TOWN OF CANANDAIGUA DEVELOPMENT OFFICE
RECEIVED
APR 12 2018
FOR REVIEW

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 18-003

ZONING BOARD OF APPEALS APPLICATION

FOR: ☐ **AREA VARIANCE** ☐ **USE VARIANCE** ☒ **INTERPRETATION**

Permission for on-site inspection for those reviewing application: _____ Yes _____ No

1. Name and address of the property owner: CANANDAIGUA COUNTRY CLUB
   3280 FALLBROOK PARK
   Telephone Number of property owner: 585 739 3015 ~ ALAN LUPTON MOBILE
   Fax # _____ E-Mail Address: ALUPTON@LUPTONS.COM
   If you provide your e-mail address, this will be the primary way we contact you

2. Name and Address of Applicant *if not the property owner*: ALAN LUPTON
   343 N. MAIN ST CANANDAIGUA NY 14424
   Telephone Number of Applicant: 585 739 3015
   Fax # _____ E-Mail Address: ALUPTON@LUPTONS.COM
   **If you provide your e-mail address, this will be the primary way we contact you **

3. Subject Property Address: 3280 FALLBROOK PARK
   Nearest Road Intersection: _____
   Tax Map Number: 98.00-1-39.111 Zoning District: CC

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)
   Please circle one: YES (NO)

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)
   Please circle one: YES (NO)

(Continued on back)

6. What is your proposed new project and the variance(s) or interpretation requested?
CONSOLIDATION OF 5 DOCKS INTO ONE, TO CREATE 195 FT LONG DOCK @ 2020 TOTAL SQ FT PER THE SITE PLAN SUBMITTED ON JANUARY 11TH, 2018

7. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law. ✓

   All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*

8. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.

9. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.

10. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.

<u>Property Owner</u> is responsible for any consultant fees*
(Town Engineer, Town Attorney, etc.) incurred during the application process.
****See Town Clerk for current Fee Schedule***

I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.

I hereby grant my designee permission to represent me during the application process.

CANANDAIGUA COUNTRY CLUB, BOD
(Signature of Property Owner)

4/11/18
(Date)

INTERPRETATION NARATIVE

BE VERY SPECIFIC IN YOUR NARATIVE

"Interpretation" shall mean the authorization by the Zoning Board of Appeals to overturn the enforcement officer's determination for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

To enable the Zoning Board of Appeals to overturn the Zoning Officer's determination, the applicant must present substantial evidence why the determination should be overturned.

CANANDAIGUA COUNTRY CLUB HAS 506.5 FEET OF LINEAL SHORELINE. WITH ALMOST 800 MEMBERS THAT LIVE ON AND AROUND CANANDAIGUA LAKE, WE ARE TRYING TO CREATE SAFE ACCESS FOR OUR MEMBERSHIP TO ENJOY THE CLUB. WE ARE NOT LEASING SLIPS OR HAVING ANY LONG TERM USE/RENTAL. IT IS STRICTLY FOR DAILY ACCESS.

BY CONSOLIDATING FIVE DOCKS INTO ONE, WE ARE REDUCING THE OVERALL IMPACT, IMPROVING THE SAFETY/ACCESS, REDUCING THE FOOTPRINT BY OVER 40% AND IN NO WAY ESTABLISHING A PRECEDENT THAT MAY BE DETRIMENTAL TO THE LAKE, OUR NEIGHBORS OR OUR MEMBERS. AS THE AREA IS VERY SHALLOW, WE HAVE CHOSEN THE DEEPEST LOCATION WITH THE BEST ACCESS

Town of Canandaigua
5440 Route 5 & 20 • Canandaigua, NY 14424 • (585) 394-1120 • Fax: (585) 394-9476
townofcanandaigua.org

NEW STRUCTURE/ADDITION BUILDING PERMIT APPLICATION

1. **Subject Property** Address: 3280 FALLBROOK PARK
   Tax Map Number: 98.00-1-39.111 Zoning District: COMMERCIAL - CC

2. **Property Owner**: Name(s): CANANDAIGUA COUNTRY CLUB
   Address: 3280 FALLBROOK PARK
   Telephone: 585 739-3015 Email: ALUPTON@LUPTONS.COM

3. **Applicant** (*if not property owner*): Name(s): ALAN LUPTON
   Address: 3280 FALLBROOK PARK
   Telephone: 585 739 3015 Email: ALUPTON@LUPTONS.COM

Scope of work – including the **total square footage** of the project if applicable:

INSTALL 2020 SQ FT of CANDOCK PER 1/4/2018 SURVEY MAP

5. Contractor Information: - SAME -
   General Contractor: CANANDAIGUA COUNTRY CLUB
   Address:
   Telephone: Email:

CONTRACTOR INSURANCE CERTIFICATES REQUIRED PER NYS:

WORKER COMPENSATION (C-105.2 or U-26.3) *and* (DISABILITY) DB-120.1

OR

YOU MAY COMPLETE A CERTIFICATE OF ATTESTATION OF EXEMPTION (CE-200)

OR

AFFIDAVIT OF EXEMPTION - INSURANCE COVERAGE FOR AN OWNER-OCCUPIED RESIDENCE (BP-1)

*PLEASE NOTE THAT WE CANNOT ACCEPT ACORD FORMS AS PROOF OF INSURANCE. THANK YOU.

6. NEW STRUCTURE INFORMATION

1. What is the area (ft^2) of the proposed **1st floor**?	
2. What is the area (ft^2) of the proposed **2nd floor**?	
3. What is the area (ft^2) of the proposed **garage**?	
4. What is the area (ft^2) of the **finished basement**?	
5. What is the area (ft^2) of the proposed **deck(s)?**	
6. What is the area (ft^2) of the proposed **porch(es)**?	
7. What is the area (ft^2) of the proposed **patio(s)**?	
8. What is the area (ft^2) of any proposed **accessory structure(s)**? DOCK	2020
What is the **total** area (ft^2) of items 1 - 8?	2020

195' LONG

7. NEW STRUCTURE ZONING INFORMATION

Dimensional Description	**Applicant to Complete**	**Development Office Staff to Complete**	
	To New Structure	Required By Code	Variance Required
Distance from the road right-of-way			
Distance from rear property line			
Distance from right side property line			
Distance from left side property line			
Height of New Structure			
Percentage Building Coverage (All existing and proposed structures)			
Percentage Lot Coverage **RLD ZONING DISTRICT ONLY**			

