

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ZONING BOARD OF APPEALS

Tuesday, August 18, 2015, 6:00 p.m.

MEETING MINUTES

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:

CPN-037-15 Sarah Genecco, owner of property at 1880 NYS Route 332, TM#55.02-1-7.100, is requesting an area variance for a commercial addition in the CC zoning district (Flowers by Stella).

Application continued until September 15th at applicant's request.

Public Hearing Opened:

Meeting Date: 8/18/2015

Public Hearing Closed:

Project: 037-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>
Sarah Genecco	Sarah Genecco	Commercial	1880 NYS Route
1880 NYS Route 332	1880 NYS Route 332	addition -	332
Canandaigua, NY 14424	Canandaigua, NY	Flowers by	
	14424	Stella	

TYPE OF APPLICATION:

Variance/Interpretation Requested: ☒ Area Variance ☐ Use

Variance ☐ Interpretation ☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a commercial addition with a front setback to NYS Route 332 of 94.4' when 150' is required. Applicant is requesting a 55.6' area variance to the front setback in the CC zoning district.

APPLICANT REQUEST:

- ☐ Granted ☐ Denied ☒ Continued to: September 15, 2015
☐ See attached resolution(s)
-

CPN-041-15 Cheney & Blair LLP, representing Summit PPX 2911 LLC, owner of property at 3400 Poplar Beach Road, TM#98.15-1-1.100, is requesting an interpretation of four individual "Notice of Violation: Order to Remedy" issued by the code enforcement officer, dated April 20, 2015.

Application continued until September 15th at applicant's request.

Public Hearing Opened:**Meeting Date: 8/18/2015****Public Hearing Closed:****Project: 041-15**

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>
Cheney & Blair LLP 40 South Main Street Canandaigua, NY 14424	Summit PPX 2911, LP 216 Genesee Street Chittenango, NY 13037	Interpretation of stop work orders/CEO Determination	3400 Poplar Beach Road

TYPE OF APPLICATION:

- ☐ Area Variance ☐ Use Variance ☐ Interpretation
☐ Rehearing

Variance/Interpretation Requested: Does the Zoning Board of Appeals uphold the determination and Stop Work Orders of the Code Enforcement Officer in regards to work at 3400 Poplar Beach Road. A determination was made in the RLD zoning district.

APPLICANT REQUEST:

- ☐ Granted ☐ Denied ☒ Continued to: September 15, 2015
☐ See attached resolution(s)
-

NEW PUBLIC HEARINGS:

CPN-015-15 Grove Engineering, representing Joseph & Mary Bell, owners of property at 4865/4885 County Road 16, TM#140.18-1-8.111/8.112, are requesting area variances to place a detached garage in the front yard in the RLD zoning district.

Mr. Bell was present to speak for his application. Detailed plans were presented on the Smart Board. Applicant felt the location for the garage was best in its new location to provide a view of the lake as you entered the property. It would not be visible from the road. Construction sites are limited due to topography and septic system locations. Board members had visited the site and saw no problems with the relocation.

There were no comments from anyone in the audience and the Public Hearing was closed at 6:11 p.m.

Public Hearing Opened:8/18/2015

Meeting Date: 8/18/2015

Public Hearing Closed:8/18/2015

Project: 015-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Grove Engineering 8677 State Route 53 Naples, NY 14512	Joseph & Mary Bell 4885 County Road 16 Canandaigua, NY 14424	Re-locate detached garage	4865 County Road 16	140.18-1-8.111

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation
☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to relocate a detached garage with a front setback of 60' when 142.2' are required. Applicant is requesting an 82.2' area variance in the RLD zoning district.

SEQR:

☐ Type I ☒ Type II
☐ Unlisted
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:
☐ See attached resolution(s)

VOTING:

David Emery	<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
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
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 3, July 30, and August 3, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood.

CPN-052-15 Deborah Petrisak, owner of property at 3491 Lakeview Lane, TM#98.13-1-27.000, is requesting an area variance to place a generator in the side yard in the RLD zoning district.

The property owner was present to speak for her application. Pictures were shown on the SmartBoard of the subject property and the adjacent. There is only 10' between the property lines. Requested placement is behind a fence and would only be slightly visible from the road. Neighbor had no objections to the application. It was noted that this is a very small variance request.

There were no further comments or questions and the Public Hearing was closed at 6:15 p.m.

