

Al Kraus
4095 Onnalinda Drive
Canandaigua, NY 14424

August 4, 2016

Terence Robinson, Chairperson
Town of Canandaigua, Zoning Board of Appeals
Town of Canandaigua
5440 Routes 5 & 20
Canandaigua, NY 14424

Dear Zoning Board of Appeals Members:

REF: CPN-027-15, CPN-058-15 and CPN-059-15 for RSM West Lake Road LLC

On November 16, 2015 I submitted a letter urging that neither the Zoning Board of Appeals or any other official Town entity or individual take any action related to RSM's proposals for the waterfront portions of their development that would create a bad precedent and potentially have severe repercussions on Canandaigua Lake (copy attached).

The latest proposal put forth by RSM divides their waterfrontage into three parcels and has the owners of those parcels "essentially" subletting use of their waterfront parcel to four other home owners. This proposal clearly violates the intent and spirit of the UDML, and various Town Codes/Laws/Planning Documents, and is not in the best interest of Canandaigua Lake or local residents.

First of all, it is my opinion that under existing rules/guidelines RSM should be required to treat all their property and adjacent waterfrontage as part of just one development and have it adjudicated from that perspective. Secondly, if this position is not supported by the Town, it is my opinion that it is unconscionable for anyone in the Town to approve a waterfront development plan that is predicated upon subletting use of the shoreline to up-land homeowners. We cannot legitimize the idea that a property owner can calculate the maximum number of docking and mooring spaces they are authorized under the UDML based on the amount of waterfrontage they own and then sublet/share those spaces with up-land homeowners.

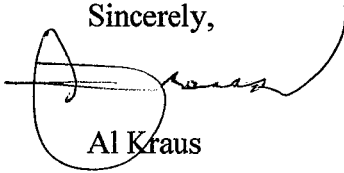
Approving RSM's latest proposal would set a terrible precedent for the entire lake. Giving approval would open the door to all types of creative keyhole/funnel developments, both for new and existing properties. It would also give homeowners the signal that it is acceptable to sublet their waterfronts to up-land property owners. In the past very few homeowners would ever consider doing this; however, the ever increasing tax burden for owners of waterfrontage, coupled with the signal that this is acceptable, could make this a very likely scenario. The net effect would be a substantial increase in the number of docks and boats on the lake, which would have dire environmental consequences and substantially degrade the character of the lake.

The UDML and other Town Codes/Laws were created to protect the lake for future generations; we cannot let RSM come in and circumvent these rules/guidelines. Other developers within this area seem to be able to operate within the rules/guidelines used to establish how many docking/mooring spaces are acceptable, and that is exactly what RSM should do.

Please do not approve this proposal; the stakes are too high and the potential costs too great.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al Kraus', is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

Attachment: Letter November 16, 2015

CF: Douglas Finch, Director Development Office
Thomas Schwartz, Chairperson, Planning Board
Eric Cooper, Zoning Officer
Christian Nadler, Town Attorney

Al Kraus
4095 Onnalinda Drive
Canandaigua, NY 14424

November 16, 2015

Terence Robinson, Chairperson
Town of Canandaigua, Zoning Board of Appeals
Town of Canandaigua
5440 Routes 5 & 20
Canandaigua, NY 14424

Dear Zoning Board of Appeals Members:

REF: CPN-058-15 and CPN-059-15 for RSM West Lake Road LLC, owners of property at 4001 Marella View, TM#113.13-2-1.000.

Please consider this letter when making future decisions regarding the various variances and other requests being submitted by RSM, LLC related to their proposed RSM West Lake Road Development.

My major concern at this time is that very creative and questionable actions are being contemplated to try to "legitimize" increasing the number of docking and mooring spaces authorized under the Uniform Docking and Mooring Law (UDML) from 9 to 15. Primarily by using every means possible to get the Town to "officially" declare that it is acceptable to divide the associated waterfront into three separate parcels.

Permitting RSM to divide the associated waterfrontage into three separate parcels just to circumvent the intent and spirit of the UDML, and various Town Codes/Laws/Planning Documents, is not in the best interest of Canandaigua Lake or local residents. Furthermore, it would be a great mistake for the various Town Boards and Zoning Officer to legitimize this type of effort by giving any approvals that would lead to these results.

Respectfully request that neither the Zoning Board of Appeals or any other official Town entity or individual take any action that would create this terrible precedent, which could have severe repercussions all around Canandaigua Lake. It has been a long held belief that the formation of keyhole/funnel developments was clearly contrary to the intent of the UDML and not in the best interest of Canandaigua Lake. Permitting the RSM to divide the associated waterfront into three parcels would most likely open the door to approval of other similar requests all around the lake, ultimately resulting in a number of boats, docks, and mooring spaces on Canandaigua Lake that would greatly exceed the quantities envisioned when the UDML was established to protect the lake.

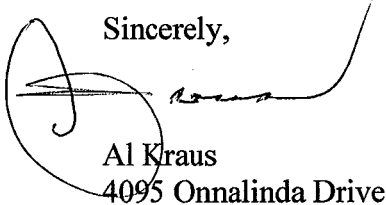
Unless you can substantiate that the UDML and Town Code/Laws specifically authorizes dividing this waterfront into three parcels and creation of a keyhole/funnel development, we need to stand firm and not officially legitimize something that is going to set such a terrible precedent for the entire lake. The potential cost of allowing this terrible precedent to be set is much too

high for us to permit it to happen. Canandaigua Lake is the crown jewel of this area; we need to stand behind the UDML and other Town Codes/Laws which were created to protect the lake for future generations.

Furthermore, due to the very steep, difficult and fragile nature of the waterfront adjacent to the RSM parcel, and safety problems associated with future residents crossing West Lake road in this area, I recommend that RSM be requested to seriously consider setting up a long term docking and mooring agreement with German Brothers Marina versus trying to develop the lake frontage. Due to the close proximity of German Brothers Marina such an arrangement could very well be in the best interest of both the future residents of the proposed development and Canandaigua Lake. As cited in the UDML, "Limitations on the Maximum Number of Facilities Section 44-8 establishes the maximum number of docking and mooring facilities that could be allowed and does not confer the right to any specific number of facilities independent of local zoning or other requirements related to development of the adjoining parcel. Application of other laws and requirements may result in a reduction in that number."

Thank you for your consideration.

Sincerely,



Al Kraus
4095 Onnalinda Drive

CF: Douglas Finch, Director Development Office
Thomas Schwartz, Chairperson, Planning Board
Chris Jensen, Code Enforcement/Zoning Officer
Christian Nadler, Town Attorney