applicant's environmental professionals. The boundary of the NYSDEC regulated wetland was identified and located using a Trimble GPS unit. The NYSDEC regulated wetland is associated with the Canandaigua outlet and consists of shallow open water and riparian marsh. A wetland delineation report will be submitted to the NYSDEC for review as part of a joint permit application for any proposed work with the wetland adjacent area. In the event that the NYSDEC does not issue the permit, the Applicant would have to relocate the stormwater management facility outside of the wetland adjacent area, thereby reducing the area of the proposed adjoining parking lot. The Applicant has identified two alternative responses to this potential reduction in the size of the adjoining proposed parking lot:

1. Reduction in the size of buildings within this area that would reduce the demand for parking to a level commensurate with the number of parking spaces that would remain in this parking lot; or,
2. Development of additional parking elsewhere on the Project site to compensate for the loss in parking spaces at this location. The Applicant has indicated that this could entail a complete relocation of the parking lot now shown adjoining the wetland adjacent area to a different location elsewhere on the Project site.

Although the Applicant has identified these alternative responses to a scenario in which NYSDEC determines not to issue the requested permit, no plans or other details have been provided to describe the potential relocation of the impacted stormwater management area, the reduction or relocation of the adjoining parking area, or the potential reduction or elimination of nearby buildings responsible for parking demand within this region of Alternative G.

The Applicant has pointed out that any of these potential scenarios which would reduce the size or number of buildings and/or parking spaces within this area would likely also reduce the environmental impacts commensurately (when compared to those associated with Alternative G).

## **Comment 5**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

The current preferred layout proposes the construction of stormwater ponds in the regulated wetland adjacent area and, as a result, the Project requires an Article 24 Freshwater Wetland Permit. Typically, NYSDEC is not supportive of locating stormwater treatment facilities within the wetland adjacent area so the preferred alternative may not be feasible if it cannot meet the 6 NYCRR Part 663 permit issuance standards. The Article 24 Freshwater Wetland permit application process will require the applicant to look at alternative designs in an effort to avoid and minimize impacts to the regulated area. It would not be in the applicant's best interest to go through the SEQRA process without considering alternative alignments

that avoid wetland adjacent area impacts. The stormwater ponds should be moved outside the regulate 100' wetland adjacent area.

**Response:**

The Applicant has indicated that, in the opinion of their environmental consultants, the placement of a well-designed stormwater management basin within the wetland adjacent area will actually improve the functions and benefits currently provided in the wetland adjacent area. The existing section of the wetland adjacent area provides minimal ecological benefit given that the vegetation is routinely mowed and maintained in turf grass. Turf grass provides little to no wildlife habitat cover and offers minimal stormwater filtration capabilities.

The wetland adjacent area is the natural low point in the eastern portion of the Project site and, as a consequence, it currently collects stormwater. Photographs of the adjacent area that depict the extent of stormwater that collects in this area are provided below as Figures 19A and 19B.

Given that this area naturally collects stormwater in an un-managed fashion, the proposed stormwater management area will be more effective in controlling and treating stormwater. The design features of the stormwater management area will include a circuitous flow path to allow stormwater settling and the new wetland vegetation will provide enhanced habitat and filtering capacity. Plunge pools and forebays will also be constructed. Vegetation in the stormwater management area will be allowed to mature and provide a more natural buffer to the wetland. The Applicant has indicated their opinion that, given these changes, the proposed stormwater management area could prove to be more compatible with the existing wetland than the existing mowed turf grass.

The Applicant will need to apply for and obtain a NYSDEC wetland permit in accordance with the permit issuance standards contained in 6 N.Y.C.R.R. Part 663. The issuance standards are as follows: a permit, with or without conditions, may be issued for a proposed activity in a wetland of any class or in a wetland's adjacent area if it is determined that the activity: (i) would be compatible with preservation, protection and conservation of the wetland and its benefits; (ii) would result in no more than insubstantial degradation to, or loss of, any part of the wetland; and (iii) would be compatible with the public health and welfare.

The Applicant's environmental consultants will provide documentation that: (i) the proposed stormwater management pond will be designed in a manner that is more compatible with and will provide greater protection of wetland values and benefits than the existing turf grass; (ii) the stormwater management pond will not result in the degradation to, or loss of any part of the wetland; and (iii) the stormwater pond will be compatible with public health and welfare. The function of the pond will be to treat the stormwater through sediment settling and vegetative filtering prior to discharge to Canandaigua outlet.

Based on the Applicant's history with another development, Rose Park, NYSDEC has approved well-designed stormwater ponds within wetland/buffer areas. If, however, the wetland permit is not approved, the Applicant has indicated that they will redesign the stormwater pond to be outside of the wetland/buffer area. The stormwater pond would then be developed, at least in part, within an area now proposed for development of a parking lot.

The foregoing responses to other comments found within this section have described the anticipated responses to a potential determination by NYSDEC precluding development of the proposed stormwater management area within the wetland adjacent area in more detail. These include potential reductions or relocations in both

parking and buildings within this area. These have been identified conceptually, but the Applicant has not presented plans describing specific revisions to Alternative G that would be associated with these potential responses.



**Figures 19A and 19B**

## **Comment 6**

### **Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

### **Comment:**

Figure 3.4.2 reflects a delineated wetland. Was this delineation submitted to NYSDEC and the US Army Corps of Engineers for review and approval? Were any wetlands located on the remainder of the property? We appreciate the benefits of showing just this end of the property but there should also be a map of the entire site so it is clear what areas were delineated.

### **Response:**

The wetland delineation was conducted by the Applicant's environmental consultants on April 17, 2009 for the entire Project site. The only wetlands identified on the Project site are located at the eastern end of the property and include the western portion of NYSDEC regulated wetland and an isolated wet meadow located within the adjacent area of the NYSDEC wetland. The wetland delineation will be submitted to NYSDEC and the U.S. Army Corps of Engineers for review in conjunction with a Joint Permit application for proposed work within the NYSDEC wetland adjacent area.

Alternative G represents the maximum amount of wetland disturbance within this parcel based upon the Applicant's wetland delineation. The Applicant has indicated their intention to then reduce the amount of development within this parcel should the NYSDEC and/or U.S. Army Corps of Engineers determine that the wetlands are more extensive than that which is currently depicted. This would include having to reduce the size of the proposed buildings and/or the associated parking lot, or potentially eliminate both altogether. Also see the foregoing response in this Section 3.4 to Comment 4, in particular, as well as the other foregoing responses included in this section.

### 3.5. *Visual Setting and Aesthetic Resources*

#### **Comment 1**

**Commenter:**

Labella Associates, P.C.  
memo to City of Canandaigua

**Comment:**

The DEIS provides simulations of certain proposed views of the Project identified by the City of Canandaigua. The simulated view from the lake looking onto the townhomes (View 6, Pg. 80) could be characterized better as the current images provided in the DEIS (Massing and illustrative) are from an elevated or aerial perspective. The FEIS should provide a simulated view that would be from ground level at Kershaw Park and/or just offshore on the water (perhaps from a boat). A similar comment could be made regarding View 5-B (Pg. 79).

**Response:**

The Applicant submits that the views were chosen in an effort to convey the most accurate representation of the scale of the Project. Ground level views can be limiting in this regard, especially for projects that are limited in height and scope such as this. The Applicant, therefore, determined that an elevated view illustrates the scale of the Project more accurately than a ground level view and has prepared a revised elevated view of Alternative G (See Figures 16 & 17 on page 26), as well as a ground level view (See Figures 20 & 21 below).



**Figure 20**





**Figure 21**

## **Comment 2**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

The proposed placement of buildings along Lakeshore Drive creates spaces (interruptions) between buildings that are uncharacteristic of urban streetscapes. The building spacing as shown in Figure 5.8.1 reflects more of a “campus” arrangement typical of suburban office parks and apartment complexes where the buildings stand separate from one another. More characteristic of urban streetscapes is building placement that creates a “streetwall” where interruptions from vacant space, parking lots and curb cuts are minimized.

### **Response:**

The Applicant has created spaces between the buildings in order to preserve views to Canandaigua Lake from the center of the Project site. The Applicant has made an effort to vary 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 have been proposed so as not to create a disjointed frontage.

### **Comment 3**

**Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

Design principles that emulate streetscapes like Canandaigua Main Street include:

- Building placement that creates a street wall where interruptions from any vacant space, parking lots and curb cuts are minimized;
- Buildings that are “built to the corners”. Buildings are placed up to the sidewalk of both the primary and secondary streets. No corner is left open, which decreases the interruption caused by secondary streets and alleyways;
- Buildings designed to appear (convincingly) to front the primary street. In the case of Lakeshore Drive even though the true orientation of the building may be to a secondary street. Corner towers on buildings should be avoided as they have become overused in suburban shopping centers in our area; and
- Gaps between buildings or empty corners that can not be avoided may use architectural walls or fences to continue the line of the street.

**Response:**

The Applicant has indicated their design intent to create spaces between buildings in order to preserve views of Canandaigua Lake from the center of the Project site. The Applicant is of the opinion that urban plazas and parks can provide for corners of some blocks in order to provide visibility of these spaces.

### **Comment 4**

**Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

Atriums are often effective to extend a building to the street or to create the appearance that the building fronts on the primary street. Well designed, it can offer a buffer from the weather in the winter, open the building to the lake air in the summer and offer the potential for informal retail space.

**Response:**

The Applicant is of the opinion that building atriums are often found in more suburban building types, where the public/private realm is more clearly delineated. The Project is designed to be of an urban streetscape. The Applicant has proposed arcades on the ground level of some of the commercial buildings, that during the colder months can be closed off (much like the Faneuil Hall Market Place in Boston) while remaining active and urban.

### **Comment 5**

**Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

Comments Related to North-South Street Layout, West Side (Section 5.8)

The Design Team noted that rotating the mixed use buildings north of the plaza at a slight angle yielded several benefits, including increased visibility of businesses located along the secondary north-south street. Visibility of businesses was noted as being imperative if traffic volume on the north-south street was to be low. However this building placement creates an undesirable open corner.

An alternative is to rethink the character of the north-south street so that emphasis is given to pedestrian traffic as well as automobile traffic. If the north-south street is designed as a “retail alley” it could be a premier location for business.

Placing a building on the corner would create a second courtyard and a more intimate streetscape than possible on Lakeshore Drive. Limited visibility of storefronts would be compensated by increased pedestrian traffic, and possibly architectural monuments marking the north and south entrances to the street.

**Response:**

The Applicant contends that having an open corner at the center of the Project site, where there will be the highest concentration of ground level retail use, is not undesirable. In fact, they contend that the re-designed building placement, showing an open courtyard surrounded by ground level retail uses, bordered by lakeshore drive, will function as the center of activity.

