

# 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: July 26, 2022**

**Project: CPN-22-045**

**Applicant**

Scott Hill  
4220 County Road 16  
Canandaigua, NY 14424

**Owners**

Scott Hill  
4220 County Road 16  
Canandaigua, NY  
14424

**Project Type**

Single-Stage Site  
Plan

**Project Location**

4220 County  
Road 16

**Tax Map #**

126.12-2-4

**TYPE OF APPLICATION:**

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

**STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):**

- ☐ Type I    ☒ Type II    ☐ Unlisted

☒ See Attached resolution(s):

**Applicant Request:**

- ☒ Granted    ☐ Denied    ☐ Tabled

☐ Continued to:

☒ See attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**Recommendation To:**

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

Recommendation:

CANANDAIGUA TOWN CLERK

JUL 28 2022

RECEIVED

HC

**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: Jan. 23, 2023  
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:

7/29/22

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION  
SCOTT HILL  
4220 COUNTY ROAD 16 – RLD ZONING DISTRICT  
CPN 22-045 – TM# 126.12-2-4.000  
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 construction of a 24-foot by 36-foot detached garage, and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Joyce Consulting Group, P.C., dated June 1, 2022 and all other relevant information submitted as of July 26, 2022 (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 VanLaeken and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, July 26, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	NAY	
Scott Neal -		AYE
Bob Lacourse -		AYE
Amanda VanLaeken -		AYE
Charles Oyler -		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 July 26, 2022 meeting.

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

CANANDAIGUA TOWN CLERK  
JUL 28 2022 (HC)  
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SCOTT HILL  
4220 COUNTY ROAD 16 – RLD ZONING DISTRICT  
CPN 22-045 – TM# 126.12-2-4.000  
SINGLE-STAGE SITE PLAN APPROVAL

**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 construction of a 24-foot by 36-foot detached garage, and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Joyce Consulting Group, P.C., dated June 1, 2022 and all other relevant information submitted as of July 26, 2022 (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 Zoning Board of Appeals granted the requested variances at their July 19, 2022 meeting.

**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 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. 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.
5. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
6. All variances as approved by the ZBA are to be detailed on the site plans.
7. A permit from Ontario County DPW regarding the driveway entrance and associated right of way improvements within the County Road 16 right of way is to be provided prior to issuance of permits.

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**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

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**SINGLE STAGE SITE PLAN APPROVAL RESOLUTION**

8. The Planning Board granted a waiver for an additional driveway (two total) on the proposed garage side, as set forth in §220-75 B (2) (a) (b).
9. The following notes regarding phosphorous use should be added to the plans:
  - No Phosphorous shall be used at planting time unless soil testing has been completed and tested by a Horticultural Testing Lab and the soil tests specifically indicate a phosphorous deficiency that is harmful, or will prevent new lawns and plantings from establishing properly.
  - If soil tests indicate a phosphorous deficiency that will impact plant and lawn establishment, phosphorous shall be applied at the minimum recommended level prescribed in the soil test following all NYS DEC regulations.
10. The site plans are to be revised to propose additional silt fencing along the north side of the property the full extents of the disturbed area.

The above resolution was offered by Amanda VanLaeken and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, July 26, 2022. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	<i>NAY</i>	
Scott Neal -		<i>AYE</i>
Bob Lacourse -		<i>AYE</i>
Amanda VanLaeken -		<i>AYE</i>
Charles Oyler -		<i>AYE</i>

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 July 26, 2022 meeting.

 L. S.  
John Robortella, Secretary of the Board

CANANDAIGUA TOWN CLERK

JUL 28 2022

RECEIVED

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**FINDINGS**

1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the construction of a 24-foot by 36-foot detached garage, and associated site improvements on an existing parcel within the RLD zoning district.
2. The project is detailed on the Single-Stage Site Plan prepared by Joyce Consulting Group, P.C., dated June 1, 2022 and all other relevant information submitted as of July 26, 2022.
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. The Zoning Board of Appeals granted the requested area variances at their July 19, 2022 meeting.
6. A Zoning Law Determination was prepared dated June 29, 2022:

**DETERMINATION:**

One detached private garage is permitted in the RLD zoning district.

However, the property is located in a Steep Slope Protection area (SSPA). Because there are slopes at 18%, the site is further categorized as *Moderately Steep*.

The applicant is proposing 7700 square feet of disturbance within the SSPA which is prohibited on moderately steep slopes if; "installation of an accessory structure, except for driveways, that requires greater than 4,000 square feet of land disturbance within the steep slope protection area."

The front setback for the garage is proposed at 20' when 60' is the requirement.

One point of access is allowed per parcel. The additional driveway, on the proposed garage side, would need approval by the Planning Board per requirements set forth in Access control- 220-75 B (2) (a)(b).

**REFERRAL TO ZONING BOARD OF APPEALS:**

Applicant must seek relief from Chapter 220-8 D. (1) (b) 3 which prohibits accessory structures, that require greater than 4,000 square feet of land disturbance.

A 40' front setback variance is required as 60' is the minimum front setback.

**REFERRAL TO PLANNING BOARD FOR:**

All Site Plan applications in the RLD must be reviewed and approved by the Town of Canandaigua Planning Board. Additionally, site is in a Steep Slope Protection Area (SSPA) which requires review and approval by the Town of Canandaigua Planning Board.