SEE NARRATIVE - UPML 4/2/2018

11. IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST
(Required by NYS General Municipal Law § 809)

a. ***If the Applicant is an Individual:*** Is the applicant or any of the immediate family members of the applicant (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) related to any officer or employee of the Town of Canandaigua?
YES **NO**

b. ***If the Applicant is a Corporate Entity:*** Are any of the officers, employees, partners, or directors, or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?
YES **NO**

c. ***If the Applicant is a corporate entity:*** Are any of the stockholders or partnership members (holding 5% or more of the outstanding shares), or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua?
YES **NO**

d. ***If the Applicant has made any agreements contingent upon the outcome of this application:*** If the applicant has made any agreements, express or implied, whereby said applicant may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of this application, petition, or request, are any of the parties to said agreement officers or employees of the Town of Canandaigua?
YES **NO**

If the answer to any of the above questions is YES, please state the name and address of the related officer(s) or employee(s) as well as the nature and extent of such relationship:

Property Owner is responsible for any consultant fees
(Town Engineer, Town Attorney, etc.) incurred during the application process.

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12. Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently $1,000 per unit) if required as part of the conditions of approval.

Owner's Signature: _____ **Date:** _____

8. EARTHWORK

Square feet (SF) of area to be disturbed: _____

(length (ft) x width (ft) = SF

Cubic yards (CY) to be excavated: _____

(length (ft) x width (ft) x depth (ft) divided by 27 = CY

9. ENVIRONMENTAL IMPACT

Will this structure be built within:

a. 100 ft of the bed of a stream carrying water on an average 6 months of the year?
YES **NO**

b. 100 ft of a NYS DEC wetland? LAKE
YES **NO**

c. Close proximity to a federal wetland?
YES **NO** (If yes, setback to wetland? _____ft.)

d. Steep slopes equal to or greater than 15%?
YES **NO**

e. A wooded area greater than 5 acres?
YES **NO**

10. PROFESSIONALLY PREPARED PLANS

Per Article 145 of NYS Education Law - To alterations to any building or structure costing more than ten thousand dollars or to projects which involve changes affecting the structural safety or public safety - No official of NY state, or of any city, county, town or village therein, charged with the enforcement of laws, ordinances or regulations shall accept or approve any plans, specifications, or geologic drawings or reports that are not stamped.

Project Cost (Including Labor) exceeds $20,000? **YES** **NO**

All applications made to the Town for new uses or development will be reviewed for compliance to the Town of Canandaigua Code and Uniform Code. Additional information may be required by the Zoning Officer or Code Enforcement Officer to complete a review and issue permit.

PLEASE INCLUDE APPLICABLE CONSTRUCTION PLANS AND A SITE PLAN DETAILING THE PROPOSED PROJECT.

The undersigned represents and agrees as a condition to the issuance of this permit that the development will be accomplished in accordance with the Town Zoning Law, the New York State Uniform Fire Prevention and Building Code, and the plans and specifications annexed hereto.

Owner's Signature: _____ Date: 3/30/18

Owner's Signature: _____ Date: _____

PERMIT WILL NOT BE ISSUED WITHOUT PROPERTY OWNER(S) SIGNATURE.

Please **DO NOT** send payment with this application.
Payment shall not be made until the fee is determined and the permit is issued.

For Office Use Only

Application requires review by Planning Board and/or Zoning Board of Appeals?

YES **NO** Not Permitted to variance of square foot

Application has been reviewed by Planning Board and all approval(s) required have been granted?

N/A **YES** **NO** Approval Date: _____

Application has been reviewed by Zoning Board and all variances(s) required have been granted?

N/A **YES** **NO** Approval Date: _____

Zoning Officer _____ Date 4/2/2018

Floodplain Development Permit Required? UPML

YES **NO**

Flood Hazard Area: "AE" FEMA FIRM Panel # _____

Within environmentally sensitive, open, deed restricted or conservation easement area?

YES **NO**

Comments: SEE PERMIT DENIAL - 4/2/2018

Permit Application Approved? DENIED

YES **NO**

Code Enforcement Officer _____ Date 4/3/18

Permit Issued	Permit Number	Fee
Building Permit Fee		
Soil Erosion Permit Fee		
Recreation Fee		
Total Permit	(non-refundable)	

Town of Canandaigua

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

Established 1789

PERMIT DENIAL - ZONING LAW DETERMINATION

PROPERTY OWNER: Canandaigua Country Club Inc.

PROPERTY ADDRESS: 3280 Fallbrook Park

TAX MAP NUMBER: 98.00-1-39.111

ZONING DISTRICT: 'CC' – Community Commercial

PROJECT DESCRIPTION: Proposed installation of a 2,020sq.ft., 195ft. long, 10 boat slip dock.

REFERENCE:

- Plan titled 'Dock Layout Plan' prepared for Canandaigua Country Club Inc., by Venezia Land Surveyors and Civil Engineers, dated January 1, 2018.

ISSUE:

- Plan details 506.5 lineal feet of shoreline.
- In the absence of a tier assignment by the Town Board, the default tier classification shall be Tier 1.
- The Primary Purpose of the adjoining zoning district is a commercial operation - Country Club and Associated Restaurant and facilities.
- Only the Town Board has the authority to assign a Tier.
- The Zoning Board of Appeals shall not issue a use variance to change the tier.

DETERMINATION:

- As the parcel defaults to a Tier 1 assignment, the maximum area permitted for a single dock (with a consolidation of two docks into one dock) shall not exceed 1,080sq.ft.
- The proposed dock exceeds the maximum permitted dock area by 980sq.ft.
- To maintain a uniform set of standards for the regulation of docks and moorings as is required by §46-a(4), Navigation Law of the State of New York, the power to grant variances by the Zoning Board of Appeals is limited to variances from facility area lines and outlet setbacks in all tiers and dock configuration requirements in Tier 1.
- Under no circumstances shall the square footage of a dock allocation be varied.

