

# 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:** April 25, 2023

**Project:** CPN-<sup>32</sup>~~B~~-086

**Applicant**

Marks Engineering  
c/o Brennan Marks, P.E.  
4303 State Route 5&20  
Canandaigua, NY 14424

**Owners**

Mark Laese  
3516 Sandy Beach  
Drive  
Canandaigua, NY  
14424

**Project Type**

Single-Stage Site  
Plan

**Project Location**

3516 Sandy Beach  
Drive

**Tax Map #**

98.15-1-43.100

**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    ☐ See attached resolution(s)

Recommendation:

CANANDAIGUA TOWN CLERK

APR 27 2023

**Surety Requirements:**

☐ Landscaping: \$

☐ Soil Erosion: \$

☐ Other (specify): \$

THIS APPROVAL SHALL EXPIRE IF YOU FAIL TO  
OBTAIN THE PLANNING BOARD CHAIR'S SIGNATURE  
ON THE FINAL PLAN BY: 10-25-23  
YOU ARE RESPONSIBLE FOR REQUESTING AN  
EXTENSION PRIOR TO THIS EXPIRATION DATE IF  
THIS REQUIREMENT CANNOT BE MET.

RECEIVED

**Surety Release:**

Certified By:

  
Chairperson, Planning Board

Date:

4/26/23

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

**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 tear down and construction of a new garage and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated November 29, 2022, last revised February 13, 2023 and all other relevant information submitted as of April 25, 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 Mark Tolbert and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, April 25, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

Mark Tolbert -	<i><b>AYE</b></i>
Scott Neal -	<i><b>AYE</b></i>
Bob Lacourse –	<i><b>AYE</b></i>
Amanda VanLaeken –	<i><b>AYE</b></i>
Charles Oyler -	<i><b>AYE</b></i>

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 April 25, 2023 meeting.

  
John Robortella, Secretary of the Board

CANANDAIGUA TOWN CLERK

APR 27 2023

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**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 tear down and construction of a new garage and associated site improvements on an existing parcel within the RLD zoning district, as shown on the Single-Stage Site Plan prepared by Marks Engineering, dated November 29, 2022, last revised February 13, 2023 and all other relevant information submitted as of April 25, 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 17, 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.
6. The site plans are to be revised to provide stormwater mitigation for the proposed improvements and new garage. These mitigation measures are to be shown on revised plans prior to signatures being affixed to the plans.
7. All approved variances as granted by the Town of Canandaigua Zoning Board of Appeals are to be detailed on the plans.

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**SINGLE STAGE SITE PLAN APPROVAL RESOLUTION**

The above resolution was offered by Mark Tolbert and seconded by Bob Lacourse at a meeting of the Planning Board held on Tuesday, April 25, 2023. Following discussion thereon, the following roll call vote was taken and recorded:

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Charles Oyler -	<i><b>AYE</b></i>

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 April 25, 2023 meeting.

  
\_\_\_\_\_  
John Robortella, Secretary of the Board

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**FINDINGS**

1. The Town of Canandaigua Planning Board is considering Single-Stage Site Plan Approval for the tear down of existing garage and 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 Marks Engineering, dated November 29, 2022, last revised February 13, 2023 and all other relevant information submitted as of April 25, 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 January 17, 2023 meeting.
6. A Zoning Law Determination was prepared dated December 1, 2022:

**DETERMINATION:**

Sandy Beach Drive intersects the parcel. There is an existing garage on the east side of which the applicant is proposing a 648 square foot addition.

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

- a. Existing conditions plan. Site was subject to site plan review in 2020 and construction has since been completed.
- 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. Garage elevations.

**REFERRAL TO ZONING BOARD OF APPEALS:**

Potential lot coverage variance request, tbd. Staff cannot determine, accurately, what variances are needed for this application.

**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
  - Canandaigua City Fire Department

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**FINDINGS**

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

CPN 2022-086

Laese – Sandy Beach

- Provide existing conditions/survey plan. Although an engineer can complete a survey – this application is for a variance which involve lot sizes and boundary. An existing conditions plan is required. Reference existing conditions plan on proposed site plan. The existing site was approved in 5/2020. – the survey reference utilized is from 2019. Provide a recent survey plan – since the construction of the 2020 project was completed.
- Planning Board application MUST be signed by owner in all locations. We cannot accept 'authorization form'.
- Site plan is lacking standard information required in checklist. Topography.. elevations..
- The site plan does not detail what is proposed and what is existing on the site plan.
- The 2020 plan detailed a smaller paved drive to the garage. This plan appears to have a wide drive. Is the existing site in violation of the approved 2020 site plan? Plan does not label area in front of existing garage.

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

**Additional Comments from the ECB Meeting:**

**Recommendations:**

- Application is incomplete and not ready for review.
- Photos taken by Mr. Kochersberger and put on the Board Docs page.

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

**Additional Comments from the ECB Meeting:**

- Mr. Kochersberger asked which concrete would be removed as there are concrete walkways and a large patio area near the lake. The Development Office has asked about the walkways but has not heard back on that issue.
- Existing lot coverage is 29.9%. The proposed is 36.3% with a variance request of 6.3%.
- Existing conditions previously missing have been submitted. Contours are not necessary for this lot as it is flat.
- Mr. Obenauer said that he and Mr. Kochersberger visited this property. He said that minimizing the driveway may help.
- Ms. Burkard suggested changing the walkways.
- Mr. Obenauer said that the garage is in rough shape and has pooling water around it.
- Mr. Casey suggested that the ECB make a suggestion to the Ordinance Committee regarding the use of permeable surfaces.



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**FINDINGS**

Discussion of pervious surfaces. This discussion will be added to the February ECB agenda. Ms. Burkard mentioned Kevin Olvaney's input should be solicited. Mr. Obenauer said that pervious surfaces should be seen as a positive good without being an offset.

- Ms. Burkard noted that in Chris Jensen's comments that there is a possible violation of the 2020 plan with a current driveway larger than what was noted on the 2020 plans. That would need resolution before this could move forward as this will be a key element to the lot coverage issue.
- Ms. Davey noted that there are plants that will help absorb water which may be useful on this site.

**Recommendations:**

- The ECB recommends that the variance not be granted and that the applicant revises plans and reduce lot coverage via reducing the garage size and/or removing concrete walkways/patios onsite to remain at or below the 30% lot coverage limit.
- The ECB requests that a landscaping plan, with inclusion of native species, be submitted for review before site plan approval.
- The ECB recommends that the existing conditions for the driveway be clarified and addressed, per Chris Jensen's comments regarding the 2020 plan, before this application moves forward.

10. Comments were received from MRB Group in a letter.

11. Frank Magnera, Canandaigua City Fire Department Fire Chief, responded in an email dated January 9, 2023, that he had no comments:

I have reviewed the application CPN-22086 & CPN -22- 089. I have no comments at this time.

I have also reviewed application CPN – 22085. I have no comments at this time for this application either.

12. The Planning Board has considered all comments as part of their review of the application.

13. 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.

14. The Planning Board thoroughly discussed the Shoreline Development Guidelines with the applicant.