

# *Town of Canandaigua*

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

*Established 1789*

## **ZONING LAW DETERMINATION**

**PROPERTY OWNER:** HANFORD, GEOFFREY T

**PROPERTY ADDRESS:** 5291 KEPNER RD

**TAX MAP NUMBER:** 56.00-2-24.300

**ZONING DISTRICT:** CC

### **DETERMINATION REFERENCE:**

- Application for One Stage Site Plan Approval, dated 01/07/2019. Received for review by Town on 01/07/2019.
- Application for Soil Erosion and Sediment Control Permit, dated 01/05/2019. Received for review by Town on 01/07/2019.
- Sketch Plans titled "*untitled*" by *unknown*, dated 12/28/2018, no revisions noted, received by the town on 01/08/2018.

### **PROJECT DESCRIPTION:**

- Owner proposes to construct a gravel parking area to serve auto repair business on adjacent parcel.

### **DETERMINATION:**

- Applicant proposes development of 12,000 sq. ft. within the CC Zoning District.
- Planning Board shall have the authority to waive provisions of Off-Street Parking regulations where applicant bears the burden of proof, including:
  - o Off-street parking areas for more than five vehicles shall be effectively screened on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such fence shall be erected and maintained in accordance with § 220-9K of these regulations. Such wall or hedge shall not be less than six feet in height and shall be maintained in good condition.
- Planning Board shall have the authority to waive provisions of Landscaping and Buffering regulations where applicant bears the burden of proof, including:
  - o In addition, in all nonresidential zones, automotive uses shall be separated from the streetside property line by a vegetated, landscape buffer strip of 20 ft. in width.
  - o In all districts, public and private parking lots or automotive use areas containing more than 10 parking spaces shall have at least one shade tree for each 10 parking spaces or portion thereof. Said trees shall be located within the paved area of the parking lot. Each tree shall be installed within a protected planting island with no less than 100 square feet of soil or permeable surface area per tree or within 10 feet of the pavement area. The trees shall be maintained by the owner and/or lessee of the property and shall not be cut down or otherwise removed when the lot is altered or enlarged. Said trees may be moved to another location on the lot upon approval by the Planning Board. Trees and their associated planting areas shall be located so as to provide visual relief and to assure safe traffic patterns of internal vehicular and pedestrian circulation.
  - o For parking areas designed for more than 10 cars, a minimum of 5% of the interior of the parking area shall be devoted to landscaping. The arrangement and location of the landscaped area shall be dispensed throughout the parking areas so as to prevent unsightliness and monotony of parking cars.

### **REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:**

- This application is required to be reviewed by the Ontario County Planning Board as it relates to Site Plan for a Commercial Use within 500 ft. of a state highway.

**REFERRAL TO PLANNING BOARD FOR:**

- Site Plan approval required for all development which exceeds 1,000 sq. ft. in the CC zoning district.

**CODE SECTIONS:** Chapter §1-17; §220-64; §220-23; §220-73; §220-76

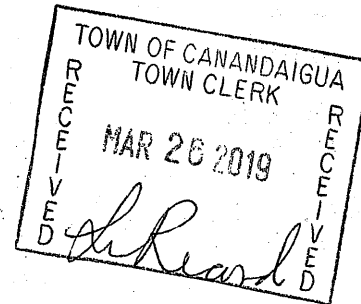
DATE: 3/26/2019

BY: *Eric Cooper*  
Eric Cooper – Zoning Inspector

**CPN- 19-001**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the date of this determination.

c: Binder  
Property File  
Property Owner  
Town Clerk



# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

R E C E I V E D	TOWN OF CANANDAIGUA DEVELOPMENT OFFICE	F O R  R E V I E W
	JAN 7 2019	

## PLANNING BOARD APPLICATION SITE PLAN / SPECIAL USE PERMIT

CPN 19-001

FOR: Sketch Plan Review

- ☒ One Stage Site Plan Approval (Preliminary & Final Combined)  
☐ Two Stage Preliminary Site Plan Approval ☐ Two Stage Final Site Plan Approval  
☐ Special Use Permit (New) ☐ Special Use Permit (Renewal)

