

Ontario County Planning Board

Len Wildman, Chair
David Wink, Vice Chair

ADMINISTRATIVE REVIEW REFERRAL			
The application described herein has been reviewed using an administrative review process established by the Ontario County Board of Supervisors (Resolution 540-2006). The subsequent official recommendation is derived from policies established by the Ontario County Planning Board. Recommendations for referrals not subject to administrative review can be found in the draft minutes from the respective CPB full board meeting.			
Referral No: 29.1 - 2019	Referring Municipality & Agency: Town of Canandaigua - Zoning Board of Appeals	Date Received: 01/24/2019	CPB Meeting Date: 02/13/2019
Type of Application: Area Variance		Administrative Review: Class: AR 2	
2. Applicant: Venezia Associates			
3. Property Owner (if different from the applicant): Eric & Bree Blazak			
4. Tax Map #: 127.05-2-9.000	Project Description: Site plan and lot coverage area variance for demolition and replacement of lake home and shoreline treatment at 4134 CR 16 north of Foster Road in the Town of Canandaigua. Proposed lot coverage is 35.6% when 30% is allowed.		
Referral Recommendation: Denial			

The existing home has a pre-existing non-conformity with regard to lot width. The existing lot coverage is 19%. The proposed development would add 2,200 SF of building footprint, deck, porch, driveway, walls, and stairs. The impervious surface coverage adjusting for the use of porous driveway materials would be 31.1 %. The shoreline changes will replace a concrete wall with rip rap. The house will continue to be connected to the public sewer.

Policy AR 5 Applications involving one single family residential site, including home occupations. Part B Development of Lakefront Parcels.

The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. The following policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

Final Classification: 2

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.

3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

Comments

1. The referring board is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.
3. Demolition debris should be salvaged or recycled when feasible and any remainder disposed at a licensed facility.

OCDPW Comments

The department has reviewed the site plan. Detailed comments are included in a February 11 e-mail to the Town Development Office and summarized below.

1. A highway work permit and proof of contractor insurance will be required for any work within the highway right-of-way.
2. Additional documentation will be required if the project involves more than 1 acre of site disturbance and requires a SWPPP.
3. The County does not consent to on-street parking along CR 16 and will not permit the pull-off shown within the ROW.
4. The proposed retaining walls must be placed out of the county ROW. Additionally the County outlined areas of concern regarding design, materials, and contractor safety.
5. The proposed replacement stairs shall be positioned such that the near edge of the proposed stairs is no closer than 8' from the edge of pavement. An encroachment agreement shall be required for any stair placement within the ROW,
6. Include additional engineering calculations and design details to be reviewed by County regarding the driveway, guide rail transition at the stair, work zone traffic control, shoulder restoration, and drainage structures.
7. All underground utilities must be installed under CR 16 using trenchless methods.

Thomas Harvey, Director
Ontario County Planning Department

Date

Administrative Reviews

The Ontario County Planning Department prepares administrative reviews of referrals as authorized, in accordance with the CPB bylaws. The bylaws include criteria that identify applications that are to be reviewed administratively and specify the applicable recommendations that are to be made to the municipality. AR-1 is an administrative review that is a Class 1 and AR2 is a review as a Class 2 and require local board action if disapproved. The following table summarizes the administrative review policies specified in the bylaws.

Administrative Review Policies:– Ontario County Planning Board By-Laws Appendix D	
AR-1	Any submitted application clearly exempted from CPB review requirements by intermunicipal agreement
AR-2	Applications that are withdrawn by the referring agency
AR-3	Permit renewals with no proposed changes
AR-4	Use of existing facilities for a permitted use with no expansion of the building or paved area <i>(Applications that include specially permitted uses or the addition of drive through service will require full Board review)</i>
AR-5 A. Class 2 Denial	Applications involving one single-family residential site infringing on County owned property, easement or right-of-way.
AR-5 B.	Applications involving one single-family residential site adjoining a lake that requires an area variance
AR-5 C.	All other applications involving a site plan for one single-family residence.
AR-6	Single-family residential subdivisions under five lots.
AR-7 A. Class 2 Denial	Variances for signs along major designated travel corridors.
AR-7 B.	Applications involving conforming signs along major travel corridors.
AR-8	Co-location of telecommunications equipment and accessory structures on existing tower and sites (Applications for new towers or increasing the height of an existing tower will require full Board review)