In order to emphasize pedestrian activity, all of the streets within the PUD have been designed to ensure that pedestrians can be comfortably accommodated. When retail is proposed on the ground level of buildings, sidewalks are wide, often proposed with arcades and copious shade providing street trees. On frontages that are predominantly residential, wide planting strips are placed between a parallel parking lane and a sidewalk. Street trees are also proposed for these planting strips. These features are consistent with the best practices in regard to creating a pedestrian friendly environment.

**Comment 6****Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

**Comment:**

Construction will continue for more than 1 year or involve more than one phase or stage.

The lengthy phasing plan of 10-12 years is a significant concern due to changing market conditions. Additionally, there are no plans to mitigate long periods of construction. Refer also to Planning Commission Comments dated November 10, 2009.

**Response:**

In response to this and other comments received by the City Council and City staff, the number of phases has been reduced to 6 with a target completion date of 5-to-7 years. A temporary topsoil berm will be placed north of the east-west road that will serve to block the back of Parkway Plaza during construction phases. Phasing plans have been revised and are included as Figures 7-11 on pg.20-22 of this FEIS.

### **3.6. *Historic Archaeological and Cultural Resources***

#### **Comments 1 and 2**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

- 1) Has a copy of the Phase 1A and 1B report been sent to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for review?
- 2) A final determination from OPRHP will be required before any state or federal agency can fund or approve the Project.

**Response:**

A copy of the Phase 1A and 1B have been submitted to OPRHP for review. The Applicant's archaeologist, Rochester Museum and Science Center, has corresponded with the OPRHP. The Phase 1A and 1B reports have also been provided to Tonawanda Band of Seneca Indians and the Seneca Nation of Indians. The most recent letter from OPRHP is included as Appendix C to this FEIS. Since the area contains an extensive amount of historical fill and disturbance, OPRHP is requiring a letter report summarizing data on depth of construction versus depth of fill and testing recommendations at a later stage of the Project. No additional archaeological testing is required for areas where depth of construction will not exceed depth of existing historical fill. The depth of construction is unknown at this time. Depth of construction will be determined by the need, if any, for existing fill to be removed based on soil contaminants. If environmental soil remediation requires removal of existing fill below the historic fill levels, then an archaeologist will be present on the Project site to confirm that no burials are found. If burials are found, the Applicant will work with OPRHP and the Seneca Nation to preserve the affected cultural resources. It should be noted in this regard that the testing required to determine the exact depth and extent of fill at this time would entail some environmental risk. In general, it is been found most prudent in this industry to defer extensive testing to the early phases of construction when there are sufficient opportunities and resources available to respond to, manage and remediate the environmental conditions as well as any unforeseen consequences related to their disturbance.

#### **Comment 3**

**Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

**Comment:**

Proposed Action will occur in an area designated as Sensitive for Archaeological Sites on the NYS Site Inventory.

The DEIS appears to confirm that there will be no significant impact to archeological resources.

**Response:**

See preceding response immediately above.

### **3.7. Traffic and Noise**

#### **Comment 1**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

The parking diagram is unreadable and the analysis is confusing when the reader tries to compare it to the existing parking conditions discussed on page 44. The discussion of existing spaces on page 44 includes parking areas well outside the Project limits whereas this section is limited to the Project limits. Also, it is difficult to determine which existing spaces will be eliminated as part of the new development. Somehow the EIS must present a clear analysis of the existing conditions, the changes in parking demand as a result of the new development and the proposed parking spaces. Currently, it is difficult to determine if additional public parking is being added or the proposed development will decrease the available public parking. Will the 50 “new parking spaces” to be located on Lakeshore Drive be in addition to the existing Lakeshore Drive parking spaces? If not, why are public spaces being allocated to the development when there is already a shortage of public parking?

The DEIS calculates parking by including public, on-street parking as well as parking at off-site areas such as the Steamboat Landing. Residential parking demand is only satisfied by having cars parked in driveways or aprons and does not provide for visitor parking. Further, the development would result in the loss of parking areas currently used during festivals and special events (even if this is on private lands) without providing additional public elsewhere on site.

**Response:**

To simplify and address this concern, the Applicant has provided a summary of the existing parking and proposed parking (first presented as Table 6 on page 16 of this document and reprinted below for reference). Based on the City Council’s request, in addition to the required spaces to accommodate the Project, the Applicant has increased public parking by adding 139 on-street parking spaces along the proposed new roads and an additional 17 public spaces along Lakeshore Drive. The Lakeshore Drive spaces created are a direct result of eliminating numerous driveways along the frontage of the property. The Applicant has also increased the number of spaces in parking lots and created spaces underneath the apartment units. Visitor parking is provided along with additional commercial/public parking.

Alternative G exceeds the requirements of the PUD Ordinance and other code provisions regarding parking, which states that 4 spaces per 1,000 square feet of retail, 3.0 spaces per 1,000 square feet of office, and 1.5 spaces per residential unit are required. Furthermore, the Applicant is not proposing an elimination of parking.



Parking Summary - Reprinted Table 6 from Page 16 Canandaigua Lakefront PUD				
	Existing	Proposed	City Code Req.	ULI Shared Parking
<b>Commercial / Retail</b>				
<i>Off-Street Parking</i>	658	545	616	616
<i>On-Street Parking</i>		139		
<b>Office</b>	--	90	90	5
<b>Residential</b>	--	576	498	398
<b>TOTAL</b>	658	1350	1204	1019

<b>Lakeshore Drive</b>				
<i>On-Street Parking</i>	33	50	--	--

References in the DEIS to other off-site parking areas were provided to indicate other nearby facilities. After reviewing updated information, it is apparent that parking capacity at other locations was not included in the parking calculations for the Project. Ample opportunities exist to provide parking for special community events and will remain the responsibility of the event organizers to make the appropriate parking arrangements and shuttle services, if necessary.

## Comment 2

### Commenter:

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

### Comment:

Where will snow be stockpiled in the winter or will the owners have to remove the snow from the site's parking lots?

### Response:

The Applicant will be required to design and provide for snow storage areas as part of its preliminary and final site plan proposals to the City Council. Typically, these areas are designed at the same time detailed landscaping plans are created. The provision for wider planting strips between the curb and sidewalk on the residential streets also provides a place for snow to be stored during the winter months. All snow storage areas will also be designed to ensure that impacts on parking and traffic are mitigated to the maximum extent practicable.

## Comment 3

### Commenter:

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

Richard E. Brown, Director of Development and Planning  
November 12, 2009

**Comment:**

Are the seasonal adjustments referenced in the executive summary reasonable for this location? Are summer Lakeshore Drive traffic patterns only 30-45% higher than the observed March levels? Wouldn't Lakeshore Drive traffic fluctuate more with the season than NYS Routes 332 and 364 since they are major transportation corridors?

There seems to be no reason to avoid actual summer counts. Summer volumes seem to be avoided altogether, because the traffic analysis also states that the roadways are only designed to support up to the "85<sup>th</sup> percentile", meaning that the peak eight weeks in July and August are ignored altogether. Therefore, there is no analysis of the projected traffic conditions on Lakeshore Drive during the busiest and most important summer months.

**Response:**

Reliance on seasonal adjustments, the need for summer counts, and relevant engineering and design standards were considered in developing the DEIS Final Scoping Document. The traffic impact study documents the analysis of conditions during the summer months. As indicated in the report, the four years of monthly data provided by the New York State Department of Transportation along Routes 332 and 364 are representative samples of monthly variations throughout the Canandaigua community during various seasons. Adjustments to reflect normal and summer conditions were analyzed in the traffic impact study to address seasonal adjustment concerns (*see* the NYS DOT response to this approach included as Appendix G).

In response to this comment, the Applicant was requested to summarize the rationale for use of seasonal adjustments and for the absence of any need to conduct summer traffic counts. The rationale offered by the Applicant follows:

"The use of seasonal adjustment factors to simulate normal (average) or summer conditions is widely accepted by transportation agencies. The New York State Department of Transportation provided four (4) years of Monthly data along NYS Routes 332 & 364. This data is a good representative sample of travel patterns throughout the Canandaigua community and was used in the traffic assessment."

A similar approach was relied upon in the recent review of a nearby project (Steamboat Landing). In that instance, NYSDOT data relative to seasonality of traffic along Route 364 was reviewed and the peak hour volumes used for analysis were adjusted upwards by 30% to 45% during the PM and Saturday peak hours respectively. It was concluded in that review that the seasonal adjustments provided estimated turning movement counts that were representative of summer season traffic in the study area.

**Comment 4****Commenter:**

NYS Department of Transportation (NYSDOT)  
October 13, 2009

**Comment:**

Any work (including access or utility work) within the right-of-way of any State Highway will require a work permit from the Department's Traffic and Safety Office. Occupancy of any state owned property (short or long term) may require a "permit for use of state-owned property" from the Department's Real Estate office.

We have received a Traffic Impact Study for the subject project and once our review is complete we will provide comments. The DEIS illustrations should depict the

topographic features (sidewalk, trees, etc.) within the State ROW on Routes 5 and 20. The noise section should address the compatibility of the proposed uses in proximity to Routes 5 and 20.

**Response:**

The Applicant will be required to comply with all State requirements related to off-site improvements at the intersections of Routes 5 and 20 with Booth Street and Muar Street. Modifications to existing Parkway Plaza access points or construction of new access points and dedicated internal roadways will be in conformance with applicable City of Canandaigua standards. The DEIS illustrations are conceptual in nature, and detailed design plans depicting sidewalks and trees within the NYSDOT right-of-way immediately adjacent to the Project site will be made available during the review of detailed site and offsite highway improvement plans. Aerial photos of the immediate area showing the sidewalk system within the NYSDOT are shown in the traffic impact study.

The proposed commercial uses along the Routes 5 and 20 rights-of-way are compatible with the noise sources generated by vehicles and commercial activities throughout the area. The Project will generate comparable noise levels at the Project site's boundaries, given that vehicular traffic to and from the Project site will be the most notable noise generator. The Project will not contain any use that is considered to be a "noise generator", such as a manufacturing facility, outdoor stadium, etc. Vehicular traffic will access the Project site at the dedicated roadways as shown on Alternative G.

Barriers and berms will also be constructed on the south side of the right-of-way. Barriers and berms are effective at reducing propagated noise when they are located close to a noise source or close to a noise receptor, and when the barrier or berm is tall enough to interrupt the line of sight from the noise source to receptor. The proposed building facades will also serve as effective barriers in those locations where they shield parking lots and access roads.

## **Comment 5**

**Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

Personal experience questions adding intersections to Lakeshore Drive that could add to traffic congestions and pedestrian conflict points. Lakeshore drive's one lane design, with a median on one side and parallel cars on the other, prevents any means of going around a stopped or turning vehicle.

Any one of the following situations could cause an interruption to traffic flow: vehicle turning onto a secondary street, vehicle turning onto Lakeshore Drive, pedestrian crossing Lakeshore Drive, pedestrian crossing a secondary street.

