

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA & ASSOCIATES REPRESENTING JOHN & KELLY ALVERMANN
3473 LAKEVIEW LANE – RLD ZONING DISTRICT
CPN 22-088 – TM# 98.13-1-20.000
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 Single-Stage Site Plan Approval for the construction of a new garage addition and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Joyce Consulting Group, dated October 31, 2022, last revised December 6, 2022, and all other relevant information submitted as of February 28, 2023 (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 _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA & ASSOCIATES REPRESENTING JOHN & KELLY ALVERMANN
3473 LAKEVIEW LANE – RLD ZONING DISTRICT
CPN 22-088 – TM# 98.13-1-20.000
SINGLE-STAGE SITE PLAN APPROVAL

SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the construction of a new garage addition and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Joyce Consulting Group, dated October 31, 2022, last revised December 6, 2022, and all other relevant information submitted as of February 28, 2023 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); 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, the Zoning Board of Appeals granted the requested variances for rear setback at their February 21, 2023 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. 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 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 letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
5. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA & ASSOCIATES REPRESENTING JOHN & KELLY ALVERMANN
3473 LAKEVIEW LANE – RLD ZONING DISTRICT
CPN 22-088 – TM# 98.13-1-20.000
SINGLE-STAGE SITE PLAN APPROVAL

SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA & ASSOCIATES REPRESENTING JOHN & KELLY ALVERMANN
3473 LAKEVIEW LANE – RLD ZONING DISTRICT
CPN 22-088 – TM# 98.13-1-20.000
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the construction of a new garage addition and associated site improvements on an existing parcel within the RLD zoning district.
2. The project is detailed on the Single-Stage Site Plan prepared by Joyce Consulting Group, dated October 31, 2022, last revised December 6, 2022, and all other relevant information submitted as of February 28, 2023.
3. 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.
4. 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.
5. The Zoning Board of Appeals granted the requested area variance at their February 21, 2023 meeting.
6. A Zoning Law Determination was prepared dated December 1, 2022:

DETERMINATION:

Staff has determined the application incomplete at this time and requests the following:

- a. Existing conditions plan, site plan and a demolition plan. It is very difficult to decipher what is currently on the site and what is proposed.
- b. Checklist parameters have not been met including existing and proposed contours, topography, existing versus proposed structures, with setbacks, limits of pavement/parking. Refer to the site plan checklist and ensure all is included.
- c. Applicant is proposing to reconfigure the addition, per SB's conversation with Rob Wolfe on 12/1/2022 therefore new plans and elevations along with an updated variance application should be submitted.

REFERRAL TO ZONING BOARD OF APPEALS:

Staff cannot determine, accurately, what variances are needed for this application at this time.

REFERRAL TO PLANNING BOARD FOR:

All single-family residential site plans require Planning Board review and approval.

CODE SECTIONS: Chapter §1-17; §220-21 §220-70

7. This application was referred to the following agencies for review and comment:
 - Chris Jensen, Town CEO
 - Town Environmental Conservation Board
 - MRB Group

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
VENEZIA & ASSOCIATES REPRESENTING JOHN & KELLY ALVERMANN
3473 LAKEVIEW LANE – RLD ZONING DISTRICT
CPN 22-088 – TM# 98.13-1-20.000
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

8. Chris Jensen, Town CEO, provided comments on November 21, 2022, and December 27, 2022:

CPN 2022-087 - CPN 2022-088

Alvermann – Lakeview Drive

- Provide existing conditions – site plan – demo plan. Showing the existing building on proposed plan makes it difficult to read. Difficult to see what is proposed and what is removed. Please remove overlay from proposed site plan.
- Proposed porch is within 5ft. of parcel boundary – Fire Separation distance – If approved architect should be made aware of requirements.
- Provide some elevation/information on the retaining walls. Label top of walls?

9. The Town ECB provided comments at their December 1, 2022 meeting:

Additional Comments from the ECB Meeting:

Recommendations:

- Withdrawn by applicant.
- Photos taken by Mr. Kochersberger and put on the Board Docs page.

The Town ECB also provided comments at their January 5, 2023 meeting:

Summary of Key Points:

- Ms. Rudolph noted Chris Jensen's comments from December 29, 2022 noted that there was something incomplete with this application. Ms. Bonshak agreed and recommended that the ECB note that the application was not ready for review.