CODE SECTION: Chapter §96: Canandaigua Lake Uniform Docking and Mooring
§46-a(4), Navigation Law of the State of New York

DATE: April 3, 2018

BY: _____
Christopher Jensen P.E. CFM – Zoning / Code Enforcement Officer

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.

cc: Binder
Property File
Property Owner
Town Clerk

TOWN OF CANANDAIGUA DEVELOPMENT OFFICE
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FOR REVIEW

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
New floating dock system for Canandaigua Country Club - Plat

Project Location (describe, and attach a location map):
3280 Fallbrook Park

Brief Description of Proposed Action:
Floating dock system to be installed

Name of Applicant or Sponsor: Venezia + assocs
Telephone: 585-396-3267 314-6313 cell
E-Mail: anthony@veneziasurvey.com

Address: 5720 Laura Ln

City/PO: Canandaigua | State: NY | Zip Code: 14424

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☒	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Canandaigua Planning Bd.	☐	☒

3.a. Total acreage of the site of the proposed action? 2020 ~~acres~~ Sqft dock system
b. Total acreage to be physically disturbed? 0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 65+/- acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☐ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☒

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	☒	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☒	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☒
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☒

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☒

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	☒	☐

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	☒	☐

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☒	☐
b. Is the proposed action located in an archeological sensitive area?	☒	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? Canandaigua Lake	☐	☐
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: 2020 sq ft dock system	☐	☒

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:
☒ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional
☐ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☒	☐

	NO	YES
16. Is the project site located in the 100 year flood plain?	☐	☒

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	☒	☐

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Venezia assocs Date: 1/11/2018

Signature:

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424
(585) 394-1120 / Fax: (585) 394-9476

Established 1789

Notice of Public Hearings

Public hearings will be held before the Town of Canandaigua Zoning Board of Appeals on Tuesday, May 15, 2018, beginning at 6:00 pm to consider the applications listed below. The hearing will be held in the lower level of Canandaigua Town Hall located at 5440 Routes 5 & 20, Canandaigua, NY 14424. All interested persons will be heard at that time and place. Written comments will be accepted prior to the close of the hearing. Applications and documentation may be examined in the Town Development Office weekdays from 7:30am to 4:00pm.

Alan Lupton representing Canandaigua Country Club, owners of property at 3280 Fallbrook Park, TM#98.00-1-39.111, are seeking an Interpretation of a Zoning Law Determination.

By Order of the Town of Canandaigua Zoning Board of Appeals
Michelle Amon, Development Office

Please Publish: Wednesday, May 9, 2018.

The information provided in this document was accurate at the time of distribution. As with any process, timelines and information is constantly evolving. As a result, this information may no longer be up-to-date.

Please contact the Development Office at (585) 394-1120 or the Town Website www.townofcanandaigua.org for the most up-to-date schedules, agendas, and information.

Development Clerk

From: Brozell, Sally <sbrozell@messengerpostmedia.com>
Sent: Tuesday, May 08, 2018 8:50 AM
To: Development Clerk
Subject: 01-53470 Re: Zoning Board of Appeals NPH for 5/15/18

Hi Michelle
Legal will publish May 09
Sally

LEGAL NOTICE
Notice of Public Hearings

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By Order of the Town of Canandaigua
Zoning Board of Appeals
Michelle Amon, Development Office
MY 09
53470

On Mon, May 7, 2018 at 10:33 AM, Development Clerk <devclerk@townofcanandaigua.org> wrote:

322400 98.15-1-10.000
Gerald J Shepard
3[illegible] Poplar Beach Rd
Canandaigua, NY 14424

322400 98.15-1-70.000
Friends of Poplar Beach Inc
3406 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.15-1-71.000
Village of Palmyra Water
144 E Main St
Palmyra, NY 14522

322400 98.42-1-1.000
Dallas C Smith
3300 St Rt 364 Bldg 4A
Canandaigua, NY 14424

322400 98.42-1-2.000
Kristina M Cahoon
3300 St Rt 364 Unit 4B
Canandaigua, NY 14424

322400 98.42-1-3.000
Marlene Mills
3300 St Rt 364 Bldg 4C
Canandaigua, NY 14424

322400 98.42-1-4.000
Kathy Semmler
3300 St Rt 364 Bldg 4D
Canandaigua, NY 14424

322400 98.42-1-5.000
Peter DePaolis
3300 St Rt 364 Bldg 4E
Canandaigua, NY 14424

322400 98.42-1-6.000
Carla C DeMeco
3300 St Rt 364 Unit 4F
Canandaigua, NY 14424

322400 98.42-1-7.000
Kathryn S Hanford
3300 St Rt 364 Bldg 5A
Canandaigua, NY 14424

322400 98.42-1-8.000
Michael Pilarski
4569 Hall Rd
Canandaigua, NY 14424

322400 98.42-1-9.000
Kathleen A Gates
3300 St Rt 364 Unit 5C
Canandaigua, NY 14424

322400 98.42-1-10.000
Stephanie M Beardsley
3300 St Rt 364 Unit 5D
C[illegible]ndaigua, NY 14424

322400 98.42-1-11.000
David Burt
3300 St Rt 364 Unit 5E
Canandaigua, NY 14424

322400 98.42-1-12.000
Kurt A Ledgerwood
190 Saint Johns Ct
Canandaigua, NY 14424

322400 98.42-1-13.000
Teresa Iula
3300 St Rt 364 Bldg 6A
Canandaigua, NY 14424

322400 98.42-1-14.000
Sarah McKee
3300 St Rt 364 Bldg 6B
Canandaigua, NY 14424

322400 98.42-1-15.000
Judith O DiRaddo
3300 St Rt 364 Unit 6C
Canandaigua, NY 14424

322400 98.42-1-16.000
Charles Cross
3300 St Rt 364 Bldg 6D
Canandaigua, NY 14424

322400 98.42-1-17.000
Roger F Egan
3300 St Rt 364 Bldg 6E
Canandaigua, NY 14424

322400 98.42-1-18.000
Kristen E Harter
3300 St Rt 364 Bldg 6F
Canandaigua, NY 14424

322400 98.42-1-19.000
Ellen Taylor
3300 St Rt 364 Unit 7A
Canandaigua, NY 14424

322400 98.42-1-20.000
Steve Finnick
217 Knoll Ridge Rd
Simi Valley, CA 93065

322400 98.42-1-21.000
Michael A Pilarski
4569 Hall Rd
Canandaigua, NY 14424

322400 98.42-1-25.000
Evelyn H Rumsey
3300 St Rt 364 Bldg 1A
Canandaigua, NY 14424

