

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 8  
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May 11, 2018

Also sent via email: [johntcaseyjr@gmail.com](mailto:johntcaseyjr@gmail.com)

Mr. John Casey Jr.  
3796 W. Lake Road  
Canandaigua, New York 14424

Dear Mr. Casey:

RE: NOTICE OF INCOMPLETE APPLICATION  
DEC # 8-3224-00500/00001  
Casey Property  
3814 County Road 16  
Town of Canandaigua, Ontario County

The New York State Department of Environmental Conservation (DEC) received a Joint Application on March 7, 2018 proposing to protect the existing eroded shoreline with approximately 119 linear feet of rip rap, and construct a utility shed, 12-feet by 24-feet patio area, sidewalk, and wheelchair lift and landing area, to allow for wheel chair access to the beach area. The Department subsequently issued a Notice of Incomplete Application (NOIA) letter on March 22, 2018. On April 26, 2018 DEC received a response to the NOIA. After reviewing this latest response, the Department has determined that the application is still incomplete, see below.

1. **Current Proposal:** After reviewing the photographs submitted as part of the original Joint Application and resubmission, in addition to an April 9, 2018 site visit to the property, the amount of erosion along the shoreline appears to be minimal and limited to an area near the base of the large cottonwood tree and existing staircase. Therefore, the 1168 square feet of fill proposed below the Mean High Water Level (MHWL) along approximately 119 linear feet of shoreline, which includes the proposed the rip rap, patio area and sidewalk, is still significant and does not appear to meet Article 15 Protection of Waters Permit Issuance Standards.

The Department has coordinated with the U.S. Army Corps of Engineers (USACE) during the review process and both agencies do not support the project as currently proposed due to the excessive amount of fill below MHWL.

2. **Alternatives:** The latest April 26, 2018 submission states that alternatives were explored but concluded that the current plan was in maximum compliance with town and state codes. After a phone conversation with the Town of Canandaigua Code Enforcement Officer on May 10, 2018, it was noted that all the structures (patio, shed, ADA elevator) as currently proposed would require a variance from the Town. Additionally, various options were discussed in terms of alternatives to limit the excessive amount of fill below MHWL.



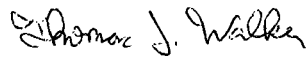
Department of  
Environmental  
Conservation

Please consider placing rip rap along the MHWL where necessary to address erosion, minimizing encroachment below mean high water. In terms of the other proposed structures, there appears to be enough area above the MHWL to reposition these structures on the plan and modify the plans so that there is no encroachment below MHWL for the proposed patio area and sidewalk. One option to consider is relocating the stairs to an area on the south side of the cottonwood tree, which would eliminate the need to construct the proposed sidewalk around the tree and therefore eliminate the need for this fill below the MHWL.

In addition, please consider an accessible open pile deck/dock structure with a platform at the end. This option would eliminate the need for the proposed fill and patio area below MHWL. Furthermore, the open pile deck/dock alternative was discussed with USACE and both agencies view this a viable alternative to the current proposal.

Please submit a response to this letter by June 15, 2018, if possible. No further action can be taken until a response is received. If you have any questions, I may be reached at 585-226-5402.

Sincerely,



Thomas Walker  
Environmental Analyst 1

ec: Kathy Kirsch- Bureau of Habitat, DEC Region 8  
Brennan Marks- Marks Engineering  
Joseph Rowley- U.S. Army Corps of Engineers, Buffalo District  
Chris Jensen- Town of Canandaigua  
George Barden- Canandaigua Lake Watershed Inspector  
Town of Canandaigua Development Office