

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

ENVIRONMENTAL CONSERVATION BOARD MEETING MINUTES*Established November 4, 2009***THURSDAY, FEBRUARY 2, 2023, 4:30 P.M.****MINUTES—PREPARED FEBRUARY 20, 2023**

The meeting was conducted via Zoom.com video conference and in-person meeting at Town Hall in the Oriana conference room.

Notice of the format of the meeting, the agenda, and the video conference identification number were posted upon the Town website on January 31, 2023 and have remained posted.

Meeting Called by: Adeline Rudolph

Board Members Present: Kimberly Burkard Pat Venezia Eric Obenauer
Gary Kochersberger (R) Edith Davey Justin Damann

Secretary: Kimberly Burkard

Town Staff: Michael Warner

Guests:

R = attended remotely

a. Call to Order

The meeting was opened by Ms. Rudolph at 4:32 pm. Introduction of Mike Warner, Zoning Officer.

b. Pledge of Allegiance

c. Introduction of Guests by the Facilitator

d. Zoom Etiquette Reminder

e. Approval of the Minutes—January 5, 2023

I. Referrals from the Planning Review Committee (PRC)
Referred January 10, 2023

PLANNING BOARD FOR TUESDAY, FEBRUARY 28, 2023

CPN-23-001 Professional Engineering Group, c/o Scott A. Harter, P.E., 7171 Pittsford–Victor Road, Victor, N.Y. 14564; representing Nancy Sands, owner of property at 5019 West Lake Road (County Road 16). TM #154.09-1-20.000

Requesting a Single-Stage Site Plan approval for interior and exterior house renovations and improvements. Exterior improvements to include renovated patio area with pool plus expansion of courtyard area and residence.

Reviewer: ECB Board Members

Summary of Key Points /Additional Comments from the ECB Meeting:

- Split lot. Work is being done on the lake side portion. Parcel is ~19 acres with approximately 1.75 acres on lakeside. Lakeside portion of the parcel has all the lot coverage. This is concerning as there is much impervious surface on the lakeshore and a watershed across the street flowing towards the lake through this area.
- Discussion about how to address split lots that have all the lot and building coverage on the lakeside and yet are not exceeding limits because of other land averaged in. This circumvents the intent of the building and lot coverage limits. Perhaps a possible Ordinance Committee referral?
- Expanded driveway noted on aerial view document. Question: is existing driveway being removed? Or are they retaining that and adding additional impervious driveway surface? From the plans, it appears to be in addition. They are also adding a patio and a pool.
- Discussion about the purpose of adding additional driveway. Question of why the new driveway just ends? It also notes construction access way on the plans. If it is temporary, it must be restored to a permeable surface.
- Discussion about the patio being a pervious surface.
- The pool and area around that is where the variance is required for lake setback.
- Ms. Burkard hopes that the new driveway is not being kept.
- Landscape Plan referenced. Ms. Burkard said that their proposed plantings are all nonnative plants like boxwood, Japanese maple, etc. Landscaping should include native tree and shrub species.