**Response:**

Alternative G does not alter the geometric characteristics of Lakeshore Drive, but rather enhances them. Furthermore, the number of driveways and pedestrian/vehicular conflict points along Lakeshore Drive has been significantly reduced. Seven (7) driveways have been eliminated, while the number of parking spaces along Lakeshore Drive available for public use has increased. As a result of

these revisions, Alternative G further reduces the potential for significant adverse impacts to pedestrian traffic.

## **Comment 6**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

Reconfiguring Lakeshore Drive would be undesirable, changing the character of the drive and eliminating parking spaces. An alternate plan would be to eliminate the north-south road across from the Bath House. This would reduce possible traffic and pedestrian conflicts and add a pedestrian mall that fits well with the residential character of the plan.

### **Response:**

Alternative G does not alter the geometric characteristics of Lakeshore Drive, but may enhance current conditions. Furthermore, Alternative G notably reduces the number of driveways and pedestrian/vehicular conflict points along Lakeshore Drive. Seven (7) driveways have been eliminated, while the number of parking spaces along Lakeshore Drive available for public use has increased. The north-south road across from the Bath House provides for a direct connection to Parkway Plaza which provides for improved circulation between new and existing land uses, therefore minimizing circuitous traffic.

## **Comment 7**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

The “Traffic Assessment” may want to include a statement about travel to site by bicycle including shared roadways and facilities such as bike racks.

### **Response:**

Based on a review of Alternative G, it is envisioned that bicycle travel will remain unchanged with the Project. However, the installation of bicycle racks will be considered and placed where most appropriate (commercial areas). There are currently no designated bike routes in the area. Bicycles share the travel way along the adjacent roadways and are permitted to use multi-purpose trails that meander through Kershaw Park.

## **Comment 8**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

The “Traffic Assessment” should be provided for travel to site by local bus service and availability of facilities such as bus shelters.

**Response:**

The Lead Agency is aware that Public Transportation Services in Ontario County is provided by County Area Transit System (CATS). It is understood that there are currently two fixed-route bus service (Routes 2B and 4) providing hourly service that travel adjacent to the proposed project along Booth Street (drive through Parkway Plaza), Lakeshore Drive, and Route 5&20. Demand response dial-a-ride (DAR) service is also available. Route 2B has a stop in Parkway Plaza. There are currently no bus shelters in the immediate area.

**Comment 9****Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

The "Traffic Assessment" may also want to consider travel to site by coach bus service bringing day tourists.

**Response:**

The proposed new roadways will be dedicated upon completion, and as such will be designed to City of Canandaigua standards. These city street standards do account for heavy vehicle traffic.

**Comment 10****Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

**Comment:**

Was the traffic evaluated for the cumulative effect of both the Steamboat Landing and Canandaigua Lakefront projects?

**Response:**

Addressing the cumulative effects of traffic including Steamboat Landing and other approved developments in the immediate area was identified in the Final Scoping Document. The Applicant addressed the issues raised by this commentator by including the traffic estimates for Steamboat Landing in the traffic study for the Project as part of the background growth scenario.

**Comment 11****Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

**Comment:**

Will the City parking lots be filled up with Steamboat Landing visitors during events?

**Response:**

Although the comment references a different project from that focused upon in this review, it should be noted that the City has been working with the Steamboat Landing applicant to address their parking needs and those related to special events. The Applicant has indicated their understanding that the Canandaigua Lakefront PUD project would meet or exceed the parking requirements applicable to the Project site and that there is no plan for patrons of the Steamboat Landing project to utilize private Canandaigua Lakefront PUD parking areas.



### **3.8.      *Utilities and Energy Usage***

#### **Comment 1**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009; and  
Louis Loy, City of Canandaigua Public Works

**Comment:**

Utilities – Sewer Pump Station

Statements relating to the need for replacing public infrastructure should be verified.

On Page 6, Item #11, there is reference to moving the sanitary sewer line and the Lakeshore Lift Station, both because of the conflicts created by the Project. To expand on this topic, both the existing sewer line and the sewer lift station were not scheduled for replacement prior to this Project. Upgrades (design) to the existing lift station were scheduled for 2007 but, are on hold pending the approval and implementation of this Project. If the lift station is moved to another location, the force main connecting the lift station to the treatment plant will require partial relocation from underneath the Parkway Plaza building. The sanitary sewer line needs rehabilitation unless it needs relocation. Rehabilitation includes slip lining and reconstructing the manholes.

The replacement/relocation of the east-west sanitary sewer line is only necessary if the pipe is in conflict with the Project, not because of its condition.

**Response:**

The Applicant reviewed the latest condition summary from D.P. Ward and has revised the narrative regarding the wastewater sewer. In Alternative G, the existing sewer pump station would remain in its current location. The City may be upgrading the pump station as part of a project that had been planned a few years ago. This plan had been put on hold partly in response to, and pending the resolution of, this Project. An east –west sewer (flowing from Booth Street to the pump station) will be replaced as part of the Project to better align with the proposed East-West Road. The relocation of the sewer lines is not part of the City upgrade which could include updating the pump station level and control system. Additional sanitary sewers, storm sewers and water mains will be constructed by the Project to serve the needs of the Project. The mainline utilities would be offered for dedication to the City. Should the City not upgrade the existing pump station, the Applicant has indicated their intent to then include that scope of work within the infrastructure improvements for which they would seek State and Federal funding.

### **3.9. Community Services**

#### **Comment 1**

**Commenter:**

Labella Associates, P.C.  
memo to City of Canandaigua

**Comment:**

The DEIS states that “the number of school aged children who may reside in the area is limited. All of the residential buildings contain either one bedroom or two bedroom units. The unit size and price range of the units will likely attract senior or young professionals and not families. The dwelling sizes limit the ability for families to comfortably reside in the Project area. For these reasons, there is a minimal impact on the school enrollment”. (Section 4.9.6, Page 100).

The FEIS should explain or clarify why a residential development of this type would not contain any units suitable for families to reside in comfortably. There should also be included some estimate of the available capacity of schools within the Canandaigua City School District, should the Project lead to an increase in student enrollment.

**Response:**

The Project is based on marketing information used to predict the demand for units of a particular size and type. The Applicant and their consultants are of the opinion that the proposed units will not lead to a large influx of school aged children (*see* the Marketing Study included as DEIS Appendix 2). Canandaigua City School District enrollment has been declining (*see* Appendix H) and the District should have adequate capacity to accommodate anticipated population growth. It is estimated that the Project may generate more than \$2,500,000 in new property tax revenue. Should the Project lead to an unanticipated increase in the number of families, additional school tax revenues would be available to offset the increase in District expenses.

#### **Comment 2**

**Commenter:**

Kay James, City of Canandaigua Manager

**Comment:**

On page 45, Heading 3.9.2 Fire Protection is used twice. The second heading should be 3.9.3 Ambulance.

**Response:**

This comment and the associated error are acknowledged.

#### **Comment 3**

**Commenter:**

Kay James (City of Canandaigua Manager)

**Comment:**

Pages 53-55 discuss the "City's Existing Budget." However, many of the comments were taken from the 2009 Acting City Manager's Budget Message and do not reflect

the changes that the City Council made in the Acting City Manager's Recommended Budget prior to the adoption of the 2009 City Budget. For example, the statement in the fifth paragraph on page 53 that the City has decreased the funding level from AIM aid is not correct. Based on updated information received during the budget review process, the level of AIM aid was restored to the 2008 level.

The statement in the fifth paragraph on page 54 that the School Resource Officer program would cease is not correct. The statement at the top of page 55 that Chamber of Commerce funding was cut by \$8,370 is not correct, as the funding was restored in the adopted budget. The statement that the City will continue to provide funding for senior recreation programs is not correct, as this funding was eliminated. In section 4.13 Community Fiscal Resources, on page 99, it is stated that the cost of adding 2 new firefighters and 2 new police officers would be \$233,770. However, these costs don't include the costs of benefits such as health insurance and pension system payments, which would increase these costs by nearly 50%. The second paragraph on that page indicates that residents will be charged a fee for their waste collection services. However, this figure is the estimated cost to the City to provide this service, for which no fee is currently collected.

**Response:**

The City of Canandaigua worked on the 2010 budget during the period of March to November 2009. During this time period, funding requests were submitted by department heads along with proposed means of reducing costs and /or creating revenues. The City Manager interviewed approximately 30 employees and a number of ideas were included in the 2010 budget. Remaining months were spent reviewing different options to fill the anticipated General Fund Gap. The primary reasons for the Gap include a reduction in sales and property tax revenue. In addition, a structural imbalance in the General Fund budget needed to be addressed. The 2010 Budget was adopted by the City Council on December 3, 2009, and is posted on the City's website. Fees for waste collection services, while not included in the 2009 budget, are a component of the 2010 budget revenue.

## **Comment 4**

**Commenter:**

Kay James (City of Canandaigua Manager)

Mark Brown (City of Canandaigua Assessor)

**Comment:**

On page 54, it is stated that the 2009 property tax levy would increase by 9.89% and the tax rate would increase to \$6.33. However, in the adopted budget, the tax levy increased by 2.58% and the tax rate increased to \$5.91. Calculations regarding property assessment on page 19 are not accurate. (For example the columns indicting county and school taxes are shown as being equal.) The figures on page 109 & 110 do not use current property assessments and do not use the proper rate for city or county taxation.

**Response:**

The tax rate for the City has been revised to \$6.29, per the 2010 City budget. The County rate has recently been issued (on January 1, 2010) at \$6.78. The School tax rate has also been revised to the October 2, 2009 value of \$16.90. Table 8 (below) shows the revised 2010 calculations. With regard to estimated assessed values, these numbers are preliminary estimates of the future constructed values for various

parcels. The goal of the table is to demonstrate that the Project has the potential of creating over \$2,500,000 in property tax revenue.

