

July 26, 2016

Re: RSM's proposal for the waterfront
CPN-027-15, CPN-058-15 and CPN-059-15 for RSM Residences at West Lake

Dear ZBA and Development Dept. of the Town of Canandaigua:

Please consider this letter an official submission regarding the current site plan and requested variances for the RSM Development project.

RSM is proposing that the waterfront portion of the RSM Residences at West Lake project be divided into 3 pieces, each being a portion of the respective 3 privately owned residential dwelling lots across the road on the west side of County Rd. 16. This subdivision configuration is being requested to circumvent the regulations in the Unified Docking and Mooring Law (UDML) so that the developer will be allowed to place 3 docks with 15 boat slips to be used by 15 individual families and their guests; as opposed to 9 boat slips for one individual upland lot owner's use (not 15) that would be allowed under UDML, if the lakefront is not subdivided. Please note that the entire lakefront portion of the parcel cannot be subdivided off as one stand-alone lot because it not only does not meet the size requirements of the Residential Lake District (RLD), but doing so would additionally make the "use" as a disallowed marina, less disguised and easier to comprehend for what it is.

At the same time, RSM is proposing that the entire waterfront portion of this project for the purpose of approval of proposed amenities and required variances for those amenities be treated as if it was all one parcel, with one ingress/egress and one boardwalk that extends across all 3 proposed lots.

Put very simply, THE WATERFRONT SHOULD BE TREATED EITHER AS A PORTION OF ONE SINGLE LOT OR PORTIONS OF 3 SEPARATE LOTS, but they can't have it both ways.

Regarding the boardwalk: Although the final determination has not yet been written, I have not heard any discussion regarding the 4 variances that should be required for side setbacks for the boardwalk as it extends across the two property lines that are proposed to divide the 3 proposed pieces of waterfront land as parts of 3 separate lots. The fact that RSM is proposing that an HOA will manage the amenities has no bearing on whether the entire waterfront is treated as a single lot or parcel since the HOA will not own the waterfront, nor will the HOA own any of the land contained in the project. The waterfront should not be treated as a single lot with a boardwalk stretching across the width of all 3 proposed lots if the subdivision into 3 pieces is approved.

The applicant states that the boardwalk is necessary for the 15 families to gain access to the three tiny proposed portions of the waterfront which are to be owned by the 3 actual lakefront adjoining owners if the subdivision is approved. If the waterfront portion

of the property is treated as all one parcel, and if the boardwalk is necessary at all, the difficulty necessitating a boardwalk is self-created by the configuration of the requested subdivision and inappropriate excessive use by non-adjoining upland lot owners.

If the subdivision is approved as proposed, only 3 of the proposed dwelling lots would have "as-of-right" riparian rights, and 7 of the proposed dwelling lots aren't even in the Residential Lake District (RLD), they are in the SCR-1 zoning district. The proposed subdivision and variances that would enable this "keyhole" or "funnel" development should be denied.

Also of great concern, the proposed variances will have an adverse effect and impact on the steep slope physical conditions and sensitive environmental conditions on the RSM lakefront, as delineated in the Environmental Impact Statement (EIS) for this project. Therefore, the requested variances, as well as the subdivision as proposed, should be denied.

Thank you for your consideration,

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