322400 98.42-1-26.000
Martin G Rundt
3300 St Rt 364 Bldg 1B
Canandaigua, NY 14424

322400 98.42-1-27.000
Terri Kohlenberg
3300 St Rt 364 Unit 1C
Canandaigua, NY 14424

322400 98.42-1-28.000
Merry Jo Polimeni
3300 St Rt 364 Bldg 1D
Canandaigua, NY 14424

322400 98.42-1-29.000
Rosemary C Smith
3300 St Rt 364 Bldg 1E
Canandaigua, NY 14424

322400 98.42-1-30.000
Danielle Ohlson
3300 St Rt 364 Bldg 1F
Canandaigua, NY 14424

322400 98.42-1-31.000
Philip A & Debra L Curtis
3300 St Rt 364 Bldg 2B
Canandaigua, NY 14424

322400 98.42-1-32.000
Drinda Lofton
3300 St Rt 364 Bldg 2A
Canandaigua, NY 14424

322400 98.42-1-37.000
Marilyn DeRuyter
3619 Co Rd 16
Canandaigua, NY 14424

322400 98.42-1-38.000
Barbara V Haher
3300 St Rt 364 Bldg 3B
Canandaigua, NY 14424

322400 98.42-1-39.000
Nancy P Burson
3300 St Rt 364 Bldg 3C
Canandaigua, NY 14424

322400 98.42-1-40.000
Jeanne B Ohlson
3300 St Rt 364 Bldg 3D
Canandaigua, NY 14424

322400 98.42-1-41.000
William W Youhass
P.O. Box 306
Canandaigua, NY 14424

322400 98.42-1-42.000
Pamela S Vincent
3300 St Rt 364 Bldg 3F
Canandaigua, NY 14424

322400 98.00-1-39.111
Cdga Country Club
P.O. Box 418
Canandaigua, NY 14424

322400 98.11-2-10.000
John Grasso
3386 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.08-1-8.100
Advanced Living Properties Inc
4294 Rt 5
Caledonia, NY 14423

322400 98.15-1-7.100
Philip A Goliber
3414 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.15-1-7.200
Philip A Goliber
3414 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.08-1-10.100
ARMS Properties LLC
2634 St Rt 49
West Monroe, NY 13167

322400 98.42-1-60.000
Russell E Madsen Jr
18907 Lindenhouse Rd
Gaithersburg, MD 20879

322400 98.42-1-61.000
Nicodemo Macri
3316 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-62.000
Ronald L Swanson
3314 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-63.000
Daniel P Hourihan
3312 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-64.000
Karen A Landon
3310 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-65.000
Gerald J Francati Jr
88 Bellview Dr
Rochester, NY 14609

322400 98.42-1-66.000
John R Mabie
3306 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-67.000
Lisa A McFadden
3304 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-68.000
Beverly L Blair
3302 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-69.000
Paul H Inderbitzin
3298 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-70.000
John M Brauer
3296 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-71.000
Jason Rudolph
2015 Turnberry Ct
Center Valley, PA 18034

322400 98.42-1-72.000
Catherine M Utter
3292 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-73.000
Thomas/ Doreen Milano Trust
3290 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-74.000
Molly Hunter-Giles
3288 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-75.000
Sylvia E Neill
3286 Eastwind Way
Canandaigua, NY 14424

322400 98.00-1-39.200
Ontario County Sewer District
C House
Canandaigua, NY 14424

322400 98.11-1-1.000
Kathleen Faust
3300 Fallbrook Pkwy
Canandaigua, NY 14424

322400 98.11-1-2.000
Ronald J Billitier
30 Brantley Way
Penfield, NY 14526

322400 98.11-1-3.000
Helen Billitier
30 Brantley Way
Penfield, NY 14526

322400 98.11-1-4.100
Ronald D Billitier
262 Culver Rd
Rochester, NY 14607

322400 98.11-1-5.100
Anthony DiGabriele
3310 Fallbrook Park
Canandaigua, NY 14424-2306

322400 98.11-1-6.000
Thomas DeFazio
1405 Lancewood Ter
Palm City, FL 34990

322400 98.11-1-7.000
Frederick G Reed
193 N Main St
Canandaigua, NY 14424

322400 98.11-1-8.000
James Willoth
3316 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-9.000
Byron J Werges
3318 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-10.000
Violas Family Trust
4520 Tyrone Ave
Sherman Oaks, CA 91423

322400 98.11-1-11.000
Todd P Randall
6937 Wyndham Hl
Victor, NY 14564

322400 98.11-1-12.000
Stephen W Bull
3324 Fallbrook Park
C ndaigua, NY 14424

322400 98.11-1-13.000
Childs & Harris, Inc.
4341 Lakeshore Dr
Canandaigua, NY 14424

322400 98.11-1-14.000
Grant J Randall
1169 Wellington Dr
Victor, NY 14564

322400 98.11-1-15.000
Thomas J McDonough
1156 Clover St
Rochester, NY 14610

322400 98.11-1-16.000
Thomas Abate
3332 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-17.000
Sterling Kozlowski
4375 Lake Rd
Williamson, NY 14589

322400 98.11-1-18.000
Markaren Living Trust
3336 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-19.000
Alan Persons
3338 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-20.000
Andrea Leone
1 Rockridge Cir
Spencerport, NY 14559

322400 98.11-1-21.000
Eric M Smith
3342 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-22.000
3344 Fallbrook, LLC
19669 Beach Rd Unit A
Jupiter, FL 33469

322400 98.11-1-23.000
Elaine McCusker
51 Barrington St
Rochester, NY 14607

322400 98.11-1-24.000
Craig W Scott Revoc.Trust
10 Harvest Ln
Bloomfield, CT 06002

322400 98.11-1-25.000
Stephen R Butler
3354 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-26.000
Loretta J Canzano
17 Bluebill Ave Unit 706
Naples, FL 34108

322400 98.11-1-27.110
Michael D Popielec
6741 Falcons Pt
Victor, NY 14564

322400 98.11-1-28.000
Linda P Clement
4 Kerrygold Way
Pittsford, NY 14534

322400 98.11-1-29.000
David P Crosby
4755 Park Commons Dr Apt 420
St Louis Park, MN 55416