Additional Comments from the ECB Meeting:

Recommendations:

- The ECB recommends that this review be continued until such a time as the materials are complete and the application is ready for review by the ECB.

10. Comments were received from MRB Group in a letter.
11. The Planning Board has considered all comments as part of their review of the application.
12. 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.
13. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING RICHARD NELSON
0000 MIDDLE CHESHIRE ROAD – R-1-30/R-1-20 ZONING DISTRICT
CPN 22-093 – TM# 97.04-1-58.200
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 Single-Stage Site Plan Approval for the construction of a new single-family residence and associated site improvements on an existing parcel within the R-1-30/R-1-20 zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated November 18, 2022, and received by the Town Development Office on December 27, 2022, and all other relevant information submitted as of February 28, 2023 (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 _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING RICHARD NELSON
0000 MIDDLE CHESHIRE ROAD – R-1-30/R-1-20 ZONING DISTRICT
CPN 22-093 – TM# 97.04-1-58.200
SINGLE-STAGE SITE PLAN APPROVAL

SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering Single-Stage Site Plan Approval for the construction of a new single-family residence and associated site improvements on an existing parcel within the R-1-30/R-1-20 zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated November 18, 2022, and received by the Town Development Office on December 27, 2022, and all other relevant information submitted as of February 28, 2023 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); 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, the Zoning Board of Appeals granted the requested variances for rear setback at their January 25, 2023 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. 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 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. 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.
5. The comments within the Town Engineer's letter are to be addressed to the satisfaction of the Town Engineer prior to signing by the Planning Board Chairman.
6. The Town Code Enforcement Officer's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.
7. The Town Highway & Water Superintendent's comments are to be addressed to their satisfaction prior to signing by the Planning Board Chairman.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING RICHARD NELSON
0000 MIDDLE CHESHIRE ROAD – R-1-30/R-1-20 ZONING DISTRICT
CPN 22-093 – TM# 97.04-1-58.200
SINGLE-STAGE SITE PLAN APPROVAL

SINGLE STAGE SITE PLAN APPROVAL RESOLUTION

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING MARK LAESE
3516 SANDY BEACH DRIVE – RLD ZONING DISTRICT
CPN 22-086 – TM# 98.15-1-43.100
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the construction of a new single-family residence and associated site improvements on an existing parcel within the R-1-30/R-1-20 zoning district.
2. The project is detailed on the Single-Stage Site Plan prepared by Marks Engineering, dated November 18, 2022, and received by the Town Development Office on December 27, 2022, and all other relevant information submitted as of February 28, 2023.
3. 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.
4. 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.
5. The Zoning Board of Appeals granted the requested area variances at their January 25, 2023 meeting.
6. A Zoning Law Determination was prepared dated January 12, 2023:

DETERMINATION:

Single family residential is permitted in both zoning districts.

There are many potential restraints on the property including Federal wetlands, steep slopes and a blue-line stream.

Applicant's limits of disturbance are within the steep slope area and mitigation measures are proposed.

No documentation has been provided from the Army Corp of Engineers in reference to crossing/disturbance of the wetlands.

Applicant is proposing to locate the driveway 3.08 feet and 2 feet from parcel boundaries which does not meet the 10-foot setback requirement.

REFERRAL TO ZONING BOARD OF APPEALS:

Applicant two setback variances from the parcel boundaries; a 6.92-foot variance when 10 feet is required and an 8-foot setback variance when 10 feet is required.

REFERRAL TO PLANNING BOARD FOR:

All single-family residential site plans require Planning Board review and approval.

CODE SECTIONS: Chapter §1-17; §220-8; §220-17; §220-19; §220-20

7. This application was referred to the following agencies for review and comment:
 - Chris Jensen, Town CEO
 - Town Environmental Conservation Board
 - James Fletcher, Town Highway and Water Superintendent
 - MRB Group
 - John Berry, Canandaigua Lake County Sewer District
8. No comments were received from Chris Jensen, Town CEO.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING MARK LAESE
3516 SANDY BEACH DRIVE – RLD ZONING DISTRICT
CPN 22-086 – TM# 98.15-1-43.100
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

9. The Town ECB provided comments at their January 5, 2023 meeting:

Additional Comments from the ECB Meeting:

