

**Policy AR-5 B. Applications involving one single family residential site, including home occupations - Development of lakefront parcels**

The intent of this policy is to address impacts to ground and surface waters.

The following applies to all development on parcels with lake frontage that require;

- variances pertaining to lot coverage or,
- variances pertaining to side yard setbacks or,
- variance pertaining to lake shore setbacks

The CPB's role of reviewing and making recommendations on county wide development has provided a unique perspective on the trend of more intensive development and use of lakefront lots. Of particular concern are the incremental negative impacts to water quality and the character of our lakefront neighborhoods. This policy is a result of discussion and debate spanning 18 months as well as consultation with outside agencies directly involved with water quality issues in Ontario County. The intent is to address over development of lakefront lots and support the clearly stated interest by local decision makers to do the same.

**Final Classification: 2****Findings:**

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

**Final Recommendation:** Disapproval

175 - 2015	Town of Canandaigua Zoning Board of Appeals	Class: 2
Referral Type:	Area Variance	
Applicant:	Fisher Associates	
Property Owner:	Wegman, Daniel & Konstanze	
Tax Map No(s):	140.18-1-10.100	
Brief Description:	Area Variance and Site Plan approval for the construction of a lap pool and addition to the existing attached garage. Proposed construction would expand existing non-conforming front set back 33' when 60' is required by code. Pool would be constructed 21' from stream when 100' setback is required by code. Pool length and total square footage exceeds that allowed by code. Project is located at 4895 CR 16 in the Town of Canandaigua.	

**Site Characteristics**

- Acres: 5
- Land Use: Residential
- The parcel has frontage on Canandaigua Lake. Lake frontage includes area located within the FEMA floodplain
- Drainage Characteristics
  - Soils: Guyanoga Channery Silt
  - Slope: 0-3%
  - Soil permeability: High
  - Erodibility: Medium
- The parcel is in the Duell Rd. subwatershed to Canandaigua Lake. A stream setback of 20' is requested instead of the required 100'

**Onsite Wastewater Treatment**

The swimming pool and patio are to be constructed on the current location of the leach field for the septic system. The

**Class Abbreviations**

AR 1: Administrative Review Class 1

AR 2: Administrative Review Class 2

EX: Exempt

W : Withdrawn

applicant, who owns the parcel across CR 16 is proposing to subdivide a portion of that parcel and append it to the project parcel. A new onsite wastewater treatment facility will be constructed on that land across the street. Effluent will be pumped via a pipe under CR 16 to the treatment facility.

The current system was built with a waiver from the NYS Board of Health. The Canandaigua Lake Watershed Inspector is reviewing this project with the Board of Health

**Comments from OC DPW**

The plans for this project are under review by OCDPW. A list of technical review comments as appropriate will be provided to the applicant with copies provided to the Town and OC Planning.

**Stormwater and Erosion Control**

When the total amount disturbance is considered for the pool, septic system, new garage, site work etc. it may exceed the one acre threshold that would require a SWPPP. This should be verified.

**See 175.1 for Board action.**

175.1 - 2015	Town of Canandaigua Planning Board	Class: 2
Referral Type:	Site Plan	
Applicant:	Fisher Associates	
Property Owner:	Wegman, Daniel & Konstanze	
Tax Map No(s):	140.18-1-10.100	
Brief Description:	Area Variance and Site Plan approval for the construction of a lap pool and addition to the existing attached garage. Proposed construction would expand existing non-conforming front set back 33' when 60' is required by code. Pool would be constructed 21' from stream when 100' setback is required by code. Pool length and total square footage exceeds that allowed by code. Project is located at 4895 CR 16 in the Town of Canandaigua.	

**Project Information**

- The Deuel Rd. watershed comprises 947 acres. An unnamed stream that runs to the south of the residence carries most of the watershed flow to the lake. The other areas are direct drain to the lake.
- A substantial portion of the new construction for the pool, terrace and fountain is taking place on what will become the former leach field for the onsite system.
- Additional vegetative disturbance will take place within the stream setback to install the fence. There will be a stabilized construction entrance created in the location of a current drive from the adjoining parcel.
- An armored slope for permanent erosion control will be installed to the south of the construction drive.

