

Town of Canandaigua

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

NOTICE OF VIOLATION – ORDER TO REMEDY

March 23, 2018

David & Karen Vandereems
5031 Wyffels Road
Canandaigua, NY 14424

Parcel Address: 6245 Goff Road
Tax Parcel Number: 139.00-1-38.000
Zoning District: RR3

It has been brought to the attention to the Town that the 864sq.ft. Uninhabitable pole barn constructed in 2014 has been modified without the required applications, permits, and approvals.

You are hereby notified that you have been found to be in violation of Town of Canandaigua Zoning Law Chapter §92, Subsection §92-2. The specific violation is:

- Failure to obtain a building permit for alteration of an existing uninhabitable pole barn accessory structure. The alterations which must conform to the Uniform Code and Energy Code of the State of New York

You are hereby notified that you have been found to be in violation of Town of Canandaigua Zoning Law Chapter §202, Subsection §202-5. The specific violation is:

- Failure to obtain a building permit for installation of an onsite wastewater treatment system.

You are hereby notified that you have been found to be in violation of Town of Canandaigua Zoning Law Chapter §92, Subsection §92-2. The specific violation is:

- Failure to obtain a building permit for installation of a hot tub/spa.

You are hereby notified that you have been found to be in violation of Town of Canandaigua Zoning Law Chapter §220, Subsection §220-64. The specific violation is:

- Failure to obtain site plan approval from the Planning Board of the Town of Canandaigua for the development associated with the construction of a new single-family dwelling.

You are hereby notified that you have been found to be in violation of Town of Canandaigua Zoning Law Chapter §165, Subsection §165-7. The specific violation is:

- Failure to obtain a Soil Erosion and Sedimentation Control permit for the site preparation associated with the non-permitted aforementioned site development.

as observed by the Code Enforcement Officer on March 23, 2018.

The following corrective measures shall be taken immediately upon receipt of this Violation Notice, or penalties may be assessed:

- Vacate the illegal structure and permit Town Code Enforcement Officer to post structure as a Dangerous Building.
Per Town Code Chapter §88, Section §88-2 – Definition of ‘Dangerous Building’ – The structure is a Dangerous Building as it exists in violation of the provisions of multiple local laws and ordinances contained within the Town of Canandaigua Town Code.

The following corrective measures shall be taken no later than 30 days from the receipt of this Violation Notice, or penalties may be assessed:

- Complete and Submit a Soil Erosion and Sediment Control Application to the Town of Canandaigua Development Office.
- Complete and Submit a New Structure ‘Pool/Spa’ Permit Application to the Town of Canandaigua Development Office.
- Complete and Submit application to the Town of Canandaigua Planning Board for Site Plan Approval.
 - o Include with application the necessary professionally prepared, signed, and sealed site plans and associated improvement plans.
- Complete and Submit application to the Town Development Office for the construction of a new single family dwelling.
 - o Include with the application the necessary professionally prepared, signed, and sealed building plans. Plans must in conformance with the current New York State Uniform Construction and Energy Code, and include all associated professionally prepared documents. (2015 International Residential Building Code, New York State 2017 Uniform Code Supplement, 2016 Supplement to the New York State Energy Conservation Construction Code)

In lieu of submitting all the required professionally prepared plans and obtaining the associated approvals required, the parcel owner may make application for the demolition and removal of all illegal structures and improvements.

PENALTIES OF OFFENSES:

In addition to those penalties prescribed by state law, any person who violates any provision of the Uniform Code, the Energy Code or the Town Code, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit or other notice or order issued by the CEO pursuant to any provision of chapter 92 of Town Code, shall be liable to a civil penalty or not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this section shall be recoverable in an action instituted in the name of the Town of Canandaigua.

Any person who shall violate any provisions of chapter 92 of Town Code or of any stop-work order issued hereunder, shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for not more than 15 days, or both such fine and imprisonment.

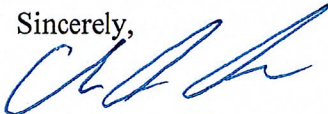
In addition to the above penalty, the Town may institute an action to prevent, restrain, correct or abate any such violation or enforce any provision of this chapter.