- Ms. Bonshak suggested that this application review be moved to the February ECB meeting as it is scheduled for the February ZBA meeting. She also noted that there is an issue for the driveway.
- Ms. Bonshak said that the applicant came to their office a year ago regarding this parcel and the Development staff pointed out the constraints on this parcel with regards to building including wetlands, stream, steep slopes, and access to the back of the piece.
- DEC wetland. Designated stream. Both need to be crossed.
- Lot is narrow by the road.
- If it is the only way to access, code allows for driveway to be closer to the stream and structures to cross or culverts to be put in. This means only variance needed is driveway setback (10') from property line.
- Oncor referred to.
- House to be located at top, west part of the parcel.
- Mr. Kochersberger and Mr. Obenauer toured the site. Mr. Obenauer said that the stream was hard to ascertain and seems to be more to the north/northeast than it looks on Oncor. The stream appears to border the adjacent parcel. The stream is a "trickle" but a year-round trickle. It goes under the road via a culvert.
- Mr. Obenauer asked if there could be a shared driveway with neighbor. Ms. Bonshak said that would not be possible.
- Mr. Obenauer said that this parcel will be challenging. Steep slope, uneven in places. Some brush has already been cut. It is not ideal.
- Mr. Obenauer noted not seeing any standing water outside of the pond. There was no site plan so Mr. Obenauer could not see where the driveway would be in relation to the construction. He noted that the area is very boggy.
- Mr. Kochersberger shared a DEC wetland map for the site and noted it is a rather extensive area. He said that there were many immature trees but there were some nice hickory trees and the hope is to preserve those as much as possible. He wondered if a hydrologist should be consulted.
- Site plan shared.
- Mr. Kochersberger said that the driveway construction will need a lot of fill to be brought in. Wetland setback is 100' and it is ok in that regards.
- No landscape plan. Due to the nature of the lot, there won't be one. Native plants and trees suggested for landscaping.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING MARK LAESE
3516 SANDY BEACH DRIVE – RLD ZONING DISTRICT
CPN 22-086 – TM# 98.15-1-43.100
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

- Ms. Davey suggested really good soil erosion control for the construction equipment. She noted that if they are bringing in soil, that there will be a lot of truck traffic up the driveway and that heavy equipment is very hard on wet soils. Extra care will need to be taken.
- From site plans, the house appears to be sited in the optimal location.
- Discussion about driveway construction and gravel being used. Ms. Davey noted that it will need to be a well-constructed type of driveway for wet soils. Drainage for the driveway will need to be considered.

Recommendations:

- While the ECB does not require a landscaping plan, the ECB does recommend the use of native trees, shrubs, and other plants on the parcel and it is suggested that the homeowner consider riparian plantings along stream/driveway edges to help control erosion and runoff.
 - The ECB recommends careful erosion control planning and implementation for construction. As this is a wet site, extra care needs to be taken with heavy machinery and construction equipment.
 - The ECB recommends a well-constructed type of driveway for wet soils be used. Drainage for the driveway also needs to be considered.
 - The ECB noted hickory trees onsite and recommends that these should be preserved as much as possible.
10. No comments were received from the Town Highway & Water Superintendent.
11. Comments were received from MRB Group in a letter.
12. No comments were received from the Canandaigua Lake County Sewer District.
13. The Planning Board has considered all comments as part of their review of the application.
14. 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.
15. The Planning Board makes the following findings pursuant to New York State Town Law § 277 and Town Code § 111-9.
- The Planning Board hereby finds that a proper case exists for requiring that a park be located for playgrounds or other recreational purposes on the proposed site because of the increase in population that will be created by the proposed new development.
 - The Town Comprehensive Plan indicates that the Town is in need of more land for parks and recreation.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
MARKS ENGINEERING REPRESENTING MARK LAESE
3516 SANDY BEACH DRIVE – RLD ZONING DISTRICT
CPN 22-086 – TM# 98.15-1-43.100
SINGLE-STAGE SITE PLAN APPROVAL

FINDINGS

- The Town Parks and Recreation Master Plan indicates that the Town is in need of more land for parks and recreation.
- The proposed site plan includes 1 new home, of which will be occupied by a family with one or more children.
- The proposed site plan will increase the Town's population.
- This increase in population will intensify the need for land to be used for parks and recreation.
- A suitable park of adequate size to meet the Town's needs cannot be properly located on the proposed site plan.
- There is not an existing park in the vicinity of the proposed site
- Therefore, a fee in lieu of parkland shall be paid at the time of issuance of building permits as established by the Town Board pursuant to Town Code § 111-8.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