**FINDINGS:**

1. The OC Planning Board bylaws establish the Board's interest in the protection of Canandaigua Lake's water quality.
2. The project parcel either directly drains into Canandaigua Lake or to an unnamed stream that carries flow from a substantial portion of the 947 acre Deuel Rd. watershed that is conveyed under CR 16.
3. The proposed pool exceeds dimensional requirements and when configured with the associated terrace requires a substantial 80% reduction of the 100 ft. stream setback necessitating an area variance.
4. There are alternatives available that could provide for options for general swimming and exercise with a site design that would either eliminate or substantially reduce the need for an area variance.
5. Construction of the fence within the stream setback will require vegetative disturbance and potential adverse impacts on water quality.
6. Stream setbacks provide a cumulative water quality benefit to Canandaigua Lake whether it is riparian habitat, water filtration, or room for stream flow in high intensity storm events. Granting substantial variances can establish a dangerous precedent that will institutionalize isolated decision-making regarding what stream bank or riparian area is "worthy" of protection rather than considering the cumulative impact each encroachment will have on water quality.
7. The project includes construction of a new septic system, removal of the old system, soil storage area, fence installation, construction access and the pool/terrace are Site disturbance may exceed the one acre threshold which would require preparation of a SWPPP. No determination has been made whether it is required.

**Board Motion:** Based on the above comments and findings, referrals #175-2015 and #175.1-2015 be retained as Class 2s and returned to the local board with the recommendation of disapproval.

*Motion made by: T. Maher*

*Seconded by: J. Dailey*

*Vote: 14 in favor, 0 opposed, 0 abstentions. Motion carried.*

176 - 2015	City of Geneva Zoning Board of Appeals	Class: AR-2
Referral Type:	Area Variance	
Applicant:	AutoZone	
Tax Map No(s):	104.18-3-5.000	
Brief Description:	Area variance and SUP approval to install signs not consistent with code requirements. Applicants seeks addition 121 sq. ft. of signage - 2 internally illuminated wall signs at 171 sq. ft. and 1- 24 f t. tall internally lit pole sign at 50 sq. ft. Project is located at existing AutoZone - 462/466 Hamilton Street in the City of Geneva.	

#### Policy AR-7: Signs

The County Planning Board has long taken an interest in supporting local efforts to limit excessive signage. The Board has identified State Routes 5 and 20 as a primary travel corridor for tourists visiting Ontario County: The intent is to protect the character of development along these corridors by encouraging local boards to adhere to their adopted laws as much as possible.

- A. All applications for signs located on property adjoining primary travel corridors that do not comply with local limits on size and or number.**

**Final classification:** Class 2

#### Findings:

1. The proposed sign is on land along a corridor identified by the Board as being a primary travel corridor for tourists visiting Ontario County.
2. Protection of the community character along these corridors is an issue of countywide importance.
3. Local legislators have standards for signage that allows for business identification sufficient to safely direct customers onto the specified site.
4. It is the position of this Board that the proposed signage is excessive.
5. Excessive signage has a *negative impact on community character*.

**Final Recommendation** – Disapproval.

176.1 - 2015	City of Geneva Zoning Board of Appeals	Class: AR-2
Referral Type:	Special Use Permit	
Applicant:	AutoZone	
Tax Map No(s):	104.18-3-5.000	
Brief Description:	Area variance and SUP approval to install signs not consistent with code requirements. Applicants seeks addition 121 sq. ft. of signage - 2 internally illuminated wall signs at 171 sq. ft. and 1- 24 f t. tall internally lit pole sign at 50 sq. ft. Project is located at existing AutoZone - 462/466 Hamilton Street in the City of Geneva.	

See Referral #176-2015 for project summary, comments and motions.

177 - 2015	Village of Victor Planning Board	Class: AR-1
Referral Type:	Subdivision	
Applicant:	Barn Door Enterprises LLC	
Property Owner:	Lynch, Karen	
Representative:	Lewis, Don	
Tax Map No(s):	16.18-5-17.03	
Brief Description:	Subdivision and Site Plan approval to divide a 1.498 acre parcel into 4 new residential lots 0.258 acres each. Remaining lands will be retained with existing house at 5 Kent Drive. Also requesting site plan approval to construct a pole barn on the parent lot with the existing house.	