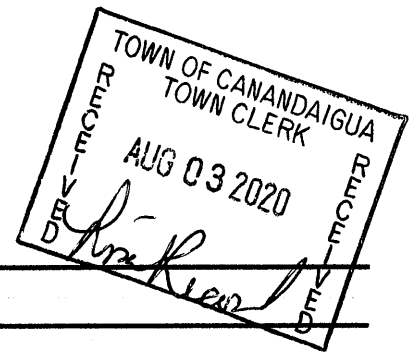


Town of Canandaigua

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



Planning Board Decision Notification

Meeting Date: July 28, 2020

Project: CPN-20-030

Applicants

James Fahy Design
Associates, c/o James
Fahy
2024 W. Henrietta Road,
Suite 3K
Rochester, NY 14623
and
Venezia & Associates
5120 Laura Lane
Canandaigua, NY 14424

Owners

Susan Kieran, Mary
Swaim, Margaret
Abbott and John
Summerhays
c/o Susan Kieran
580 Harvard Street
Rochester, NY 14607

Project Type

Single-Stage Site
Plan

Project Location

4691 North
Menteth Drive

Tax Map #

140.11-1-14.00

TYPE OF APPLICATION:

- ☐ Preliminary ☐ Final Phased ☒ One/Single Stage
☐ Subdivision ☐ Site Plan ☐ Special Use Permit

Applicant Request:

- ☒ Granted ☐ Denied ☐ Tabled
☐ Continued to:
☒ See attached resolution(s)

STATE ENVIRONMENTAL QUALITY REVIEW (SEQR):

- ☐ Type I ☒ Type II ☐ Unlisted

☒ See Attached resolution(s):

Negative Declaration Date:

Positive Declaration Date:

Recommendation To:

- ☐ Town Board ☐ ZBA ☐ N/A

Recommendation:

- ☐ See attached resolution(s)

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE
ON THE FINAL PLAN BY: 11/25/2020
YOU ARE RESPONSIBLE FOR REQUESTING AN
EXTENSION PRIOR TO THIS EXPIRATION DATE IF
THIS REQUIREMENT CANNOT BE MET.

Surety Requirements:

- ☐ Landscaping: \$ ☐ Soil Erosion: \$
☐ Other (specify): \$

Surety Release:

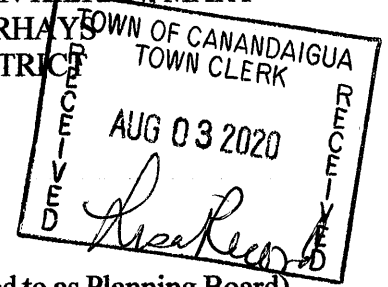
Certified By:

Chairperson, Planning Board

Date:

7/29/20

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JAMES FAHY & VENEZIA ASSOCIATES REPRESENTING SUSAN KIERAN, MARY
SWAIM, MARGARET ABBOTT, AND JOHN SUMMERHAYS
4691 NORTH MENTETH DRIVE – RLD ZONING DISTRICT
CPN 20-030 TM# 140.11-1-14.000
SINGLE-STAGE SITE PLAN APPROVAL



SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval to construct a new single-family home and attached garage with associated improvements on a parcel with an existing two story garage located at 4691 North Menteth Drive within the RLD Zoning District and detailed on site plans dated May 8, 2020, last revised May 22, 2020 prepared by Venezia & Associates, and all other relevant information submitted as of July 28, 2020 (the current application); and

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board does hereby classify the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

BE IT FURTHER RESOLVED THAT, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

BE IT FINALLY RESOLVED THAT, the Planning Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Karen Blazey and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, July 28, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE
Charles Oyler -	AYE
Ryan Staychock -	AYE
Karen Blazey -	AYE
Bob Lacourse -	AYE

(ALT)

Amanda VanLaeken -

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the July 28, 2020 meeting.

John Robortella L. S.
John Robortella, Secretary of the Board

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
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SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering a Single-Stage Site Plan approval to construct a new single-family home and attached garage with associated improvements on a parcel with an existing two story garage located at 4691 North Menteth Drive within the RLD Zoning District and detailed on site plans dated May 8, 2020, last revised May 22, 2020 prepared by Venezia & Associates, and all other relevant information submitted as of July 28, 2020 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed development in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Planning Board classified the above referenced Action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, Type II Actions are not subject to further review under Part 617 of the SEQR Regulations; and

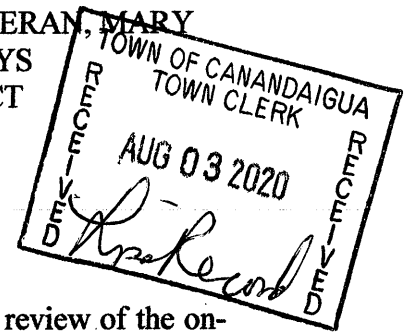
WHEREAS, all requested area variances were approved at the July 21, 2020 ZBA meeting; and

