

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

ENVIRONMENTAL CONSERVATION BOARD MEETING AGENDA

Established November 4, 2009

THURSDAY, JANUARY 7, 2021, 4:30 P.M.

PREPARED 12/14/2020 • UPDATE AS OF 1/4/2021

*The meeting WILL NOT be held at the Town Hall.
The meeting will be conducted via Zoom.com Video Conference*

Topic: Environmental Conservation Board
Time: Jan 7, 2021 04:30 PM Eastern Time (US and Canada)

Every month on the First Thu, until Jan 7, 2021, 1 occurrence
Jan 7, 2021 04:30 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: https://us02web.zoom.us/meeting/tZMlf-6hrD4tGtMu3jK2XZyIzYICDM3wDzkw/ics?icsToken=98tyKuGvpjMtE9aQtxmARpwEGoqgKPPzpiVajbdwiUzvKHJrWBrfLNtrEZZSQ8_0

Join Zoom Meeting
<https://us02web.zoom.us/j/87887925707>

Meeting ID: 878 8792 5707

One tap mobile
+16465588656,,87887925707# US (New York)
+13126266799,,87887925707# US (Chicago)

Dial by your location
+1 646 558 8656 US (New York)
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+1 301 715 8592 US (Germantown)
+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
Meeting ID: 878 8792 5707

Find your local number: <https://us02web.zoom.us/u/kdZNTaDyf6>

AGENDA

Meeting Called By: Town Manager Doug Finch, *Facilitator*

Board Members: Justin Damann Gary Kochersberger
Edith Davey Pat Venezia
Saralinda Hooker

Recording Secretary: John Robortella

Town Representative: Eric Cooper

Guest(s): Rocky Polimeni

- a. Call to Order by the Facilitator
- b. Pledge of Allegiance
- c. Introduction of Guests by the Facilitator
- d. Organizational Meeting—Per the adopted 2020 Rules of Procedure
 1. Election of the Recording Secretary
 2. Adoption of 2021 Meeting Schedule
 3. Adoption of 2021 Rules of Procedure
- e. Discussion with Rocky Polimeni, re: Vacancy on the Environmental Conservation Board
- f. Approval of the Minutes—December 3, 2020
- g. Privilege of the Floor
- h. Report of the Development Office:

Comprehensive Plan Update: ECB review and recommendations on Comprehensive Plan Update Goals and Action Items
- i. Referrals from the Citizens' Implementation Committee (CIC):

Comprehensive Plan Vision and Goals: Natural Environment, Goals and Recommended Action Steps—Review and Comments

j. Referrals from the Ordinance Committee:

Follow-up (if any) on referral from the ECB to the Ordinance Committee, re: planning issues related to Fallbook Park–Sandy Bottom Drive–Poplar Beach:

k. Referrals from the Planning Review Committee (PRC) (Ms. Hooker, Mr. Damann)
Referred December 14, 2020

CPN-19-059

John Casey, owner of property at 3814 County Road 16

TM #112.00-1-72.00

Amended Site Plan approval and Area Variance for installation of pavers in lieu of top soil as a walkway for wheelchair accessibility along the lakefront and in front of the accessory structure.

May be discussion for information only at this time; see ECB previous comments on this application from the minutes of June 7, 2018; and September 5, 2019; following the agenda)

CPN-20-073

Hanlon Architects, 1300 University Avenue, Rochester, N.Y. 14607; representing Marcello and Stacy Battisti, owners of property at 3542 Sandy Beach Drive

TM #98.15-1-33.000

November 17, 2020: Area Variance for front setback of 31.67 feet when 55 feet is required (variance of 23.33 feet) was denied.

November 17, 2020: Area Variance for lot coverage of 38 percent when 30 percent is the maximum (variance of 8 percent) was denied.

The application has been amended to remove the need for a lot coverage variance. The applicant requests a determination by the Zoning Board of Appeals that the application is not substantially similar to the original application and requests a rehearing on the front setback variance application.

(See ECB previous comments on this application from the minutes of November 5, 2020, following the agenda.)

CPN-20-084

Architectural Innovations, c/o Jack Sigrist, 99 Shoreham Drive, Rochester, N.Y. 14618; representing Daniel and Rina Chessin, owners of property at 4847 County Road 16

TM #140.18-1-5.000

Requesting an Area Variance for expand the lakeside deck and screen porch eight feet, reducing the setback to 52 feet when 60 feet is required.