Public Hearing Closed:8/18/2015

Project: 052-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Deborah Petrisak 3491 Lakeview Lane Canandaigua, NY 14424	Deborah Petrisak 3491 Lakeview Lane Canandaigua, NY 14424	Place generator near property line	3491 Lakeview Lane	98.13-1-27.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation
☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to place an accessory structure (standby generator) with a right side setback of 6.67' when 8' is required? Applicant is requesting a 1.33' area variance in the RLD zoning district.

SEQR:

☐ Type I ☒ Type II
☐ Unlisted
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:
☐ See attached resolution(s)

VOTING:

David Emery	<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
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
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 1, July 6, and August 6, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood.

CPN-054-15 Richard & Gail Hribar, owners of property at 4332 Labrador Lane, TM#125.16-1-7.000, are requesting area variances to tear down and rebuild a single-family dwelling in the R-1-30 zoning district.

The property owners were present to speak for their application along with Todd Jones and Scott Record from Key Homes. Detailed plans were submitted and presented on the Smart Board. Plans call for a walkout basement. George Barden had reviewed the plans and given approval to the applicants. Due to the stream running nearby, as well as slope of the property, location sites were limited. It was noted that many letters of support were received for this application, and none opposing.

Board members had visited the site. There were no further comments or questions and the Public Hearing was closed at 6:25 p.m.

Public Hearing Opened:8/18/2015

Meeting Date: 8/18/2015

Public Hearing Closed:8/18/2015

Project: 054-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Tear down and rebuild single-family dwelling	4332 Labrador Lane	125.16-1-7.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation
☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuild a single family dwelling with a 42.7' setback to the bed of a stream carrying water at least 6 months out of the year when 100' is required? Applicant is requesting a 57.3' area variance in the R-1-30 zoning district.

SEQR:

☐ Type I ☒ Type II

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:
☐ See attached resolution(s)

VOTING:

David Emery	<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
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
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 17, 28, 31, and August 6, 9, 10, 11, and 14, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood. No opposition was received regarding this application.

Public Hearing Opened:8/18/2015

Meeting Date: 8/18/2015

Public Hearing Closed:8/18/2015

Project: 054-15

Applicant

Gail & Richard Hribar
4332 Labrador Lane
Canandaigua, NY 14424

Owner

Gail & Richard Hribar
4332 Labrador Lane
Canandaigua, NY
14424

Project Type

Tear down
and rebuild
single-family
dwelling

Project Location

4332 Labrador Lane

Tax Map #

125.16-1-7.000

TYPE OF APPLICATION:

☒ Area Variance ☐ Use Variance ☐ Interpretation
☐ Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuild a single family dwelling with a front setback of 4.4' when 60' are required? Applicant is requesting a 55.6' area variance in the R-1-30 zoning district.

SEQR:

☐ Type I ☒ Type II

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

☒ Granted ☐ Denied ☐ Continued to:
☐ See attached resolution(s)

VOTING:

David Emery	<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
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
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 17, 28, 31, and August 6, 9, 10, 11, and 14, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood. No opposition was received regarding this application.

CLOSED PUBLIC HEARINGS:

None at this time

BOARD BUSINESS:

1. Approval of July 21, 2015 Meeting Minutes - Chairperson Robinson made a motion to approve the Minutes as submitted. Dave Emery seconded the motion. Bob Hilliard abstained from the vote since he was absent last month. All remaining members AYE.
2. Review of Next Month's Agenda (September 15, 2015) – Sandy Beach Drive for a garage, 1st and 2nd story addition, NYS Route 21/Andrews Road for an ice cream shop with a deck/porch located in the ROW, and new variance requests for Farnsworth Chevrolet on NYS Route 332.
3. Requests for Rehearing: *None at this time*

Board member Hilliard asked about hearing the application from Fansworth Chevrolet next month due to a possible conflict of interest. Chris Nadler stated that they would be addressing the subject of conflicts of interest in the training following the regular meeting. Chairman Robinson advised Bob Hilliard that he always recuses himself from applications if there is the slightest possibility of an appearance of impropriety. Carol Ingle is always ready and available to step in.

Board member Sahler noted that he would not be at next month's meeting.

Director of Development Finch asked for a volunteer from the Zoning Board to serve on the Citizens' Implementation Committee. The commitment is 2x a month, on the 1st and 3rd Tuesdays at 9 a.m. Kelly LaVoie stepped up to offer her services.

Chairman Robinson made a motion to adjourn at 6:52 p.m. Kelly LaVoie seconded the motion. All AYE.

Respectfully submitted by: _____

Cheryl A. Berry, Secretary
Zoning Board of Appeals