

# *Town of Canandaigua*

5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** Lewis Norry  
**PROPERTY ADDRESS:** 4625 County Road 16  
**TAX MAP NUMBER:** 140.07-1-34.000  
**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for Site Plan Review dated 06/17/2016. Received for review by Town on 06/17/2016.
- Application for Accessory Structure Permit dated 06/17/2016. Received for review by Town on 06/17/2016.
- Application for Site Development/Building Permit dated 06/17/2016. Received for review by Town on 06/17/2016.
- Application for Area Variance dated 06/22/2016. Received for review by Town on 06/24/2016.
- Application for Soil Erosion and Sediment Control Permit dated 06/16/2016. Received for review by Town on 06/17/2016.
- Plans titled "Preliminary Site Plan for Lewis Norry" by Marathon Engineering, dated 01/15/2016, revised on 06/24/2016, received by the town on 06/24/2016.

### **PROJECT DESCRIPTION:**

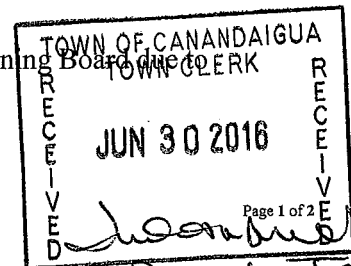
- Removal of a portion of existing dock (135ft<sup>2</sup>)
- Construction of a new dock (235ft<sup>2</sup>) at matching elevation of existing dock.
- Construction of new 12ft x 10ft boat accessory structure on top of new dock.
- Construction of new tram from house to new dock.
- Construction of a new retaining wall associated with existing deck structure.
- Construction of a 'Natural Stone Retaining Wall' above and below Mean High Water Mark.

### **DETERMINATION:**

- With removal of existing dock, newly constructed dock will be below the limit of dock square footage (1,277ft<sup>2</sup>, when 1,280ft<sup>2</sup> is allowed).
- Dock is considered Tier 1 as it is principally residential use.
- As parcel is located on a steep slope, construction of a boat accessory structure is permitted. Proposed structure is at the 120ft<sup>2</sup> and 15ft height limit above the mean higher water elevation.
- Proposed 'Natural Stone Retaining Wall' requires a 'Protection of Waters Permit' from the NYSDEC.
- Proposed 'Natural Stone Retaining Wall' is 0.0ft. from the Mean High Water Mark, when 15.0ft. is required.
- Proposed retaining wall is 8.0ft. from Mean High Water Mark, when 15.0ft. is required.
- Site preparation/construction will take place on a slope greater than 10% within the Canandaigua Lake Watershed and area lies within 500ft of Canandaigua Lake.

### **REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board due to proximity to Canandaigua Lake and County Road 16.



**REFERRAL TO ZONING BOARD of APPEALS (ZBA) FOR:**


- An application requesting a 7.0ft. area variance for the placement of a retaining wall within the rear setback has been submitted to the Town ZBA.
- Applicant shall apply for a 15.0ft. area variance for the placement of a 'Natural Stone Retaining Wall' within the rear setback.

**REFERRAL TO PLANNING BOARD FOR:**

- Site plan review is required as project exceeds such thresholds as would require a Soil and Erosion Control Permit within the Residential Lake District.

**CODE SECTIONS:** Chapter §220-16; §220-64 C (4); §165-7 B (1)(b); §165-7 B (1)(d); §220-21 C(2); §220-9 B(1) §96-6 B(1). §96-8 B(4)(c)[1].

DATE: 6/30/2016

BY:   
Eric Cooper – Zoning Officer

**CPN- 046-16**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property File  
Property Owner  
Town Clerk