SEQR RESOLUTION – TYPE II ACTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for Special Use Permit for a Major Home Occupation to reupholster furniture in an approximately 450 square foot workshop within an existing single-family residence, with customers permitted at the house by appointment only, located at 5954 Rossier Road within the AR-2 zoning district, and all other relevant information submitted as of February 28, 2023 (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 _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

SPECIAL USE PERMIT APPROVAL RESOLUTION

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) is considering an application for Special Use Permit for a Major Home Occupation to reupholster furniture in an approximately 450 square foot workshop within an existing single-family residence, with customers permitted at the house by appointment only, located at 5954 Rossier Road within the AR-2 zoning district, and all other relevant information submitted as of February 28, 2023 (the current application); and

WHEREAS, the Planning Board completed a formal review of the proposed site plan in compliance with the implementing regulations of the State Environmental Quality Review Act (SEQR); 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, the Applicant has requested a waiver from providing a professional prepared site plan, and said waiver was granted by the Planning Board; and

WHEREAS, the Planning Board has determined the Special Use Permit was consistent with the provisions of Chapter §220-35, and §220-59 of the Town Code; 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. The special use permit (non transferrable) shall remain in effect for the current owner of the premises and/or operators with no requirement for renewal, provided the use remains in compliance with the conditions of approval and Town Code §220-35, and §220-59.
2. In compliance with Town Code §220-35 and §220-59, the Town Zoning Officer shall make an on-site visit at least once every three years, or as may be necessary to insure that the special use permit is being operated in accordance with the conditions specified by the Planning Board.
3. This specially permitted use if not begun, by way of start of operations or physical development of the site, within one year of the Planning Board vote to approve the special use permit, shall expire unless renewed by the Planning Board.
4. No signage is proposed with this application. If signage is requested, separate approval from the Town of Canandaigua will be required.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

SPECIAL USE PERMIT APPROVAL RESOLUTION

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

FINDINGS

1. The Town of Canandaigua Planning Board is considering an application for Special Use Permit for a Major Home Occupation to reupholster furniture in an approximately 450 square foot workshop within an existing single-family residence, with customers permitted at the house by appointment only, located at 5954 Rossier Road within the AR-2 zoning district, and all other relevant information submitted as of February 28, 2023.
2. On February 28, 2023, in compliance with NYS Town Law, the Planning Board held a public hearing on the current application and completed a formal review of the application.
3. 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.
4. 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.
5. A Zoning Law Determination was prepared dated January 23, 2023:

DETERMINATION:

- **Minimum lot size requirements are met for major home occupation in AR-2**

REFERRAL TO PLANNING BOARD:

- All Special Use Permits require Planning Board approval.

CODE SECTIONS: Chapter §1-17; §220-9; §220-15; §220-59

6. This application was referred to the following agencies for review and comment:
 - Chris Jensen, Town CEO
 - Mike Warner, Town Zoning Officer
7. Comments were received from Chris Jensen, Town CEO, in a memo dated January 24, 2023:

Comments from Chris Jensen, Town Code Enforcement Officer:

The only comment I have is that the owner should be provided limitations/code on future signage.

Size.. no lighting.. and that it has to be a minimum of 15ft. from right-of-way.

8. No comments were received from Mike Warner, Town Zoning Officer.
9. The applicant provided a statement of operations dated December 28, 2022.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

