



6. What is your proposed new project and the variance(s) or interpretation requested?

Variance to construct boardwalks, stairs and retaining walls in the front setback and lake setback.

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7. With your completed application for an Area Variance, attach a tape map/survey/site plan, elevation of the proposed structure, and other documentation necessary describing the requested variance(s) illustrating why it is practically difficult for you to conform to the Zoning Law.

All maps, surveys, or site plans shall accurately depict the property including all existing and proposed structures, setbacks, and dimensions. *All dimensions must be precise.*

8. With your completed application for a Use Variance, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you feel this use variance is necessary, and a completed Environmental Assessment Form.
9. With your completed application for an Interpretation, attach a current survey map/site plan of the subject parcel with a detailed description of the proposed use, a statement as to why you are appealing the zoning law determination, and a copy of the zoning law determination of which said appeal is requested.
10. If the variance requested is related to signs, attach a Sign Detail Sheet, a site plan, and colored renderings of the proposed signage, and any other documentation required in Article IX (Sign Regulations) of the Town of Canandaigua Zoning Law.

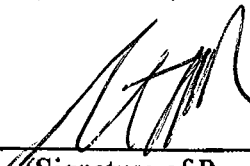
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***Property Owner is responsible for any consultant fees\****  
***(Town Engineer, Town Attorney, etc.) incurred during the application process.***  
***\*See Town Clerk for current Fee Schedule***

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*I have examined this application and declare that it is true, correct, and complete. I understand that my application and all supporting documentation will be examined by the Zoning Board of Appeals as an integral component of deliberations.*

***I hereby grant my designee permission to represent me during the application process.***

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

4/15/16  
\_\_\_\_\_  
(Date)

## ATTACHMENT TO AREA VARIANCE APPLICATION

The applicant, RSM West Lake Road, LLC ("Applicant"), plans to develop The Residences at West Lake ("Project"), which would be a 16-lot subdivision on land located on both sides of County Road 16. Three docks would be constructed on Canandaigua Lake, one each on the lakefront portions of proposed Lots 1, 2 and 5. Attached is the proposed lakefront site plan, showing two stairs and boardwalks designed to provide access down steep terrain to the lakeshore where docks would be located.

The Applicant has filed an appeal from a Zoning Law Determination ("Determination") issued by Christopher Jensen, P.E. on April 8, 2016, seeking an Interpretation from the Zoning Board of Appeals ("ZBA") that the 25-foot setback requirement contained in Town of Canandaigua Code ("Code") §220-9(A)(1) does not apply to the Proposal, so no setback requirements are applicable under the Town of Canandaigua Zoning Law ("Zoning Law") for stairs or boardwalks to allow access to the lakeshore and the docks on these lots. The Applicant also seeks an Interpretation, if necessary, that the 10-foot front yard setback contained in Schedule I of the Zoning Law does not apply. However, in the unlikely event that the ZBA does not agree with the Applicant, then in the alternative the Applicant requests area variance ("Variances") from Code §220-9(A)(1) and Schedule I to allow the proposed structures, with a zero setback from the mean high water mark and in the front yard.

Consideration of each of the five area variance factors set forth in New York State Town Law §267-b(3) yields the conclusion that the requested Variances should be granted, since the benefit to the Applicant by allowing safe and convenient access to the lakefront outweighs any "detriment to the health, safety and welfare of the neighborhood or community by such grant."

**1. Neighborhood Character.** The proposed boardwalks and stairs will not result in any undesirable change in the character of the neighborhood. The boardwalks and stairs will be constructed on the opposite of the road guiderail and will only be partially visible from West Lake Road. The two stairs will be visible from the lake. There are numerous areas along the lake where it is necessary to access docks and beaches using stairs, and many lots have boardwalks connecting to docks through the 25-foot setback area. The stairs will be constructed at least 60 feet from adjoining properties and will be buffered from them by existing trees. Therefore the stairs and boardwalk will not be a detriment to nearby properties or change the neighborhood character.