CPN-20-088**Stephen Hayes Fletcher, owner of property at 6270–6272
County Road 32**

TM #111.00-1-46.110

Requesting a Single-Stage Subdivision approval to create Lot #1 at 6.493 acres and Lot #2 at 254.307 acres. Subdivision is for inheritance purposes only. No major development is intended. Subdivision is comply with the will of Eleanor Fletcher.

I. Old Business**1. ECB Page for Town Newsletter: January, February and March
(Ms. Venezia)**

January: Invasive Species: Spotted Lanternfly, Gypsy Moth, Woolly Adelgid

February: Topic to be determined

March: Topic to be determined

2. Town Hall Display Case (Ms. Davey)

Current exhibit: Wildlife Footprints in the Snow

Spring exhibit: Topic to be determined

3. Vacancies on the ECB**m. New Business****n. Member Reports**

- Citizens Implementation Committee Representatives
- Local History Team
- Town Tree Board
- Conservation Easement Team

o. Future Training Opportunities:**1. NYS Department of State Local Government Training Calendar posted here:
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>****January 12, 2021**

Zoning Board of Appeals Overview

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html>

<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>

2. General Code e-Code

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>

3. Future Training Opportunities Online:

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>

p. Adjournment and Next Meeting

Next meeting: **February 4, 2021, 4:30 p.m.**

Subsequent meetings will be held on:

Thursday, March 4, 2021

Thursday, April 1, 2021

Thursday, May 6, 2021

Thursday, June 3, 2021

Thursday, July 1, 2021

Thursday, August 5, 2021

Thursday, September 2, 2021

Thursday, October 7, 2021

Thursday, November 4, 2021

Thursday, December 2, 2021

Thursday, January 6, 2022

■ Excerpt from ECB Minutes, June 7, 2018:

CPN-18-034 Meagher Engineering (Justin Kellogg), P.O. Box 76, Victor, N.Y. 14564, representing John and Christina Casey, owners of property at 3814 County Road 16
TM #112.00-1-19.111
Requesting Site Plan approval for construction of a new single-family dwelling.

Ms. Marthaller expressed concern about the concentration of the impervious surfaces associated with site disturbance and with the calculation of the area of disturbance in relation to the large size of the lot (49.207 acres).

Ms. Marthaller also discussed the Town Engineer's Comment #16 in his June 5, 2018, engineering letter on this application. Comment #16 discusses the specifications for the rain garden and requires that calculations justifying the size of the rain garden are to be provided.

Ms. Hooker noted that the eight-foot-high retaining wall adjacent to the lower driveway will be a visually conspicuous element from the street and will require a protective guard rail at the top.

ECB Comments: The ECB expresses concern regarding the concentration of the impervious surfaces associated with site disturbance and the construction of the new home in relation to the large size of the lot. The ECB also appreciates having received the Town Engineer's comment letter with this and the previous application. Having the engineer's letters adds to the understanding of the application and the engineer's concerns.

■ Excerpt from ECB Minutes, September 5, 2019:

CPN-19-059 John Casey, 3796 County Road 16, Canandaigua, N.Y. 14424, owner of property at 3814 County Road 16
TM #112.00-1-72.00
Requesting Site Plan approval for shoreline and erosion protection.
Comments only.

Mr. Ritts presented this application. He said that the applicant proposes to install stone and earth in an area of approximately 20,000 square feet along the Canandaigua Lake shoreline for shoreline and erosion protection. Large boulders and crushed stone will be used. The applicant also proposes to relocate and rebuild a set of stairs leading to the shoreline.

Ms. Hooker asked about the applicant's rationale for this application. Ms. Marthaller said that the applicant may wish to have a more level shoreline with an improved stairway for access.

Mr. Schwartz said that the applicant has a permit for this work from the New York State Department of Environmental Conservation. He said that the County requires that the stairs be relocated out of the right of way along County Road 16.

The ECB discussed the trees which may be removed, the new trees to be planted, and compliance with the Shoreline Development Guidelines.

Ms. Hooker said that there is no indication on the site plan for possible installation of a dock or a boat hoist. She asked how these may be accommodated with the placement of large boulders along the shoreline. Ms. Marthaller said that docks and boat hoists are not subject to ECB review. The building of docks and boat hoists comes under the provision of the Uniform Docking and Mooring Law. The Code Enforcement Officer administers this.

