

## Zoning Inspector

---

**From:** Chris Jensen <cjensen@townofcanandaigua.org>  
**Sent:** Thursday, August 31, 2017 8:48 AM  
**To:** kevinmot2005@gmail.com; 'Brennan Marks'  
**Cc:** 'Brabant, Lance'; 'Development Clerk'; ecooper@townofcanandaigua.org; 'Doug Finch'; 'Chris Nadler'; 'Dale Zukaitis'  
**Subject:** Brickyard Road 2580 - Mottler Site Plan  
**Attachments:** Brickyard Road 2580 2017-08-31 - VIOLATION - REMEDY.pdf

Good Morning,

This letter is to serve as a summary of the meeting the Town had with Mr. Mottler on the status of the project and the process moving forward.

Attached is the Notice of Violation and Order to Remedy.

Mr. Mottler has begun addressing the conditions of the Order to Remedy by installation of erosion control measures and temporarily stabilizing the site with straw.

In order for the project to proceed, the applicant must re-survey the topography/conditions of the site as it currently exists and provide a new 'Existing Conditions Plan' for all parties to review.

The project will remain on the Ontario County Planning Board agenda for September 13<sup>th</sup>, and the Town of Canandaigua Planning Board Agenda for September 13<sup>th</sup>.

The Town of Canandaigua Planning Board will not be able to render a decision on the project on September 13<sup>th</sup>, as the County Planning Board meets the same evening, and the updated 'Existing Conditions' plan would not have been submitted within sufficient time for distribution.

Mr. Mottler has stated that he and his engineer/applicant will be present at the September 13<sup>th</sup> Town of Canandaigua Planning Board meeting to discuss the project.

Sincerely,  
Chris Jensen

Chris Jensen PE CFM MCP  
Code Enforcement / Zoning Officer  
Town of Canandaigua - Development Office  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(cell) 585-315-3088

---

**From:** Brennan Marks [mailto:bmarks@marksengineering.com]  
**Sent:** Tuesday, August 29, 2017 2:50 PM  
**To:** Chris Jensen  
**Cc:** kevinmot2005@gmail.com; Brabant, Lance; Development Clerk; ecooper@townofcanandaigua.org; Doug Finch; Chris Nadler; Dale Zukaitis  
**Subject:** Re: Brickyard Road 2580 - Mottler Site Plan

Mr. Jensen,

With all do respect, previous correspondence from the town have requested the applicant to stabilize the site from the county disturbances and resurvey prior to proceeding with the application submitted to the town. The fine grading of the site was completed and it will be seeded with straw mulch tomorrow. The applicant wishes to proceed with the application at the next planning board meeting. The site will be stabilized as instructed. We are in the process of resurveying the topography for this application.

Brennan

Sent from my iPhone

*Town of Canandaigua*

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

**NOTICE OF VIOLATION – ORDER TO REMEDY**

August 31, 2017

Kevin Mottler  
3679 Summit View Road  
Canandaigua, NY 14424

Parcel Address: 2580 Brickyard Road  
Tax Parcel Number: 70.00-1-44.000  
Zoning District: IND - Industrial

Mr. Mottler,

You are hereby notified that you have been found to be in violation of the Zoning Law Section 220, Subsection §220-64. The specific violation is:

- Development which exceeds 1,000sq.ft. in the Industrial District without required site plan review and associated approvals from the Planning Board of the Town of Canandaigua.

You are hereby notified that you have been found to be in violation of the Zoning Law Section 220, Subsection §220-9 Z. The specific violation is:

- Construction, grading, and installation of gravel drive without the required Site Development permit from the Town Development Office.

You are hereby notified that you have been found to be in violation of the Zoning Law Section 165, Subsection §165-7 A. The specific violation is:

- Site preparation which in the aggregate exceeds stripping or grading of more than 10,000sq.ft. of ground surface and excavation or filling of more than 100 cubic yards of material without a soil erosion and sedimentation control permit.

as observed by the Zoning/Code Enforcement Officer on August 29, 2017.

The following corrective measures should be taken no later than September 1<sup>st</sup>, 2017, or penalties may be assessed:

- Install erosion control measures (silt fence or approved equivalent) surrounding the disturbance.
- Temporary stabilization of exposed/disturbed ground surface.
- Contact the Town for inspection of measures immediately after installation.

The following corrective measures should be taken no later than September 22<sup>th</sup>, 2017, or penalties may be assessed:

- Survey of the existing topography and conditions of the site
- Provide updated 'Existing Conditions Plan' to be distributed to various Boards in order to continue with Site Plan Approval Process.

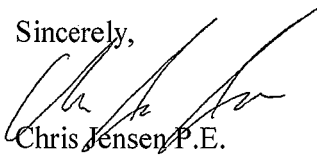
If by October 25<sup>th</sup>, the project has not received the approval of the Town of Canandaigua Planning Board, the following corrective measures should be taken no later than December 1<sup>st</sup>, 2017, or penalties may be assessed:

- Restoration of the site to 'pre-violation' conditions. (Site/Parcel conditions that existing prior to all disturbance & associated fill/grading taking place.)
- Permanent vegetative stabilization of site.

PLEASE NOTE: Any person, firm, partnership, corporation, or other party who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$100 for the first offense. Any subsequent violation of the provisions of this chapter shall be a misdemeanor and upon conviction, such person shall be subject to a fine of not less than \$250 nor more than \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment. The imposition of any such penalty for the violation of this chapter shall not excuse such violation nor permit the continuance thereof. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct offense hereunder.

If you have any questions, please contact the Town.

Sincerely,



Chris Jensen P.E.

Code Enforcement Officer – Town of Canandaigua

Cc: Doug Finch – Town Manager  
Chris Nadler Esq. – Town Legal  
Town Clerk  
Ontario County Planning Board  
Town of Canandaigua Planning Board  
File

Enc: Photos dated August 29, 2017

