

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 13, 2021

Project: CPN-21-034

Applicant

Marathon Engineering
c/o Lucas Bushen
39 Cascade Drive
Rochester, N.Y. 14614

Owners

Daniel M. Gill
Revokable Trust
c/o Dan and Debbie
Gill
17440 Via Lugano
Court
Miromar Lakes,
Florida 33913

Project Type

Single-Stage Site
Plan

Project Location

4495 Davidson
Landing Drive

Tax Map #

126.20-1-8.000

TYPE OF APPLICATION:

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

Applicant Request:

- ☒ Granted ☐ Denied ☐ Tabled
☐ Continued to:
☒ See attached resolution(s)

STATE ENVIRONMENTAL QUALITY REVIEW (SEOR):

- ☐ Type I ☒ Type II ☐ Unlisted

☒ See Attached resolution(s):

Negative Declaration Date:

Positive Declaration Date:

Recommendation To:

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

Recommendation:

Surety Requirements:

- ☐ Landscaping: \$
☐ Other (specify): \$

☐ Soil Erosion: \$

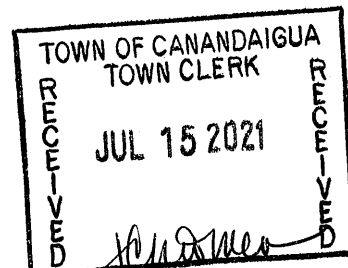
THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: January 9, 2022
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Release:

Certified By:

Chairperson, Planning Board

Date:



TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARATHON ENGINEERING REPRESENTING DANIEL GILL
4495 DAVIDSON LANDING DRIVE – RLD ZONING DISTRICT
CPN 21-034 TM# 126.20-1-8.000
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 a Single-Stage Site Plan approval to construct an addition onto an existing single family dwelling with associated improvements, and construct a 30'x40' fenced, asphalt pickleball court, on a parcel located at 4495 Davidson Landing Drive within the RLD Zoning District and detailed on site plans prepared by Marathon Engineering, dated April 7, 2021, last revised June 7, 2021 and all other relevant information submitted as of July 13, 2021 (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

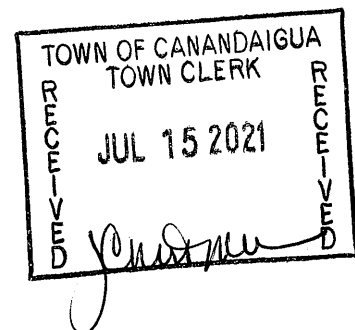
BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Gary Humes and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, July 13, 2021. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes - **AYE**
Charles Oyler - **AYE**
Ryan Staychock - **EXCUSED**
Bob Lacourse – **AYE**
Amanda VanLaeken - **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 13, 2021 meeting.

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



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SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval to construct an addition onto an existing single family dwelling with associated improvements, and construct a 30'x40' fenced, asphalt pickleball court, on a parcel located at 4495 Davidson Landing Drive within the RLD Zoning District and detailed on site plans prepared by Marathon Engineering, dated April 7, 2021, last revised June 7, 2021 and all other relevant information submitted as of July 13, 2021 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), 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 requested variances were granted at the ZBA meeting on June 15, 2021; and

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 final 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. Prior to the issuance of a C/O an approval from the Canandaigua Lake County Sewer District regarding their review of the sanitary sewer design is to be provided to the Town of Canandaigua.
5. Prior to signatures being affixed to the plans all comments from the Town of Canandaigua Water Superintendent are to be addressed.
6. 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.

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SITE PLAN APPROVAL RESOLUTION

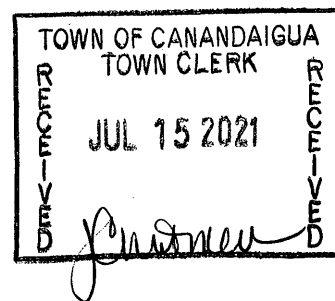
7. The approved variances by the ZBA are to be detailed on the site plans prior to signatures being affixed to the plans.
8. The site plans are to be updated to provide additional landscaping along the lakefront portion of the pickle ball court. Also a landscape schedule including the specie, quantity, size, and location of all plantings is to be added to the plans prior to signatures.

