

Town of Canandaigua

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

Planning Board Decision Notification

Meeting Date: August 10, 2021

Project: CPN-21-057

Applicant

Professional Engineering
Group
c/o Scott Harter, P.E.
7171 Pittsford-Victor
Road
Victor, NY 14564

Owners

Tim and Sheila
Oostdyk
365 Harvest Drive
Lititz, Pennsylvania
17543

Project Type

Single-Stage Site
Plan

Project Location

3551 County
Road 16

Tax Map #

98.17-1-14.000

TYPE OF APPLICATION:

- ☐ Preliminary ☐ Final Phased ☒ One/Single Stage
☐ Subdivision ☒ Site Plan ☐ Special Use Permit

Applicant Request:

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

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):

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

Negative Declaration Date:

Positive Declaration Date:

Recommendation To:

- ☐ Town Board ☐ ZBA ☐ N/A ☐ See attached resolution(s)

Recommendation:

Surety Requirements:


- ☐ Landscaping: \$
☐ Other (specify): \$

- ☐ Soil Erosion: \$

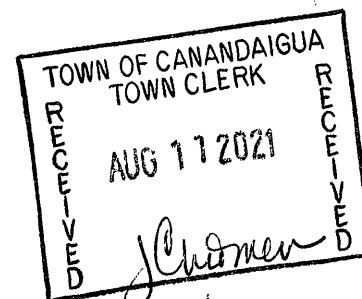
THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 8/16/2022
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Release:

Certified By:


Chairperson, Planning Board

Date:



8/11/21

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
PROFESSIONAL ENGINEERING GROUP REPRESENTING TIM & SHELIA OOSTDYK
3551 COUNTY ROAD 16 – RLD ZONING DISTRICT
CPN 21-057 – TM# 98.17-1-14.000
SINGLE-STAGE SITE PLAN APPROVAL

SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the demolition of an existing residence and construction of a new single family residence, and associated site improvements on an existing lot within the RLD zoning district, as shown on the Single Stage Site Plan titled “Tim & Sheila Oostdyk” dated June 2021, prepared by Professional Engineering Group, and all other relevant information submitted as of August 10, 2021 (the current application); and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

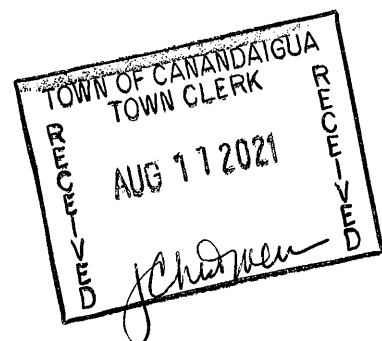
BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Amanda VaeLaeken and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, August 10, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE
Charles Oyler -	AYE
Ryan Staychock -	EXCUSED
Bob Lacourse –	AYE
Amanda VanLaeken -	AYE

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the August 10, 2021 meeting.

John Robortella L. S.
John Robortella, Secretary of the Board



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SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the demolition of an existing residence and construction of a new single family residence, and associated site improvements on an existing lot within the RLD zoning district, as shown on the Single Stage Site Plan titled “Tim & Sheila Oostdyk” dated June 2021, prepared by Professional Engineering Group, and all other relevant information submitted as of August 10, 2021 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. A Site Development Building Permit application is to be completed and provided to the Town of Canandaigua Development Office prior to the Planning Board Chairman’s signature being affixed to the final site plans.
3. A soil stabilization and erosion control surety estimate is to be prepared by the applicant and provided to the Town Development Office for review and processing in accordance with Local Law 19 of 2017 Amending Chapter 174, Section 174-32(F).
4. Prior to the issuance of a C/O an approval from the Canandaigua Lake County Sewer District regarding their review of the sanitary sewer design is to be provided to the Town of Canandaigua.
5. The comments within the Town Engineer’s letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.

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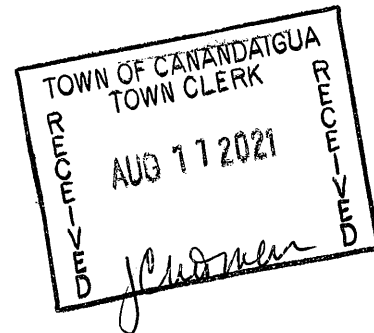
SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

The above resolution was offered by Amanda VaeLaeken and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, August 10, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE
Charles Oyler -	AYE
Ryan Staychock -	EXCUSED
Bob Lacourse -	AYE
Amanda VanLaeken -	AYE

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the August 10, 2021 meeting.

