

Town of Canandaigua

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

January 9th, 2018

Town Board
Town of Canandaigua
5440 State Routes 5 & 20
Canandaigua, NY 14424

Re: Uniform Docking & Mooring – Tier Assignment

Dear Board Members,

The Canandaigua Country Club has shared their intent to make Planning Board application for the installation of docking facilities at 3280 Fallbrook Park. The intent of this letter is to formally request the Town Board assign a Tier to the parcel. A TIER 2 assignment is requested.

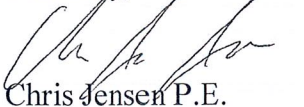
The Country Club has shared their intent to utilize the docks for their membership only. The rental/lease cost of the slips being part of the member's dues.

Below is a summary of TIER 2 Docking & Mooring codes for reference:

- Only the local elected governing body (Town Board) shall have the authority to assign a tier.
- The Tier 2 allocation of dock and mooring facilities shall be assigned to an adjoining zoning district when the primary purpose of the adjoining zoning district is nonresidential uses of land.
- Docking and mooring facilities for Tier 2 parcels - shall require site plan approval by the Planning Board.
- An adjoining parcel may not be allocated both a Tier 2 docking and mooring facility and a Tier 3 transient use allocation.

If you have any questions, please contact me.

Sincerely,



Chris Jensen P.E.

Code Enforcement Officer – Town of Canandaigua

February 9, 2018

Mr. Doug Finch, Town Manager
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424

**RE: CANANDAIGUA COUNTRY CLUB – 3280 FALLBROOK PARK
ONE-STAGE SITE PLAN REVIEW
TAX MAP NO. 98.00-1-39.111
CPN No. 003-18
MRB PROJECT NO.: 0300.12001.000 PHASE 130**

Dear Mr. Finch:

MRB has completed a review of the submitted Site Plan, dated January 19, 2018, prepared by Venezia Land Surveyors and Civil Engineers regarding the above-referenced project. We offer the following comments for the Planning Board's consideration. A brief written response to each comment should be provided by the design engineer.

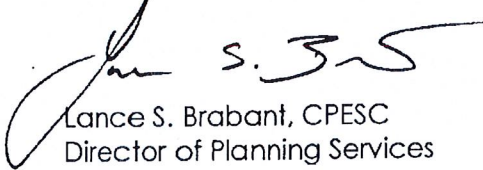
1. The plans are to be updated to reflect the correct location of the sheds and cooler.
2. Please add the Signature lines for the Town Engineer.
3. The subject property is located within the Residential Lake District (RLD) and should be specified on the Site Plan, including all pertinent setback and bulk regulations.
4. The site plan should be updated to delineate all pavement markings and parking spaces associated with the existing asphalt parking lot.
5. The proposed construction staging area for vehicles and supplies should be identified on the plans.
6. Please clarify if any modifications to the existing shoreline or rip rap retaining wall will occur with the installation of the new floating dock system? All areas to be disturbed/ graded as a result of the proposed project improvements are to be identified on the plans.
7. Please clarify the type of surface materials that will be used for the proposed walkway. Also the dimensions of the "no parking zone" are to be added to the plans.
8. The Planning Board will need to discuss how this application complies with the Town's Shoreline Development Guidelines. The design engineer should consider providing written notice to the Town Planning Board describing how the proposed application complies.



9. Any work below the Mean High Water Mark of Canandaigua Lake will require a Protection of Waters Permit from New York State Department of Environmental Conservation (NYSDEC) and approval of the Town. All correspondences with these agencies are to be forwarded to the Town Development Office and MRB.

If you have any questions, comments or concerns regarding any of the above comments please call me at our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance S. Brabant".