**Table 8 – Revised Property Tax Revenue Generated from the Project**

<b>Phase</b>	<b>Estimated Assessed Value</b>	<b>City Taxes</b>	<b>County Taxes</b>	<b>School Taxes</b>	<b>Total</b>
Phase 1 (Block B)	\$21,500,000.00	\$135,235.00	\$145,770.00	\$363,350.00	\$644,355.00
Wellness Center (Block F)	\$2,000,000.00	\$12,580.00	\$13,560.00	\$33,800.00	\$59,940.00
Block A	\$15,200,000.00	\$95,608.00	\$103,056.00	\$256,880.00	\$455,544.00
Block C	\$10,380,000.00	\$65,290.20	\$70,376.40	\$175,422.00	\$311,088.60
Block D	\$8,100,000.00	\$50,949.00	\$54,918.00	\$136,890.00	\$242,757.00
Block E	\$6,260,000.00	\$39,375.40	\$42,442.80	\$105,794.00	\$187,612.20
Block G	\$4,620,000.00	\$29,059.80	\$31,323.60	\$78,078.00	\$138,461.40
Block H	\$8,360,000.00	\$52,584.40	\$56,680.80	\$141,284.00	\$250,549.20
Retail Pads in Plaza	\$1,500,000.00	\$9,435.00	\$10,170.00	\$25,350.00	\$44,955.00
Parkway Plaza	\$6,000,000.00	\$37,740.00	\$40,680.00	\$101,400.00	\$179,820.00
McDonalds	\$1,019,000.00	\$6,409.51	\$6,908.82	\$17,221.10	\$30,539.43
<b>Total</b>	<b>\$84,939,000.00</b>	<b>\$534,266.31</b>	<b>\$575,886.42</b>	<b>\$1,435,469.10</b>	<b>\$2,545,621.83</b>

Based on tax rates as follows: 2010 City (6.29), 2009-2010 School (16.90 – October), 2009 & 2010 County (6.78 – January 1, 2010)

## **Comment 5**

### **Commenter:**

Matt Snyder (City of Canandaigua Fire Chief)

### **Comment:**

Calculations regarding the Fire Department on page 89 of the DEIS are not accurate. They count Career and Volunteer firefighters all as one FTE, which is not accurate. It also assumes that the numbers of career and volunteer firefighters at the time the data was collected was an optimum number to use as a baseline for projected growth numbers. The number of 331 people per firefighter is based on these assumptions, so the simple extrapolation that 773 additional people would require 2 additional career firefighters and one additional volunteer firefighter is also strictly based on these assumptions. While the Project will increase the demand for Fire Services, the impact on the Fire Department is not specifically known. The determination of how best to provide these services will be an ongoing process with many options.

### **Response:**

The Lead Agency acknowledges the limitations of the method offered in the DEIS to quantify the potential need for additional fire protection services. The comment correctly points out the difficulty of forecasting a need for additional firefighters

based only upon existing firefighter to resident ratios. As the comment suggests, a determination of the number of firefighters required to protect a community is complex and must rely upon many other factors in addition to the population level. Even in a model based solely on population, it would be overly simplistic to ignore economies of scale and to presume that a single ratio would prevail as the number of residents increased. As the comment also states, one may assume nonetheless that the Project would result in some increase in the demand for Fire Services. The comment correctly indicates that the determination as to how these services might best be provided given the additional demand would be an ongoing process with many options. Accordingly, as the potential need for additional firefighters remains somewhat uncertain, it is relevant to point out that the Project also has the potential to generate at least \$2.5 million in additional tax revenues. Should the anticipated incremental change in population be found to translate directly into a need for additional firefighters, the expense associated with such a need would be only a small fraction of the potential increase in tax revenues to the City of Canandaigua's general fund.

## **Comment 6**

### **Commenter:**

Louis Loy, City of Canandaigua Public Works Director

### **Comment:**

Page 8, Item #25 does not address local approvals needed from the City beyond the planning stage. Project design elements dedicated to the City for perpetual maintenance needs Public Works review and approval before submissions to the DEC and DOH.

### **Response:**

The local approvals table has been revised by the Applicant to include a step for obtaining permits from the City's Director of Public Works (*see* the following table, first presented above on page 18 as Table 7 and reprinted below for reference).

The City of Canandaigua is the lead agency for the Project. As shown in the table, the following agencies are involved or interested agencies of the proposed action pursuant to SEQRA: The Empire State Development Corporation, U.S. Army Corps of Engineers, the Federal Highway Administration (FHWA), U.S. Department of Housing and Urban Development (HUD), New York State Department of Environmental Conservation (NYSDEC), New York State Department of Transportation (NYSDOT), New York State Division of Housing and Community Renewal (DHCR), New York State Housing Trust Fund Corporation (HTFC) and New York State Historic Preservation Office (SHPO).

**Anticipated Required Permits – Reprinted Table 7 from Page 18  
(former DEIS Table 2.4)**

Agency	Permit / Approval
City of Canandaigua	SEQR
City of Canandaigua – City Council	PUD
City of Canandaigua	Preliminary Sketch Plan
City of Canandaigua	Final Sketch Plan
City of Canandaigua	Review/Approval of Design Elements to be Dedicated (prior to DEC and DOH)
City of Canandaigua – Dept. of Public Works	Utility Connection Permits for Water, Sanitary
City of Canandaigua – Building Department	Building Permits
City of Canandaigua – City Tax/Planning Dept.	Tax Merger/Subdivision
Ontario County	Re-Subdivision
New York Dept. of Env. Cons. (NYSDEC)	Phase II Stormwater Permit
New York Dept. of Env. Cons. (NYSDEC)	Article 24 Wetlands Buffer Zone Permit
New York Dept. of Env. Cons. (NYSDEC)	Highway Work Permit
New York State Dept. of Transportation (DOT)	Utility Permit
New York State Dept. of Transportation (DOT)	Water Distribution Permit
New York State Health Department	Floodplain Development
FEMA	

**Comment 7**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

Development will create a demand for additional community services.

It would seem to be assumed that this type of development would “pay its own way” meaning that the real estate would generate tax revenues sufficient to pay for any increase in services, whatever that increase may be. However, the DEIS does not provide evidence to support this assumption, especially when it concludes that the Project will require two additional firefighters (p.99) and “additional resources” will be needed for waste collection (p.100). The DEIS section on tax revenues (p. 109-111) has many errors noted by the City Assessor. Also, there is no discussion of the impact of condominium evaluation or other possible tax exemptions.

**Response:**

The Applicant submits that the Project will “pay its own way” through the tax revenues created. Table 8 above shows the approximate anticipated tax revenue for



the full build out of the Project. The table has been updated to include current tax assessment rates that are available. The Project will create tax revenues that will be calculated along using appropriate guidelines and will provide the City of Canandaigua with a substantial increase in revenue over the existing uses.

## **Comment 8**

### **Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

### **Comment:**

Questioned Lakeshore Drive as the access for ambulance and fire to get to the 136 room hotel proposed at Steamboat Landing.

### **Response:**

The Project does not intend to alter the characteristics of Lakeshore Drive. Alternative access to Steamboat Landing is available by Routes 5/20 and East Lake Road. Even the proposed new East-West Road along with the North South connections will create optional routes for emergency vehicles to travel should an incident arise along Lakeshore Drive.

### 3.10. Community Character and Lighting

#### Comment 1

**Commenter:**

Labella Associates, P.C.

Memo to Richard E. Brown

**Comment:**

The DEIS states in one section that “the buildings placed on Lakeshore Drive are carefully setback so the view for pedestrians and vehicles will not be affected” (Section 4.5.2, Pg. 82). Yet in a subsequent section the DEIS states that “buildings are pulled forward to frame these spaces rather than setback in a more conventional arrangement” (Section 4.10.5, Pg. 103 – Streetscapes).

The FEIS should clarify what setback is intended to strike the balance suggested by the two somewhat inconsistent statements and whether the setback will be the same or different on all the streets, especially along Lakeshore Drive.

**Response:**

The Applicant has offered the following response regarding setbacks and the need to strike the balance identified in the comment:

Given that Lakeshore Drive will be framed on the north side by buildings and retail oriented open spaces, and on the south side by the grand vista of Canandaigua Lake, the Applicant believes that the placement of the buildings on the Lakeshore Drive frontage is critical. It is for this reason that a balance of setbacks and street framing is proposed. Figure 22 below shows some representative setbacks. The proposed minimum setbacks in the PUD are 0 feet for mixed use buildings (buildings characterized as being pulled forward) and 10 feet for residential buildings (buildings characterized as carefully setback).

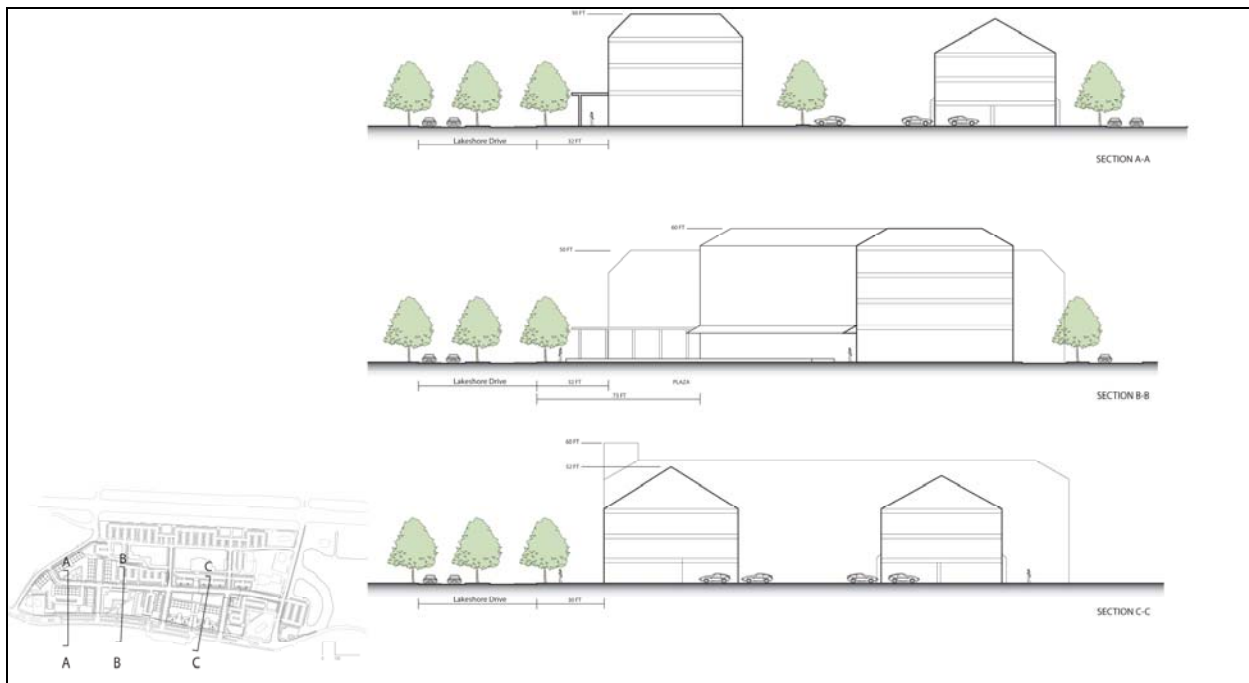


Figure 22

## **Comment 2**

### **Commenter:**

Labella Associates, P.C.

Memo to Richard E. Brown

### **Comment:**

The DEIS concludes that Section 4.5 did not indicate a potential for the proposed multi-story buildings to “overwhelm the lakefront district”. Therefore, an alternative to reconfigure the development in order to avoid or minimize that effect was not provided. The FEIS should review this determination in more detail and clarify the underlying criteria. Should a concern regarding overwhelming of the lakefront district remain, the FEIS may need to include such an alternative.