ECB Comments: The ECB encourages compliance with the Shoreline Development Guidelines, expresses concern about the viability of an existing large tree along the shoreline following installation of the boulders and crushed stone, and suggests that the Planning Board consider the staging area and erosion control (silt fence) locations during construction.

■ Excerpt from ECB Minutes, November 5, 2020:

CPN-20-073

Hanlon Architects, 1300 University Avenue, Rochester, N.Y. 14607; representing Marcello and Stacy Battisti, owners of property at 3542 Sandy Beach Drive

TM #98.15-1-33.000

Requesting a Single-Stage Site Plan approval for a proposed home addition (approximately 658 square feet) on the front of the house.

Variances requested:

Front Setback: 36.16 feet (55 feet is required)

Lot Coverage: 38 % (30% is required, 34% is existing)

Mr. Cooper presented this application.

He said that the applicant proposes to construct an addition on the east side of the existing house (not on the lake side). A Front Setback variance is required for the setback from Sandy Beach Drive. A Lot Coverage variance is required for the increase in impervious surfaces.

Mr. Cooper said that one tree in the center of the lot is proposed for removal (not on the lake side).

Ms. Venezia asked about grading around the new addition and stormwater management on the site. Mr. Cooper said that a grading plan was not shown on the plans. Ms. Marthaller requested that drainage and landscaping be added to the ECB recommendations on this application.

Ms. Marthaller asked about comments from Town Code Enforcement Officer Chris Jensen regarding the location of the property in the floodplain of the lake. Mr. Cooper reviewed Mr. Jensen's comments.

Ms. Marthaller said that the applicant's response to compliance with the Shoreline Development Guidelines is not adequate. She requested that the Planning Board make sure that a statement on compliance with the Shoreline Development Guidelines is provided by the applicant.

Ms. Marthaller said that the Town needs to get serious about climate-warming strategies, natural resource protection management strategies, and the ability to leverage for the planting of more trees. She said that the canopies of trees will be an important aspect to mitigate the effects of global warming.

Ms. Hooker submitted the following review of this application:

Summary of key points:

- Request for a proposed home addition of 658 sq. ft. on the driveway side.
- Front setback variance is requested (36 feet instead of 55 feet).
- Lot coverage variance is requested (38% instead of 30%). Existing condition is 34% lot coverage.
- Adjacent homes to the north and south have roughly similar setbacks from Sandy Beach Drive.
- Site has land on both sides of Sandy Bottom Drive, with a relatively new garage constructed on the rear portion (by a prior owner). The garage is 970 sq. ft., the largest in the neighborhood, and put the parcel over the permitted lot coverage level (presumably a variance was granted then).
- Site has 818 feet of patio space and walkways on lake side, assumed to be impervious, although the material is not identified on the site plans.

Environmental concerns:

- Sandy Bottom Drive and Fallbrook Park have the Town's most dense lakefront development, with small lots originally created for small seasonal cottages in the early decades of the 20th century. Over the years, most of the cottages have been winterized and enlarged or replaced with larger year-round homes. This site is one of the few remaining structures retaining the size, massing and visual character of the original cottages. However, the proposed addition is reasonably compatible

with the character of the existing home and allows retention of the historic part of the home.

- The Town's Zoning law does not reflect the small lot sizes of the Fallbrook Park–Sandy Bottom Drive neighborhood, requiring variances when owners wish to follow the ongoing trends toward ever higher lot coverage. Many variances have been granted over the years suggesting that the Town is not serious about maintaining its site development standards for this neighborhood.
- No provisions to accommodate the additional site drainage on the property are indicated on the site plan.
- No provisions for landscaping or compliance with the Town's Shoreline Guidelines are included in the application.

Recommendation:

- ECB does not support further expansion of the lot coverage for this site, particularly because one lot coverage variance was granted in the recent past and increases in impervious surfaces near the lake add to the long term degradation of lake water quality. We suggest that the applicant modify the proposal to maintain or lower the lot coverage by removal of a portion of the impermeable patio area.
- ECB requests that the application materials be supplemented to address drainage and landscaping.
- ECB also suggests that the Ordinance Committee consider changes to the zoning and/or site development standards to better address the site planning issues related to the Fallbrook Park–Sandy Bottom Drive–Poplar Beach neighborhood (especially front-yard setback and lot coverage), with the intent of creating reasonable town standards that the ZBA is willing and able to consistently uphold.