**2. Alternative Solutions.** A number of different ways for pedestrians to access the docks had been proposed. The Applicant originally proposed that each dock have its own separate access off of West Lake Road. However, the Planning Board seemed to favor a single access off of the road, with connections to the other two lots, in order to minimize any safety hazard for pedestrians. Accordingly, the Applicant proposes that pedestrians enter the existing access onto Lot 2, and then use a wooden boardwalk parallel to the road to enter Lot 1 and then Lot 5. Due to the terrain, stairs would be constructed on each lot to access the dock on that lot.

The slope to the lake is very steep, nearly a 1' horizontal to 1' vertical slope (or 45 degrees). The only other means available would be to create two long earth ramps paralleling the slope such as exists at the Lot 2 access. This method would require removal of a large number of trees, disturbance of the steep slope and installation of retaining walls. By definition the retaining walls

and any pavement installed would also be considered structures and would require the same setback variances. This method of access would make the slope much more susceptible to erosion than construction of the stairs proposed at this critical location right next to the lake. So, there is no other means that would not require a variance, and the method proposed is the least impactful to the slope and shoreline.

**3. Substantial.** The request is not substantial considering the access methods proposed, and since only boardwalks and stairs are proposed, not a building. The proposed construction within setbacks is designed to have the least impact to the steep slope, therefore, the amount of encroachment into the setbacks is the minimum needed to provide access to the shore and docks.

**4. Adverse Environmental Impact.** The proposed access has the least impact on the environment of the access methods available, and will not have an adverse environmental impact. The boardwalk along the road can be constructed with minimal tree removal, since few trees are in the vicinity of the construction. The proposed methods of construction will minimize soil disturbance on the slopes. Trees in the path of the stairs will be cut down but the stumps will not be removed, minimizing the erosion potential. The switch-back design of the stairs will minimize the visual impact by maintaining a narrow footprint for the construction. The process of drilling holes to install posts will minimize the earth disturbance when compared to a path with retaining walls. Erosion control measures are proposed to protect the lake from silt runoff.

**5. Self-created.** The difficulty was not self-created. The reason for the Variances is to provide access to docks and shore due to the existing steep terrain down to the lakeshore, as well as safe access from the road.

# Town of Canandaigua

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

Area  
CPN#: 026-116

## One-Stage (Preliminary & Final) Site Plan Checklist

Applicant: RSM  
Project Address: \_\_\_\_\_ Zoning District: R1D  
Tax Map#: \_\_\_\_\_  
Project Description Narrative: Area variance

Per Chapter 220 §220-67-A: One and Two stage review.

- A. Applications for site plans to be reviewed in one stage where no preliminary site plan review is required:
- (1) Shall be processed and reviewed as required in NYS Town Law Article 16, Section 274-a, as may be amended.
  - (2) Shall be submitted in final form.
  - (3) Shall include all information required for preliminary and final site plans as specified in sections Town Code §§ 220-69 and 220-70.
  - (4) The submitted site plan drawing shall be marked as final and shall include a note that no preliminary site plan review was required.

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. A preliminary application shall include an affidavit that the applicant is the owner or equitable owner of the land proposed to be developed or their legal representative.			
B. Information shown on the preliminary site plan shall be organized to clearly depict existing and proposed conditions and assist the Planning Board's understanding of potential impacts as well as proposed mitigation.			
C. The preliminary site plan shall be clearly marked as preliminary and show all of the following information:			
(1) General Content			
(a) All dimensions shall be shown in feet and in hundredths of a foot.	✓		
(b) Proposed development name or identifying title (Preliminary Site Plan of Property Owner);	✓		
(c) Name of the owner of the property;	✓		
(d) Names of owners of all abutting land;	0		
(e) Name and seal of the New York State licensed professional engineer or surveyor responsible for the plan;	✓		
(f) Date, North point and scale. The site plan shall be at a scale of no more than 100 feet to the inch;	✓		
(g) A legible location map;	0		
(h) A map revision box;	✓		