### **Response:**

The Applicant has provided illustrative views to demonstrate that the 3 and 4 story buildings will not overwhelm the lakefront district. A varied and active street frontage on the north side of Lakeshore Drive is shown to enhance the character and pedestrian nature of the Lakeshore District. It is acknowledged that in no case should buildings be permitted in excess of 60 feet along this frontage, even though the street will only have buildings on one side and therefore not be subject to a canyon effect. The height of multi-story buildings does not overwhelm the lakefront district.

The buildings along Lakeshore Drive will be 3 or 4 stories maximum and will not overwhelm the district. The buildings will not exceed 60 ft. in height. Many of the buildings are substantially set-back from Lakeshore Drive.

The frontage is broken to provide visual access to Canandaigua Lake from spaces, units, sidewalks and streets to the north of Lakeshore Drive. The 5 plex apartments have been setback from Lakeshore Drive slightly in Alternative G.

Figure 22 above also shows proposed cross sections along Lakeshore Drive.

## **Comment 3**

### **Commenter:**

Labella Associates, P.C.

Memo to Richard E. Brown

### **Comment:**

Figures 5.8.1, 5.8.1A and 5.8.1B in this Section depict the proposed wellness center as being an existing building. This error should be noted in the FEIS.

### **Response:**

In Alternative G, the wellness center will be located in the mixed use portion of the Project site. A proposed commercial building is shown in the wellness center’s original place. Alternative G depicts this building as proposed.

## **Comment 4**

### **Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

### **Comment:**

Although NYSDEC acknowledges that a project often changes and should change, as a project applicant moves through the SEQRA process it is unusual to have a DEIS's environmental analysis based on a site layout that is not the preferred option. Section 5.8 provides a good summary of the reasons why the Site Layout G was pursued and the benefits that result from the Site G layout, however the DEIS should provide a thorough discussion of why it was not necessary to review any of the environmental studies (visual, noise, traffic, etc.) to properly analyze the current preferred alternative.

### **Response:**

Section 2 of the FEIS addresses the potential need for additional or revised environmental analyses. It should also be noted in this regard that Alternative G keeps nearly the identical unit/square footage as the original. Many of the proposed changes characterizing Alternative G relate to a reduction in footprint area and to more open space. Consequently, the environmental studies remain applicable.

## **Comment 5**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

Suggestion that the City of Canandaigua establish a Design Overlay District within the PUD for properties fronting Lakeshore Drive and possibly including the retail center.

### **Response:**

The Project's design and submission is consistent with the existing PUD Ordinance's provisions. In order to establish a design overlay district (as suggested by the commentator), an amendment to the PUD Ordinance would be required by legislative process.

## **Comment 6**

### **Commenter:**

Mr. Joseph Proe  
October 15, 2009

### **Comment:**

A detailed design specification and guidelines document would be created by the Design Team and or City architects and included as part of the final Sketch Plan Approval.

**Response:**

The Applicant and its design team will be required to comply with the applicable site plan provisions of the PUD Ordinance as the zoning review of the Project proceeds.

**Comment 7**

**Commenter:**

Mr. Joseph Proe  
October 15, 2009

**Comment:**

City of Canandaigua may want to request that a Project Risk assessment Document be prepared for the Project. A project risk assessment identifies upfront potentially (what could go wrong” with the Project, and outlines strategies to mitigate or correct them.

**Response:**

In accordance with the PUD Ordinance requirements, the Applicant completed studies to help predict market, traffic, drainage, and other environmental conditions. As with any project, there is an element of risk that is ultimately borne by the developer.

**Comment 8**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

The proposal does not meet City zoning and planning goals for the area in question.

The City of Canandaigua Comprehensive Plan 2002 Revision was adopted by resolution in accordance with General City Law §28-a, thereby requiring that all City land use regulations be in accordance with this document. Adopting a Planned Unit Development (P.U.D.) would be such a land use regulation. The proposed PUD falls entirely within the “Lakefront” subarea of the Comprehensive Plan (6.4). Many of the goals and recommendations of this chapter are applicable.

Goals lakefront

The Canandaigua Lakefront should continue to grow as a balanced, mixed-use area focused on public access to Canandaigua Lake. Year-round activities should be developed. The land use and streetscape design should be pedestrian friendly, with buildings approachable from all sides, with outdoor public places including courtyards, patios, and safe alleyways between buildings.

Page 70, City of Canandaigua Comprehensive Plan

**Response:**

The Project is a mixed-use PUD. Therefore, retail, residential and open space uses are integrated throughout the Project’s development plan.

It is the Applicant’s position that Alternative G conforms to the goals of the City of Canandaigua and, in particular, the PUD Ordinance. Alternative G incorporates revisions that were made as a result of comments from the City Planning

Commission, the City Council PUD Committee, and the public. Some of the PUD goals that are met by Alternative G include:

- 1) Inclusion of courtyards, patios and safe alleyways between the units;
  - A main courtyard across from Kershaw Park is included within Phase I;
  - An open space fountain area across from Kershaw Park is included in Phase II.
  - A residential playground area is included in Phase III; and
  - A large east-west oriented green open space and public pedestrian muse leading to Kershaw Park is included in Phase IV.
- 2) Providing balanced / mixed use focused on public access to Canandaigua Lake:
  - The Project is a mix of residential and commercial uses with percentages based on a recent marketing study; and
  - The majority of the buildings along Lakeshore Drive contain first floor commercial uses.
- 3) Providing year round use:
  - The commercial uses (including the Wellness Center) will provide year round use; and
  - Mixing residential products (units) with the proposed retail will strengthen the market for year round uses in the area.
- 4) Creating a pedestrian friendly Project:
  - The Project will have sidewalks and streetscapes on the new streets in addition to the courtyards and green spaces noted above; and
  - The Project will include sidewalk connections from/through Parkway Plaza to Lakeshore Drive and Kershaw Park.

Residential only uses shall have front doors, porches, and stoops along the public realm to help ensure an active, 24-hour community that will compliment the earlier Project phases.

There are several internal neighborhood open spaces proposed for the Project, including a large retail oriented plaza/courtyard with views toward Canandaigua Lake. Additionally, smaller pocket parks and plazas are proposed throughout the Project site and throughout the phased development. These open spaces will be designed with play grounds, outdoor seating, and/or recreational green space. Each phase containing a residential use will have a recreation area, and therefore, the residents will not overtax the existing Kershaw Park.



## Comment 9

### Commenter:

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### Comment:

The proposed PUD does provide for a mix of uses and the residential population should encourage better year-round activity. In general the streetscape is designed to be pedestrian friendly and the large courtyard does provide an attractive “outdoor public place”. However, this courtyard has been largely removed from the plan in the “preferred alternative” submitted in the DEIS.

### Response:

During earlier planning stages, the courtyard was removed. However, Alternative G contains the courtyard and several other open spaces. There are several internal neighborhood open spaces proposed for the Project, including a large retail oriented plaza/courtyard with views toward the Project. Additionally, smaller pocket parks and plazas are proposed through the Project site and throughout the phased development. These open spaces will be programmed with play grounds, outdoor seating, and/or recreational green space. Each phase containing a residential use will have a recreation area and therefore the residents will not overtax the existing Kershaw Park.

## Comment 10

### Commenter:

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### Comment:

While the proposed plan may support some of the general concepts expressed in the Comprehensive Plan’s goal statement for the lakefront, this plan is not consistent with many of the specific recommendations of this chapter:

Recommendation #3: Encourage a fine blending of mixed uses that are open to the public. Restaurants, shopping, hotels and other tourist-related development should be located within close walking distance of one another to create a lively, synergistic combination of activities. One use should not dominate.

Page 70, City of Canandaigua Comprehensive Plan

### Response:

Changes were made to Alternative G (included as Figure 2) to further embrace the zoning and planning goals for the Project site. The Project is a mixed use development whereby one use does not dominate. Phase I includes an active court yard across from Kershaw Park, which opens the Project development into the park. It includes a substantial parking lot to benefit users of the new retail, residential and open space created. Phase II includes a commercial building adjacent to Lagoon Park as well as an open space fountain area across from Kershaw Park. Residential units are behind commercial uses. Sufficient parking is provided adjacent to the developments and additional overflow parking is planned for users of Kershaw Park. Phase III contains retail along Lakeshore drive with residential units behind. This

phase includes an open space area for the residents of Phase III. Phase IV includes a residential community with an extensive green area (south of the east-west road) and a public pedestrian muse leading to Kershaw Park. The large green area within Phase IV will be for private residential use and enjoyment. Phase V will be the last phase of the Project area and will include reconfiguration of Parkway Plaza beginning with the extension of the north-south connector road. Additional improvements will include out parcels for Parkway Plaza and facade improvements that will be made in accordance with the goals and guidelines of the PUD.

## **Comment 11**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

Overall, the plan does provide for a mix of commercial and residential uses. However, there are only a handful of mixed use buildings. Much of the plan is homogenous residential, which does in fact dominate the eastern portion of the site. In fact, nearly half the Lakeshore Drive frontage is solely residential.

Recommendation #5: On the north side of Lakeshore Drive, allow residential uses on upper floors (or on the first floor not facing the lake).

Page 70, City of Canandaigua Comprehensive Plan

Residential uses are proposed for the upper floors and on the first floors not facing (behind) Lakeshore Drive. There is, however, approximately 500 feet of Lakeshore Drive frontage that will be residential on the first floor. This is clearly inconsistent with the recommendations of the Comprehensive Plan.

### **Response:**

Based on the PUD Committee meetings with the City Council, Alternative G adds additional first floor commercial on all buildings along Lakeshore Drive, except the 5 plex residential units. This provides first floor commercial on 612 linear feet or 33% of Lakeshore Drive.

## **Comment 12**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

Recommendation #6: The height of multi-story buildings should not overwhelm the lakefront district.

Page 71, City of Canandaigua Comprehensive Plan

Four-story structures with zero-setback from the sidewalk will overwhelm the lakefront district. Overall, the plan is too dense and too “urban” for the character of the Lakefront. There should be more visible and accessible green space on the north side of lakeshore drive.

**Response:**

Figure 22 (included above in a preceding response) presents cross sections to scale with Lakeshore Drive and the sidewalk. The sections show that there are eight buildings proposed with zero setbacks. A simulated view from Canandaigua Lake looking toward the Project (Figure 16, which is revised Figure 4.5.2.B.6 of the DEIS), demonstrates that Alternative G will not overwhelm the lakefront district. Figure 3 shows that more open space is being provided in Alternative G than what was proposed in the previous sketch plan.

**Comment 13**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

Recommendation #9: Consider integrating the properties on the south side of Eastern Boulevard into the Lakefront District.