322400 98.11-1-30.000
David P Crosby
4755 Park Commons Dr Apt 420
St Louis Park, MN 55416

322400 98.11-1-31.000
Paul T Rubery
3376 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-32.000
Daniel Spoor
75 Dewey Ave
Fairport, NY 14450

322400 98.11-1-33.000
Rocky A Tarantello
3380 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-34.100
Barbara H Emery
367 Blazey Rd
Victor, NY 14564

322400 98.11-1-34.200
William A Aman
2520 Eastridge Rd
Rochester, NY 14622

322400 98.11-1-35.000
Walter J Mace
3386 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-36.000
Kurr Family Real Estate Trust
2539 Canterbury Cir
Rockledge, FL 32955

322400 98.11-1-37.000
Wendy S. Dunster Living Trust
3390 Fallbrook Park
Canandaigua, NY 14424

322400 98.11-1-38.000
Brian F Michalski
10 Hidden Springs Dr
Pittsford, NY 14534

322400 98.11-1-39.000
RJG3 LLC
8191 Pinestone Ct
Williamsville, NY 14221

322400 98.11-1-40.000
RJG3 LLC
8191 Pinestone Ct
Williamsville, NY 14221

322400 98.11-2-1.000
Golf Beach Shores Assn Inc
P.O. Box 585
Canandaigua, NY 14424

322400 98.11-2-2.000
Rebecca L Leitner
3330 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-3.000
Mary C Maio
3340 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-4.000
CRW Mgmt of WNY, LLC
4118 Onnalinda Dr
Canandaigua, NY 14424

322400 98.11-2-5.000
Gary A Meckes
3364 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-6.112
Matthew E Church
3396 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.11-2-6.200
Kathie A Watson
3366 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-6.300
Richard Tuttle
3368 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-6.400
Christopher P Zimmerman
3370 St Rt 364
Canandaigua, NY 14424

322400 98.11-2-6.512
Michael S Morgan
3372 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.11-2-6.611
Gerald A Haers
29 Hillside Dr
Clifton Springs, NY 14432

322400 98.11-2-9.000
Rebecca J Mace
3382 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.15-1-1.100
Summit PPX 2911, L.P.
216 Genesee St
Chittenango, NY 13037

322400 98.15-1-3.100
3404 Poplar Beach Road LLC
7 Mill Neck Ln
Pittsford, NY 14534

322400 98.15-1-4.000
Thomas R Giblin
3406 Poplar Beach Dr
Canandaigua, NY 14424

322400 98.15-1-5.000
Janis G Barnes
3408 Poplar Beach Rd
Canandaigua, NY 14424

322400 98.15-1-6.100
3410 Poplar Beach Road, LLC
9021 Lake Hope Dr
Maitland, FL 32751

322400 98.15-1-8.000
Lois M Hawn
233 Clover St
Rochester, NY 14610

322400 98.42-1-76.000
Juanita Horne
3[illegible] Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-77.000
Terry N Lucero
3282 Eastwind Way
Canandaigua, NY 14424

322400 624.00-9-235.450/100B
Village of Palmyra Water
144 E Main St
Palmyra, NY 14522

322400 98.42-1-46.100
Chrisanntha, Inc
P.O. Box 214
Gorham, NY 14461

322400 98.42-1-48.100
Chrisanntha, Inc
P.O. Box 214
Gorham, NY 14461

322400 98.42-1-49.100
Chrisanntha, Inc
P.O. Box 214
Gorham, NY 14461

322400 98.42-1-50.100
Chrisanntha, Inc
P.O. Box 214
Gorham, NY 14461

322400 98.42-1-51.100
Chrisanntha, Inc
P.O. Box 214
Gorham, NY 14461

322400 98.42-1-52.100
Barbara T Kincaid
3317 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-53.100
Larry J O'Meal
3321 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-56.110
Susan Hermenet
3324 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-57.110
Ann Marie Connelly
3322 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-59.110
Andrew P Shafer
3320 Eastwind Way
C[illegible]ndaigua, NY 14424

322400 98.11-2-11.000
Fallbrook Meadows HOA Inc
3296 Eastwind Way
Canandaigua, NY 14424

322400 98.42-1-43.110
Chrisanntha Inc
10 Dewey Ave
Gorham, NY 14461

322400 98.42-1-44.110
Chrisanntha Inc
P.O. Box 214
Gorham, NY 14461

322400 98.08-1-8.100/23
Nancy Cupp
3260 St Rt 364 Lot 23
Canandaigua, NY 14424

ONTARIO COUNTY
Planning Department
Thomas P. Harvey, Director

May 15, 2018

Mr. Terence Robinson – Chair
Zoning Board of Appeals
Town of Canandaigua
5440 Route 5 & 20 West,
Canandaigua, NY 14424

Re: Canandaigua Country Club Appeal of Determination Regarding Consolidation of Docks Pursuant to Canandaigua Lake Uniform Docking and Mooring Law (UDML) Sec. 96-10.

Dear Mr. Robinson:

I understand the Zoning Board of Appeals (ZBA) is considering an appeal of a determination made regarding proposed consolidation of five docks into one under the provisions of Sec. 96-10 - Tier One Dock Consolidation. I am writing in regard to this application because of the Planning Department's long involvement with the UDML (we coordinated the drafting of the original Uniform Docks and Moorings Local Law and County Senior Planner Maria Rudzinski has worked with Kevin Olvany and the municipalities on all subsequent amendments thereof) and the potential for setting a precedent for how this issue is handled by all communities that have enacted the UDML.

This office has reviewed the current application by the Country Club, the determination made by the Town Zoning Officer, and the April 4, 2018 letter to the Town Development Office from Mr. Olvany. Two staff members and I also participated in the Town's February 2018 Planning Committee meeting concerning the Country Club's proposed project. Based on our review, this office concurs with the opinions expressed by Mr. Olvany in his April 4, 2018 letter. Specifically, the County Planning Department recommends a variance be granted to the Country club to allow five docks to be consolidated into a single 2,020 square foot dock, 195 ft. in length, with 10 boat slips under Tier 1 designation in the UDML. We believe this provides the smallest facility that provide the relief the applicant is seeking (access to water of a reasonable navigation depth) with the smallest obstruction to navigation (one 2,020 sq. ft. dock as opposed to 5 docks totaling 3,600 sq. ft.). I will address some of our reasoning for our recommendation.

