

Town of Canandaigua

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

NOTICE OF VIOLATION – ORDER TO REMEDY

January 10, 2022

Marcello & Stacey Battisti
33 Cheshire Ridge
Victor, NY 14564

Parcel Address: 3542 Sandy Beach Drive
Tax Parcel Number: 98.15-1-33.000
Zoning District: RLD – Residential Lake District

You are hereby notified that you have been found to be in violation of the Town Code Chapter 220, Section 220-98, in that you failed to comply with approved site plan. Parcel owner has failed to remove agreed upon gravel drive (lot coverage) and installed additional asphalt (lot coverage) in conflict with approved site plans. Such violation is basis for revocation of the approval, and for imposition of penalties and other applicable remedies against the property owner.

Violation was observed by the Code Enforcement Officer on January 6, 2022.

The following corrective measures should be taken no later than February 11, 2022, or penalties may be assessed:

- Removal of asphalt lot coverage which does not conform to the approved site plan lot coverage.
- Stabilize disturbed area with erosion control measures.

The following shall be achieved no later than May 31, 2022, or penalties may be assessed:

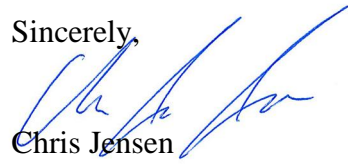
- Disturbed areas shall be vegetated.

As an alternative to corrective measures detailed above, the parcel owner may make complete application for site plan approval, with associated complete variance application(s). Upon receipt of complete application(s), the violation shall be placed on hold until determinations are made by the Town Planning Board and Zoning Board of Appeals.

PLEASE NOTE: Any person or persons owning, controlling or managing any building, structure or premises therein or where there shall be placed on or there exists anything in violation of any conditions imposed by the Town Board, Planning Board or the Board of Appeals; or who or which shall build or use any building or parcel of land contrary to the plans or specifications submitted to the Code Enforcement Officer and certified as complying with Town Code and the Uniform Code; and any person, firm, company or corporation who or which shall omit, neglect or refuse to do any act required by Town Code shall be guilty of an offense and subject to a fine not exceeding \$350, six months' imprisonment, or both, for a first offense; for conviction of a second offense, both of which were committed within a period of five years, subject to a fine of not less than \$350 nor more than \$700, six months' imprisonment, or both; and, for conviction of a third and subsequent offenses, all of which were committed within a period of five years, subject to a fine not less than \$700 nor more than \$1,000, six months' imprisonment, or both; and in addition may be ordered to pay all costs and expenses involved in the case. Every such person shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this article or of such local law, ordinance or regulation shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations.

If you have any questions, please contact me.

Sincerely,



Chris Jensen
Code Enforcement Officer – Town of Canandaigua

Enc: Photos dated 1/6/2022
 Planning Board approved site plan dated 10/06/2020, last revised 02/04/2021.
 Aerial image sketch detailing asphalt lot coverage