

# Town of Canandaigua

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

*Established 1789*

## ZONING LAW DETERMINATION

**PROPERTY OWNER:** Marcello & Stacey Battisti  
**PROPERTY ADDRESS:** 3542 Sandy Beach Drive  
**TAX MAP NUMBER:** 98.15-1-33.000  
**ZONING DISTRICT:** RLD – Residential Lake District

### DETERMINATION REFERENCE:

- Application for Area Variance, dated April 1, 2022. Received for review by Town on April 1, 2022.
- Plan titled "Drainage Improvements Plan" by Erin Joyce PE, dated March 31, 2022, received by the town on April 1, 2022.
- Plan titled "Existing Conditions" by Anthony Venezia, dated September 15, 2020.
- Plan titled "Battisti Residence" by Hanlon Architects, dated October 6, 2020, last revised February 4, 2021. Approved by Planning Board on July 25, 2021.
- Notice of Violation – Order to Remedy – dated January 7, 2022.
- Site Photos – dated January 6, 2022.

### PROJECT DESCRIPTION:

- Owner proposes to install 28'x40' area of porous pavement.
- Owner proposes a lot coverage of 44.1% when maximum lot coverage permitted is 30%.

### DETERMINATION:

- Parcel is currently under a Notice of Violation and Order to Remedy for failing to comply with conditions of site plan approval on July 25, 2021.
- Site is currently at 44.1% lot coverage when 32.9% lot coverage was approved on July 25, 2021.
- February 5, 2021 approved site plan detailed a lot coverage of 32.9%.
- Parcel owner failed to remove 645sq.ft. of paved drive as depicted on February 5, 2021 site plan.
- Parcel owner installed approximately 200sq.ft. of additional pavement beyond what was depicted as being removed on the February 5, 2021 site plan.

### REFERRAL TO ZONING BOARD OF APPEALS FOR:

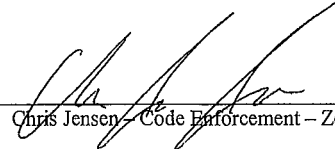
- Applicant requires a 14.1% lot coverage area variance.

### REFERRAL TO PLANNING BOARD FOR:

- Applicant requires updated site plan approval from Planning Board as proposed conditions do not conform to the July 25, 2021 approval.

**CODE SECTIONS:** Chapter(s) §1-17; §165; §220

**DATE:** April 20, 2022

**BY:**   
Chris Jensen – Code Enforcement – Zoning Officer

**CPN- 2022-028**

NYS Town Law, Section 267-a(5)(b), an appeal may be made to the ZBA within 60 days of the decision.

c: Binder  
Property Owner  
Town Clerk

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**CANANDAIGUA TOWN CLERK**

**APR 21 2022**

**RECEIVED**