Lance S. Brabant, CPESC
Director of Planning Services

Eric Cooper

From: Alan Lupton <alupton@luptons.com>
Sent: Friday, October 25, 2019 1:35 PM
To: Eric Cooper
Cc: Eric Cooper
Subject: Re: FW: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

Correct. These still reflect our plans

Alan Lupton
585-739-3015

On Fri, Oct 25, 2019, 12:05 PM Eric Cooper <zoninginspector@townofcanandaigua.org> wrote:

Al,

Attached are some of the documents from the Country Club's 2018 request including a Local Law that was prepared.

Can you respond to let me know if this information is still accurate and if you're requesting this to be considered at this time by the Town Board?

Thank you.

Eric A. Cooper

Planner

Town of Canandaigua

ecooper@townofcanandaigua.org

585-394-1120 x2254

From: dfinch@townofcanandaigua.org <dfinch@townofcanandaigua.org>
Sent: Wednesday, October 16, 2019 2:02 PM
To: ecooper@townofcanandaigua.org; Chris Jensen <cjensen@townofcanandaigua.org>; 'Terry Fennelly' <tfennelly@townofcanandaigua.org>
Cc: jfletcher@townofcanandaigua.org; Jean Chrisman <jchrisman@townofcanandaigua.org>; klo@canandaiguanyork.gov; Doug Finch <dfinch@townofcanandaigua.org>; 'Kate Silverstrim' <ksilverstrim@townofcanandaigua.org>; 'Kris Singer' <ksinger@townofcanandaigua.org>; Samantha Pierce

May 24, 2018

Town of Canandaigua Development Office
5440 RT 5 and 20 West
Canandaigua, NY 14424

RE: Application Tier 3 UDML Designation at Canandaigua Country Club, 3280 Fallbrook Park
TAX MAP 98.00-1-39.11

Attn: Chris Jensen

Per our recent discussion with yourself and Eric Cooper, we are proceeding with a request for Tier III Designation at the Canandaigua Country Club. We make our request with the understanding that it will be contingent upon the subdivision of the property into two parcels. The first most northern parcel will be in the Commercial District and encompass the restaurant, event tent, 506 feet of Lakefront, 25% of the golf course, practice range, maintenance buildings and parking areas. The southern lot will be divided at the creek, will be in the Residential District and will encompass 75% of the golf course. We will be dividing along the zoning boundary.

The Tier III designation would afford the Country Club the ability to have 38 slips. We would request the ability to have up to 32 slips. Our use would be as follows:

- 32 Seasonal dock slips on a floating, temporary structure
- No permanent lifts or facilities above the temporary docks will be constructed
- Access would be for members only and would be strictly to access the Country Club
- No boat maintenance or fueling would occur at the docking facilities
- Slips would not be leased

We would ask that the Tier III designation be granted as defined by the UDML with the understanding it is conditional on the planned subdivision split along the current zoning boundary.

Please let us know if you have any questions or concerns.



Alan Lupton
Canandaigua Country Club Board of Directors

cc: Bob Sheridan, President CCC Board of Directors

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the Short EAF submitted by staff and finds it to be a reasoned elaboration of the anticipated impacts upon the environment that are likely to result from the adoption and administration of the Uniform Docking & Mooring Law.

BE IT FINALLY RESOLVED, that based upon information contained on the Short EAF as well as input from the public and outside agencies, the Town Board hereby makes a determination of non-significance and directs the Town Supervisor to sign and date the Part II of the Short EAF.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Helming, seconded by Councilperson Fennelly

Exhibit G

Town of Canandaigua Town Board Resolution

To adopt Local law # 9 of 2011

Amendment of Chapter 96 OF THE CANANDAIGUA TOWN CODE

Canandaigua Lake Uniform Docking & Mooring Law

WHEREAS, the Town of Canandaigua Town Board, (hereinafter referred to as Town Board) is considering an amendment to Town Code, Chapter 96, entitled Canandaigua Lake Uniform Docking & Mooring Law; and

WHEREAS, Chapter 96 establishes the criteria, standards and regulations to regulate navigational access to Canandaigua Lake; the density of docks, moorings, and associated facilities; and the number of boat slips, docks, and moorings allowed per the number of lineal feet of shoreline; and

