

**Seconded by: David Wink**  
**Vote: 13 in favor, 0 opposed, 0 abstentions**

203 - 2018	Town of Canandaigua Zoning Board of Appeals	Class: AR 2
Referral Type:	Area Variance	
Applicant:	McMahon, Greg	
Property Owner:	Eli & Peggy Futerman	
Tax Map No(s):	140.14-1-21.000	
Brief Description:	Area variances for side and lakeside setbacks in conjunction with an addition at 4803 CR 16 north of Deuel Road in the Town of Canandaigua.	

The applicant proposed to remove an existing shed and deck, remove and replace a 2<sup>nd</sup> shed, and construct an addition to the home. The proposed addition maintains 5.3' side setback when 10' is required, a 2.5' rear setback when 60' is required and a 2.5' setback from the mean high water mark when 25' is required. Proposal removes a pre-existing non-conforming shed that crosses the north property line. The proposed lot coverage will increase slightly to 20.7 % when 25 % is allowed. The proposal requires 6 area variances:

1. The proposed shed is located in the rear yard of a lot adjoining Canandaigua Lake when no accessory building area allowed in rear yards of lots adjoining Canandaigua Lake
2. The proposed shed location has a 5.5' rear setback when 15' is required.
3. The proposed shed location has a 5.5' setback from the mean high water mark when 25' is required.
4. The proposed addition has a 5.3' setback when 10' is required
5. The proposed addition has a 2.5' rear setback when 60' is required.
6. The proposed addition has a 2.5' setback from the mean high water mark when 25' is required.

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

- B. 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:** The referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.

#### OCSWCD Comments

1. The records in this office show the existing onsite wastewater treatment system was designed by a licensed professional, approved by this office and installed in 1996. The system was designed for a four (4)-bedroom residence with a maximum hydraulic loading of 130 GPD/bedroom = 520 GPD. The sand fill leaching system is greater than 100 feet from the shoreline of Canandaigua Lake. This system meets current New York State Department of Health (NYSDOH) requirements. The records also show that this system is under a maintenance contract.
2. The documents submitted for review (Variance Plan and architectural plans) do not clearly show the total number of bedrooms after the addition is completed. Should this addition result in greater than four (4)-bedrooms, the capacity of the onsite wastewater treatment system will need to be addressed.
3. The architectural plans show that the new shower on the second floor to be 34" X 48". This larger than normal shower stall quite often ends up being a multi-head surround-a-shower with 4 to 8 or more shower heads. These multi-head surround-a-showers (depending on usage) have the potential to hydraulically overload an onsite wastewater treatment system. This needs to be clarified since the residence is on a municipal public water supply.
4. Even though the existing onsite wastewater treatment system meets NYSDOH requirements for a four (4)-bedroom residence as of 1996, it needs to be noted that the Town of Canandaigua adopted an On-Site Wastewater Treatment Law in 2017. (Local Law #9) Under Section **202-6. Design Standards: C. (2)** "The minimum design of the system shall be based on 150 GPD per bedroom and/or bedroom equivalent for all onsite wastewater treatment systems located wholly or partially within 200 feet of Canandaigua Lake." Therefore, this existing system for a four (4)-bedroom residence should be based on 600 GPD.
5. I raise these issues regarding the existing onsite wastewater treatment system because my experience has shown that even the best of systems designed by a licensed professional and properly maintained by an authorized manufacturer's representative for the aerobic treatment unit will fail pre-maturely if the system is hydraulically overload

204 - 2018	Town of Canandaigua Planning Board	Technical Review
Referral Type:	Technical Review	
Applicant:	Venezia Associates	
Property Owner:	Warner, David	
Tax Map No(s):	97.04-1-6.121	
Brief Description:	Technical review of conservation subdivision sketch plan for 35 lot subdivision on 44 acres on Ashton Place off CR 16 south of Ferris Hills Drive in the Town of Canandaigua. <a href="http://www.co.ontario.ny.us/DocumentCenter/View/15680/204-18-Sub2">http://www.co.ontario.ny.us/DocumentCenter/View/15680/204-18-Sub2</a>	

A different sketch plan for this 44 acre parcel was reviewed in June 2018 as referral 86-2018. The applicant's letter accompanying this referral indicates the presence of 9 acres of constrained land including 5 acres of woods and 4 acres of slopes greater than 15%; the sketch plan shows 3 areas totaling 13.6 acres of conservation area. This plan notes indicate preservation of the constrained land plus 40% of the unconstrained 35 acres, which would be 23 acres. The plan shows the layout of 35 building lots. The Town's Zoning Law Determination indicates 17.6 acres to be undeveloped.

This sketch plan now states all preserved lands are included within private lots. The materials submitted do not include any stormwater or erosion control information. It appears based on grading shown; lots 1 to 9 and 25 to 35 would have to drain to SWMFs on the land between lots 32 to 35 and the homes on CR 16 or in the conservation area south of Bedford Drive. Lots 10 to 24 would drain toward the northwest.

The revised site plan shows a through connection to the Fox Ridge subdivision that indirectly connects to Middle Cheshire Road. Most lots are in the 21,000 SF to 32,000 SF range with one 9.8 acre lot encompassing the majority of the steep slope conservation area. Lot widths are mostly in the 60; to 90' range with some longer frontages along curves. In the southwest corner of the site there are slopes of 16 to 30 %.

**June 2016 project description** The plan shows a 2.445 acre storm detention area and a 12.234 acre hillside conservation area but states overall protected undeveloped area is 19.852 acres with the remaining 24.178 acres developed with 35 lots. Lot sizes vary from 20,000 SF to 43,000 SF with more than half in the 20,000 SF to 25,000 SF range. Lots vary in width from 47' on the cul-de-sac to over 170' for pie shaped lots along curves with about half in the 80- 95' range.