

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424
(585) 394-1120 / Fax (585) 394-9476

PLANNING REVIEW COMMITTEE (PRC)

Monday, December 14, 2020 • 9:00 a.m.

MEETING MINUTES

All applicants are hereby given notice that the following report provides positive input to keep the application process moving forward. There may likely be additional PRC comments or Planning/Zoning Board of Appeals comments forthcoming based upon further review by the members of the PRC or respective boards.

If PRC requirements are not submitted by the deadline given in the minutes, the application will not appear on the Planning Board or Zoning Board of Appeals agenda(s).

ZONING BOARD OF APPEALS APPLICATION FOR TUESDAY, JANUARY 19, 2021

**CPN-20-073 Hanlon Architects, 1300 University Avenue, Rochester, N.Y. 14607;
representing Marcello and Stacy Battisti, owners of property at 3542
Sandy Beach Drive
TM #98.15-1-33.000**

November 17, 2020: Area Variance for front setback of 31.67 feet when 55 feet is required (variance of 23.33 feet) was denied.

November 17, 2020: Area Variance for lot coverage of 38 percent when 30 percent is the maximum (variance of 8 percent) was denied.

The application has been amended to remove the need for a lot coverage variance. The applicant requests a determination by the Zoning Board of Appeals that the application is not substantially similar to the original application and requests a rehearing on the front setback variance application.

Previous Planning Review Committee comments (October 13, 2020):

Application Information:

1. A Public Hearing **IS** required.

2. State Environmental Quality Review (SEQR)—**Type II Action.**
3. A referral to the Ontario County Planning Board **IS** required.
4. The Planning Review Committee will forward a copy of the application and supporting documentation to the following agency/agencies for their review and recommendation:

All are digital PDF files unless otherwise noted:

- John Berry, Canandaigua Lake County Sewer District (**paper copy**)
- Chris Jensen, Town Code Enforcement Officer
- Town Environmental Conservation Board
- MRB Group DPC
- Ontario County Planning Board
- Frank Magnera, Chief, Canandaigua City Fire Department
- Kevin Olvany, Canandaigua Lake Watershed Council

The applicant shall submit the following requested information to the Town Development Office **prior to 4:00 p.m. FRIDAY, DECEMBER 18, 2020**, to be considered for the **TUESDAY, JANUARY 19, 2021**, Zoning Board of Appeals agenda.

1. See attached ***One-Stage (Preliminary & Final) Site Plan Checklist***—All items with an open circle to the right must be addressed prior to the application being further processed, as follows:

General Content:

Name of the owner of the property.

Proposed Conditions: Development:

Location, size and invert elevations of all proposed sanitary and storm sewers, and location of all manholes and culverts.

Final Site Plan Requirements—Chapter 220, Section 220-70:

Cost estimates for improvements where surety may be required by the Planning Board including but not limited to: landscaping, and stormwater and erosion control measures. Sureties shall comply with Town Code § 174-32 “Surety.”

2. See Town Code Enforcement Officer Jensen for Code question, re: flood elevation.

New item to be addressed from the Planning Review Committee (December 14, 2020):

3. The applicant requests a determination by the Zoning Board of Appeals that the application is not substantially similar to the original area and requests a rehearing on the front setback Area Variance application. See Town Code § 220-92 (D):

D. Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application for appeals under the provisions of this chapter, takes action to deny the application, said Board shall refuse to hold further hearings on the same or substantially similar application for appeal by the applicant, their successors or assigns, for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon a unanimous vote of all members of the Board then present.

4. The applicant shall provide **2** complete hard copies of the plan. The applicant shall also submit a **PDF FILE** of the plans via e-mail to the Development Office at:

devclerk@townofcanandaigua.org

Information for the Applicant:

1. The applicant will receive a copy of the Zoning Board of Appeals agenda approximately 10 days prior to the meeting date. The applicant is required to be in attendance at the meeting. If the applicant cannot attend the meetings and wishes the Zoning Board of Appeals to act on the application in their absence, the applicant shall contact the Development Office prior to 12:00 p.m. the day of the meeting.
2. The property owner is on notice that no development shall commence until the proper permits have been obtained from the Town's Development Office.
3. Your application will be referred to an outside consultant and/or consultants hired by the Town of Canandaigua (Town Engineer, Watershed Inspector, Town Attorney, etc.). ***YOU—the property owner—will be invoiced by the Town for the reimbursement of these expenses.*** The property owner is on notice that he or she is responsible for reimbursing the Town for any/all consultant fees accrued by the Town regarding this application. This includes resolutions written by the Town Engineer for each Zoning Board of Appeals or Planning Board meeting.