Permission for on-site inspection for those reviewing application: ☒ Yes ☐ No

1. Name and address of the property owner: GEOFFREY HANFORD  
2400 ANDREWS RD CANANDAIGUA, NY

Telephone Number of property owner: 585-2455-8331

Fax #                      E-Mail Address: SALES@UPTOWN-TIRE.COM

**\*\*If you provide your e-mail address, this will be the primary way we contact you \*\***

2. Name and Address Applicant if not the property owner: ABOVE  
Richard Burke 585-704-0380

Telephone Number of Applicant: ABOVE

Fax #                      E-Mail Address: rburke14512@gmail.com

**\*\*If you provide your e-mail address, this will be the primary way we contact you \*\***

3. Subject Property Address: 5291 KEPNER RD

Nearest Road Intersection: RT 332 @ KEPNER

Tax Map Number: # 322400 56.00-2-24.30 Zoning District: CC

4. Is the Subject Property within 500' of a State or County Road or Town Boundary? (If yes, the Town may refer your application to the Ontario County Planning Board.)

Please circle one: YES NO

5. Is the Subject Property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application.)

Please circle one: YES NO (Continued on Back)

6. What is your proposed new project?

CONSTRUCT GRAVEL PARKING AREA FOR OWNER/  
EMPLOYEE OVERFLOW PARKING - NO PUBLIC USE

7. Have the necessary building permit applications been included with this form? If not, please verify which forms are required to be submitted with the Development Office.

8. If applying for Site Plan Approval or Special Use Permit, attach a completed Soil Erosion and Sedimentation Control Plan and Permit Application as described in Chapter 165 of the Town Code.

9. Are you requesting a waiver from a professionally prepared site plan?

Please circle one:

YES

NO

*If "yes" the property owner acknowledges and accepts full responsibility for any errors or misrepresentation depicted on the site plan and agrees to indemnify the Town of Canandaigua for any and all expenses, including reasonable attorney's fees, incurred by the Town as a result of any such error or misrepresentation.*

JHK (property owner's initials)

10. If no, attach a professionally prepared site plan as described in Chapter 220 Article VII (Site Plan Regulations) of the Town Code.

11. If a Special Use Permit is requested, attach plans and documentation as required in Chapter 220 Article VI (Regulations Governing Special Permit Uses) of the Town Code.

*The applicant / property owner is on notice that their personal/bank check submitted to the Town to meet the landscaping/soil erosion surety requirement(s) as noted in the Planning Board decision sheet will be deposited into a Town non-interest bearing bank account.*

#### IDENTIFICATION OF POTENTIAL CONFLICTS OF INTEREST

(Required by NYS General Municipal Law § 809)

1. **If the Applicant is an Individual:** Is the applicant or any of the immediate family members of the applicant (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) related to any officer or employee of the Town of Canandaigua? YES NO
2. **If the Applicant is a Corporate Entity:** Are any of the officers, employees, partners, or directors, or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua? YES NO
3. **If the Applicant is a corporate entity:** Are any of the stockholders or partnership members (holding 5% or more of the outstanding shares), or any of their immediate family members (including spouse, brothers, sisters, parents, children, grandchildren, or any of their spouses) of the company on whose behalf this application is being made related to any officer or employee of the Town of Canandaigua? YES NO

4. ***If the Applicant has made any agreements contingent upon the outcome of this application:*** If the applicant has made any agreements, express or implied, whereby said applicant may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of this application, petition, or request, are any of the parties to said agreement officers or employees of the Town of Canandaigua? YES NO

If the answer to any of the above questions is YES, please state the name and address of the related officer(s) or employee(s) as well as the nature and extent of such relationship:


\_\_\_\_\_

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***Property Owner is responsible for any consultant fees  
(Town Engineer, Town Attorney, etc.) incurred during the application process.***


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Please note that the **Property Owner** is responsible for all consultant fees during the review of this application including legal, engineering, or other outside consultants. Applications submitted to the Town of Canandaigua Planning Board will normally receive chargeback fees of at least five hours to ten hours for planning services including intake, project review, resolution preparation, SEQR, and findings of fact. PLEASE NOTE that the number of hours will be SIGNIFICANTLY INCREASED due to incomplete applications, plans lacking detail, or repeated continuations. Subdivision applications and larger commercial or industrial projects traditionally require more hours of engineering, legal, and other consultant review and preparation and will incur higher costs. Applications for new construction may be referred to the Town Engineer for engineering review which may include at least an additional eight to twelve hours of review time. The **Property Owner** will also be responsible for legal fees for applications submitted to the Town of Canandaigua Planning Board, Zoning Board of Appeals, or the Town of Canandaigua Development Office. Fees for engineering and legal expenses traditionally range between one hundred and one hundred fifty dollars per hour. A copy of the Town's annual fee schedule is available upon request from the Development Office or the Town Clerk's Office. The **Property Owner's** signature below indicates that the **Property Owner** understands that the **Property Owner** will be responsible for all outside consultant fees incurred as a result of the submitted application, and consents to these charges. Additionally projects approved by the Town of Canandaigua Planning Board may be required to pay a parks and recreation fee as established by the Town Board (currently \$ 1,000 per unit) if required as part of the conditions of approval.

  
\_\_\_\_\_  
(property owner)

\_\_\_\_\_  
(property owner)

***I hereby acknowledge that I have reviewed all the questions contained in this application and certify that the information provided is accurate and complete to the best of my knowledge and ability. Finally, I hereby grant my designated person in Question #2 of this application form, permission to represent me during the application process.***

  
\_\_\_\_\_  
(Signature of Property Owner)

  
\_\_\_\_\_  
(Date)

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 19-09

## Sketch Plan Checklist

Applicant: Geoffrey Hanford  
Project Address: 5291 KEPNER RD  
Tax Map #: #322400 Zoning District: \_\_\_\_\_  
Project Description Narrative: CONSTRUCT GRAVEL PARKING AREA FOR OWNER/EMPLOYEE OVERFLOW PARKING (NOT FOR PUBLIC USE)

Sketch Plan Checklist - Chapter 220 §220-66	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.			
2) Lot lines.	✓		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	NA		
4) Land use(s). (residential, agricultural, commercial, or industrial)	✓		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	NA		
6) Development including buildings, pavement and other improvements including setbacks.	✓		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	0		
B. Sketch plans shall be drawn to scale.**			
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.			

I have reviewed my submitted application and drawings against the above noted criteria and hereby certify that the submitted application matches this check list.

Geoffrey Hanford  
Signature of Applicant / Representative

1/6/19  
Date

\*May be obtained from UFPO – dial 811 for assistance.

\*\*Development that exceeds 1,000 square feet, requires the site plan to be completed by a NYS licensed professional engineer and/or surveyor. (§220-99-C-1-c)

\*\*\*This form is not required for the construction of a new single-family dwelling within an approved subdivision.

# SOIL EROSION AND SEDIMENT CONTROL PERMIT APPLICATION

(Standards Approved by Town: NY Guidelines for Urban Erosion and Sedimentation Control)

## ON-SITE INSPECTION REQUIRED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

Date: 1-5-19

Zoning District: CC

Property Owner Name and Address: GEOFFREY HANFORD

~~5291~~ KEPNER RD 2400 ANDREWS RD. CANADAigua

Telephone / Fax # 585-455-8331 E-mail address: SALES@UPTOWN-TIRE.COM

Site Location: 5291 KEPNER RD.

