

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** WEGMAN, DANIEL R.  
**PROPERTY ADDRESS:** 4885 COUNTY ROAD 16  
**TAX MAP NUMBER:** 140.18-1-16.000  
**ZONING DISTRICT:** RLD

### **DETERMINATION REFERENCE:**

- Application for One Stage Site Plan, dated 06/14/2019. Received for review by Town on 06/14/2019.
- Application for Site Development/General Building Permit, dated 06/14/2019. Received for review by Town on 06/14/2019.
- Application for Soil Erosion and Sediment Control Permit, dated 06/14/2019. Received for review by Town on 06/14/2019.
- Plans titled "Wegman Residence" by Bayer Landscape Architecture, PLLC, dated 06/14/2019, Revised on 06/21-2019, received by the town on 06/21/2019.

### **PROJECT DESCRIPTION:**

- Applicant proposes an addition to an existing dwelling and to construct a new garage, terrace, and associated improvements.

### **DETERMINATION:**

- Proposed development is of sufficient area and dimension to meet minimum requirements for zoning and building purposes within the RLD zoning district.
- Proposed development disturbs 10,383 sq. ft. of steep slope area and SHALL comply with the Town of Canandaigua Steep Slopes Law, including;
  - o Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Development Office with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized. The Town of Canandaigua Development Office will provide steep slope site illustration examples to applicants.
  - o The natural elevation shall not be raised or lowered more than three feet within the required setback for structures.
  - o The finished slope of all cuts or fills for any site work in areas where only vegetation is proposed to prevent erosion shall not exceed a slope of one vertical to two horizontal (50% grade or 26.5° of angle) without a retaining wall, stacked rock rip rap, or other similar structural stabilization.
  - o Any new or existing retaining wall higher than three feet above finished elevation incorporated into the proposed project design requires the evaluation of a New York professional engineer as to its structural integrity and written direction and certification as to its use.
  - o If total land disturbance exceeds 7,500 square feet and greater than 50% of land disturbance is within a steep slope protection area, then lot coverage for the entire site shall be reduced to 90% of the allowable lot coverage for the underlying zoning district.
  - o Rolled erosion control products shall be used to temporarily stabilize slopes that are equal to or greater than 1:3 (vertical: horizontal).

- The Planning Board may approve modifications to these standards if the applicant can prove that such modifications would result in less total site disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

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

- This application is not required to be reviewed by the Ontario County Planning Board Exception #09.

**REFERRAL TO PLANNING BOARD FOR:**

- Planning Board Site Plan approval is required for land disturbance exceeding 500 square feet or greater within a steep slope protection area that is within 2,000 feet horizontal distance from the mean high water mark of Canandaigua Lake.
- Planning Board Site Plan approval required for development in Residential Lake District which exceeds thresholds as would require a soil erosion permit.

**CODE SECTIONS:** Chapter §1-17; §165; §220-9; §220-21; §220-8; §220-64; §220a Sch. 1 Zoning Schedule

DATE: 7/3/2019

BY: Kyle Ritts  
Kyle Ritts – Zoning Inspector

CPN- 19-046

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