First, consolidation of five docks into one is not one of the six specific standards the UDML prohibits variance from.

Second, it is a rare law that can anticipate every circumstance and provide unambiguous standards for making decisions. The UDML is no exception. The rules for dock consolidation in the UDML only address consolidating two docks into one. The UDML is silent when

20 ONTARIO STREET • CANANDAIGUA, NEW YORK • 14424
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WWW.CO.ONTARIO.NY.US/PLANNING

considering consolidation of more than two docks into a single dock, from my recollection, simply because the working groups never thought to address it. Since the UDML provides no metric for the square footage of a dock in a five to one consolidation, the UDML requires the ZBA to balance the proposed variance that is being sought against buildout permitted adjacent to the Country Club property according to the existing default Tier One designation (the more restrictive designation). Under the UDML rules for deciding on variance applications (not New York State Town Law §276), the ZBA must choose the minimum configuration (or the minimum variance from the UDML) providing relief to the Country Club (that is seeking access to water of a reasonably navigable depth) and having the least impact on navigation and the environment. In our opinion, consolidation of 5 docks into a single dock of 2,020 sq. ft. where five individual docks would have a far greater total area minimizes the size of the dock necessary to achieve that relief under Tier One. We would concur with Mr. Olvany that the ZBA consider a condition requiring the applicant to work with the Ontario County Sheriff's Office to determine whether lighting or other markers should be added to the dock to ensure safety.

Third, the UDML allows extension of a dock out to a water depth of three feet, and the applicant is willing to accept a shallower water depth than that. Given the length of the dock, additional moorings, structures above dock height, and boat hoists on a dock of that length could have a considerable visual impact. For that reason, we also concur with a prohibition against a boat hoist, boat station, or seasonal covers above the boat slips a condition of the variance.

Fourth, using Tier One, when compared to Tier Three, minimizes the buildout of docking facilities in this already congested area of the lake while providing boating access.

Finally, in terms of making a precedent to be considered in other applications and communities that have adopted the UDML, a variance granted on the basis outlined here would establish a carefully constructed rational approach to a providing access to a reasonable water depth through dock consolidation that is not addressed in the UDML. It will be also be useful in considering future amendments to the UDML.

Thank you for considering the above comments and recommendations. If you have any questions, please contact me or Maria Rudzinski at your convenience.

Sincerely,

Thomas Harvey AICP
Director

CANANDAIGUA LAKE WATERSHED COUNCIL

PROTECTING THE LIFEBLOOD OF OUR REGION

CANANDAIGUA LAKE WATERSHED COUNCIL

TOWNS OF BRISTOL, CANANDAIGUA, GORHAM, HOPEWELL, ITALY, MIDDLESEX, NAPLES, POTTER, SOUTH BRISTOL - VILLAGES OF NAPLES, NEWARK, PALMYRA, RUSHVILLE - CITY OF CANANDAIGUA

April 4, 2018

Town of Canandaigua Development Office
5440 N.Y.S. Route 5&20 West
Canandaigua, New York 14424

Re: Property at: **3280 Fallbrook Park- Canandaigua Country Club- Draft letter to ZBA**

Dear Members of the Canandaigua Zoning Board of Appeals:

I have reviewed the Canandaigua Country Club Dock application, reviewed Mr. Jensen's zoning determination, attended the February Planning Committee meeting, spoke with Mr. Lupton of the Canandaigua Country Club and have reviewed the project with Ms. Maria Rudzinski of the Ontario County Planning Department and offer the following comments for the Zoning Board of Appeals to consider.

The applicant has 506.5 lineal feet of shoreline. At the Tier One access level, the applicant would be allowed to have 5 separate docking systems; with each dock allowed to have a maximum of 720 square feet. The applicant is also allowed to have a maximum of 11 boat slips.

The applicant is requesting to consolidate the 5 docking systems into 1 dock with a total of 10 boat slips and 2,020 square feet of dock space. They are also requesting to extend the dock 195 feet into the lake. The law allows the applicant to go out further than 60 feet if the lake bottom is not at least three feet lower (683.6) than the mean low water level identified in the Dock Law of 686.6. Even at the 195 foot distance, the lake bottom elevation is approximately 684.5, which does not provide for the minimum 3 feet of water depth at mean low water level.

The single parcel dock consolidation section of the law states that the consolidation of two docks into one dock is permitted with a total square footage of 1,080 feet. Therefore, the applicant will need to request a variance to allow an increase in the consolidation to allow 5 docks to 1 dock.

The variance provisions provided for in NYS Town Law Sec. 267 b. are not applicable to the Docks and Mooring Law. The difference is predicated on the fact that the structures are being placed over New York State owned land and not private property. The law lays out six specific allocations and uses where under no circumstances the law be varied. Single parcel dock consolidation is not one of the six allocations and uses that are not allowed to be varied. Dock

Office: (585) 396-3630 • website: www.canandaigualake.org • Fax: (585) 396-5002
Email: Kevin.Olvany@CanandaiguaNewYork.gov
205 Saltonstall Street, Canandaigua, New York 14424

configuration is specifically allowed to varied. The law also states that variances may only be granted in order to provide safe navigational access or to minimize adverse environmental impacts on Canandaigua Lake and its watershed.

If the applicant constructed the allowed 5 docks they would consume much more of the critical littoral zone near shoreline area and also have the potential to have 3,600 square feet of docking systems as opposed to the 2,020 square feet being proposed. Therefore, the consolidated docking system is 56% of what would otherwise be allowed if the docks were separate. The dock is 6 feet wide which is the minimum necessary to allow two people to safely walk past each other on the dock. A major item that also needs to be considered is that the length of the dock is necessary in order to get out to a depth that is still approximately 1 foot less depth than what the law allows. The navigational buoys letting boaters know to go 5 mph are at least 300 feet further out into the lake. The location of the docking system will not impact the navigational access of the neighbors. In addition, the docking system is seasonal and will be removed each fall. The Country Club is not trying to build a boardwalk parallel to the shoreline that would have a greater impact on the near shore littoral zone. Finally, the main use of the docking system will be for the transient access to the country club from boaters that are already on the lake. Therefore, the boat slips will not be adding boat traffic to the lake.