WHEREAS, the action of adopting this amendment is classified as an Unlisted Action pursuant to NYCRR, §617.7(c)(1), the State Environmental Quality Review Regulations; and

WHEREAS, on July 18, 2011, the Town Board held a public hearing to allow for public comment on the proposed amendment; and

WHEREAS, it is the consensus of the Town Board that the proposed changes are necessary to enact and enforce a local law to uniformly regulate the manner of construction of and location of docking and mooring facilities, associated facilities, and related structures including related accessorial uses in the waters of Canandaigua Lake bounding or within the jurisdiction of the Town of Canandaigua, to a distance of 1,500 feet from the shoreline.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby adopt Local Law # __ of 2011.

BE IT FINALLY RESOLVED, that the Town Board directs the Town Clerk and Attorney to the Town to certify the adoption of said local law and to cause it to be filed with the Secretary of State, of the State of New York.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Motioned by Councilperson Helming, seconded by Councilperson Fennelly

Town of Canandaigua Town Board Resolution

ASSIGNING TIERS TO ZONING DISTRICT

Canandaigua Lake Uniform Docking & Mooring Law

WHEREAS, the Town of Canandaigua Town Board, ("Town Board") adopted LL ____ of 2011, on July 18, 2011, amending Town Code, Chapter 96, entitled Canandaigua Lake Uniform Docking & Mooring Law ("UDML"), and

WHEREAS, the UDML establishes the criteria, standards and regulations relative to navigational access to Canandaigua Lake, the density of docks, moorings, and associated facilities, and the number of boat slips, docks, and moorings allowed per the number of lineal feet of shoreline, and

WHEREAS, the UDML contemplates that the Town Board will assign Tier classifications, as defined in the UDML, based upon the adjoining zoning district, and

WHEREAS, the Town Board has reviewed the descriptions of the Tier 1, Tier 2, and Tier 3 categories set forth in the UDML, and has additionally reviewed the Town's Official Zoning Map, and Chapter 220 of the Town Code,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby assigns the following Tier classifications under the UDML to the following Zoning Districts:

- Tier 1: Residential Lake District (RLD) and Residential Lake District/281 (RLD/281)
- Tier 2: Community Commercial (CC) Zoning District
- Tier 3: Community Commercial (CC) Zoning District

Discussion. 5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

PRIORITY BUSINESS

Town Historian Ray Henry – briefed the board on the Tour of Homes that will take place on September 24, 2011. All the homes on the tour are in the Town. He is writing the pamphlet for the tour and asked the board if they would like to take out an ad in the pamphlet.

Moved by Councilperson Fuller, seconded by Councilman Brandt that a full page ad be placed in the Tour of Homes pamphlet at a cost of \$150.00.

5 ayes: Fennelly, Helming, Fuller, Brandt, Casella

Councilman Brandt announced that the Comprehensive Plan Committee will be holding a public hearing on the updated Comprehensive Plan on July 21, 2011 at 7pm. at the Crosswinds Wesleyan Church.

PRIVILEGE OF THE FLOOR

No one spoke.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND CORRESPONDENCE

1. Wood Library- Community news letter and summer program schedules
2. Letter from Senator Pat Gallivan regarding being in Canandaigua on 8/9/11.
3. Letter from Time Warner Cable
4. NYS Legislative Commission on Rural Resources
5. Ontario Pathways brochure with calendar of events

HIGHWAY DEPARTMENT REPORT – Jim Fletcher

1. New Michigan Rd. final asphalt will be done the second week of August.
2. Middle Cheshire Rd. project is waiting for gutters.
3. Will resurface 13 roads at the south end of the Town.
4. Will be meeting with FEMA over the flooding damage the Town experienced. Any funding would not be received till 2012.
5. Hickox Road water is in.
6. Working on water meter installation.
7. The Cheshire Grange has asked if the Town could provide a dumpster to them.
8. Getting complaints from residents of Old Brookside regarding the Old Brookside Park not being maintained. Wondered if the Town could accept dedication of this park. Jim will contact the developer, Mr. Leenhouts and check on the maintenance bond the town holds.
9. Expanding dump hours to: Wed.-4-8 pm, Sat. and Sun 8-2pm. starting immediately till November 1st.
10. Met with Bob Johnston, and Supervisor Casella regarding 4110 County Road 16 and are presently working on a solution.
11. Waiting for Army Corp of Engineers to finish the paperwork for the Town sewer project.
12. Looking into the flooding on Laura Lane.

