

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: \_\_\_\_\_

## ZONING BOARD OF APPEALS APPLICATION

FOR:    ☒ AREA VARIANCE       ☐ USE VARIANCE       ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application:      X   Yes           No

1. Name and address of the property owner:   Nancy Sands    
  5019 West Lake Road           Canandaigua, New York 14424

Telephone Number of property owner:   (585) 233-2380  

Fax #   N/A         E-Mail Address:   sandsphoto@aol.com  

**\*\*If you provide your e-mail address, this will be the primary way we contact you\*\***

2. Name and Address of Applicant *if not the property owner*:   Scott A. Harter, P.E.    
  7171 Victor-Pittsford Road           Victor, New York 14564

Telephone Number of Applicant:   (585) 924-1860  

Fax #              E-Mail Address:   Proengineer1@prodigy.net  

**\*\*If you provide your e-mail address, this will be the primary way we contact you\*\***

3. Subject Property Address:   5019 West Lake Road    
Nearest Road Intersection:   Barnes Road

Tax Map Number:   154.09-1-20.0         Zoning District:   RLD and RR-3  

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

*Please circle one:*         YES         NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

*Please circle one:*       YES         NO  

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?

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Interior and exterior house renovations and improvements. Exterior improvements to include renovated patio area with pool plus expansion of the courtyard area and residence.

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7. Have the necessary building permit applications been included with this form? If not, please verify with the Development Office which forms are required to be submitted.

Not yet.

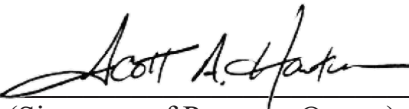
8. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law.

All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*

9. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.
10. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.
11. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.

*I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.*

***I hereby grant my designee permission to represent me during the application process.***



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(Signature of Property Owner)

Scott A. Harter, P.E., agent for owner

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12-29-2022

(Date)

# *Town of Canandaigua*

5440 Routes 5 & 20 West

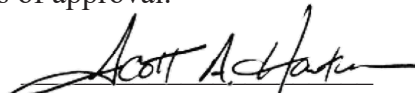
Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***

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Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

  
(property owner)

Scott A. Harter, P.E., agent for owner

  
(property owner)

**BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS**

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations. (Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

No. The proposed changes are consistent with the property setback to both the north neighboring property which is 37 feet (+/-) the and south neighboring property which is 17 feet (+/-) . See the aerial photo site layout drawing attached that illustrates these setbacks for context. Also, because of the naturally occurring cove in which this residence is located, the setback of the subject parcel visually appears to be much further away from the lake than what the request identifies numerically. Furthermore, the requested setback is in harmony with the pattern of lakefront setbacks and improvements in the subject portion of the Town.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

No. The benefit sought cannot be achieved by other methods. The proposed design has the patio and landscape area compressed into the southwest quadrant of available outside space as tightly as ergonomically feasible to allow for the appropriate use of this space in order to justify this variance request.

- (3) Whether the requested area variance is substantial.

No. The requested variance area is not substantial when considering design constraints (topography) and the adjoining neighborhood. As mentioned in Question 2, the use of available space has been compressed into the southwest quadrant of the outdoor living area so as to create the minimal impact by reducing projection of the improvements toward the lake and therefore the setback being analyzed. Secondly, the comparable setbacks of the north and south properties as mentioned in Question 1 are met or exceeded by this design. In planning these improvements, it was a critical consideration and desire to meet or exceed neighboring properties' setbacks. Finally, pool and pool use areas exist along the lake which are far greater than the request being made and, in all instances, are situated on much smaller lots .

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No. The variance will have no adverse effect to the physical or environmental conditions. It is consistent with the other properties and, as discussed in the shoreline guidance statement, the low patio walls act as an environmental buffer to avoid creating a resultant steeper slope or grade to the lake that could negatively affect the land from a use and maintenance perspective plus the ability to maintain the mature trees and existing vegetative growth that helps keep the shoreline slope stable thus protecting the lake.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

No. While it can be said that most requests for variance relief are self-created, this proposal has taken into the design a strong consideration to limit the visual impact by keeping the constructed condition back into the southwest quadrant of the exterior living area for minimal impact as mentioned. It should also be noted that the property has an exaggerated westward swinging cove with the north and south points of the parcel projecting out considerably easterly into the lake. If the lakeside setback requirement were related to the property "tie line" at the lake which connects the northeast and southeast property corners, rather than the mean high water line as is being used in this case, the proposed improvements would reside wholly within the required 60-foot setback. So, the origin of this request is really created by the crescent shape of the shoreline or exaggerated cove of the property. It should be noted that the project complies with all other area variance requirements.

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## Sketch Plan Checklist

Applicant: Scott A. Harter, P.E.


Project Address: 5019 West Lake Road Canandaigua, New York 14424

Tax Map #: 154.09-1-20.0 Zoning District: RLD and RR3

Project Description Narrative: Interior and exterior house renovations and improvements. Exterior improvements to include renovated patio area with pool plus expansion of the courtyard area and residence.