As I review the applicant's proposal and need for a variance to change the dock configuration by consolidating 5 docks to 1 dock, I think the variance request meets both tests of providing for safe navigational access and minimizing (actually reducing) adverse environmental impacts on Canandaigua Lake and its watershed as long as certain stipulations are met.

My suggestion to the ZBA is that if they grant the dock configuration and consolidation variance request, they should require The Country Club to waive any rights to additional docks or expanding the docking system or increasing the number of boat slips under the current Tier One allocation. This does not preclude a potential future request for a change in the Tier designation to the Town Board. However, the law does state that if the adjoining parcel is located within two or more adjoining zoning districts then the most restrictive Tier assignment shall apply. The adjoining zoning district definition does not require the zoning district be connected to the lake.

The second stipulation is that they work with the Ontario County Sheriff's Office Marine & Recreational Vehicle Division on any navigational lighting. They should also provide documentation from the NYS Office of General Services regarding whether any permits or licenses are required for use of land underwater, pursuant to Article 6 Section 75 7(b) of the Public Lands Law. Should a permit or license be required, the variance should be conditioned upon its receipt.

The third stipulation would be to not allow boat hoist structures, boat stations or seasonal covers above the boat slips in order to minimize any visual impacts. In addition, I would also suggest that if the Country Club wants to install a permanent docking system to replace the seasonal docking system that the variance would be considered null and void and that they would have to go through the approval process again.

The goal of the Docks and Moorings Law is to minimize impacts while providing for reasonable navigational access. I do not think this variance would set a precedent for other applicants with

large shoreline areas to request a similar variance. Most areas around the lake are able to get to the 683.60 lake bottom elevation within 60 feet of the lake. The shallow nature of this northeast section of the lake is a major rationale for allowing the consolidation and reconfiguration of the five separate docking systems into one system.

Sincerely,

Kevin Olvany, CPESC, CPSWQ
Watershed Program Manager
Canandaigua Lake Watershed Council
205 Saltonstall St.
Canandaigua, NY 14424
(585) 396-3630

Mr. Robert Sheridan, President
Canandaigua Country Club
P.O. Box 418
Canandaigua, N.Y. 14424

RECEIVED
FEB 27 2018
TOWN OF CANANDAIGUA
TOWN MANAGER

February 21, 2018

Mr. Douglas Finch
Town of Canandaigua Manager
5440 State Routes 5 & 20
Canandaigua, N.Y. 14424

Re: Letter dated January 9, 2018 pursuant to the request of the Canandaigua Country Club to establish a new Tier 2 Docking Facility

Dear Doug:

Thank you for taking the time to speak with Dan Fuller and Alan Lupton regarding Chris Jensen's letter dated January 9, 2018 and the recent meeting of the Town of Canandaigua Board for the requested Tier 2 designation of the Country Club docking facilities. We understand from our discussions that Ontario County has raised several questions and concerns about the proposed designation. We ask that the Town of Canandaigua clarify its position on our application as it relates to the following concerns raised:

1) Ontario County has indicated that there are no Tier 2 or 3 designations on Canandaigua Lake. The County has pointed to 96-6 A-1 "In the absence of a Tier assignment by the Town Board, the default Tier Classification shall be Tier 1. This assertion is in conflict with 96-6 A3 which indicates that "where Tier 1 has not been assigned to an adjoining zoning district, either Tier 2 or Tier 3, or both may be assigned" and 96-6 A4 states that: Only the elected governing body (Town Board) shall have the authority to assign a tier." It is our position that that the UDML requires the Town Board to act on our request under the requirements of the UDML and pursuant to the determination of Chris Jensen the Code Enforcement Officer that we are in fact a Tier 2 facility. It is our belief that the fact that we have not applied for expanded use of our waterfront since the passage of the UDML in 1992 has in no way surrendered our water rights or the Country Club rights of access under the law.

2) Further, because many commercial parcels on the lake that have expanded their use since 1992 when the UDML was enacted, it would be very difficult for the Town or Ontario County to assert that all the parcels on Canandaigua Lake are Tier 1 and therefore any docking and mooring facilities are "existing non-conforming." Section 96-21 A states "Upon effective date of this Chapter, an existing nonconforming building structure or use shall not be enlarged or expanded." As there are many examples with clear evidence on Canandaigua Lake, where the facilities have been dramatically expanded since 1992 (German Brothers, Sutters, Pelican, Seager, Sun Aqua, Steamboat Landing, Bristol Harbor, Rose Park and the Saw Mill just to name a few) it appears to us that Ontario County is pressuring the Town to apply the UDML differently than it has been applied in the past. These other facilities were expanded without a formal Tier 2 designation. None of these facilities meet the requirements of Tier 1. We don't believe that any of these facilities meet the requirements of Tier 1. None of them therefore could have been expanded under the law

without the underlying premise that they were to comply with a Tier2 or 3 designation, same as we are requesting.

3) The ten new slips that we have requested do not increase the level of boating activity on the lake. Our 800 members are residents in the area. The docking facilities we have requested are to access the Country Club. Our requested use does not lease slips seasonally or overnight. We are simply providing a safe docking location for those members coming from up to 15 miles away that need safe, reliable access to the club.

It is our intention to proceed with our request for the Tier 2 designation per the plans and documentation which we have submitted. We do not believe the Tier 1 designation applies to a commercial operation with over 500 feet of frontage on the lake.

Per our discussions, if we do not receive approval by the start of the boating season, it is our intention to install the existing configuration of docks at the new location while our request is being processed. This will allow us to access deeper water at a more convenient location. This is well within the boundary set- backs of all three Tier requirements. We do not believe we will require any additional permits. It is our intention to replace some of the older dock docks with new equivalent floating sections to improve safety and convenience, without extending their size, which is permissible under section 96-21 of the UDML.

As requested in our recent discussions we ask that you confirm the following in writing:

1) The Town of Canandaigua Office of Code Enforcement is in agreement with our interim plan as outlined above to install existing and new docks in the past configuration at our new proposed location.

2) The process and the meeting times and dates for proceeding with our requested plan and under the Tier 2 designation.

