

Town of Canandaigua

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

Established 1789

ZONING LAW DETERMINATION

PROPERTY OWNER #1: Cory Westbrook

PROPERTY ADDRESS: 4102 Onnalinda Drive (Tax Map #113.17-1-31.200)

4118 Onnalinda Drive (Tax Map #113.17-1-31.110)

PROPERTY OWNER #2: Gregory & Beth Westbrook

PROPERTY ADDRESS: 4096 Onnalinda Drive (Tax Map #113.17-1-32.110)

ZONING DISTRICTS: RLD- Residential Lake District

SCR-1- Southern Corridor Residential

DETERMINATION REFERENCE:

- Planning Board Application, Single-Stage Review Subdivision, dated 4/01/2022, received 4/01/2022.
- Proposed Subdivision Plat Prepared for Cory R. Westbrook, by Venezia Professional Land Surveyors, dated 04/01/2022, received 04/01/2022.
- Concept Site Plan for Subdivision for Cory R. Westbrook, by Joyce Consulting Group, P.C., dated 03/31/2022, received 04/01/2022.
- Existing Subdivision Plat Prepared for Cory R. Westbrook, by Venezia Land Surveyors and Civil Engineers, dated 05/11/2021, received on 04/14/2022.
- Letter to Shawna E. Bonshak, from Stephen W. Fantuzzo, Nixon Peabody, dated 04/11/2022.
- Waiver Request, dated 04/11/2022, received 04/14/2022.

PROJECT DESCRIPTION:

- Owner proposes to subdivide three (3) existing lots and create four (4) new lots; Lot #1 at 7.236 acres, Lot #2 at 3.105 acres, Lot #3 at 1.088 acres and Lot #4 at 1.103 acres.

DETERMINATION:

- Proposed Lots 1, 2, 3 and 4 front on Onnalinda Drive (in the RLD District).
- Proposed Lots 1, 2, 3 and 4 are divided between the RLD and SCR-1 Zoning Districts.
- In reference to proposed Lot #1, lot frontage shall be construed to be the portion of the lot nearest the street. The proposed revisions to Lot 1 create a land locked parcel, which is not permitted. Section 174-19(d) of Town Code states no division of land shall result in any parcel becoming land locked. Applicant has submitted a waiver request asking the Planning Board to allow Proposed Lot 1 to have frontage along a private drive versus a public road.
- NYS Town Law enables the Planning Board to waive, if reasonable, any requirements for the approval, approval with modifications or disapproval of subdivisions. Waivers are subject to conditions and may be granted if such requirements or improvements are found

NOT to be essential to public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent to or in proximity to the subdivision.

- Proposed Lot #2, fronting along Onnalinda Drive, does not meet sufficient lot dimensions for lot frontage in the RLD District (proposed width of 92.92 feet when 125 feet is required).
- Proposed Lots #3 and #4 meet all minimum area and dimension requirements for zoning and building purposes for both the RLD and the SCR-1 zoning districts.
- The application was solely submitted by Cory Westbrook as it relates to 4102 Onnalinda Drive. (Tax Parcel #113.17-1-31.200) and 4118 Onnalinda Drive (Tax Parcel #113.17-1-31.110). There are three parcels under consideration, including 4096 Onnalinda Drive (Tax Parcel #113.17-1-32.110), owned by Gregory and Beth Westbrook. The application will need to be amended to reflect the additional property owners and new signatures are required.

REFERRAL TO ZONING BOARD OF APPEALS FOR:

- Proposed Lot #2 requires a 32.02-foot variance for the lot frontage as 125 feet is required.

REFERRAL TO PLANNING BOARD FOR:

- Plats for all proposed subdivisions shall be filed with the Town of Canandaigua Planning Board for approval.
- The Applicant has submitted a Waiver Request to the Planning Board (see Waiver in file and letter from counsel) requesting the Planning Board waive the requirement that a lot cannot front on a private driveway.

CODE SECTIONS: Chapter §1-17, §174; §220

DATE: 4/25/22

BY: 
Shawna Bonshak - Town Planner/Zoning Officer

CPN- 022-030

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

CANANDAIGUA TOWN CLERK

APR 25 2022

RECEIVED