DIRECTOR OF DEVELOPMENT – Tim Jensen

Eric Cooper

From: Eric Cooper <zoninginspector@townofcanandaigua.org>
Sent: Monday, November 4, 2019 12:03 PM
To: 'Alan Lupton'; 'Anthony Venezia'
Cc: 'Kyle Ritts'; mrowlinson@townofcanandaigua.org; Eric Cooper
Subject: RE: FW: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT
Attachments: Fallbrook Park 3280 2018-01-11 PB App.pdf

You are correct that we have received an application and payment for Site Plan approval.

We need an updated SEAF as the State has revised this form.

http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf

Additionally, your letter dated May 24, 2018, requests up to 32 slips but the site plan only shows 12. Which is it? And how would this relate to the dock sq. ft. as noted on the Planning Board application.

Also, please file the subdivision map.

Eric A. Cooper

Planner

Town of Canandaigua

ecooper@townofcanandaigua.org

585-394-1120 x2254

From: Alan Lupton <alupton@luptons.com>
Sent: Friday, October 25, 2019 1:35 PM
To: Eric Cooper <zoninginspector@townofcanandaigua.org>
Cc: Eric Cooper <ecooper@townofcanandaigua.org>
Subject: Re: FW: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

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Alan Lupton
585-739-3015

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Eric A. Cooper

Planner

Town of Canandaigua

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Sent: Wednesday, October 16, 2019 2:02 PM
To: ecooper@townofcanandaigua.org; Chris Jensen <cjensen@townofcanandaigua.org>; 'Terry Fennelly' <tfennelly@townofcanandaigua.org>
Cc: jfletcher@townofcanandaigua.org; Jean Chrisman <jchrisman@townofcanandaigua.org>; klo@canandaiguanewyork.gov; Doug Finch <dfinch@townofcanandaigua.org>; 'Kate Silverstrim' <ksilverstrim@townofcanandaigua.org>; 'Kris Singer' <ksinger@townofcanandaigua.org>; Samantha Pierce <spierce@townofcanandaigua.org>; Sarah Reynolds <sreynolds@townofcanandaigua.org>
Subject: FW: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

Eric/Chris,

I spoke with Terry Fennelly this morning. Any request for a tier status to be considered by the Town Board should just go directly to the TB. Perhaps for the Nov meeting we could set a public hearing on the matter for the December meeting?

Doug Finch, Town Manager

Town of Canandaigua

5440 Route 5 & 20 West

Canandaigua, NY 14424

Phone: (585)394-1120 ext. 2234

Email: dfinch@townofcanandaigua.org

**** If you need immediate assistance and are not able to reach me please contact Sarah Reynolds**
(sreynolds@townofcanandaigua.org) or by phone (585)394-1120 ext. 2232

From: Eric Cooper <zoninginspector@townofcanandaigua.org>
Sent: Wednesday, October 16, 2019 1:53 PM
To: 'Alan Lupton' <alupton@luptons.com>; 'Chris Jensen PE MCP CFM' <cjensen@townofcanandaigua.org>; anthony@veneziasurvey.com
Cc: 'Town Manager' <dfinch@townofcanandaigua.org>; ecooper@townofcanandaigua.org; 'Debbie Pontera' <Debbie.Pontera@charter.com>
Subject: RE: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

Although conditional approval was granted by the Planning Board, the Subdivision has not been finalized.