3) Any comments you can share on the statements outlined above.

Thank you in advance for your time and consideration.

Robert Sheridan
President
Bobnlcad@gmail.com
585-230-6720

cc: Alan Lupton
Dan Fuller

3280 Fallbrook Park - Canandaigua Country Club - Existing Dock Sketch - 02/28/2018

From: Chris Jensen [cjensen@townofcanandaigua.org]
Sent: Wednesday, February 28, 2018 3:17 PM
To: 'bobnlcad@gmail.com'; 'dfuller@bristolmt.com'
Cc: 'Town Manager'
Subject: Fallbrook Park 3280 - Tier 2 request
Attachments: Fallbrook Park 3280 2018-02-28 Existing Dock Aerial.pdf; Fallbrook Park 3280
2018-01-21 Site Plan.pdf

Good Afternoon,

We are in receipt of your letter dated February 21, 2018.

Please let this email serve as administrative approval to place the existing floating dock (as detailed on
the attached 2016 aerial image) in the location as depicted on the proposed site plan. The location and
size of the relocated dock is of sufficient area, dimension, and location for zoning purposes under
Chapter 96: Canandaigua Lake Uniform Docking and Mooring Code of the Town of Canandaigua.
This administrative approval assumes the existing dock is not going to be increased in size, area, and/or
dimension.

Sincerely,
Chris Jensen

Chris Jensen PE
Code Enforcement / Zoning Officer
Town of Canandaigua - Development Office
5440 Routes 5 & 20 West
Canandaigua, NY 14424
(cell) 585-315-3088

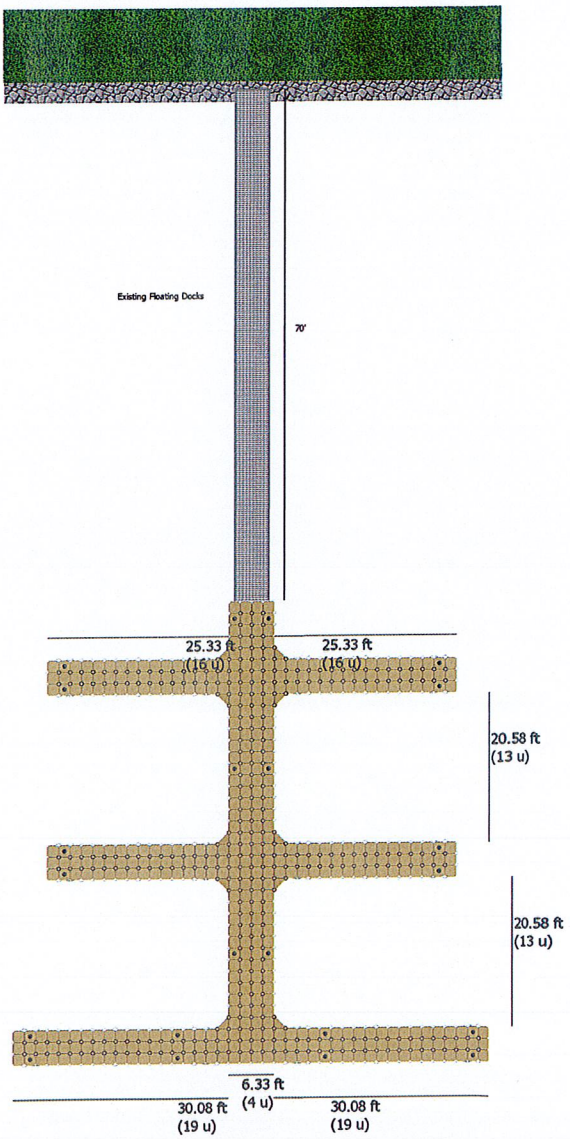
CanDOCK

QUOTE

Date: 2017-12-03

CANDOCK NNY
6161 KNAPP ROAD
CANANDAIGUA, NY NY 14424
1 585 747-4062
dfinchd@frontiernet.net

To : Al Lupton
1 Fallbrook Drive
Canandaigua, NY 14424
Phone: 1 (585) 739-3015
Email: alupton@luptons.com



CanDOCK

QUOTE

Date: 2017-12-03

CANDOCK NNY
6161 KNAPP ROAD
CANANDAIGUA, NY NY 14424
1 585 747-4062
dfinchd@frontiernet.net

To : Al Lupton
1 Fallbrook Drive
Canandaigua, NY 14424
Phone: 1 (585) 739-3015
Email: alupton@luptons.com

SKU	Description	Unit Price	Quantity	Total
CUBG2BE	CUBE G2 BEIGE	$59.00	444	$26,196.00
LK 703011	BUMPERS WHITE	$22.00	39	$858.00
LK 703013	SLIDING NUT	$2.65	351	$930.15
LK 703014	NUT	$2.65	185	$490.25
LK 703015	EXT LUG CONNECTOR	$5.65	185	$1,045.25
LK 703016	SPACER	$2.00	220	$440.00
LK 703025	CLEAT	$10.50	24	$252.00
LK 703027B	CONNECTING PIN, BEIGE G2	$10.00	351	$3,510.00
LK 703034B	CORNER CUBE (BEIGE) G2	$60.65	10	$606.50
ST 012	POST CUBE (BEIGE) G2	$200.00	22	$4,400.00
Additional Accessories				
AF PF 1	KEY FOR NUT	$16.50	1	$16.50
CO T278120-1	PILE 2 7/8" /FT	$6.00	270	$1,620.00
MB 82.447-030	CAP FOR PVC COVERING	$5.00	11	$55.00
MB 87.P40030	PVC PIPE /FT	$4.25	80	$340.00
ML 007	RATCHET KEY FOR NUT	$27.00	1	$27.00
RL 192	WALL ANCHORAGE, STEEL	$170.00	2	$340.00
RL 208	KEY FOR DRILL G2	$58.00	1	$58.00
RL 210	KEY FOR PIN G2	$75.00	1	$75.00
RL 30	PILING BULL (2 7/8)	$157.00	1	$157.00
RL 31	PILE REMOVER (2 7/8	$124.00	1	$124.00
			Subtotal	**$41,540.65**
			Shipping	**$718.00**
			Installation	**$1,150.00**
			Tax	**$3,255.65**
			Total	**$46,664.30**