John Robortella L. S.
John Robortella, Secretary of the Board



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SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the demolition of an existing residence and construction of a new single family residence, and associated site improvements on an existing lot within the RLD zoning district.
2. The project is detailed on Single-Stage Site Plan titled “Tim & Sheila Oostdyk” dated June 2021, prepared by Professional Engineering Group, and all other relevant information submitted as of July 27, 2021.
3. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
4. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
5. A Zoning Law Determination was prepared dated June 24, 2021:

DETERMINATION:

- Single-family dwellings are a principally permitted use within the RLD zoning district.
- Proposed development does not increase the degree of non-conformance associated with the parcel. Improvements which do not increase the degree of nonconformance shall be permitted.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board due to proximity to Canandaigua Lake and County Road 16.

REFERRAL TO PLANNING BOARD FOR:

- Site plan approval is required for development in the Residential Lake District which exceeds 1,000 square feet or such thresholds as would require a permit to be issued pursuant to Chapter 165, Soil Erosion and Sedimentation Control.

CODE SECTIONS: Chapters §1-17; §220; §165

6. This application was referred to the following agencies for review and comment:
 - Tyler Ohle, Watershed Inspector
 - Tim McElligott, Canandaigua Lake County Sewer District
 - Town Historian
 - Chris Jensen, Town CEO
 - Town Environmental Conservation Board
 - James Fletcher, Town Highway and Water Superintendent
 - MRB Group
 - Ontario County Planning Board
 - Kevin Olvany, Canandaigua Lake Watershed Council
7. No comments were received from Chris Jensen, Town CEO.
8. Comments were received from the Town ECB at their June 3, 2021 meeting:

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FINDINGS

Environmental concerns:

- While the project complies with the Town's current policy of honoring prior non-conformities on lot size, coverage and setbacks, ECB questions whether this policy is appropriate for cases which result in substantial increases in living space and occupancy through the addition of a second floor.

Additional Comments from the ECB Meeting:

- Ms. Hooker noted that this parcel is immediately south of the Yacht Club and there are typically small lots in this area with this one being approx. 4000 square feet. The only portions that are not covered on this lot are the small blocks of lawn on the northwest and southeast corners. There is a large multi-level deck covering much of the area that the house is not covering.
- Ms. Hooker suggested that the Ordinance Committee and Town Board should review this plan as it is an extreme example of these demolition/rebuild projects of existing residences with nonconformities that are coming for review with increasing frequency. She said that although they are not increasing established nonconformities, there is no review of the increased living space and occupancy that will increase the population density, traffic, and other resource demands in the lake area.
- Mr. Simpson said he will have a discussion with Mr. Davis to recommend that the Ordinance Committee review and discuss this. He also noted that increased occupancy should require a review of sewer and water requirements and that two-story homes filling the lakefront and increasing density would be undesirable. Ms. Davey and Ms. Venezia both agreed that this would be an important topic for the Ordinance Committee to review.
- Mr. Kochersberger worried about precedent being set by the project for future development. Ms. Hooker said that the precedent was already set but changing that should be tried.
- Mr. Damann agreed with Ms. Hooker's assessment that people acquire a property and then try to get the most put in on those properties. He also said that while it probably isn't possible to apply screening for Lake views on this lot, it is a concern. Mr. Simpson commented that much cannot be done with this property but perhaps going forward a difference can be made. Mr. Simpson hoped that the Ordinance Committee could tighten restrictions on nonconformities to include not only lot coverage but square footage to avoid future situations like this.
- Mr. Simpson suggested that the Ordinance Committee and Town Attorney work together to review and address the addition of second stories and increased square footage with such properties.

Recommendation:

- No recommendation on the application. ECB suggests that the Ordinance Committee and Planning Board review the Town's policy on non-conformities concerning the addition of upper levels of living space on a non-conforming parcel. In this and other recent applications, this policy is resulting in an undesirable increase in the density of development on small non-conforming lots.

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FINDINGS

9. No comments were received from Jim Fletcher, Town Highway and Water Superintendent.
10. Comments were received from MRB Group in a letter dated July 9, 2021.
11. No comments were received from Ontario County Planning Board.
12. No comments were received from Kevin Olvany, Canandaigua Lake Watershed Council.
13. No comments were received from the Town Historian.
14. No comments were received from the Canandaigua Lake County Sewer District.
15. No comments were received from Tyler Ohle, Watershed Inspector.
16. The Planning Board has considered all comments as part of their review of the application.
17. The Planning Board discussed the need for a soil stabilization and erosion control surety estimate to be provided prior to the issuance of building permits.
18. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.
19. The Planning Board asked the applicant to consider a darker shade of color for the house to blend in with the surrounding area as there are limitations with landscaping in this area due to lot size.
20. The applicant and design engineer on August 6, 2021 provided a Lot and Building Coverage Table to the Development Office which demonstrated compliance with the Code and therefore no variances would be required.