- Discussion about the variance being requested for the proposed pool and patio. ZLD referenced. Applicant is requesting a 23' variance (pool/patio will be 37' from the lake when 60' is required). There is already a pre-existing non-conformity. Mr. Kochersberger asked how close the proposed Sheperd-Burke pool is.
- Mr. Damann questioned if this will become precedence for other requests.
- It was hard to understand from the plans what is existing and what was being proposed.
- Mr. Damann strongly encouraged respecting the setbacks as they are in place to protect the lake, especially with nonpermeable surfaces. Pool is a impervious surface.
- Discussion about draining chlorinated pool water as this cannot be allowed to flow into the lake or streams as it kills lake flora/fauna. Will it be pumped out by truck?
- Discussion about the amount of impervious cover on the lakeside parcel. The lakeside area is almost all impervious, roof, driveway, etc. and it is receiving runoff water from steep slopes across the street. Ms. Davey noted that we are seeing 100-year storms three times per year. Ms. Rudolph noted that this is located between two stream beds.
- Discussion about homes that draw water from the lake. Does this one and what will be its draw if it does? They are on the water line.
- Mr. Damann asked about the concrete wash station.
- Discussion about "precedence": if you always go with precedence, you can never learn anything or do them better.
- Mr. Obenauer asked if the driveways have any drainage? French drains, etc. He could not see anything noted on the plans.
- Mr. Damann suggested stormwater infiltration be added, possibly adding chambers under the paver areas.
- Mr. Kochersberger is concerned that any development in the upland area would add to issues. Ms. Davey said that there is the potential for significant runoff issues coming from the upland area.
- Discussion about pools lakeside, with their impervious cover, only adding to the issues of lake runoff and blue-green algae. Pools lakeside are not a good answer to that problem. A clean lake is the answer and that is part homeowner, part zoning, part planning, etc. responsibility. Ms. Rudolph read from a local law (2 of 2021) about swimming pools in the RLD. The homeowner should be aware of the requirements and include them in their building and pool maintenance plans. Swimming pools are considered accessory structures.

- A discussion about the disturbance which will all be on the lakeside portion. Careful erosion control will be a necessity.

Recommendations:

- The greater portion of the parcel is steep (upland from the road) and the building/lot coverage is averaged over the whole parcel yet the building is all concentrated on the small lakeside area (< 2 acres). This causes a lot of water flowing down to an area of mostly impervious coverage immediately on the lake shore. Adding additional impervious surfaces lakeside will increase the potential for harmful runoff into the lake.
- The ECB needs additional information to complete its review:
 - What is the purpose of the new driveway/ construction access noted on the plans? Is the intention for this to be permanent or temporary? And what are the plans for the existing driveway? Will it remain or be removed?
 - What is the lake setback for the existing structures? What percentage increase is being asked for?
 - What are the plans for pool maintenance? Especially, how will water be drained as it cannot be allowed to drain to the lake/streams?
 - Need more detail on the concrete washout area. Designs, and what will be done with the water from that, etc.
 - Additional detail required for driveway drainage.
 - Additional detail required for drainage and stormwater mitigation of the overall site.
 - Need to know size of the lakeside portion of the parcel. What is the building/lot coverage for the lakeside portion?
 - Need more details on the courtyard/patio area including materials being used. Will drainage be taken into account?
- The ECB strongly recommends a revised landscaping plan that predominantly includes native trees and shrubs.
- The ECB recommends stormwater mitigation/infiltration design be added for protection of the lake as well as the property owner.
- The ECB feels that the variance being requested is substantial and advises that the existing footprint or the lake setback be adhered to. The ECB feels that potential detriment to the lake, including steep slope runoff to a highly impervious area that the property owner is looking to make more impervious, is not warranted and that the variance should not be granted.

- The ECB has too many design questions and will need to review this application again when the applicant has shared more information.
- The ECB notes that there will be a large disturbance area on the lakeside portion. Careful erosion control is a necessity and all plans should reflect those controls.
- The ECB recommends updating site plans to include the distance/setbacks to the blue line stream on the parcel plus the one on the neighboring parcel (5025 Co Rd 16). Depending upon the distances, additional variance requests may be necessary.

ZONING BOARD OF APPEALS FOR TUESDAY, FEBRUARY 21, 2023

CPN-23-002

**Professional Engineering Group, c/o Scott A. Harter, P.E., 7171 Pittsford–Victor Road, Victor, N.Y. 14564; representing Nancy Sands, owner of property at 5019 West Lake Road (County Road 16).
TM #154.09-1-20.000**

Requesting an area variance for setback from the lake for interior and exterior house renovations and improvements. Exterior improvements to include renovated patio area with pool plus expansion of courtyard area and residence.

Reviewer: ECB Board Members

Summary of Key Points: See above, discussion of CPN-23-001 & CPN-23-002 combined

Additional Comments from the ECB Meeting:

Recommendations: