

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Zoning Board of Appeals

Tuesday, December 20, 2022, 6:00 p.m.

Rev. 1/13/2023

Notice of the format of the meeting, the agenda, and the video conference identification number were posted upon the Town website and in the Town's Newspaper of record.

MEETING MINUTES

MEETING CALLED BY: Chip Sahler
BOARD MEMBERS: David Emery, Kelly LaVoie, Bob Hilliard, John Casey
ALTERNATE MEMBER: Shannon Chevier
SECRETARY: Kimberly Burkard
STAFF MEMBERS: Shawna Bonshak, Town Planner

Guests in attendance:

Rocco Venezia (R)

R=Remote Attendance

PLEDGE OF ALLEGIANCE
ZOOM MEETING PROCEDURES
MOMENT OF SILENCE

Mr. Sahler opened the meeting.

Continued Public Hearings:

CPN-22-064 Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424; representing Marc C. and Tina M. Zagara, 7403 Meadowbrook Lane, Spring Hill, Florida 34606; owners of property at 3326 Fallbook Park.

TM #93.11-1-13.000

Proposed additions do not meet the zoning schedule requirements for the RLD District; 5.5-foot side setback when 8 feet is required (*2.5-foot setback variance needed*), 33.7 percent building coverage when 25% is maximum (*8.7% building coverage variance needed*), 63.3 % lot coverage when 40% is maximum (*23.3 % lot coverage variance needed*). Continued from November 15, 2022.

Discussion:

Rocco Venezia presented to the board. Additional information was gathered from the Town Clerk's office. Information was found on a few variances in this neighborhood in excess of what was being asked for on this application: building coverage of 30.7% and lot coverage of 48%. There are 3-4 others with greater side setbacks. Mr. Venezia referenced a letter submitted that had additional information. Work on porch and driveway are not very noticeable from the road. The lot is small.

Mr. Sahler noted that there is much lot coverage in concrete walkway and asked if some of that can be removed. Mr. Venezia said some was removed. He said that additional concrete could be removed it that would help with the variance. Description of walkway given. Mr. Venezia said he could talk to the client but the client is currently out of the country. Mr. Casey asked if it was a permeable surface and Mr. Venezia said that he did not believe it was. It was noted as concrete.

Ms. Chevier said that there are already existing variances for this residence.

Mr. Venezia said that he can talk to the client about getting rid of the concrete walk and asked for a continuance.

Mr. Casey requested seeing the letter Mr. Venezia sent. Mr. Venezia said that there were a number a side setbacks that were greater than what is being requested in this application. Existing side setback is 6.1', under the 8' needed.

Mr. Sahler suggested reducing the porch by a foot. Mr. Casey understood keeping the porch inline with the house. Mr. Venezia agreed that inline would look better.

Mr. Casey asked if the lot coverage was greater than anything in close proximity. Mr. Venezia said it was. Existing lot coverage is 61%. Discussion about removing the sidewalk to get below 61% lot coverage.

Mr. Venezia asked for a continuance.

Mr. Hilliard said he would not support an increase in lot coverage. Discussion about lot coverage and pre-existing conditions.

Mr. Casey made a motion to continue the application and Mr. Hilliard seconded. Voice vote carried.

Neighbor letters/petition shared.

Five nonconformities already with this property.

Public Hearing Opened: October 18, 2022
Public Hearing Closed:

Meeting Date: December 20, 2022
Project: CPN-22-064

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Venezia & Associates, 5120 Laura Lane, Canandaigua, N.Y. 14424	Marc C. and Tina M. Zagara, 7403 Meadowbrook Lane, Spring Hill, Florida 34606	Side Setback, Building Coverage, Lot Coverage	3326 Fallbook Park, Canandaigua, NY	93.11-1-13.000

Type of Application

- ☒ Area Variance ☐ Use Variance
☐ Interpretation ☐ Rehearing

SEQR

- ☐ Type I
☒ Type II
☐ Unlisted
☐ See Attached Resolution(s)
Neg Dec Date:
Pos Dec Date:

Variance/Interpretation Requested

Proposed additions do not meet the zoning schedule requirements for the RLD District. Applicant is requesting: A.) 5.5-foot side setback when 8 feet is required (*2.5-foot setback variance needed*), B.) 33.7 percent building coverage when 25% is maximum (*8.7% building coverage variance needed*), C.) 63.3 % lot coverage when 40% is maximum (*23.3 % lot coverage variance needed*). Continued from October 18, 2022.

- A.) Shall the applicant be granted a 2.5' side setback variance?**
B.) Shall the applicant be granted a 8.7% building coverage variance?
C.) Shall the applicant be granted a 23.3% lot coverage variance?

Applicant Request

- ☐ Granted
☐ Denied
☒ Continued to: January 17, 2022
☐ See attached resolution(s)

A. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Shannon Chevier (Alternate)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

B. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Shannon Chevier (Alternate)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

C. Voting:

John Casey	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler (Chair)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Shannon Chevier (Alternate)	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

Reasons

Conditions

Closed Public Hearings: **None at this time**

BOARD BUSINESS:

1. Request for re-hearing: None
2. Board Business
 - Referrals from Town Manager: None
 - Ordinance Committee Referrals: None
 - Other Business Required:
 - The Board thanked Mr. Casey for his service.
3. Approval of November 15, 2022 Meeting Minutes.

Motioned by Ms. LaVoie and seconded by Mr. Sahler. Mr. Casey abstained. Vote passed with all other board members voting aye.
4. Adjournment

Adjournment: The meeting was adjourned at 6:22 pm. Motioned by Mr. Casey, second by Mr. Sahler and unanimously carried.

Respectfully submitted by: _____
Kimberly Burkard, Secretary
Zoning Board of Appeals