Page 71, City of Canandaigua Comprehensive Plan

While Parkway Plaza is part of the PUD and there are two new roadways connecting Lakeshore Drive to the plaza, this falls far short of actually “integrating” Parkway Plaza into the Lakefront District. The preferred alternative then eliminates one of these connecting roads. There is so little change proposed for the plaza that there seems to be no need to consider it within the P.U.D. rezoning request.

**Response:**

Parkway Plaza is included as part of the PUD as suggested in Recommendation Number 9 of the City of Canandaigua Comprehensive Code. Parkway Plaza integrates the south side of Eastern Boulevard into the Lakefront District, and the final phase of the Project will include cutting a new north-south road through the plaza area.

**Comment 14**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

FINDING #2        The proposal does not meet the intent and objectives of planned unit development as expressed in §850-120.

Objective #2:       More usable open space and recreation areas and more public access to lakefront and other desirable recreational areas;

The plan is very dense and provides almost no private open space for approximately 350 dwellings. This may place an increased and disproportionate demand on the adjacent Kershaw Park.

The original plan does provide an attractive courtyard on Lakeshore Drive, which appears to be open to the public. However, by surrounding this area with commercial uses, only patrons are likely to feel welcome.

Finally even this public space is greatly reduced in the “preferred alternative” such that almost no open space of any kind remains.

**Response:**

Alternative G now identifies recreation areas for each phase. The courtyard has been restored from the original plan in a revised geometry. The sketch plan now includes an extensive amount of open space. Alternative G also establishes:

- A main courtyard across from Kershaw Park is included within Phase I;
- An open space fountain area across from Kershaw Park is included in Phase II.
- A residential playground area is included in Phase III; and
- A large east-west oriented green open space and public pedestrian muse leading to Kershaw Park is included in Phase IV.

Alternative G has an open space framework (shown in Figure 23 included in the following section) that complements the resources at Kershaw Park. There are several internal neighborhood open spaces proposed for the Project, including a large retail oriented plaza/courtyard with views toward Canandaigua Lake. Additionally, smaller pocket parks and plazas are proposed throughout the Project site and throughout the phased development. These open spaces will be programmed with play grounds, outdoor seating, and/or recreational green space. Each phase which includes a residential use will also have a recreation area in an effort to minimize the risk for the residents to overtax the existing facilities at Kershaw Park.

## **Comment 15**

**Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

**Comment:**

Many elements of this project can be accomplished under the existing zoning, or with minor area variances.

Approximately one third of the Project acreage consists of Parkway Plaza and the plan proposes no amendments to the plaza that would not be permitted under the current C-3 “Heavy Commercial” zoning. There is no benefit in rezoning Parkway Plaza to P.U.D. The plan includes a series of mixed use buildings with commercial on the ground floor and residential above. This is consistent with the existing C-L “Commercial Lakefront” zoning. Some of the structures are proposed to be four stories, where the current zoning permits only three stories. Instead of a P.U.D rezoning, these projects could seek a variance for a fourth story or possibly the entire C-L zone could be modified to allow four stories. Again, the specific benefit in rezoning to P.U.D is not evident.

**Response:**

The Project does provide benefits by way of re-zoning to a PUD including promoting uniformity within the entire block, which helps guide any future changes to Parkway Plaza (including the road cut through, the out parcels and future potential plaza improvements). On December 17, 2009, the City Council approved Alternative G and designated the Project site as a PUD which included Parkway Plaza. The benefits for the Project and the community are enhanced by the uniformity of a PUD. Without it, the Project would have less continuity and uniformity.

## **Comment 16**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

The remainder of the Project is fairly homogenous residential development, similar to what is permitted in the R-L zoning. If the Council desires to have such a residential area on the north side of Lakeshore Drive, it would seem that this could be accomplished with a more conventional R-L rezoning for this portion of the property. The request to rezone for PUD does not seem to add much to the plan.

### **Response:**

Benefits to the PUD include promoting uniformity within the entire block, which helps guide any future changes to the area. The City Council approved Alternative G and the PUD designation on December 17, 2009.

## **Comment 17**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

The proposal does not meet all the general requirements of the City of Canandaigua's P.U.D. code §850-121.

§ 850-121.D.(1) Residential Uses. In developing a balanced community, the use of clustered housing types and densities may be deemed appropriate provided that sufficient, common, open space is provided.

As mentioned previously, the residential portions of this project are developed at a fairly high density with little provision for open space.

The density of the residential areas should be significantly reduced and the associated open space increased.

§ 850-121.E. Intensity of Land Use. Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater density (number of dwelling units per gross building area) or intensity (amount of floor space per building area in nonresidential uses) than usually permitted in traditionally zoned districts.

This requirement seems to envision a clustering concept, where areas of higher densities are balanced against areas of open space or preserved areas of environmental sensitivity. This plan does not do that. The entire site is proposed to be developed at an increased density, even portions of the site that are environmentally sensitive such as the 100-year flood plain. Also portions of the site that are within the 100-foot buffer for the NYS protected wetland (east of Muar Street) are proposed to be developed as a required stormwater retention facility.

### **Response:**

Alternative G shows a series of recreation and open space areas for each phase. As reflected in Alternative G, the revisions made to the prior sketch plan proposal reduced the footprint of the residential portion of the Project, increased lower floor

commercial space along Lakeshore Drive, increased green space, and clarified modifications to Parkway Plaza. The comment related to the 100-year floodplain is addressed in Section 3.3 above.

## **Comment 18**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

Proposed land uses or project components are obviously different from, or in sharp contrast to current surrounding land use patterns. This potential impact is addressed with regarding to traffic (#11), aesthetics (#7), public access to the parks (#9) and demand for community services (#13). The potential impact due to the increased density and intensity would be seen in traffic (#11) and impact on the parks (#9).

### **Response:**

The effects of the change in density are outlined as they relate to traffic, aesthetics, parks and community services in Sections 3.7, 3.5, 3.11 and 3.9 (respectively) of this FEIS.

## **Comment 19**

### **Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

### **Comment:**

Does the DEIS address the cumulative impacts of the Steamboat Landing project which is being reviewed concurrently?

### **Response:**

The DEIS for the Project addresses potential cumulative impacts in the form of traffic and parking (as further discussed in Section 2.7, Comment 1 of this FEIS).

## **Comment 20**

### **Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

### **Comment:**

Do the offsite parking needs for Steamboat Landing impact the Lakefront Development Project. He indicated that 300 cars may need to be parked offsite due to the Steamboat Landing project. (This assumes full build out of the Steamboat Landing conference center.)

### **Response:**

The Applicant and indicated their position that the parking proposed for the Project meets and exceeds its demands. The Steamboat Landing project is not anticipated to impact the parking proposed for the Project. The Applicant has also indicated that the Canandaigua Lakefront PUD Project may entertain agreements for temporary special event parking with Steamboat and other community organizations.



## **Comment 21**

**Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

**Comment:**

Is there an analysis on the local market of building mixed use for the Lakefront Project since 70,000 to 80,000 sf of mixed use was originally part of the Rosepark PUD.

**Response:**

The Applicant points out, in response, that the Rosepark PUD was begun 20 years ago and that mixed use has not yet appeared on the site. The Applicant has also expressed their opinion that the Project proposes to bring the City's Comprehensive Planning goals to reality.

According to the Applicant, a marketing study was performed for the Project and Alternative G was designed to be flexible, as well as phased for construction based on projected market conditions. The phasing has been proposed in order for the first phase of the Project, with its emphasis on the construction of the Project's infrastructure, to provide a basis and some momentum for the future phases of the Project. In addition, the mixed-use nature of the Project, coupled with its location near Canandaigua Lake, provides viable market opportunities.

## **Comment 22**

**Commenter:**

Tom Warth  
October 1, 2009 (Public Hearing)

**Comment:**

The DEIS does not mention the existing restaurant at Steamboat Landing.

**Response:**

It is assumed that this question relates to whether the market could sustain two or more restaurants. It is the Applicant's opinion that the new demand created by the residents will help sustain the restaurants.

### **3.11. *Parks and Recreation***

#### **Comment 1**

**Commenter:**

Richard E. Brown, Director of Development and Planning  
November 12, 2009

**Comment:**

Proposed action will impact Kershaw Park and Lagoon Park.

The potential impacts to the public parks is two fold: aesthetics and access. The development on the north side of Lakeshore Drive will offset or “frame” the natural setting of the park. The concern would be that this development not overwhelm or detract from the natural aesthetics of the park environment. There are renderings on pages 73-79, but none of these seem to adequately simulate the view of a future park user.

There is very little open space provided in the plan, with almost none for the residential uses. It is anticipated that Kershaw Park would, therefore, provide recreational space for the 330 dwellings (perhaps 700 residents). This may place an increased burden on the park, possibly reducing access to the general public.

Access to the parks and lakefront area may be most hindered by the loss of public parking in the vicinity. The DEIS calculates the parking supply for the new private development by including on-street parking. This parking is currently used by park users. Further, the private development itself occurs on vacant property that now serves as parking during festivals and special events. Without creating new public parking, public access to the lakefront will be greatly diminished.

Refer also to Planning Commission comments dated November 10, 2009.

**Response:**

Alternative G now designates recreational / open space in each of the development phases. The amount of green space has been increased from the original plan. The Project would now include 5.41 acres green spaces, plazas and other open spaces. In addition, a courtyard area across from Kershaw Park has been redesigned. This area will provide an area that complements and effectively adds to Kershaw Park. The three figures following this response illustrate the provision of green space in Alternative G. In the first (Figure 23), the public realm and associated open space “framework” proposed for development is shown. The second figure (Figure 24) shows the sizes of three central open spaces now present within the City at the intersection of Main Street and West Avenue. In the third figure (Figure 25), the sizes of the three existing open spaces shown in Figure 24 are superimposed (at scale) and compared to the sizes of the open spaces proposed in Alternative G. These spaces have been proposed, in part, to ensure that the Project’s residents will not overwhelm Kershaw Park and each phase will have significant open space for use by residents.

In addition, some limited parking will be available for people to use the Lagoon Park Trails. The parcels on the north side of Kershaw Park are currently private and parking for events has either been a private landowner undertaking or unauthorized. Additional public parking will be available due to the Project. (Please see the Parking Summary (Table 4)). In summary, it is anticipated that the Project will improve, rather than impede, public access to the lakefront.



