

Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: 004-16

ZONING BOARD OF APPEALS APPLICATION

FOR: ☒ AREA VARIANCE ☐ USE VARIANCE ☐ INTERPRETATION

Permission for on-site inspection for those reviewing application: ☒ Yes ☐ No

1. Name and address of the property owner: Peter B. Schottland
4711 North Menteth Drive Canandaigua, NY 14424

Telephone Number of property owner: (585) 396-0490

Fax # N/A E-Mail Address: N/A

If you provide your e-mail address, this will be the primary way we contact you

2. Name and Address of Applicant if not the property owner:

Dominick Caroselli 64 Stonington Drive Pittsford NY 14534

Telephone Number of Applicant: (585) 353-3307 drc-inc@yahoo.com (Dominick)

Fax # E-Mail Address: Proengineer1@prodigy.net ← pls send to this email as well. Thx.

If you provide your e-mail address, this will be the primary way we contact you

3. Subject Property Address: 4711 North Menteth Drive

Nearest Road Intersection: Wyffels Road

Tax Map Number: 140.11-1-20 Zoning District: RLD

4. Is the subject property within 500' of a State or County Road or Town Boundary? (If yes, the Town may be required to refer your application to the Ontario County Planning Board.)

Please circle one:

YES

NO

5. Is the subject property within 500' of an Agricultural District? (If yes, an Agricultural Data Statement must be completed and submitted with this application – for use variance applications only.)

Please circle one:

YES

NO

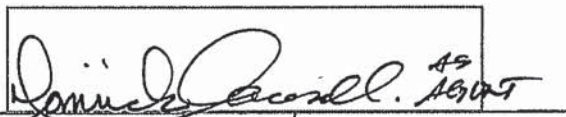
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6. What is your proposed new project and the variance(s) or interpretation requested?
Construction of additional patio area connecting to the existing patio plus construction of
an outdoor fireplace adjoining the patio as shown on the project plans. Additional lot
coverage results from project - 37.5% versus 25% allowed per current code.
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.

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***

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)

agent for owner

1/15/16

(Date)

TESTS FOR GRANTING AREA VARIANCES

BE VERY SPECIFIC WHEN ANSWERING THESE QUESTIONS

"Area variance" shall mean the authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

(Town Law Section 267, subsection 1.(b)).

In deciding whether to grant an area variance, the Zoning Board of Appeals takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community. (Town Law Section 267-b, subsection 3.(b)).

To enable the Zoning Board of Appeals to grant an area variance, the applicant must present substantial evidence concerning the following topics by providing supporting evidence for each. Attach additional sheets if necessary.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.

No. The additional patio area is modest in size and will be placed in a location that is presently
secluded by the existing southerly parcel and multiple mature trees.

- (2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.

No. The proposed total patio area is more proportional to the existing building size for outdoor usage
as noted by the owners living there.

- (3) Whether the requested area variance is substantial.

No because the revised lot coverage is still below the original lot coverage percentage -
see calculations.

- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

No. Largely for the same reasons stated in items 1 and 2 above.

- (5) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA, but shall not necessarily preclude the granting of the area variance.

Yes.

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JAN 15 2016

FOR REVIEW

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

Phone: (585) 394-1120 / Fax: (585) 394-9476

CPN #: _____

Sketch Plan Checklist

Applicant: Dominick Caroselli


Project Address: 4711 North Menteth Drive Canandaigua NY 14424

Tax Map #: 140.11-1-20 Zoning District: RLD

Project Description Narrative: Construction of additional patio area connecting to the existing patio plus construction of an outdoor fireplace adjoining the patio as shown on the project plans.

Sketch Plan Checklist – Chapter 220 §220-66 (Not required for any property in a major subdivision)	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. The sketch plan shall be clearly designated as such and shall identify all existing and proposed:			
1) Zoning classification and required setbacks.	X		
2) Lot lines.	X		
3) Land features including environmentally sensitive features identified on the NRI. (woods, streams, steep slopes, wetlands)	X		
4) Land use(s). (residential, agricultural, commercial, or industrial)	X		
5) Utilities. (i.e. location of electric, gas, well, septic, sewer, cable)*	X		
6) Development including buildings, pavement and other improvements including setbacks.	X		
7) Location and nature of all existing easements, deed restrictions and other encumbrances.	X		
B. Sketch plans shall be drawn to scale.	X		
C. It is the responsibility of the applicant to provide a sketch plan that depicts a reasoned and viable proposal for development of the lot.	X		

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

 AS AGENT
Signature of Applicant / Representative
agent for owner

1/15/16
Date

*May be obtained from UFPO – dial 811 for assistance.

RECEIVED

TOWN OF CANANDAIGUA
DEVELOPMENT OFFICE

JAN 15 2016

FOR REVIEW

Town of Canandaigua

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

CPN#: _____

One-Stage (Preliminary & Final) Site Plan Checklist

Applicant: Dominick Caroselli

Project Address: 4711 North Menteth Drive Canandaigua, NY 14424

Tax Map#: 140.11-1-20 Zoning District: RLD

Project Description Narrative: Construction of additional patio area connecting to the existing patio plus construction of a new outdoor fireplace adjoining the patio.

