

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

RECEIVED

February 21, 2018

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TOWN OF CANANDAIGUA  
TOWN MANAGER

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.

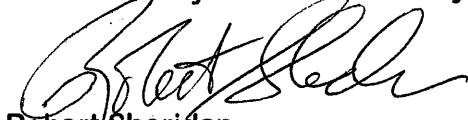
As requested in our recent discussions we ask that you confirm the following in writing:

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  
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cc: Alan Lupton  
Dan Fuller