FINDINGS

10. The Planning Board has considered all comments as part of their review of the application.
11. The Planning Board reviewed the proposed application in accordance with the requirements of §220-35 and §220-59 Special Use Permit for a Major Home Occupation and the following standards are met:
 - The property is in full compliance with the provisions of the Town Code..
 - The major home occupation is determined to be clearly subordinate to the permitted principal residential use of the premises.
 - No other major home occupation is conducted upon the premises.
 - The special use permit must be issued to the owner of the premises who is an actual resident of the premises.
 - No more than two employees, whether full-time or part-time and whether paid or unpaid, who are not residents of the premises shall be permitted.
 - The major home occupation must be carried on within an existing or proposed building on the premises. A major home occupation located within the principal dwelling unit may not exceed 25% of the total gross floor area, or 500 square feet of the principal dwelling unit. Home occupations in excess of 15% of the floor area of the primary structure may be required to meet commercial occupancy requirements as established in the New York State Uniform Fire Prevention and Building Code.¹¹¹ A major home occupation may not be located in both a portion of the principal dwelling unit and a portion of an accessory structure located on the premises.
 - No site preparation or construction shall commence until final site plan approval as required by Town Code § 220-64, Authority; approval required, has been granted by the Planning Board.
 - The major home occupation must be fairly transparent and unobtrusive. The standard "fairly transparent and unobtrusive" requires that the nonresidential character of the home occupation shall not be apparent to the Planning Board. The Planning Board shall consider the following standards when making this determination:
 - Noise. The Board must find that the noise produced by the major home occupation is not likely to create any potentially significant adverse impact upon the adjacent neighborhood and that the type of noise and times of day of noise generation are not inconsistent with the primary residential use of the premises and the adjacent neighborhood.
 - Pedestrian traffic. The Board must find that the major home occupation is not likely to produce more pedestrian traffic to and from said premises than would exist in the case of a residence without a major home occupation and that the timing of such traffic is not inconsistent with traffic likely to be generated by the primary residential use.

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

FINDINGS

- Vehicular traffic. The Board must find that the major home occupation is not likely to produce significantly more vehicular traffic to and from said premises than would exist in the case of a residence without a major home occupation and that timing of such traffic is not inconsistent with the primary residential use.
 - Parking. The Board must find that the major home occupation does not create a need for more than three additional off-street parking spaces. In addition, such off-street parking spaces shall not be provided on the lot in such a manner as to create the backing of vehicles onto a public highway. Furthermore, such off-street parking spaces shall be adequately landscaped so as to provide a visual buffer between the parking spaces and adjacent properties or public rights-of-way.
 - Lighting. The Board must find that the major home occupation does not create light trespass onto adjacent properties or public rights-of-way which would be inconsistent with the Town's lighting standards.
 - Aesthetics. If any change is proposed to the exterior of the building, the Board must find that the change will not materially alter a characteristic architectural feature of the building, such as fascia, window style or roofline.
 - Trash. The Board must find that the major home occupation does not create additional waste products that are not properly contained within receptacles normally associated with the principal residential use of the premises. Where there is found to be additional waste products associated with a major home occupation that cannot be stored within such receptacles, then there must be provision for adequately securing such waste products within a screened and landscaped facility. Such a facility should be located behind the principal dwelling unit, or behind the accessory structure used for the major home occupation and must be effectively screened from adjacent properties and the public right-of-way.
 - Exterior display. The Board must find that the major home occupation does not involve the exterior display or storage of goods, materials, equipment or inventory.
- One commercial speech sign shall be permitted as provided for elsewhere in this chapter.
 - In applying the above criteria, the Planning Board may consider the following:
 - The size of the lot (i.e., acreage, lot width and depth, shape, etc.);
 - The size and/or number of vehicles (including machinery) used in connection with such major home occupation;
 - The density and/or character of the neighborhood and the proximity of neighboring properties and residences;

TOWN OF CANANDAIGUA PLANNING BOARD RESOLUTION
NICOLE NEDER AND SCOTT HALL
5954 ROSSIER ROAD – AR-2 ZONING DISTRICT
CPN 22-106 – TM# 111.00-1-40.132
SPECIAL USE PERMIT APPROVAL – MAJOR HOME OCCUPATION
§220-15, §220-34, §220-35 & §220-59

FINDINGS

- The necessity for screening and/or buffering of the major home occupation from adjacent properties or public rights-of-way; and
- The size and type of highway (i.e., state, county, Town) upon which such major home occupation is located.

**TOWN OF CANANDAIGUA PLANNING BOARD
ACTION RESOLUTION – SURETY RELEASE**

APPLICANT(S): BTY HOLDINGS LLC – ‘MUST STASH IT’

PROJECT NAME – COMMERCIAL SELF STORAGE WAREHOUSE FACILITY – 2960 Co. Rd. 10

EROSION & SEDIMENT CONTROL SURETY RELEASE NO. 1 (FINAL)

CPN No. 20-011

WHEREAS, the Town of Canandaigua Planning Board (hereinafter referred to as Planning Board) has received a completed and signed Town of Canandaigua Surety Release Form signed describing the items involved with the subject Release No. 1 (final) of the Surety for this project; and

WHEREAS, the Planning Board has considered the requested Release No. 1 and the amount of funds associated therewith; and

WHEREAS, the Planning Board is satisfied with the details described in the requested Release No. 1 documents referenced above herein.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board does hereby approve of the requested Release No. 1 (final) in the amount of **\$5,857.50** and for the items specified on said documents.