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Gary Humes - *AYE*
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FINDINGS

1. The Town of Canandaigua Planning Board has received an application for Single-Stage Site Plan approval to construct an addition onto an existing single family dwelling with associated improvements, and construct a 30'x40' fenced, asphalt pickleball court, on a parcel located at 4495 Davidson Landing Drive within the RLD Zoning District.
2. Detailed on site plans prepared by Marathon Engineering, dated April 7, 2021, last revised June 7, 2021 and all other relevant information submitted as of July 13, 2021.
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. This application was forwarded to the following outside agencies for review:
 - CLCSD
 - ECB
 - Town CEO
 - Ontario County PB
 - Kevin Olvany, Canandaigua Lake Watershed Council
6. A zoning Determination was prepared dated May 18, 2021:

DETERMINATION:

- Proposed building coverage is 19.7%, when maximum permitted is 15%.

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.

REFERRAL TO ZONING BOARD OF APPEALS FOR:

- Applicant requires a 4.7% building coverage area variance.

REFERRAL TO PLANNING BOARD FOR:

- Site plan review is required for development within the Residential Lake District which exceeds 1,000 square feet or such thresholds as would require a permit to be issued pursuant to Soil Erosion and Sedimentation Control Town Code.

CODE SECTIONS: Chapter §1-17; §220

7. Comments were received from the Town Highway & Water Superintendent:
 1. Does the existing water service need to be terminated or just turned off at the curb stop?
 2. A detail showing that the forced main be separated from the water main by 18 inches.
 3. Contractor to coordinate with the town to tap a one-inch service for the property
8. No comments were received from Kevin Olvany.
9. No comments were received from the Town CEO.

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FINDINGS

10. MRB provided comments in a letter dated June 22, 2021.

11. Comments were received from the ECB:

Environmental concerns:

- ECB generally discourages development projects with building coverage above the Town's requirements due to the potential water quality degradation from runoff directly into the lake during heavy storm events.
- The removal of the impermeable tennis court provides the opportunity for bringing this property into compliance with the Town's building coverage requirements, but the applicant fails to capitalize on this opportunity, opting instead for maximum impermeable surfaces under the Town's policy on pre-existing non-conformities.

Recommendation:

ECB appreciates the use of a rain garden and green roof, and the sensitive handling of the existing trees on the site. However, we oppose the building coverage variance of 5.6% and ask that the applicant reduce size of the new construction to bring the project into compliance. We continue to encourage the ZBA take a firm stand in favor of limiting new buildings to the permitted size; every building coverage variance that is granted just encourages the trend toward homes that are too large for the lot, a trend that makes the lakefront more congested and potentially degrades water quality. We recommend that the applicant also consider further measures to promote infiltration such as permeable paving for the driveway and pickleball court.

12. Comments were received from Canandaigua Lake County Sewer District (included in comments from Ontario County PB).

13. Comments were received from Ontario County PB: **Final Recommendation:** Denial

Comments

- 1) Referring body is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
- 2) 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.

CLCSD Comments

- 1) Sewer connection plans are in our office for review. Permit to be required. Sewer connection plans are under review. Plans are unclear whether a new/additional connection will be made to the private sanitary system owned by the Davidson Landing Association and/or whether a new connection is allowed under the Association's agreement with the District. District will forward information to the County Attorney for interpretation regarding whether a direction connection or a connection to the private Davidson Landing Association is appropriate. A lateral renovation permit may be required.

14. The Planning Board has reviewed all information, materials, and comments and has considered them as part of their review of the application.

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FINDINGS

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

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