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	X		
2) Lot lines.	X		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	X		
4) Land use(s). (residential, agricultural, commercial, or industrial)	X		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	X		
6) Development including buildings, pavement and other improvements including setbacks.	X		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	X		
B. Sketch plans shall be drawn to scale.	X		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	X		

**I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.**



Signature of Applicant / Representative

12-29-2022

Date

\*May be obtained from UFPO – dial **811** for assistance.

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

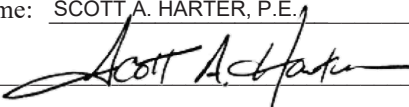
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

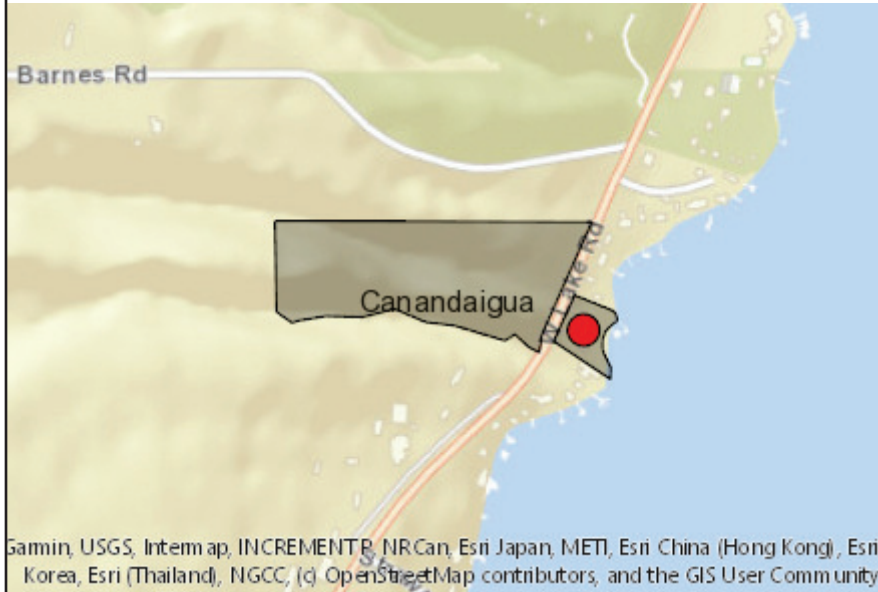
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: 5019 WEST LAKE ROAD - RENOVATIONS OF RESIDENCE AND SITE			
Project Location (describe, and attach a location map): 5019 COUNTY ROAD 16			
Brief Description of Proposed Action: INTERIOR AND EXTERIOR HOUSE RENOVATIONS AND IMPROVEMENTS. EXTERIOR IMPROVEMENTS TO INCLUDE RENOVATED PATIO AREA WITH POOL PLUS EXPANSION OF THE COURT YARD AREA AND RESIDENCE.			
Name of Applicant or Sponsor: SCOTT A. HARTER, P.E. (SPONSOR)		Telephone: (585) 924-1860 E-Mail: PROENGINEER1@PRODIGY.NET	
Address: 7171 VICTOR-PITTSFORD ROAD			
City/PO: VICTOR		State: NEW YORK	Zip Code: 14564
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: AREA VARIANCE -TOWN ZBA. SITE PLAN APPROVAL- TOWN PB NYSDEC SPDES PERMIT CHECK/UPDATE		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		19.5 acres	
b. Total acreage to be physically disturbed?		.1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		19.5 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): RECREATIONAL			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>SCOTT A. HARTER, P.E.</u> Date: <u>12/29/2022</u>  Signature: <u></u> Title: <u>ENGINEER - SPONSOR</u>		



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	No

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## **AGRICULTURAL DATA STATEMENT**

CPN #: \_\_\_\_\_

In accordance with NYS Town Law § 283-a, the Town of Canandaigua will use the following information to evaluate possible impacts that would occur on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation.

A. Name and Address of Property Owner: \_\_\_\_\_  
\_\_\_\_\_

B. Name and Address of Applicant: \_\_\_\_\_  
\_\_\_\_\_

C. Description of the proposed project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Project Location: \_\_\_\_\_

E. Tax Map #: \_\_\_\_\_

F. Is any portion of the subject property currently being farmed? \_\_\_\_\_ Yes \_\_\_\_\_ No

G. List the name and address of any land owner within the agricultural district that the land contains farm operations and is located within 500 feet of the boundary of the property upon which the project is proposed.

Name / Address

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

H. Attach a tax map or other map showing the site of the proposed project relative to the location of farm operations identified in this Agricultural Data Statement.

\*\*\*\*\*

## FOR TOWN USE ONLY

### **Circle Type of Application:**

Special Use Permit

Site Plan Approval

Subdivision

Use Variance

### **Circle Review Authority:**

Zoning Board of Appeals

Planning Board

Town Board

### **Notice Provision:**

Date when written notice of the application described in Part I was provided to the land owners identified in the Agricultural Data Statement.

\_\_\_\_\_

Date referral sent to the Ontario County Planning Department:

\_\_\_\_\_

\_\_\_\_\_  
Name of Official Completing Form

\_\_\_\_\_  
Date