Size of Site (Acres/ Sq.Ft.): 1.4 ACRES Tax Map Number 322400

Description of proposed activity: CONSTRUCT GRAVEL PARKING AREA FOR  
OWNER/ EMPLOYEE OVERFLOW PARKING - NOT PUBLIC

Per Chapter 165 §165-10-B, at a <u>minimum</u> , the map, plan or sketch prepared shall include the following:	Shown on Plan Yes / No	Initial Review	Follow Up Review
1. Boundaries of the subject parcel and other parcels adjacent to the site which may be materially affected by the action.	Y		
2. Existing features including structures, roads, water courses, utility lines, etc. on the subject parcel and on adjacent parcels where appropriate.	Y		
3. Existing vegetative cover including wooded areas, grass, brush, or other on the subject parcel and on adjacent properties where appropriate.	Y		
4. Limits or extent of excavation, filling, and/or grading proposed to be undertaken.	Y		
5. The disposition of soil and top soil, whether on site or off site, and the locations of any stockpiles to be placed on site.	Y		
6. Temporary and permanent drainage, erosion and sedimentation control facilities including ponds, sediment basins, swales, energy dissipation devices, silt fences and/or straw bale locations.	Y		
7. The location of proposed roads, driveways, sidewalks, structures, utilities and other improvements.	Y		
Final contours of the site in intervals adequate to depict slopes and drainage details on the site.	Y		

Per Chapter 165 §165-10-B, at a <u>minimum</u> , the map, plan or sketch prepared shall include the following:	Shown on Plan Yes / No	Initial Review	Follow Up Review
9. A time schedule indicating: <ul style="list-style-type: none"> <li>a. When major phases of the proposed project are to be initiated and completed;</li> <li>b. When major site preparation activities are to be initiated and completed;</li> <li>c. When the installation of temporary and permanent vegetation and drainage, erosion and sediment control facilities is to be completed; and</li> <li>d. The anticipated duration (in days) of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.</li> </ul>			
Other Information Required to be Provided:	Shown on Plan Yes / No	Initial Review	Follow Up Review
10. What is the general topography and slope of the subject property (in %): <u>1-2 % SLIGHT CROWN FOR DRAINAGE</u>	<u>Y</u>		
11. How much area (in square feet) and/or volume (in cubic yards) will be disturbed? <u>12,000 sq ft TOTAL - LOT - 5,000 sq ft</u>	<u>Y</u>		
12. Does the subject property drain offsite? <u>(Yes)</u> No If yes, where does it drain to and how will it affect offsite properties? <u>NO CHANGE FROM EXISTING DRAINAGE</u>	<u>Y</u>		
13. How will erosion be controlled on site to protect catch basins from silt? <u>NATURAL EXISTING GROUND COVER</u> <u>GRASS PERIMETER MAINTAINED</u>	<u>Y</u>		
14. If sedimentation basins are proposed, where will they overflow to if they become clogged? Describe: <u>NONE</u>	<u>N/A</u>		
15. Is there any offsite drainage to subject property? Yes <u>(No)</u> If yes, where does the drainage come from? _____			



Other Information Required to be Provided:	Shown on Plan Yes / No	Initial Review	Follow Up Review
16. How will off site water courses be protected? <u>NO CHANGE</u>			
17. How will any adjacent roadside ditches or culverts be protected during construction? <u>10' EXISTING GRASS PERIMETER TO BE MAINT</u>			
18. Has the appropriate highway superintendent been contacted? Yes No Name of the person contacted and date contacted:			
19. Is existing vegetation proposed to be removed? Yes <u>No</u> (If yes, the vegetation to be removed must be identified on the plan.)			
21. Will any temporary seeding be used to cover disturbed areas? Yes <u>No</u> If yes, a note shall be added to the plans.			
22. What plans are there for permanent revegetation? Describe: <u>EXISTING GROUND COVER / BRUSH TO REMAIN</u>			
23. How long will project take to complete?			
24. What is the cost estimate to install and maintain erosion and sedimentation control facilities before, during, and after construction?			

Attach additional sketches, calculations, details as needed to this form.

