

# *Town of Canandaigua*

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## **ZONING BOARD OF APPEALS**

**Tuesday, November 18, 2014, 6:00 p.m.**

### **MEETING AGENDA**

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**MEETING CALLED BY:** Graham Smith, Chairperson  
**BOARD MEMBERS:** Gary Davis, Kelly La Voie, Terence Robinson, Chip Sahler  
**ALTERNATE MEMBER:** One Vacancy  
**SECRETARY:** Cheryl Berry  
**STAFF MEMBERS:** Amanda Catalfamo, Development Office  
Douglas Finch, Director of Development  
Christian Nadler, Attorney

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#### **PLEDGE OF ALLEGIANCE**

**CONTINUED PUBLIC HEARINGS:** *None at this time*

#### **NEW PUBLIC HEARINGS:**

CPN-077-14 Chad Willardson, representing Lena Kent, owner of property at 5865 County Road 30, TM#69.00-1-26.000, is requesting an area variance to construct a porch on the front of a single-family dwelling in the AR-2 zoning district.

CPN-079-14 Tom and Martha Schwartz, owners of property at 5231 Coye Road, TM#154.04-1-24.000, are requesting area variances to construct an accessory structure (detached garage) in the RR-3 zoning district.

#### **CLOSED PUBLIC HEARINGS:**

CPN-063-14 Venezia Associates, representing David & Kathleen Crosby, owners of property at 3372 Fallbrook Park, TM#98.11-1-29.000, is requesting an area variance to expand a pre-existing non-conformity (residential structure) in the RLD zoning district.

#### **BOARD BUSINESS:**

1. Approval of October 21, 2014 Meeting Minutes
2. Review of Next Month's Agenda (December 16, 2014)
3. Requests for Rehearing: *None at this time*

# Town of Canandaigua

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Canandaigua, NY 14424  
Fax (585) 394-9476

## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 9/16/2014**

**Meeting Date: 11/18/2014**

**Public Hearing Closed: 11/18/2014**

**Project: 063-14**

**Applicant**

Venezia Associates  
5120 Laura Lane  
Canandaigua, NY 14424

**Owner**

David & Kathleen  
Crosby  
3372 Fallbrook Park  
Canandaigua, NY 14424

**Project Type**

Construct  
residential  
addition /  
addition to  
garage

**Project Location**

3372 Fallbrook Park

**Tax Map #**

98.11-1-29.000

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing     Type I     Type II

Variance/Interpretation Requested: \_\_\_\_\_ Shall the applicant be granted an area variance to expand a pre-existing non-conformity in the RLD zoning district?

**SEQR:**

Unlisted  
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to:  
 See attached resolution(s)

**VOTING:**

|                         |   |   |                                    |
|-------------------------|---|---|------------------------------------|
| Terence Robinson(10/21) | <input type="checkbox"/> AYE            | <input checked="" type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Chip Sahler(10/21)      | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY            | <input type="checkbox"/> Abstained |
| Kelly LaVoie(10/21)     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY            | <input type="checkbox"/> Abstained |
| Gary Davis(11/18)       | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY            | <input type="checkbox"/> Abstained |
| Graham Smith(11/18)     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY            | <input type="checkbox"/> Abstained |

**REASONS/CONDITIONS:**

The Board's decision is based on information received September 16, October 16, 18, and 21<sup>st</sup> as well as facts presented during the Public Hearings. The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Attached Findings of Fact are hereby made part of this decision.

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

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

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened: 11/18/2014**

**Meeting Date: 11/18/2014**

**Public Hearing Closed: 11/18/2014**

**Project: 077-14**

**Applicant**

Chad Willardson  
2180 Macedon Road  
Canandaigua, NY 14424

**Owner**

Lena Kent  
5865 County Road 30  
Canandaigua, NY 14424

**Project Type**

Construct  
front porch on  
single-family  
dwelling

**Project Location**

5865 County Road 30

**Tax Map #**

69.00-1-26.000

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**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

**SEQR:**

Type I     Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a porch on the front of a single family dwelling with a setback to the road right of way of 38' when 60' is required? Applicant is requesting a 22' area variance in the AR-2 zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to:

See attached resolution(s)

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**VOTING:**

Terence Robinson  
Kelly LaVoie  
Gary Davis  
Graham Smith

AYE  
 AYE  
 AYE  
 AYE

NAY  
 NAY  
 NAY  
 NAY

Abstained  
 Abstained  
 Abstained  
 Abstained

**REASONS/CONDITIONS:**

The Board's decision is based on information received October 7<sup>th</sup> and 14<sup>th</sup> as well as facts presented during the Public Hearing. The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Applicant is removing an existing handicapped ramp and replacing it with a 10' x 26' front porch.