*northern not correct  
southern property*

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(i) A map legends/key;	0		
(j) A signature block for the Planning Board Chairperson and others as may be required;	N/A		
(k) An area for general map notes;	✓		
(l) A completed agricultural data statement form identifying whether the site lies within an area which is further regulated under § 283-a of Town Law, as amended;			
(m) For lots located within or adjacent to established Ontario County Agricultural District lands the site plans shall have a general note identifies and thereby acknowledges the provisions of the Town's Right-to-Farm Law.			
(n) Current zoning of the land including district boundaries and all setback dimensions for said zoning district(s);			
(2) Existing Conditions			
(a) All existing property lines, with bearings and distances including the subject (parent) parcel Tax Map numbers;	0		
(b) Area of the subject lot(s);	0		
(c) Required building setback lines on each lot;	0		
(d) Sufficient data to determine readily the location, bearing and length of every existing street, easement, lot and boundary line and to reproduce such lines on the ground, including:	0		
[1] The length of all straight lines, radii, lengths of curves and tangent bearings for each street; and			
[2] All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.			
(e) The boundaries and nature of all existing easements, deed restrictions and other encumbrances;	0		
(f) Existing contours at vertical intervals of 20 feet, including the source of the information. In the case of steep or unusual tracts, the Planning Board may require contours at such lesser intervals as it finds necessary for study and Planning of the tract.	✓		
(g) Existing vegetative land cover;	✓		
(h) Delineation of natural features described in the NRI including;			
[1] existing watercourses	0		
[2] tree masses and other significant land cover	0		
[3] land exceeding a slope of 10%	0		
[4] NYSDEC or Federally regulated wetland	0		
[5] FEMA Special Flood Hazard Zone boundaries and designations, including the Flood Hazard Zone, Community Map Panel Number and the effective date of the Flood Insurance Mapping as shown;	0		
[6] other natural features identified in the NRI			
(i) All existing significant man-made features including but not limited to:			
[1] buildings with property line setbacks			
[2] width, location, and sight distances for all private driveways			
[3] limits of pavement and parking areas			

show difference between existing and proposed lots

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
[4] existing streets on or adjacent to the subject lot including names, right-of-way widths and pavement widths	0		
[5] sanitary and storm sewers	0		
[6] wastewater treatment systems			
[7] public and private wells, water mains and fire hydrants			
[8] drainage features including, storm water ponds, swales, culverts, and known underground drain tiles			
[9] Location of all other existing utility lines and related facilities including, gas, electric and telephone.			
(j) Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.			
(3) Proposed Conditions: Development			
(a) Delineation of all proposed sections or phases if any;	0		
(b) Delineation of limits of any land to be disturbed in any manner including areas to be cleared of vegetation, cut, filled, excavated, or graded. The delineation shall include dimensions and other references needed to allow efficient field verification.	0		
(c) Existing and proposed contours, at vertical intervals of no more than five feet;	✓		
(d) The boundaries and nature of all proposed easements, deed restrictions and other encumbrances	0		
(e) The proposed building setback from each property line and other buildings on the same lot;	0		
(f) Location and dimension of all areas to be protected as open space.			
(g) Location and dimensions of all, public buildings, public areas and other parcels of land proposed to be dedicated to or reserved for public use;	MA		
(h) Proposed location, boundaries and uses of all buildings.			
(i) Location and description of all swales, ponds, basins, fences, dikes or other devices required to control soil erosion and sedimentation or otherwise comply with the provisions of the Town Soil Erosion and Sedimentation Control Law (see Chapter 165).			
(j) Limits of pavement and parking areas of the Town Code);	0		
(k) Location and width of all proposed streets, alleys, rights-of-way and easements. The Planning Board shall have the right to name new developments and streets in accordance with historic characteristics of the community and the Ontario County 911 addressing policy.	0	width 3 private drive	
(l) Typical cross-sections, street profiles and drainage details for all streets. Such profiles shall at least show the following: existing grade along the proposed street center line; existing grade along each side of the proposed street right-of-way; proposed finished center-line grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; and, storm sewer mains, inlets, manholes and culverts;	0	site distance	

<b>Preliminary Site Plan Checklist - Chapter 220 Section 220-69</b>	<b>Shown on Plan by Applicant</b>	<b>Initial PRC Review</b>	<b>PRC Follow Up Review</b>
(m) Location and widths of all proposed driveway intersections with streets and sight distances there from. Suitable means of access in accordance with Town Code and Town of Canandaigua Site Design and Development Criteria.	0		
(n) Location and size of all proposed water mains, laterals, hydrants, meters, and valves;	0		
(o) Location of any public or private wells			
(p) Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts;	0		
(q) Location, size and design of proposed on site wastewater treatment systems;			
(r) Location of all other proposed utility lines and related facilities including, gas, electric and telephone;			
(s) Proposed vegetative land cover and landscaping;	0		
(t) Outdoor lighting;	0		
(u) Location and design of all signs	0		
(v) A description of all approvals required from outside agencies.	0		
(w) Schedule for development including a detailed sequence of construction and estimated dates for start and completion.			
(x) The Planning Board may require an applicant to submit additional information as may be needed to assess the potential impacts from the proposed development and			