We must receive 4 copies of the plat and a Mylar to be signed by the Planning Board Chair. After signing, the mylar must be filed with Ontario County.

Eric A. Cooper

Planner

Town of Canandaigua

ecooper@townofcanandaigua.org

585-394-1120 x2254

From: Alan Lupton <alupton@luptons.com>
Sent: Tuesday, October 15, 2019 2:44 PM
To: Chris Jensen PE MCP CFM <cjensen@townofcanandaigua.org>
Cc: 'Town Manager' <dfinch@townofcanandaigua.org>; ecooper@townofcanandaigua.org; Debbie Pontera <Debbie.Pontera@charter.com>
Subject: re: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

Chris and Eric,

As we have now received the Commercial/Residential subdivision, the Canandaigua Country Club would like to move forward in requesting the Tier III Designation under the UDML. Please let us know what else you require to proceed.

Alan Lupton

----- Original Message -----

From: "Chris Jensen" <cjensen@townofcanandaigua.org>

To: "CHRIS NADLER" <cnadler@cnadlerlaw.com>

Cc: "Town Manager" <dfinch@townofcanandaigua.org>, <ecooper@townofcanandaigua.org>, "Alan Lupton" <alupton@luptons.com>

Date: Wed, 6 Jun 2018 10:42:16 -0400

Subject: Fallbrook Park 3280 - Country Club - Tier 3 Local Law DRAFT

Chris,

Please review the attached and provide final copy for Town Board consideration.

We are waiting for the Country Club to submit a sub-division application by Next Friday Planning Board Deadline. The plan is to separate the 'CC' zoned portion of the parcel off.. so that the entire waterfront parcel is zoned 'CC' and there is no argument about Code Section §96-6(2).

We can reference that plan in the Local Law.

I have included Al Lupton on this email (representative of the County Club).

Thanks,

Chris

Chris Jensen PE

Code Enforcement / Zoning Officer

[Town of Canandaigua - Development Office](#)

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(cell) 585-315-3088

Eric Cooper

From: Kevin L. Olvany <klo@canandaiguanewyork.gov>
Sent: Monday, November 18, 2019 1:24 PM
To: dfinch@townofcanandaigua.org
Cc: 'Cathy Menikotz'; Eric Cooper
Subject: RE: Tier assignment

Cathy and Doug

I ran into Eric at Casa Italiana at Lunch and he reminded me of the Country Club application for Tier 3 designation. The CC designation of Tier Two and Tier 3 makes sense to me. Specifically for the Country Club- I think it makes sense to designate the subdivided shoreline parcel as a Tier 3 facility. There will be no added boat traffic, people will have safer access from the lake to the restaurant and the associated bathroom facilities.

Please let me know if you or the board or the public have any questions of me.

Thanks
Kevin

From: dfinch@townofcanandaigua.org <dfinch@townofcanandaigua.org>
Sent: Thursday, October 31, 2019 10:52 AM
To: Kevin L. Olvany <klo@canandaiguanewyork.gov>
Cc: 'Cathy Menikotz' <cmenikotz@townofcanandaigua.org>
Subject: Tier assignment

Kevin,

Just to make you aware the Country Club is once again requesting a Tier 3 assignment for their facility. As you will recall, this was a pretty heated debate when it come up a couple years ago.

Interestingly enough the Town Clerk has found that the Town Board of the Town of Canandaigua in 2011 by resolution just after passage of the UDML declared Community Commercial as both Tier 2 and Tier 3. Now it was only a resolution, so we need to find out if the current Town Board agrees with this as it was never added to the zoning code, there was no reference to any type of local law, and who knows if they considered the possible outcomes. However, based on this information it appears the Country Club already has a Tier 3 designation because they recently subdivide their property and now it is just community commercial.

Will keep you posted.

Doug Finch, Town Manager

Town of Canandaigua
5440 Route 5 & 20 West
Canandaigua, NY 14424
Phone: (585)394-1120 ext. 2234
Email: dfinch@townofcanandaigua.org

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