BE IT FURTHER RESOLVED that the Planning Board Chairperson is hereby directed to sign and date the Town of Canandaigua Surety Release Form and transmits said documents along with a copy of this resolution to the Town Supervisor for processing the release of the amount specified in said documents.

The above resolution was offered by _____ and seconded by _____ at a meeting of the Planning Board held on Tuesday, February 28, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -
Scott Neal -
Bob Lacourse –
Amanda VanLaeken –
Charles Oyler -

I, Anita Twitchell, 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 February 28, 2023 meeting.

Anita Twitchell, Secretary of the Board

L. S.

Town of Canandaigua

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

SURETY RELEASE REQUEST

CPN #: 2020-011
Project Name: Commercial Self-Storage Warehouse Facility
Project Location: 2960 County Road 10
Tax Map ID#: 84.00-1-17.120
Applicant / Owner Name: BTY Holdings LLC - 'Must Stash It'
Applicant / Owner Address: PO Box 949 – Canandaigua – NY - 14424

SCOPE:

Site Stabilized. Project Completed. Structures & Site issued Certificate of Compliance.

In the opinions of the undersigned, the construction and improvements appear to be in significant compliance with the approved plans and associated permits.

Erosion & Sediment Control Surety: \$5,857.50

Therefore, a final release of the surety in the amount of \$5,857.50 (Five-Thousand Eight-Hundred Fifty-Seven Dollars and Fifty Cents) may be released to the applicant.


Town Code Enforcement Officer

2/9/2023
Date


Town Highway Superintendent

2/9/2023
Date

Town Planning Board Chairperson

Date

Town Fiscal Officer

Date

Chris Jensen

From: Must Stash It Self Storage <owner@must-stash-it.com>
Sent: Wednesday, February 8, 2023 9:26 AM
To: Chris Jensen
Subject: Return of Surety Funds for 2960 Co Rd 10

Dear Chris:

Please process the return of the surety funds for 2960 County Road 10. The project is complete.

Must Stash It
Phone: (585) 204-0034
Mail: PO Box 949, Canandaigua, NY 14424
Web: <https://www.must-stash-it.com/>
Visit: [Google Maps](#)

MUST STASH IT



SELF STORAGE

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

(585) 394-1120

Fax: (585) 394-9476

Established 1789

MEMORANDUM

TO: Kate Silverstrim-Jensen, Clerk Finance

FROM: Jean Chrisman, Town Clerk

RE: Guaranteed Deposit

DATE: July 24, 2020

Resolution 2020-160 was adopted by the Town Board on July 20, 2020, accepting a surety check in the amount of \$5,857.50 for erosion control from BTY Holdings LLC. Attached is check #1013 to be deposited in the Bids and Guarantees account to guarantee improvements approved by the Planning Board, Town engineer (MRB Group), and/or Code Enforcement Officer at the following site:

Property Owner: BTY Holdings LLC

Site Address: 2960 County Road 10

Tax Map Number: 84.00-1-17.120

CPN Number: 2020-011

Landscape: --- \$0 000 ---

Soil Erosion Control: \$5,857.50

Sewer and Water Easement / Connections per CF water/sewer district: \$ N/A

You will be notified of the final amount to be refunded. Thank you.

Attch.

Town of Canandaigua

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

Established 1789

The following resolution was acted upon by the Canandaigua Town Board on July 20, 2020.

**RESOLUTION NO. 2020 – 160: SOIL EROSION AND SEDIMENT CONTROL SURETY FOR 2960
COUNTY ROAD 10 TAX MAP # 84.00-1-17.120**

WHEREAS, the Town of Canandaigua Planning Board has granted a site plan approval for the development / construction of a new commercial development located at 2960 County Road 10 (Tax Map # 84.00-1-17.120); and

WHEREAS, the Town of Canandaigua Planning Board has determined that a soil erosion and sediment control surety is to be provided and accepted by the Town Board; and

WHEREAS, the Town Code Enforcement Officer Christopher Jensen has reviewed the proposed estimate and found it to be satisfactory to meet the conditions of approval and the work to be completed; and