Certified By: \_\_\_\_\_

Chairperson, Zoning Board of Appeals

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

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 11/18/2014**

**Meeting Date: 11/18/2014**

**Public Hearing Closed: 11/18/2014**

**Project: 079-14**

| <b><u>Applicant</u></b>  | <b><u>Owner</u></b>  | <b><u>Project Type</u></b>                       | <b><u>Project Location</u></b> | <b><u>Tax Map #</u></b> |
|--|--|--|--------------------------------|-------------------------|
| Tom & Martha Schwartz<br>5231 Coye Road<br>Canandaigua, NY 14424 | Tom & Martha Schwartz<br>5231 Coye Road<br>Canandaigua, NY 14424 | Construct<br>detached<br>garage in front<br>yard | 5231 Coye Road                 | 154.04-1-24.000         |

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

**SEQR:**

Type I     Type II

Variance/Interpretation Requested: \_\_\_\_\_ Shall the applicant be granted an area variance to construct an accessory structure (detached garage in the front yard when accessory structures are not allowed in front yards? Applicant is requesting an area variance in the RR-3 zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to:

See attached resolution(s)

**VOTING:**

|                  |   |                              |                                    |
|------------------|---|------------------------------|------------------------------------|
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Gary Davis       | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Graham Smith     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

**REASONS/CONDITIONS:**

The Board's decision is based on information received October 10, 22, and 24 as well as facts presented during the Public Hearing. The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Site plan shall be filed with the Ontario County Clerk before any Building Permits are issued. Test questions as filed by the applicant shall be part of the decision. The grade of the property will not allow for an alternative location. Granting this variance is in keeping with the character of the neighborhood. Variance will not change the character of the neighborhood and is in keeping with the character of the neighborhood. The Environmental Conservation Board reviewed this application and recommended that this was the best possible location for the structure on the property due to the terrain. No negative comments were received from any of the referring agencies. Electricity will be the only utility in the detached garage and there will be no commercial use.

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

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

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 11/18/2014**

**Meeting Date: 11/18/2014**

**Public Hearing Closed: 11/18/2014**

**Project: 079-14**

| <b><u>Applicant</u></b>  | <b><u>Owner</u></b>  | <b><u>Project Type</u></b>                       | <b><u>Project Location</u></b> | <b><u>Tax Map #</u></b> |
|--|--|--|--------------------------------|-------------------------|
| Tom & Martha Schwartz<br>5231 Coye Road<br>Canandaigua, NY 14424 | Tom & Martha Schwartz<br>5231 Coye Road<br>Canandaigua, NY 14424 | Construct<br>detached<br>garage in front<br>yard | 5231 Coye Road                 | 154.04-1-24.000         |

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

**SEQR:**

Type I     Type II

Variance/Interpretation Requested: \_\_\_\_\_ Shall the applicant be granted an area variance to construct an accessory structure (detached garage) with a setback to the road right of way of 8.6' when 60' is required? Applicant is requesting a 51.4' area variance in the RR-3 zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to:

See attached resolution(s)

**VOTING:**

|                  |   |                              |                                    |
|------------------|---|------------------------------|------------------------------------|
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Gary Davis       | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Graham Smith     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

**REASONS/CONDITIONS:**

The Board's decision is based on information received October 10, 22, and 24 as well as facts presented during the Public Hearing. The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Site plan shall be filed with the Ontario County Clerk before any Building Permits are issued. Test questions as filed by the applicant shall be part of the decision. The grade of the property will not allow for an alternative location. Granting this variance is in keeping with the character of the neighborhood. Variance will not change the character of the neighborhood and is in keeping with the character of the neighborhood. The Environmental Conservation Board reviewed this application and recommended that this was the best possible location for the structure on the property due to the terrain. No negative comments were received from any of the referring agencies. Electricity will be the only utility in the detached garage and there will be no commercial use.

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

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

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-063-14

APPLICANT: VENEZIA ASSOCIATES REPRESENTING DAVID & KATHLEEN  
CROSBY, 3372 FALLBROOK PARK

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Terence Robinson and seconded by Chairperson Smith at a regularly scheduled meeting of the ZBA held on Tuesday, October 21, 2014. Following discussion therein, the following roll call vote was taken and recorded:

**VOTING:**

|                  |   |                              |                                    |
|------------------|---|------------------------------|------------------------------------|
| Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Kelly LaVoie     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Chip Sahler      | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
| Graham Smith     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the October 21, 2014 meeting.

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Cheryl Berry, Secretary of the ZBA

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-079-14

APPLICANT: TOM & MARTHA SCHWARTZ, 5231 COYE ROAD

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Terence Robinson and seconded by Gary Davis at a regularly scheduled meeting of the ZBA held on Tuesday, November 18, 2014. Following discussion therein, the following roll call vote was taken and recorded:

|                       |                  |   |                              |                                    |
|-----------------------|------------------|---|------------------------------|------------------------------------|
| <b><u>VOTING:</u></b> | Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Kelly LaVoie     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Gary Davis       | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Graham Smith     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the November 18, 2014 meeting.

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Cheryl Berry, Secretary of the ZBA

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-077-14

APPLICANT: LENA KENT, 5865 COUNTY ROAD 30

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Chairperson Smith and seconded by Gary Davis at a regularly scheduled meeting of the ZBA held on Tuesday, November 18, 2014. Following discussion therein, the following roll call vote was taken and recorded:

|                       |                  |   |                              |                                    |
|-----------------------|------------------|---|------------------------------|------------------------------------|
| <b><u>VOTING:</u></b> | Terence Robinson | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Kelly LaVoie     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Gary Davis       | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |
|                       | Graham Smith     | <input checked="" type="checkbox"/> AYE | <input type="checkbox"/> NAY | <input type="checkbox"/> Abstained |

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the November 18, 2014 meeting.

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Cheryl Berry, Secretary of the ZBA