Form prepared by: ROBB J PITKIN  
Ralph Pitkin

Date: 1-5-19

The undersigned represents and agrees as a condition to the issuance of these permits that the development will be accomplished in accordance with the Town Soil Erosion and Sedimentation Control Law, the New York State Uniform Fire Prevention and Building Code, and the plans and specifications annexed hereto.

**PERMIT APPLICATION CANNOT BE ACCEPTED WITHOUT PROPERTY OWNER'S SIGNATURE.**

Please **DO NOT** send payment with this application.

Owner's Signature: [Signature]

Date: 1/5/19

\*\*\*\*\*

**For Office Use Only**

Application requires further review by Planning Board and/or Zoning Board of Appeals. Yes No

\_\_\_\_\_  
Zoning Officer

\_\_\_\_\_  
Date

Flood Zone \_\_\_\_\_

Floodplain Development Permit Required? Yes No

\_\_\_\_\_  
Code Enforcement Officer

\_\_\_\_\_  
Date

Permit Fee: \$ \_\_\_\_\_

Permit #: \_\_\_\_\_

# Town of Canandaigua

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(585) 394-1120 / Fax: (585) 394-9476

*Established 1789*

## WAIVER REQUEST

PURSUANT TO TOWN CODE §220-65 (L)

Applicant: GEOFFREY HANFORD  
Telephone #: 585-455-8331 Email: SALES@UPTOWN-TIRE.COM  
Subject Address: 5291 KEPNER RD.  
Tax Map #: #322400 CPN #: 19-001  
Waiver requested for: PRO. PREP. SITE PLAN, LANDSCAPING  
(i.e. a professionally prepared site plan, landscaping requirements, etc.)

### Reasons for Waiver:

1. SCOPE OF WORK IS MINIMUM, ENGINEERING NOT REQUIRED
2. LANDSCAPING - ALL ADJACENT BUSINESS PARKING AREAS ARE FULLY EXPOSED W/O BUFFER PLANTINGS
3. \_\_\_\_\_

Additional Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby request a waiver of requirement(s) as described above pursuant to Town Code § 220-65(L).

Geoffrey Hanford  
Signature of Applicant

1/5/19  
Date

Planning Board approval of waiver (date): \_\_\_\_\_

## SCOPE OF WORK

- CONSTRUCT GRAVEL PARKING AREA @ GRADE APPROX. 5000  $\text{ft}^2$  LOT w/ APPROX. 1,100  $\text{ft}^2$  APPROACH.
- PERIMETER CULVERTS TO BE MAINTAINED w/ NEW 15" X 40' CORRUGATED CULVERT PIPE TO MAINTAIN DRAINAGE FLOW UNDER APPROACH TO NEW PARKING AREA.
- ALL EXCAVATED MATERIAL TO BE SPREAD OVER PORTION OF EXISTING LOT - GRADED w/ MINIMUM CROWN. EXISTING VEGETATION TO REMAIN AND FILL IN TO ORIGINAL MAKE-UP.

## AREA CONSTRUCTION:

- PARKING AREA EXCAVATED DOWN 18"-20".  
USING #2 CRUSHER RUN - BUILD UP AREA TO GRADE w/ 5"-6" LIFTS - COMPACTED @ EACH LIFT. - 4 LIFTS TOTAL

**UPTOWN TIRE & AUTO SERVICE  
2375 ROCHESTER RD.  
CANANDAIGUA N.Y. 14424**

**I, GEOFF HANFORD, REQUEST A LANDSCAPE WAIVER FOR PARKING  
LOT LOCATED AT 5291 KEPNER RD IN ORDER TO NOT RESTRICT  
VIEW OF INTERSECTION AND ON COMING TRAFFIC. NEIGHBORING LOT  
ALSO DOES NOT HAVE LANDSCAPE FOR THE SAME CONCERN.**

**GEOFF HANFORD**

*Geoff Hanford 1/2/19*