**Figure 23**

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Figure 24

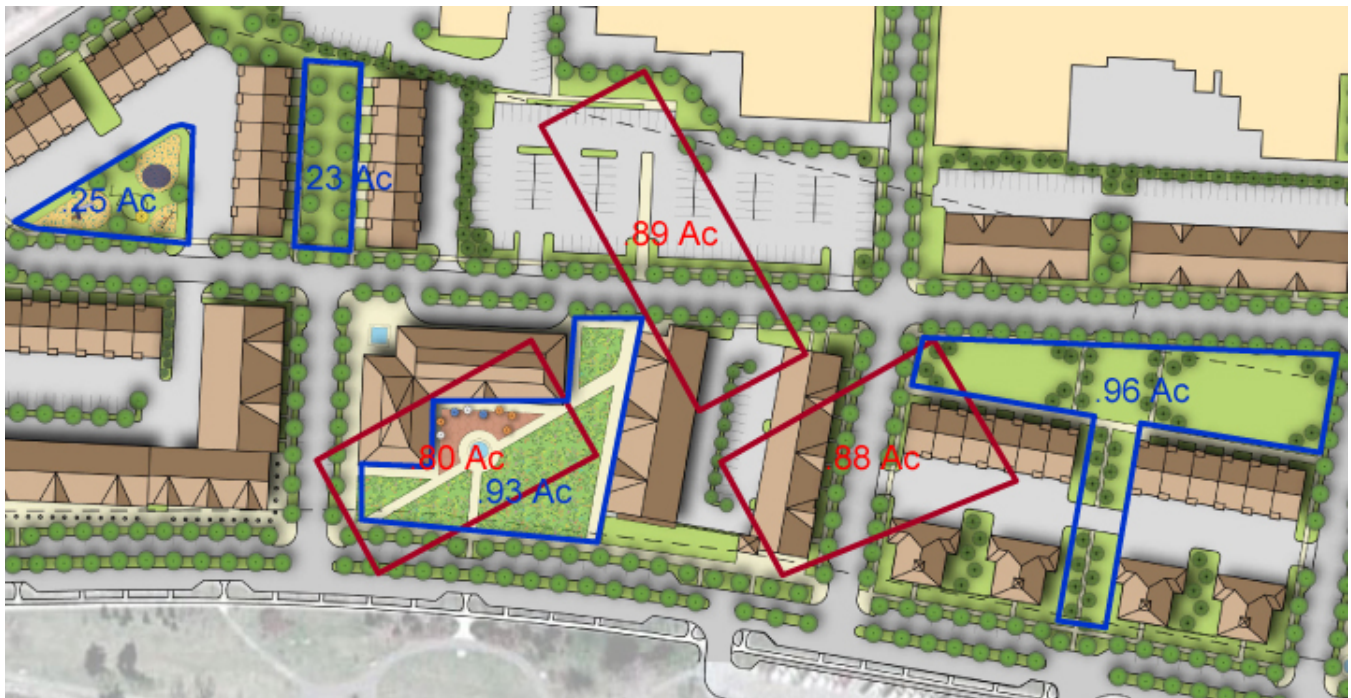


Figure 25

### **3.12. Hazardous Site Conditions**

#### **Comment 1**

**Commenter:**

Labella Associates, P.C.  
memo to Richard E. Brown  
NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

The DEIS states that “another positive impact to the site and public health is the remediation efforts that will be undertaken to the contaminated soil on the site” (Section 4.1.4, Pg. 63-Impacts to Soils). Yet in subsequent Section 4.2, Pg. 66 (Groundwater Resources), it states that “if it is determined that environmental remediation is necessary, a work plan will be prepared for review by the DEC”.

The FEIS should clarify the foregoing statements and whether remediation of the site is anticipated as well as the expected cost.

We find it unusual that a Draft Environmental Impact Statement would not further analyze issues regarding the potential contaminants on this site. The level and location of contamination could have a significant bearing on the overall design of the site as well as being needed to assess the Project’s feasibility. The document should discuss this issue further and provide some analysis of the level of contamination, anticipated cleanup measures, approximate costs, who will be responsible for the cleanup, etc. Page 55 of the DEIS references previous reports on the assessment of hazardous materials but provides little useful information. If the City will be helping with the cleanup costs, why is this not discussed in Section 4.13.1? If State and Federal funds are not available, is the Project still feasible?

**Response:**

The Applicant has indicated that its knowledge of potential site contamination is based upon Phase I Environmental Site Assessments completed in 2007 for 25 Booth Street and 24, 26, 28, 30, 130 and 158 Lakeshore Drive and on studies of the former Parkway Cleaners facility. With the exception of these, no studies have been conducted to evaluate potential impacts in the form of contamination from the former Parkway Cleaners facility. Moreover, no subsurface studies have been completed at the Project site subsequent to the 2007 assessments.

The potential concerns identified in Day Environmental’s 2007 Phase I Environmental Site Assessment Report include a former gasoline station, a former dry cleaning shop and possible historical fill placement. No environmental testing has been performed to determine if contamination is actually present at these locations or if remedial actions will be necessary to facilitate the Project. It is anticipated that such testing will be performed in a phased manner to be coordinated with future design and construction activities. Remedial action work plans will be developed (as necessary) to address identified contamination in conformance with applicable NYSDEC standards.

Although the extent of contamination, if any, has not yet been determined, it is possible to make reasonable assumptions as to the types of remedial actions that may be required based on the nature of the potential sources. In the case of the former gasoline station and the former dry cleaning shop, it is assumed that the initial remedial actions (if necessary) would include the removal of any remaining

underground tanks or drainage structures, followed by contaminated soil removal. It is assumed, should such actions be necessary, that they would be performed as interim remedial actions in conjunction with future site work (such as existing building demolition, grading and underground utility construction). Additional site characterization would be performed upon the completion of the source removal activities.

The need for remediation will be determined based on the additional site characterization data. If remediation is determined to be necessary, attempts would be made to maximize the use of in-situ techniques that would not interfere with construction activities or future building occupancy. Possible in-situ remediation alternatives would include the use of bioremediation (either natural or enhanced), chemical oxidation, sparging and/or soil vapor extraction, either alone or in conjunction with engineering controls (such as capping or sub-slab soil vapor mitigation systems) to be incorporated into the building designs. Building design changes and engineering controls could be implemented to address contamination that cannot be effectively remediated if necessary, or to reduce potential remedial costs.

In the case of the reported former “dumping” activities, it is assumed that most or all of the historical fill in these areas can remain in-place, with or without engineering controls (capping), except to the extent that fill beneath the foundations of future buildings is found to be structurally unsuitable. If capping is warranted, it is anticipated that it can be implemented using paving materials, membranes and/or select cover materials that can be incorporated into the proposed design and landscaping plan. The feasibility of reusing excavated fill materials on-site would be evaluated in accordance with a site management plan to be developed in accordance with NYSDEC guidelines. Based on experience with typical urban fill at other sites, the Applicant finds it unlikely that excavated fill would require management as a hazardous waste.

Future investigations and remedial actions would be implemented in accordance with NYSDEC Bureau of Environmental Remediation regulations and guidelines. The applicable regulatory program would be determined based on the nature of the source(s) identified and the nature and extent of associated contamination. Responsibility for any necessary remedial actions cannot be determined until additional investigations are completed. Until such a determination is made, the specific funding mechanisms cannot be determined.

In order to minimize undue delays and avoid the potential to create worsened environmental conditions prior to construction, future environmental investigations and remedial actions would occur during construction activities. The cost of future remedial actions cannot be estimated with certainty at this time, since the need for and scope of any remedial actions has yet to be established. However, based on experience a preliminary “worst case” estimate of \$700,000 to \$1,200,000 was developed for a scenario assuming that significant contamination requiring remediation is present at all of the identified areas of potential concern within all phases of the Project.

It is contemplated that the Applicant will participate in the NYS Brownfield Cleanup Program. Funds raised from the sale of any Brownfield tax credits will be used to offset the costs of environmental cleanup efforts. A potential tax credit calculation demonstrates that if environmental costs exceed the anticipated \$1,200,000, the benefits of the tax credit will absorb such increases as the credit is calculated based upon the costs of remediation.

Conceptual Evaluation of Brownfield Related Benefits: Potential Brownfield tax credits for this Project have been calculated by the Applicant using the following assumptions:

The cost of environmental remediation (site preparation) was estimated by Day Environmental to be \$1,200,000.

The site will be remediated for mixed use commercial / residential use and therefore will have an applicable base percentage of 28% to calculate the site preparation portion of the credit per NYS DEC Brownfield regulations.

An investor will pay \$0.50 per dollar of tax credit.

The Tangible property credit is 3 times the site preparation costs, not to exceed \$35,000,000 per NYS DEC Brownfield regulations.

In total, \$1,968,000 would be available to the Project if remediation costs total \$1,200,000. The calculation is as follows:

Site preparation credit:  $\$1,200,000 \times 0.28 = \$336,000$

Tangible property credit:  $\$1,200,000 \times 3 = \$3,600,000$

Total potential Brownfield tax credit available =  $\$3,936,000 \times 1$

$\times \$0.50$  (Investor pay-in)

Total potential funds available to Project:  $\$1,968,000 \times 1$

(\*1 - based on specified assumptions)

Finally, as was indicated above in the response to a Section 3.6 comment regarding potential impacts to cultural resources, it should be noted that the testing that would be required at this time to determine more precisely the concentration and extent of any contaminants would entail some environmental risk. In general, it is been found most prudent in this industry to defer extensive testing to the early phases of construction when there are sufficient opportunities and resources available to respond to, manage and remediate the environmental conditions as well as any unforeseen consequences resulting from the disturbance.

## Comment 2

### Commenter:

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

### Comment:

Parkway Plaza is in the process of being remediated. If groundwater is contaminated what impact will this have on the development of this site? Has the project applicant contacted the Department's Division of Environmental Remediation to see how this ongoing project and contamination would impact this project? Will it impact the phasing, grading, management of groundwater and surface water during construction, etc.?

### Response:

The Applicant has indicated that the Parkway Plaza Limited Partnership, the owner of Parkway Plaza, is currently participating in the NYS Voluntary Cleanup Program to address impacts associated with the Former Parkway Cleaners (i.e., a former occupant of Parkway Plaza). To date, remediation of the Former Parkway Cleaners facility has included the excavation and removal of soil impacted with chlorinated



solvents discharged during previous dry cleaning operations, installation of vapor mitigation systems within selected buildings at the Parkway Plaza, and the on-going treatment of groundwater to address residual impacts. In addition to the remedial efforts, a Site Management Plan to address environmental conditions at the Former Parkway Cleaners site has been prepared and submitted to the NYSDEC. The remedial efforts conducted at the Former Parkway Cleaners site are being, and will continue to be, completed in accordance with NYSDEC requirements. Parkway Plaza Limited Partnership will continue to work with DAY and the NYSDEC to address environmental impacts and complete remedial activities at this site.

The phasing, grading, management of groundwater and surface water during construction will be designed to not hinder the Parkway Plaza remediation project.

At this time, it appears that any impact of the Parkway Cleaners facility on the proposed project site would be limited to a minor encroachment of the groundwater plume. Since the portion of the Project site potentially impacted by the groundwater plume for the former Parkway Cleaners facility are designated to be used for parking, the risk of vapor intrusion hazards in future buildings is low. If necessary, vapor intrusion mitigation systems can be incorporated into the design of future on-site buildings at relatively low cost.

