

# Town of Canandaigua

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

## ZONING LAW DETERMINATION

**PROPERTY OWNER:** Rochester Gas & Electric

**PROPERTY ADDRESS:** 5850 Monks Road

**TAX MAP NUMBER:** 153.00-1-35

**ZONING DISTRICT:** RR-3

### DETERMINATION REFERENCE:

- Application for Special Use Permit, dated 12/27/2016, received for review by Town on 01/13/2017.
- Application for Site Development Permit, dated 12/27/2017, received for review by Town on 01/13/2017.
- Plans titled "RGE—Rochester Gas & Electric" by Infinigy, dated 03/09/2017, last revised on 03/09/2017, received by the Town on 08/02/2018.

### PROJECT DESCRIPTION:

- Owner proposes to construct a new, 100 ft. tall communications tower.

### DETERMINATION:

- Development for Personal Wireless Communications Facility is a specially permitted use within the RR-3.
- The Applicant shall comply with all necessary FAA and FCC requirements.
- The Town Planning Board may waive the following provisions of the Special Use Permit Articles, upon findings as set forth in the public record on application:
  - o Size of the parcel is 1.06 Acres when 4 acres is required.
  - o Proposed setbacks to property lines are 190 ft., 100 ft., 41 ft., and 98 ft. when the minimum setback to all property lines shall be at least 120 ft. The minimum setback for each communications tower from any property line shall be the height of the tower to be erected plus 20 feet.
  - o All facilities shall allow shared use of emergency communications equipment, at no charge, provided that the equipment and antennas to be added to the tower do not interfere with the existing equipment or overload the design for the tower.
  - o Tower shall be designed to accommodate up to three telecommunications providers.

### REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board.

### REFERRAL TO PLANNING BOARD FOR:

- As a condition of Special Use permit approval, site plan review is required.
- Planning Board approval required for all special use permits.

**CODE SECTIONS:** Chapter §1-17, §220-60; §220-34; §220-16

**DATE:** 8/20/2018

**BY:** Eric A. Cooper  
Eric Cooper – Zoning Officer

**CPN- 002-17**

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