WHEREAS, the Town Manager has reviewed and accepted the surety and authorized Code Enforcement to issue building permits; and

WHEREAS, the applicant has provided a cash deposit in the amount of \$5,857.50 for the purposes of the soil erosion and sediment control; and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Canandaigua hereby approves and accepts the cash surety (in the form of a check from BTY Holdings) in the total amount of \$5,857.50. Supervisor Menikotz requested a motion to block approve Resolution 2020-160, Resolution 2020-161, and Resolution 2020-162

Motion made by Councilwoman Dworaczyk, seconded Councilman Simpson

5 Ayes: Davis, Dworaczyk, Fennelly, Menikotz, Simpson

STATE OF NEW YORK}
County of Ontario}
Town of Canandaigua}

I DO HEREBY CERTIFY that I have compared the preceding with the original thereof, on file and on record in the Town Clerk's office, and that the same is a correct copy and transcript therefrom and of the whole of said original; and that said original was duly adopted at a meeting of the Town Board held at Canandaigua, New York, on July 20, 2020.

SEAL

Given under my hand and the official seal of said Town, at Canandaigua NY, in said county, on July 23, 2020

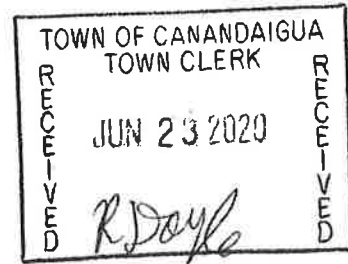

Jean Chrisman, Town Clerk

Town of Canandaigua

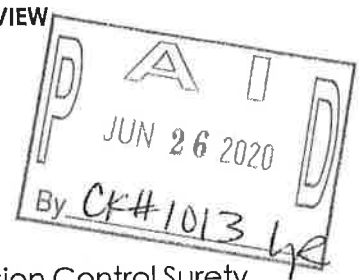
5440 Routes 5 & 20 West • Canandaigua, NY 14424 • (585) 394-1120

June 23, 2020

Doug Finch, Town Manager
Town of Canandaigua
5440 Routes 5 & 20 West
Canandaigua, New York 14424



RE: MARKS ENGINEERING FOR BTY HOLDINGS
NEW COMMERCIAL DEVELOPMENT - EROSION CONTROL SURETY ESTIMATE REVIEW
TAX MAP No. 84.00-1-17.120
CPN No. 2020-011
ADDRESS: 2960 COUNTY ROAD 10



Dear Mr. Finch,

Please be advised that I have completed a review of the submitted Erosion Control Surety Estimate dated May 27, 2020, prepared by Brennan Marks of Marks Engineering for the above referenced project.

Based on our review of the submitted estimate we recommend that an Erosion Control Surety be approved in the amount of **\$5,857.50 (Five-Thousand Eight-Hundred Fifty-Seven Dollars and Fifty Cents)**. The breakdown of this amount is on the attached estimate.

Surety must be paid by cash or check to Town Clerk prior to issuance of building permits.

Any questions and/or comments you may have in this regard, please feel free to contact me at your earliest convenience.

Sincerely,

A handwritten signature in cursive, appearing to read "Chris Jensen".

Chris Jensen
Town of Canandaigua – Code Enforcement Officer

C Jean Chrisman, Town Clerk
Project Binder
Property Owner





MarksEngineering

42 Beeman St.
Canandaigua, NY 14424

5/27/2020

BTY Holdings
2970 County Rd 10
Canandaigua, NY 14424

Engineer's Opinion of Probable Cost - Erosion and Sediment Control

	Quantity	Unit	Unit Cost	Sub Total
Silt Fence	1500	ft	\$ 2.00	\$ 3,000.00
Temporary Seed 25#	10	Bag	\$ 25.00	\$ 250.00
Straw Mulch	25	bale	\$ 2.00	\$ 50.00
Temp Inlet Protection	2	ea	\$ 50.00	\$ 100.00
Construction Entrance	2	ea	\$ 250.00	\$ 500.00
Check Dams	3	ea	\$ 75.00	\$ 225.00
Concrete Wash-out	1	ea	\$ 150.00	\$ 150.00
Temporary Sediment Trap - stone outlet	1	ea	\$ 1,050.00	\$ 1,050.00
Contingency	1	ea	\$ 532.50	\$ 532.50
			Total	\$ 5,857.50