**CODE SECTIONS:** Chapter §1-17; §220-8 §220-21; §220-75

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**FINDINGS**

7. This application was referred to the following agencies for review and comment:

- Chris Jensen, Town CEO
- Town Environmental Conservation Board
- MRB Group
- Ontario County Planning Board
- Cheshire Fire Department

8. No comments were received from Chris Jensen, Town CEO.

9. The Town ECB provided comments at their July 7, 2022 meeting:

**Additional Comments from the ECB Meeting:**

Ms. Rudolph shared photos from her visit to the site and shared information about the property. The applicant is parking their car in a grassy area across the street from their residence. The area is surrounded by trees (possibly black walnuts) and is steep. It is visible from the lake.

Oncor information shared.

Ms. Bonshak noted her Zoning Law Determination. She said that the town prohibits development on steep slopes (18%). She Read her ZLD:

*"the property is located in a Steep Slope Protection area (SSPA). Because there are slopes at 18%, the site is further categorized as Moderately Steep.*

*The applicant is proposing 7700 square feet of disturbance within the SSPA which is prohibited on moderately steep slopes if "installation of an accessory structure, except for driveways, that requires greater than 4,000 square feet of land disturbance within the steep slope protection area."*

*The front setback for the garage is proposed at 20' when 60' is the requirement.*

*One point of access is allowed per parcel. The additional driveway, on the proposed garage side, would need approval by the Planning Board per requirements set forth in Access control- 220-75 B (2) (a)(b)."*

Ms. Bonshak noted that they had a prior variance for the setback (in 2014) but there is nothing for the steep slope. She noted that they will need relief from chapter 220-8 D (1)(B)(3) which prohibits accessory structures that require more than 4,000 square feet of land disturbance and a 40' front set back variance.



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**FINDINGS**

The variance from 2014 only applies to the exact same plan. Variances run with the land if it is the same exact plan. The plans have changed for this application. It was a 31' variance but now it is 40'.

Ms. Rudolph said that the current driveway is so steep that it would not be usable in snowy conditions.

Mr. Obenauer said that they would have to terrace or level over 800 square feet of land to use the driveway. He also noted that the driveway would need some kind of break wall to maintain the existing slopes and it would need to run around the garage and driveway thus impacting a larger area.

Ms. Burkard noted that removing the trees will make it not possible to hold the slope.

Ms. Rudolph noted that the steepest slope area was between the proposed garage and road. Ms. Rudolph questioned how they were doing this as well wondering about tree removal. She suspects that they are intending on removing all the trees and re-arranging the slope of the land. Plan does not specify tree removal.

Ms. Bonshak showed in the topography in Oncor that there is a flat area near the road and most of the rest of the site is steep slope category (16-30% gradient).

Mr. Obenauer said there would need to be a substantial break wall behind the garage required or much reinforcement of the garage.

Ms. Rudolph noted that this is below Lake Hill Drive.

Ms. Miller asked if the applicant is concerned about downward flooding as the water travels down this slope to their flattened areas.

Ms. Burkard asked if the garage was smaller would it be any less of a problem. Ms. Bonshak said it would need to be below the 4000 square feet of disturbance and she is not sure if that is possible.

Ms. Rudolph asked if the plan showed the proposed finished grade. Ms. Bonshak shared the paper plans showing existing grade with Ms. Rudolph.

Ms. Rudolph is concerned with the wide driveway aimed at the house and lake. Ms. Bonshak said there are inverts to catch runoff and you have to assume things will work as designed.



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**FINDINGS**

Ms. Bonshak said that they are proposing to use a slope stabilization mat during construction. Nothing behind the shed will be disturbed.

Ms. Rudolph assumed maybe two mature black walnut trees will be removed.

Mr. Damann asked if there was a plan in place for construction vehicles going to and from the site as it does not appear that they are stock piling anything there. Ms. Venezia said that plan would be developed after approval.

**Recommendations:**

- The ECB strongly recommends compliance to the Steep Slope Protection Area code that prevents greater than 4000 square feet of disturbance in the area. The ECB cautions against setting precedence of non-compliance in the Steep Slope Protection Area.
- The ECB recommends minimizing tree removal to help preserve and protect the slope. The ECB also recommends maintaining all mature trees at the south and west edges of the property.
- The ECB recommends that if building on this steep slope is approved, that it is for a substantially smaller footprint garage and driveway that would preserve more of the original slope and tree cover.
- The ECB recommends mitigating the driveway with a permeable pavement.
- The ECB recommends replanting the slope with native trees of a larger size caliper.
- The ECB recommends a rendering of the lake view of the project to be provided.

10. Comments were received from MRB Group in a letter dated July 21, 2022.

11. The Ontario County Planning Board provided comments at their July 13, 2022 meeting:

**Comments**

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency should Consult with the Ontario County Highway Department and ensure that the sight distances for the proposed driveway comply with standards established by the American Association of State Highway and Transportation Officials (AASHTO).
3. 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.

12. No comments were received from the Cheshire Fire Department.

13. The Planning Board has considered all comments as part of their review of the application.

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**FINDINGS**

14. 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.
15. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.