

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ZONING BOARD OF APPEALS

Tuesday, May 19, 2015, 6:00 p.m.

MEETING AGENDA

MEETING CALLED BY: Terence Robinson, Chairperson
BOARD MEMBERS: David Emery, Bob Hilliard, Kelly La Voie, Chip Sahler
ALTERNATE MEMBER: Carol Ingle
SECRETARY: Cheryl Berry
STAFF MEMBERS: Amanda Catalfamo, Development Office
Douglas Finch, Director of Development
Christian Nadler, Attorney

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARINGS: *None at this time*

NEW PUBLIC HEARINGS:

- CPN-018-15 Mike Stasko III, representing Lalit Shah, owner of property at 2400 NYS Route 332, TM#70.00-1-9.100, is requesting area variances to place a multi-tenant ground sign in the CC zoning district.
- CPN-019-15 B&B Builders, representing Robert & Tracey Fuller, owners of property at 5170 Emerson Road, TM#56.04-1-7.000, is requesting an area variance to construct an accessory building (pole barn) in the AR-2 zoning district.
- CPN-020-15 B&B Builders, representing Kenneth Johnson, owner of property at 3802 Middle Cheshire Road, TM#112.02-1-88.700, is requesting an area variance to construct an accessory building (pole barn) in the R-1-30 zoning district.
- CPN-021-15 Wolfe Architecture, representing PEJA Partners, owner of property at 5041 County Road 16, TM#154.09-1-7.110, is requesting area variances to tear down and rebuild a detached garage, construct a breezeway and a retaining wall in the RLD zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

BOARD BUSINESS:

1. Approval of April 21, 2014 Meeting Minutes
2. Review of Next Month's Agenda (June 16, 2015)
3. Requests for Rehearing: *None at this time*
4. Board Training with Attorney Chris Nadler

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened:5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed:5/19/2015

Project: 018-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Mike Stasko III 5202 Hammocks Drive Canandaigua, NY 14424	Lalit Shah 20 Pondview Lane Penfield, NY 14526	Place ground sign/building sign - Farmer's Insurance	2400 NYS Route 332	70.00-1-9.100

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to place an additional 22 s.f. of signage on an existing 40 s.f. ground sign when no more than 40 s.f. is permitted? Applicant is requesting an 18 s.f. area variance in the CC zoning district.

SEQR:

Type I Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: June 16, 2015

See attached resolution(s)

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Application continued until June 16th meeting due to an error in the Notice of Public Hearing published in The Daily Messenger.

Certified By: _____
Chairman, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed:5/19/2015

Project: 018-15

Applicant

Mike Stasko III
5202 Hammocks Drive
Canandaigua, NY 14424

Owner

Lalit Shah
20 Pondview Lane
Penfield, NY 14526

Project Type

Place ground
sign/building
sign -
Farmer's
Insurance

Project Location

2400 NYS Route 332

Tax Map #

70.00-1-9.100

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 allow a multi-use development tenant identification sign when only one development identification ground sign is permitted? Applicant is requesting an area variance in the CC zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:

See attached resolution(s)

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed: 5/19/2015

Project: 019-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
B&B Builders 2913 County Road 47 Canandaigua, NY 14424	Robert & Tracey Fuller 5170 Emerson Road Canandaigua, NY 14424	Place pole barn in rear yard	5170 Emerson Road	56.04-1-7.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct an accessory structure in the rear yard with 2,000 s.f. when only 1,915 s.f. are permitted? Applicant is requesting an 85 s.f. variance in the AR-2 zoning district.

SEQR:

Type I Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: June 16, 2015

See attached resolution(s)

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Applicant was not aware he needed a second variance for the square footage. Chairman Robinson made a motion to adjourn this application until June so that the applicant can be given an opportunity to rework the project within code. Kelly LaVoie seconded the motion. All AYE. The Board would also like information on any previous height variances granted in the AR-2 zoning district.

Certified By: _____
Chairman, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed: 5/19/2015

Project: 019-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
B&B Builders 2913 County Road 47 Canandaigua, NY 14424	Robert & Tracey Fuller 5170 Emerson Road Canandaigua, NY 14424	Place pole barn in rear yard	5170 Emerson Road	56.04-1-7.000

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 with a height of 25.75' when only 22' is allowed? Applicant is requesting a 3.75' area variance in the AR-2 zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: June 16, 2015

See attached resolution(s)

Positive Declaration Date:

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Applicant was not aware he needed a second variance for the square footage. Chairman Robinson made a motion to adjourn this application until June so that the applicant can be given an opportunity to rework the project within code. Kelly LaVoie seconded the motion. All AYE. The Board would also like information on any previous height variances granted in the AR-2 zoning district.

Certified By: _____
Chairman, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed: 5/19/2015

Project: 020-15

Applicant

B&B Builders
2913 County Road 47
Canandaigua, NY 14424

Owner

Kenneth & Connie
Johnson
3802 Middle Cheshire
Road
Canandaigua, NY 14424

Project Type

Place pole
barn in side
yard

Project Location

3802 Middle
Cheshire Road

Tax Map #

112.02-1-88.700

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 in the side yard with 2,500 s.f. when only 1,873 s.f. is permitted? A 627 s.f. area variance is being requested in the R-1-30 zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance is denied. The Board's decision is based on information received April 17th and 24th, as well as facts presented during the Public Hearing. Applicant failed to prove unnecessary hardship in the request for a variance.

Certified By: _____
Chairman, 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-020-15

APPLICANT: B & B BUILDERS, KENNETH JOHNSON, 3802 MIDDLE CHESHIRE
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 Chip Sahler at a regularly scheduled meeting of the ZBA held on Tuesday, May 19, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<u>VOTING:</u>	Chip Sahler	<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
	Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Terence Robinson	<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 May 19, 2015 meeting.

Cheryl Berry, Secretary of the ZBA

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 5/19/2015

Meeting Date: 5/19/2015

Public Hearing Closed:

Project: 021-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Wolfe Architecture 3 N. Main Street Suite 2 Honeoye Falls, NY 14472	PEJA Partners 5041 County Road 16 Canandaigua, NY 14424	Replace detached garage/build breezeway/retaining wall	5041 County Road 16	154.09-1-7.110

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 tear down and reconstruct a detached garage in the side yard with a height of 20' when no more than 15' is permitted? Applicant is requesting a 5' area variance in the RLD zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: June 16, 2015

See attached resolution(s)

VOTING:

Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Comments pending from the Environmental Conservation Board regarding height variance as they did not have that information at the time of their meeting. Board members continued this until next month to give the applicant the opportunity to rework the plans within code.

Certified By: _____
Chairman, Zoning Board of Appeals

Date: _____