

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ZONING BOARD OF APPEALS

Tuesday, August 20, 2019 6:00 p.m.

Rev. 10/17/2019

## MEETING MINUTES

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**MEETING CALLED BY:** TERENCE ROBINSON  
**BOARD MEMBERS:** David Emery, Bob Hilliard, Kelly LaVoie, Chip Sahler  
**ALTERNATE MEMBER:** John Casey  
**SECRETARY:** Michelle Rowlinson  
**STAFF MEMBERS:** Kyle Ritts, Zoning Inspector

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**Guests in attendance:** Marie Kenton, Guy Violas, Pete Heintzelman, Richard McCaughey, Meredith McCaughey, Tim Wesley, Kim Wesley, Scott Vassello, Sarah Vassello

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**PLEDGE OF ALLEGIANCE**  
**MOMENT OF SILENCE**

**CONTINUED PUBLIC HEARINGS:** NONE AT THIS TIME

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### NEW PUBLIC HEARINGS:

CPN-19-045 Venezia Associates representing Violas Family Trust, owners of property at 3320 Fallbrook Park, TM#98.11-1-10.000, are seeking two variances; (1) front setback 16.7' (33.3' variance) when 50' is required and (2) Building coverage 29.1% when 25% is limit. Applicant is seeking 33.3' front setback variance and 4.1% building coverage variance.

\*\*Application was re-advertised because in July it was not advertised correct. Peter Heintzelman presented application again in a shorter version. He explained that the Violas' are planning on tearing down and re-building a single family home. Front setback and building coverage are the variances that are proposed. They are staying back enough from the lake in order to not impede the neighbor's views of the lake. Patio is staying intact. Lot coverage is going down by 1 ½% and building coverage is going up by 4.1%. Yes, there are other variances approved on Fallbrook Park. A worksheet was shown of the current variances that were approved on Fallbrook Park. Kelly stated that this change is keeping in character of the neighborhood. Letter was submitted last meeting that was positive for the project. There were not any questions from the board or audience. Public Hearing was closed.

**Public Hearing Opened: August 20, 2019**

**Meeting Date: August 20, 2019**

**Public Hearing Closed: August 20, 2019**

**Project: CPN-19-045**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
Venezia Associates	Violas Family Trust 3320 Fallbrook Park Canandaigua	Area Variances for front setback,	3320 Fallbrook Park	98.11-1-10.000

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**TYPE OF APPLICATION:**

☒ Area Variance    ☐ Use Variance    ☐ Interpretation  
☐ Rehearing

Variance/Interpretation Requested: \_\_\_\_\_

Applicant is requesting a front set back of 16.7' when 50' is required. Shall the applicant be granted a 33.3' front setback variance?

**APPLICANT REQUEST:**

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

**SEQR:**

☐ Type I    ☐ Type II

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

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**Public Hearing Opened: August 20, 2019****Meeting Date: August 20, 2019****Public Hearing Closed: August 20, 2019****Project: CPN-19-045****Applicant**

Venezia Associates

**Owner**

Violas Family Trust  
3320 Fallbrook Park  
Canandaigua

**Project Type**

Area  
Variances for  
building  
coverage

**Project Location**

3320 Fallbrook  
Park

**Tax Map #**

98.11-1-10.000

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**TYPE OF APPLICATION:**

☒ Area Variance    ☐ Use Variance    ☐ Interpretation  
☐ Rehearing

Variance/Interpretation Requested: \_\_\_\_\_

Applicant is requesting an area variance for building coverage variance of 29.1% when 25% is maximum allowable. Shall the applicant be granted a variance of 4.1% ?

**APPLICANT REQUEST:**

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

**SEQR:**

☐ Type I    ☐ Type II

☐ Unlisted

☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

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**VOTING:**

David Emery	<u>  x  </u> AYE	<u>      </u> NAY	<u>      </u> Abstained
Chip Sahler	<u>  x  </u> AYE	<u>      </u> NAY	<u>      </u> Abstained
Kelly La Voie	<u>  x  </u> AYE	<u>      </u> NAY	<u>      </u> Abstained
Bob Hilliard	<u>  x  </u> AYE	<u>      </u> NAY	<u>      </u> Abstained
Terence Robinson	<u>  x  </u> AYE	<u>      </u> NAY	<u>      </u> Abstained
John Casey (ALT)	<u>      </u> AYE	<u>      </u> NAY	<u>      </u> Abstained

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2015?\_\_\_\_\_

☐ See Attached resolution(s)

Negative Declaration Date:

**APPLICANT REQUEST:**

Positive Declaration Date:

☐ Granted    ☐ Denied    ☒ Continued to: August 18, 2015

☐ See attached resolution(s)

CPN-043-15    Daniel Pope Architects, representing Todd & Barbara Randall, owners of property at 3322 Fallbrook Park, TM#98.11-1-11.000, is requesting area variances to construct a residential addition in the RLD zoning district.