WHEREAS, the Planning Board has compiled the attached list of findings to be kept on file with the application in the Town Development Office; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby ☐ Approves without Conditions; ☒ Approves with the following Conditions; or ☐ Denies the application for the following reasons:

1. Site Plan Approval with conditions specified herein is valid for a period of 180 days from today. Once all conditions of Site Plan Approval have been met and shown on revised drawings including the revision dates, the Planning Board Chairperson will then sign the Site Plans.
2. The proposed Lot Line Adjustment Plan is to be approved, signed, and filed prior to signatures being affixed to the Site Plans.
3. A soil stabilization and erosion control surety estimate is to be prepared by the applicant and provided to the Town Development Office for review and processing in accordance with Local Law 19 of 2017 Amending Chapter 174, Section 174-32(F).
4. The comments within the Town Engineer's comment letter dated July 23, 2020 are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
5. A Site Development Building Permit application is to be completed and provided to the Town of Canandaigua Development Office prior to the Planning Board Chairman's signature being affixed to the final site plans.
6. Prior to signatures being affixed to the plans, the site plans are to be revised to depict the approved location of the onsite wastewater treatment system and an approval from the

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SITE PLAN APPROVAL RESOLUTION

Canandaigua Lake Watershed Inspector and NYSDOH regarding their review of the on-site wastewater treatment system design is to be provided to the Town of Canandaigua Town Development Office.

7. Payment of a fee in lieu of a set aside of parkland shall be made at the time of issuance of a building permit pursuant to Town Code Chapter 111 and NYS Town Law.
8. All variances approved by the ZBA are to be detailed on the site plans.
9. The site plans are to be revised to reflect the correct dimensions of the proposed patio area as reflected on the Landscape Plan dated June 3, 2020 prepared by Venezia Land Surveyors and Civil Engineers.
10. The following notes regarding phosphorous use are to be added to the landscaping plans:
 - No Phosphorous shall be used at planting time unless soil testing has been completed and tested by a Horticultural Testing Lab and the soil tests specifically indicate a phosphorous deficiency that is harmful, or will prevent new lawns and plantings from establishing properly.
 - If soil tests indicate a phosphorous deficiency that will impact plant and lawn establishment, phosphorous shall be applied at the minimum recommended level prescribed in the soil test following all NYSDEC requirements.

The above resolution was offered by Karen Blazey and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, July 28, 2020. Following discussion thereon, the following roll call vote was taken and recorded:

Gary Humes -	AYE
Charles Oyler -	AYE
Ryan Staychock -	AYE
Karen Blazey -	AYE
Bob Lacourse -	AYE

(ALT)

Amanda VanLaeken -

I, John Robortella, Secretary of the Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Town of Canandaigua Planning Board for the July 28, 2020 meeting.

John Robortella L. S.
John Robortella, Secretary of the Board

**TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
JAMES FAHY & VENEZIA ASSOCIATES REPRESENTING SUSAN KIERAN, MARY
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SINGLE-STAGE SITE PLAN APPROVAL**

FINDINGS

1. The Town of Canandaigua Planning Board has received an application for Single-Stage Site Plan approval to construct a new single-family home and attached garage with associated improvements on a parcel with an existing two story garage located at 4691 North Menteth Drive within the RLD Zoning District.
2. Detailed on site plans dated May 8, 2020, last revised May 22, 2020 prepared by Venezia & Associates, and all other relevant information submitted as of July 28, 2020.
3. A Lot Line Adjustment Plan prepared by Venezia & Associates was included with the submission.
4. The Planning Board has classified the project as a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations. Type II Actions are not subject to further review under Part 617 of the SEQR Regulations.
5. In making this classification the Planning Board has satisfied the procedural requirements under SEQR and directed the Resolution to be placed in the file on this project.
6. This application was forwarded to the following outside agencies for review:
 - Ontario County Soil & Water Conservation District
 - Town CEO
 - ECB
 - MRB Group
 - Cheshire Fire Dept.
 - James Fletcher, Town Highway & Water Superintendent
 - Ontario County PB
 - Canandaigua Lake Watershed Council
 - NYSDOH
7. A zoning Determination was prepared dated June 24, 2020:

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SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

DETERMINATION:

- Proposed Lot Line Adjustment creates lots of sufficient area and dimension to meet minimum requirements for zoning and building purposes.
- Proposed front setback for new dwelling is 15.75 ft. when 60 ft. is required.
- Proposed rear (lake) setback for new dwelling is 33.43 ft. when 60 ft. is required.
- Proposed building coverage is 17.9% when 15% is required.
- Proposed rear (lake) setback for accessory structure (patio) is 19.76 ft. when 25 ft. is required.
- Proposed detached garage does not increase the degree of nonconformance and shall be allowed.
- Proposed development disturbs greater than 500 sq. ft. of steep slope area within 2,000 ft. of Canandaigua Lake and SHALL comply with Town of Canandaigua Steep Slopes Law, including:
 - o Any development proposed in a steep slope protection area shall be designed to work with the natural elements of the site, locating the proposed improvements in such a manner as to minimize land disturbance, cut and fill operations, tree removal, and alterations to natural drainage. The applicant must provide the Development Office with documentation that the improvements were designed to fit the existing natural elements of the site, rather than making the site fit the development goals of the landowner as part of the site plan review process. In any project with cut and fill operations, the applicant shall prove to the Planning Board that there was no other alternative to cut and fill to develop the site and that cut and fill has been minimized. The Town of Canandaigua Development Office will provide steep slope site illustration examples to applicants.
 - o If total land disturbance exceeds 7,500 square feet and greater than 50% of land disturbance is within a steep slope protection area, then lot coverage for the entire site shall be reduced to 90% of the allowable lot coverage for the underlying zoning district.
 - o All development projects that disturb greater than 10,000 square feet of steep slope protection areas in Zones A and B, and 20,000 square feet of steep slope protection areas in Zone C shall be required to provide for water quality treatment up to the one-year storm event.
 - o The Planning Board may approve modifications to these standards if the applicant can prove that such modifications would result in less total site disturbance and/or less change to the natural grade than would compliance with these standards and that such modifications meet the intent of this chapter to the greatest extent possible.

REFERRAL TO ONTARIO COUNTY PLANNING BOARD FOR:

- This application is required to be reviewed by the Ontario County Planning Board as it relates to multiple area variances and site plan approval within 500 ft. of a county highway.

REFERRAL TO ZONING BOARD of APPEALS (ZBA) FOR:

- ZBA approval required for 44.25 ft. front setback area variance.
- ZBA approval required for 26.75 ft. rear setback area variance.
- ZBA approval required for 2.9% building coverage area variance.
- ZBA approval required for 5.24 ft. accessory structure rear setback variance.

REFERRAL TO PLANNING BOARD FOR:

- Planning Board Site Plan approval required as proposed development exceeds 1,000 sq. ft. within the RLD Zoning District.

CODE SECTIONS: Chapter §1-17; §174-8; §220-8; §220-9; §220-21; §220-64; §220-107; §220a
Sch.1 Zoning Schedule

8. The Zoning Board of Appeals approved the variance applications at their July 21, 2020 meeting.
9. The Ontario County Planning Board recommended denial of the application at the July 8, 2020 meeting of the County Planning Board.
10. Comments were received from the Town Code Enforcement Officer in an email dated June 22, 2020.

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FINDINGS

11. Comments were received from Ontario County Department of Public Works in an email dated June 25, 2020.
12. Comments were received from the Watershed Inspector in an email dated May 28, 2020 and an email dated July 6, 2020.
13. Comments were provided by the Town Environmental Conservation Board during their July 2, 2020 meeting.

Recommendation: The ECB recommends that the Town withhold approvals on this project until further detail is available on the proposed septic system and on the landscaping and lakefront treatment. Construction of a septic system on unsuitable soils within a steeply sloped area has the potential for environmental damage both during construction and long term, and the ECB urges the applicant to consider systems that minimize the amount of regrading, site disturbance and tree removal.

Other recommendations are:

1. Reconsider the lot line adjustment to avoid reducing the width of the adjacent lot, already the smallest and narrowest in the surrounding area.
2. Deny the building coverage variance, as there is no apparent rationale beyond the applicant's desire for a home which exceeds the Town's requirements for this site. A slightly smaller building would also remove the need for the lot line adjustment.
3. Deny the patio setback variance, as appropriate setbacks from the lake and from streams are important in minimizing runoff to the lake and protecting water quality.
4. Revise the drainage plan to provide for infiltration of runoff to be slowed and absorbed at a greater distance from the lake.

The ECB requests an opportunity to review this application again once the septic system and a detailed landscape and lakefront plan can be included.

14. The Planning Board has reviewed these comments and has considered them as part of their review of the application.
15. The Planning Board discussed compliance with the Town's Shoreline Development Guidelines and determined no changes were required.
16. The Planning Board discussed the need for a soil stabilization and erosion control surety estimate to be provided prior to the issuance of building permits.
17. The Planning Board commended the applicant on the proposed metal roof.
18. The Planning Board makes the following findings pursuant to New York State Town Law § 276 and Town Code § 111-8 and § 111-9.
 - The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.

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FINDINGS

- The Town Parks and Recreation Master Plan of 2018 indicates that the Town is in need of more land for parks and recreation.
- The proposed new residential dwelling will enable an increase the Town's population.
- This increase in population will intensify the need for land to be used for parks and recreation.
- A fee in lieu of parkland shall be paid at the time of issuance of building permits in the amount per family dwelling unit as established by the Town Board pursuant to Town Code § 111-8.