<b>Final Site Plan Requirements - Chapter 220 Section 220-70</b>	<b>Shown on Plan by Applicant</b>	<b>Initial PRC Review</b>	<b>PRC Follow Up Review</b>
<b>A. Site plan size and legibility.</b>			
(1) Final site plans shall be on sheets no smaller than 8 1/2 inches by 11 inches and not larger than 24 inches by 36 inches. Where necessary, final site plans may be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.			
<b>B. The final site plan shall be clearly marked as final and shall show thereon or be accompanied by:</b>			
(1) All information provided on the approved preliminary site plan as well as any improvements, modifications and additional information required as part of the preliminary approval;			
(2) The names of developments and proposed streets which have first been approved by the Planning Board and Ontario County 911 Center;			
(2) Detailed sizing and final material specification of all required improvements;			
(4) Permanent reference monuments as required by any proper authority;			
(5) A detailed plan identifying all lands, easements, and rights-of-way which shall be commonly owned with the identification of the association responsible for said ownership and method of managing the commonly owned properties;			
(6) Copies of other proposed easements deed restrictions and other encumbrances;			
(7) Protective covenants, if any, in a form acceptable for recording;			



<b>Final Site Plan Requirements – Chapter 220, Section 220-70</b>	<b>Shown on Plan by Applicant</b>	<b>Initial PRC Review</b>	<b>PRC Follow Up Review</b>
(8) Cost estimates for improvements where surety may be required by the Planning Board including but not limited to: landscaping and storm water and erosion control measures. Sureties shall comply with Town Code § 174-32 "Surety";			
(9) The owner shall tender offers of cession, in a form certified as satisfactory by the Town Board Attorney, of all land included in streets, highways or parks not specifically reserved by the property owner. Although such tender may be irrevocable, approval of the site plan by the Planning Board shall not constitute an acceptance by the Town of the dedication or gift of any street, highway or park or other open public areas. A dedication or gift of any such improvements may only be accepted by resolution of the Town Board.			

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

\_\_\_\_\_  
Signature of Applicant / Representative

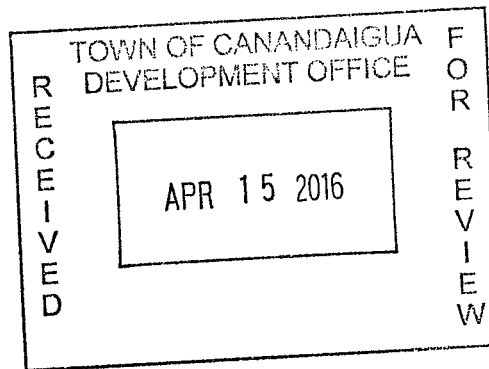
\_\_\_\_\_  
Date

# BME ASSOCIATES

ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS

April 15, 2016

Zoning Board of Appeals  
Town of Canandaigua  
5440 Route 5 & 20 West  
Canandaigua, NY 14424



**Re: Residences at West Lake  
Request for Setback Variances**

**2145C**

Dear Zoning Board Members:

On behalf of RSM West Lake LLC, we are requesting setback variances to construct boardwalks, stairs and retaining walls within the front setback and within the lake setback, if required.

We have simultaneously asked for interpretation that, if the Code requirements are determined in our favor, the variances would not be needed. Enclosed is the following in support of the request:

- Zoning Board Application Form
- Attachment to Request for Interpretation
- Boardwalk, Stair and Dock Plan, BME Drawing #2145C-21
- \$200 Application Fee

We look forward to discussing the request at your May 17, 2016 meeting. If you have any questions, please call.

Very truly yours,  
BME ASSOCIATES

Douglas B. Eldred, P.E.

DBE

Enclosure

c: Steve Mancini (w/encl.)  
Alan Knauf, Esq. (w/encl.)