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.	X		
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.	X		
C. The preliminary site plan shall be clearly marked as preliminary and show all of the following information:	X		
(1) General Content			
(a) All dimensions shall be shown in feet and in hundredths of a foot.	X	✓	
(b) Proposed development name or identifying title (Preliminary Site Plan of Property Owner);	X	✓	
(c) Name of the owner of the property;	X	✓	
(d) Names of owners of all abutting land;	X	✓	
(e) Name and seal of the New York State licensed professional engineer or surveyor responsible for the plan;	X	✓	
(f) Date, North point and scale. The site plan shall be at a scale of no more than 100 feet to the inch;	X	✓	
(g) A legible location map;	X	✓	
(h) A map revision box;	X	✓	

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;	X	✓	
(j) A signature block for the Planning Board Chairperson and others as may be required;	X	✓	
(k) An area for general map notes;	X	✓	
(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;	N/A	—	
(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/A	—	
(n) Current zoning of the land including district boundaries and all setback dimensions for said zoning district(s);	X	✓	Remove site data for 5273 Menteth
(2) Existing Conditions			
(a) All existing property lines, with bearings and distances including the subject (parent) parcel Tax Map numbers;	X	✓	
(b) Area of the subject lot(s);	X	✓	
(c) Required building setback lines on each lot;	X	✓	
(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:	X	✓	
[1] The length of all straight lines, radii, lengths of curves and tangent bearings for each street; and	X	✓	
[2] All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.	X	✓	
(e) The boundaries and nature of all existing easements, deed restrictions and other encumbrances;	X	○	water
(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.	X	✓	
(g) Existing vegetative land cover;	X	○	trees in patio area
(h) Delineation of natural features described in the NRI including;			
[1] existing watercourses	X	✓	
[2] tree masses and other significant land cover	X	○	
[3] land exceeding a slope of 10%.	X	✓	
[4] NYSDEC or Federally regulated wetland	N/A	○	National Wetland
[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;	X	○	Need Floodplain Permit APP
[6] other natural features identified in the NRI	X		
(i) All existing significant man-made features including but not limited to:			
[1] buildings with property line setbacks	X	✓	
[2] width, location, and sight distances for all private driveways	X	○	
[3] limits of pavement and parking areas	X	✓	

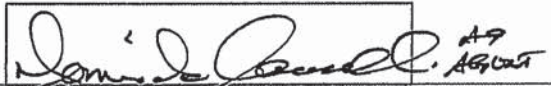
Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
[4] existing streets on or adjacent to the subject lot including names, right-of-way widths and pavement widths	X	✓	
[5] sanitary and storm sewers	X	○	septic lines
[6] wastewater treatment systems	X	○	
[7] public and private wells, water mains and fire hydrants	X	○	
[8] drainage features including, storm water ponds, swales, culverts, and known underground drain tiles	X	⊗	
[9] Location of all other existing utility lines and related facilities including, gas, electric and telephone.	X	✓	
(j) Agricultural infrastructure including surface and subsurface drainage systems, and access lanes for farm equipment.	X	—	
(3) Proposed Conditions: Development			
(a) Delineation of all proposed sections or phases if any;	X	—	
(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.	X	○	staging area and limits of disturbance
(c) Existing and proposed contours, at vertical intervals of no more than five feet;	X	✓	
(d) The boundaries and nature of all proposed easements, deed restrictions and other encumbrances	X	✓	
(e) The proposed building setback from each property line and other buildings on the same lot;	X	✓	
(f) Location and dimension of all areas to be protected as open space.	N/A	—	
(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;	N/A	—	
(h) Proposed location, boundaries and uses of all buildings.	X	✓	
(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).	X	○	water quality-addn'l impervious surface
(j) Limits of pavement and parking areas of the Town Code;	X	✓	
(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.	N/A	—	
(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;	N/A	—	

Preliminary Site Plan Checklist - Chapter 220 Section 220-69	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(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.	X	—	
(n) Location and size of all proposed water mains, laterals, hydrants, meters, and valves;	X	—	
(o) Location of any public or private wells	X	—	
(p) Location, size and invert elevations of all proposed sanitary and storm sewers and location of all manholes inlets and culverts;	X	—	
(q) Location, size and design of proposed on site wastewater treatment systems;	X	—	
(r) Location of all other proposed utility lines and related facilities including, gas, electric and telephone;	X	—	
(s) Proposed vegetative land cover and landscaping;	X	○	10-10-10 not legal
(t) Outdoor lighting;	N/A	—	
(u) Location and design of all signs	N/A	—	
(v) A description of all approvals required from outside agencies.	X	—	
(w) Schedule for development including a detailed sequence of construction and estimated dates for start and completion.	X	○	
(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	X		

Final Site Plan Requirements – Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
A. Site plan size and legibility.			
(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.	X		
B. The final site plan shall be clearly marked as final and shall show thereon or be accompanied by:			
(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;	X		
(2) The names of developments and proposed streets which have first been approved by the Planning Board and Ontario County 911 Center;	X		
(2) Detailed sizing and final material specification of all required improvements;	X		
(4) Permanent reference monuments as required by any proper authority;	N/A		
(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;	X		

Final Site Plan Requirements – Chapter 220 Section 220-70	Shown on Plan by Applicant	Initial PRC Review	PRC Follow Up Review
(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";	N/A		
(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.	N/A		

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.

 ¹⁷
Agent

Signature of Applicant / Representative

1/15/16

Date

agent for owner