Each violation of a provision of chapter 202 of Town Code shall be punishable by a fine not to exceed the sum of \$250 or by imprisonment of not more than 15 days, or both. Each week such violation continues after notification to the person in violation shall constitute a separate violation. Such violation notice shall be served by certified mail, return receipt requested, or by personal service. Service by certified mail shall be complete upon deposit of the notice with the United States Postal Service.

Any person, firm, company or corporation owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any of the provisions of chapter 220 of Town Code and any person, firm, company or corporation who or which shall assist in the commission of any violation of chapter 220 of Town Code or any conditions imposed by the Town Board, Planning Board or the Board of Appeals; or who or which shall build or use any building or parcel of land contrary to the plans or specifications submitted to the Code Enforcement Officer and certified as complying with this chapter and the Uniform Code; and any person, firm, company or corporation who or which shall omit, neglect or refuse to do any act required by chapter 220 of Town Code shall be guilty of an offense and subject to a fine not exceeding \$350, six months' imprisonment, or both, for a first offense; for conviction of a second offense, both of which were committed within a period of five years, subject to a fine of not less than \$350 nor more than \$700, six months' imprisonment, or both; and, for conviction of a third and subsequent offenses, all of which were committed within a period of five years, subject to a fine not less than \$700 nor more than \$1,000, six months' imprisonment, or both; and in addition may be ordered to pay all costs and expenses involved in the case. Every such person, firm, company or corporation shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such local law, ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Any person, firm, partnership, corporation, or other party who violates any provision of chapter 165 of Town Code shall be guilty of a misdemeanor and subject to a fine of not less than \$50 nor more than \$100 for the first offense. Any subsequent violation of the provisions of chapter 165 of Town Code shall be a misdemeanor and upon conviction, such person shall be subject to a fine of not less than \$250 nor more than \$1,000 or imprisonment not exceeding six months, or both such fine and imprisonment. The imposition of any such penalty for the violation of this chapter shall not excuse such violation nor permit the continuance thereof. The application of the above penalty or penalties for a violation of the provisions of this chapter shall not be held to prevent the removal of conditions prohibited by this chapter by such legal means as may be proper.

If you have any questions, please contact the Development Office.

Sincerely,



Chris Jensen P.E.

Code Enforcement Officer – Town of Canandaigua

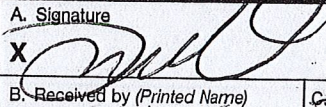
Enc: Photos dated March 23rd, 2018 from Airbnb – 'Vacation Home' Rental advertisement
Photos dated March 23rd, 2018

CC: Town Clerk
Chris Nadler Esq. – Reeve Brown PLLC – Town Attorney

6245 Goff Rd.
Domestic
USPS

RETURN RECEIPT
3/30/15
DAVID VANDEREEMS

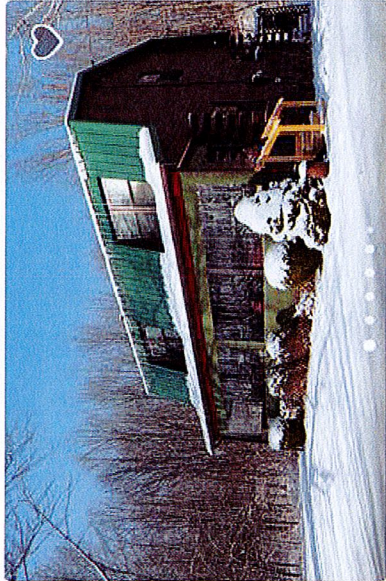
- 3/23/2018 NOTICE OF VIOLATION - ORDER TO REMEDY

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature  <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>David & Karen Vandereems 5031 Wyffels Road Canandaigua, NY 14424</p>		<p>B. Received by (Printed Name) DAVID VANDEREEMS</p>	
		<p>C. Date of Delivery 3/30/15</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery</p>	
<p>2. Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
		<p>7014 1200 0001 2670 2250</p>	

PS Form 3811, July 2013 Domestic Return Receipt



ENTIRE VACATION HOME · 1 BED
Loft in Bristol Hills
From \$150 per night · Free cancellation
★★★★★ 39 · Superhost



ENTIRE CHALET · 8 BEDS
Cabin on the Hill
From \$300 per night · Free cancellation
2 reviews · Superhost



ENTIRE HOUSE · 3 BEDS
Foxtrof Retreat
From \$85 per night · Free cancellation
★★★★★ 30