None of the potential off-site sources identified in the 2007 Day report are expected to pose a significant risk to the Project site. However, if impacts were to be identified during future investigations, the approach for mitigating them would be expected to be similar to that described with respect to the impacts from the former Parkway Cleaners site. Since other parties would be responsible for most or all of such remediation, the potential liability to the Applicants is assumed to be limited to the cost of installing soil vapor intrusion mitigation systems into the design of future building (if necessary).

Finally, the comment questions the potential for these potential environmental conditions to affect the Project phasing or the locations of buildings and other improvements. Given the foregoing information, including what is known regarding conditions on the Project site and the technologies available to remove or encapsulate contaminants or otherwise protect buildings, occupants, patrons and visitors, the Applicant does not anticipate the need to revise Alternative G or change the development sequence. While it is true that some potential need for these types of changes cannot be ruled out entirely, it is equally true that any attempt to revise Alternative G at this time to accommodate this small risk would require much speculation and would therefore yield a very unreliable product.

### **Comment 3**

#### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

#### **Comment:**

The applicant admits that there is a strong possibility of soil contamination due to previous uses but does not indicate what the contaminants are, where they may be located, the extent of the potential contamination or how it will be addressed. The applicant simply states that any future remediation will be in accordance with DEC regulations. This should not be accepted since we do not know what the extent of the problem is or how it can be mitigated. There is a possibility that there may be areas that will be too expensive to clean up, making certain portions of the PUD plan not be feasible. For instance, clean up requirements for residential uses are more

stringent than for commercial uses. This could create the need to move or eliminate specific plan elements.

**Response:**

According to the Applicant, although areas of potential concern were identified on-site in 2007 Phase I Environmental Site Assessment report, the actual presence of contamination on the site has not yet been established. The identified potential concerns include a former gasoline station, a former dry cleaning shop and possible historical fill placement. In general, the contaminants of potential concern associated with such sources could include volatile organic compounds, polyaromatic hydrocarbons and metals. As discussed in the response to comment #1 above, it is anticipated that subsurface conditions will be further evaluated in a phased manner that will be coordinated into future design and construction activities.

Based on the preliminary information provided in the Day Environmental Phase I report, it is assumed that the primary concerns associated with Phase I of the Project pertain to an historical gasoline located in the area of the proposed open space plaza and the possible presence of historical aboveground residential oil tanks. The primary concerns associated with Phase II 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 site. 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 drycleaner within the vicinity of the mixed use building along Lakeshore Drive. The primary concern with Phase IV pertains to possible impacts from the former Parkway Plaza Dry Cleaners to the north of the Project site. The only potential concern identified with respect to Phase V is the possibility of unidentified artificial fill from unspecified sources.

In general, the potential concerns identified by Day Environmental include: 1) the possibility of out-of-service underground storage tanks; 2) possible groundwater impacts from off-site sources; 3) the suspected presence of artificial fill from unknown sources; and 4) other minor localized concerns (such as former residential heating oil tanks). The need for actual remedial actions in the areas identified above have not yet been established. Additional investigation is proposed in conjunction with future design activities to determine the need for remediation and to select the appropriate remedial alternatives for each phase. Regardless, it is anticipated that if impacts are subsequently identified that require remediation, that they can be addressed within the previously discussed cost range.

If underground storage tanks are present on the Project site, they would be removed, along with any associated grossly contaminated soil during future site work or construction activities pursuant to applicable NYSDEC directives. Various alternatives would be available to address residual low level soil contamination upon completion of the source removal excavation, including encapsulation, bio-remediation or natural attenuation. To the extent possible, such activities would be integrated with the redevelopment construction activities in a coordinated manner. If groundwater remediation were to be necessary upon the completion of the tank removal, it is likely that monitored natural attenuation (either with or without enhancement) would be the primary remedial technology employed. In that case, soil vapor mitigation systems could be installed in buildings overlying any plume to address potential vapor intrusion hazards. The cost of such systems would be limited if they are installed in conjunction with new construction.

It is assumed that impacts from off-site sources (including the Parkway Dry Cleaners and/or the adjoining Hess gasoline station) would be limited to groundwater

contamination, and that the owners of the respective off-site source properties would be responsible for source abatement activities. In that case, the primary concern with respect to the Project site would be the possibility of vapor intrusion into buildings overlying the plume. As discussed above, soil vapor mitigation systems could be installed in buildings overlying any plume to address potential vapor intrusion hazards. The cost of such systems would be limited if they are installed in conjunction with new construction.

Although the extent and nature of artificial fill has not been fully characterized, it is assumed that any such fill could be addressed by hot spot excavation and/or encapsulation and management in-place. It is assumed that complete removal of all artificial fill is unlikely to be necessary. If encapsulation is necessary, it is assumed that this could be coordinated with future site work (including paving, grading and/or building slab construction) in order to reduce impacts on the proposed redevelopment.

It is assumed that other minor localized contamination, if any, could be addressed on an isolated case-by-case basis.

As was indicated and discussed in the preceding response, the Applicant does not anticipate the need to revise Alternative G or change the development sequence as a consequence of potential environmental conditions on the Project site. As was indicated in that response, some potential for the necessity for these types of changes cannot be ruled out entirely. However, any attempt to revise Alternative G at this time to accommodate this small risk would require much speculation and would therefore yield a very unreliable product.

#### **Comment 4**

**Commenter:**

NYS Department of Environmental Conservation (NYSDEC)  
October 6, 2009

**Comment:**

The DEIS should provide a discussion of how much material will need to be removed and how much material will need to be brought in, particularly if there is a good possibility that soil may need to be removed due to contamination.

**Response:**

As the Applicant has indicated, the extent of soil to be removed from the Project site cannot be determined until subsurface investigations have been performed and a detailed design package has been prepared. However, it is anticipated that minimal excavation will be required during the site work phase since the Project site is relatively flat and future buildings are unlikely to have basements due to the presence of a shallow water table. Engineering controls may be used where appropriate to reduce the quantity of soil requiring removal, especially in the reported former “dump” area. If remedial excavations are necessary to address historical contamination, it is assumed that these would be limited to source removal activities, and would be performed in accordance with a work plan approved by NYSDEC. If significant quantities of structurally unsuitable soil are identified at proposed building locations, the possibility of redesigning or relocating such buildings would be evaluated to attempt to reduce the quantity of soil to be removed from the Project site.

### **3.13. Funding Sources**

#### **Comment 1**

**Commenter:**

Labella Associates, P.C.  
memo to Richard E. Brown; and  
Richard E. Brown, AICP – on behalf of the City Planning Commission

**Comment:**

The DEIS states that “public infrastructure improvements and cleanup activities are needed for private development to occur. Public investment needed is estimated to total \$21,590,350” (Section 2.3.2, Pg. 15). The FEIS should clarify where this figure comes from and an approximate breakdown of this total. The FEIS should also explain any proposals or alternatives if public funding for all of the infrastructure components does not become available or this part of the Project does not receive community support.

**Response:**

Revised preliminary, estimated infrastructure costs are listed on Table 9 below. As the costs presented in Table 9 are focused on public improvements, they do not represent the entire development budget and exclude such items as environmental remediation and development of the Courtyard Area H.

The Applicant has indicated their opinion that the Project will not be feasible in the absence of public funding for these infrastructure and site preparation improvements, and that the Project site should revert back to its prior zone classification in such an instance. Should a portion (but not all) of the funds listed within Table 9 be secured, the Applicant has committed to working with the Lead Agency in phasing the infrastructure and site preparation improvements to support the overall phasing plan of the PUD. The Applicant has indicated that they find it essential that all sanitary, storm and water improvements (with a total estimated cost of approximately \$2,540,000) be completed prior to Phase I due to the current systems inability to sustain Phase I of the Project. According to the Applicant, the remaining items such as roadways, sidewalks, demolition, parking, etc. could be phased in coordination with each PUD phase site plan review. Funding for all roads, sidewalks, demolition, parking, etc. to support Phase I is needed in order for the Project to begin. The Applicant has indicated that each phase would not be commenced until the Applicant had first determined the financial feasibility of the particular phase. The Applicant has indicated that this determination would include completion, at the time, of a detailed cost analysis of the secured public and private funding involved in each phase.

**Table 9 – Pre-Schematic Opinion of Probable Cost (OPC)**

<b><u>Initial Infrastructure</u></b>		
1.	Relocated sanitary sewers	\$620,000
	Relocated storm sewers	\$470,000
2.	New Forcemain	\$480,000
3.	Relocated water distribution mains	\$670,000
4.	New public streets (including sidewalks landscaping, pavement, curbing, lighting within Right of Way) 5,483 LF assumed.	\$8,000,000
5.	Improvements to edges of existing local streets (Parking along Lakeshore Drive, improvements to Booth Street and Muar Street)	\$3,700,000
6.	Relocation of electric and gas utilities Note: Sidewalks and curbing (included in 4 and 5 above)	\$3,000,000
<b><u>Initial Site Preparation</u></b>		
7.	Stormwater detention area for site drainage (with control structure)	\$300,000
8.	Demolition	\$500,000
9.	Initial grading, drainage work, erosion control, landscaping	\$1,150,350
<b>Total:</b>		<b>\$18,890,350</b>

## **Comment 2**

### **Commenter:**

Richard E. Brown, AICP – on behalf of the City Planning Commission  
November 12, 2009

### **Comment:**

Public funds for this type of development is inconsistent with past practice, whereby developer makes the improvements and dedicates them to the municipality. This could set a dangerous precedent for future projects. Even if they were to come from state or federal sources, they would limit the City from receiving funds for other needed public projects. Finally, there is no evidence of how this figure was calculated or how it would be allocated for individual phases of the Project. How much would be necessary to begin Phase IA.

### **Response:**

The Applicant has asserted that infrastructure improvements completed in projects such as this benefit the community and has pointed out that such infrastructure improvements are commonly supported by public funds. They also indicate their belief that this Project will not set a precedent for future projects because of its scale and community impact. The Applicant has indicated that it is committed to seek out public state and federal funds to finance the costs of the infrastructure to be dedicated to the City. Improvements that would be constructed in conformity with the City's specifications and proposed for dedication include: a large stormwater detention area, four (4) new roads, and parking along these roads. Figure 26 below depicts the

improvements that would be dedicated to the City. Regarding the need to maintain dedicated improvements, the Applicant points out that the City would have available funds from increased property taxes resulting from other Project improvements and from parking meter fees for the on street parking.

As the Applicant has also pointed out, it remains within the discretion of the City to continue to evaluate which City projects are of highest priority and to determine whether to aid the Applicant in applying for public state and federal funds.



**Figure 26**