Dan Pope, Architect, was present to speak for the application along with property owners Todd & Barbara Randall. They propose adding a second story to the existing house providing space for two bedrooms and a bath. Also, a covered porch will be added in place of an existing paver-brick patio. Impervious surface space will not be increased, but because it is covered, it does change the lot coverage calculation. Most houses on Fallbrook Park are two-story so they feel this is in keeping with the character of the neighborhood.

Chairman Robinson stated he visited the site and the proposal will fit in with others in the neighborhood. Several other variances have been granted in this area.

Kelly LaVoie asked if they had talked to any of the neighbors, to which the applicants replied yes. Neighbors were in favor and letters of support had been sent to the Town.

The Ontario County Planning Board recommended denial so a super majority is necessary to override.

Steve Bull, neighbor, came forward from the audience to voice his support for the application.

There were no further comments and the Public Hearing was closed at 6:30 p.m.

**Public Hearing Opened:7/21/2015**

**Meeting Date: 7/21/2015**

**Public Hearing Closed:7/21/2015**

**Project: 043-15**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
Daniel Pope, Architect 59 Summit Street Fairport, NY 14450	Todd & Barbara Randall 3322 Fallbrook Park Canandaigua, NY 14424	Two-story residential addition w/ covered patio	3322 Fallbrook Park	98.11-1-11.000

**TYPE OF APPLICATION:**

☒ Area Variance    ☐ Use Variance    ☐ Interpretation  
☐ Rehearing

**SEQR:**

☐ Type I    ☒ Type II

☐ Unlisted

☐ See Attached resolution(s)

**Variance/Interpretation Requested:** Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family residence) when expansions of pre-existing non-conformities are not permitted? Applicant is requesting a variance in the RLD zoning district.\_\_\_\_\_

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

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

**VOTING:**

Carol Ingle	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

**REASONS/CONDITIONS:**

See attached Findings of Fact.

**Public Hearing Opened:7/21/2015**

**Meeting Date: 7/21/2015**

**Public Hearing Closed:7/21/2015**

**Project: 043-15**

**Applicant**

Daniel Pope, Architect  
59 Summit Street  
Fairport, NY 14450

**Owner**

Todd & Barbara  
Randall  
3322 Fallbrook Park  
Canandaigua, NY  
14424

**Project Type**

Two-story  
residential  
addition w/  
covered patio

**Project Location**

3322 Fallbrook  
Park

**Tax Map #**

98.11-1-11.000

**TYPE OF APPLICATION:**

- ☒ Area Variance    ☐ Use Variance    ☐ Interpretation  
☐ Rehearing

**Variance/Interpretation Requested:** Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family residence) with a percentage of building coverage of 30.7% when no more than 25% is permitted? Applicant is requesting a 5.7% building coverage variance in the RLD zoning district.\_\_\_\_\_

**SEQR:**

- ☐ Type I    ☐ Type II  
☐ Unlisted  
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

- ☒ Granted    ☐ Denied    ☐ Continued to:  
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**REASONS/CONDITIONS:**

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**Public Hearing Opened:7/21/2015**

**Meeting Date: 7/21/2015**

**Public Hearing Closed:7/21/2015**

**Project: 043-15**

**Applicant**

Daniel Pope, Architect  
59 Summit Street  
Fairport, NY 14450

**Owner**

Todd & Barbara  
Randall  
3322 Fallbrook Park  
Canandaigua, NY  
14424

**Project Type**

Two-story  
residential  
addition w/  
covered patio

**Project Location**

3322 Fallbrook  
Park

**Tax Map #**

98.11-1-11.000

**TYPE OF APPLICATION:**

- ☒ Area Variance    ☐ Use Variance    ☐ Interpretation  
☐ Rehearing

**Variance/Interpretation Requested:** Shall the applicant be granted an area variance to expand a pre-existing non-conformity (single family residence) with a percentage of lot coverage of 48.6% when no more than 40% is permitted? Applicant is requesting an 8.6% lot coverage variance in the RLD zoning district.\_\_\_\_\_

**SEQR:**

- ☐ Type I    ☒ Type II  
☐ Unlisted  
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

- ☒ Granted    ☐ Denied    ☐ Continued to:  
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**VOTING:**

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Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

**REASONS/CONDITIONS:**

See attached Findings of Fact.