

142 - 2018	Town of Canandaigua Zoning Board of Appeals	Class: AR 1
Referral Type:	Area Variance	
Applicant:	Smith, Evan & Kristen	
Tax Map No(s):	153.00-1-56.210	
Brief Description:	Variance for construction of a garage in the front yard of a home at 5325 ST 21 south of Monks Road in the Town of Canandaigua.	

Applicant is requesting a variance for placing a garage in the front yard, with a 10' front setback when 60' is required, and a 19.25' height when 16' is allowed.

Policy AR-5: Applications involving one single family residential site, including home occupations.

The intent of this policy is to:

1. Address residential development that may infringe on County ROW's or easements for roads and other infrastructure.
2. Address traffic safety along intermunicipal corridors by encouraging proper placement of residential driveways along County roads.
3. Address impacts to ground and surface waters

Section C - All other applications subject to policy AR-5.

Final Classification: Class 1

Findings:

1. One-and two-family residential uses represent 63% of the 49,354 parcels on the 2017 Ontario County assessment roll. Between 2012 and 2017 1,067 single family residential parcels were added and 13 two-family were removed. These parcels represent 89% of all parcels added county-wide.
2. Collectively individual residential developments have significant impacts on surface and ground water.
3. Proper design off on-site sewage disposal is needed to protect ground and surface waters.
4. Proper storm water and erosion control is also needed to achieve that same end.
5. Proper sight distance at access points along County roads is an important public safety issue of county wide significance.
6. Standards related to protecting water quality and traffic safety have been established by agencies such as the American Association of State Highway and Transportation Officials (AASHTO), and NYSEDC.
7. These issues can be addressed by consulting appropriate agencies during local review and ensuring that those standards are met

Final Recommendation – With the exception of applications described in Policy 5 Sections A and B, the CPB will make no formal recommendation to deny or approve applications involving one single family residential site, including home occupations.

Comments:

1. The Town is encouraged to grant only the minimum variance necessary to allow reasonable use of the lot.
2. The applicant and referring agency are strongly encouraged to involve Ontario County Soil and Water Conservation District or Canandaigua Lake Watershed Manager as early in the review process as possible to ensure proper design and implementation of storm water and erosion control measures.

143 - 2018	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	Thormton, Glenn	
Property Owner:	DeGraw, Kevin	
Tax Map No(s):	56.00-1-57.000	
Brief Description:	Site plan and special use permit for development of a 60'x40' boat sales building and related improvements	

as 2121 SR 332 south of Yerkes Road.

http://www.co.ontario.ny.us/DocumentCenter/View/14758/143_18-Aerial

<http://www.co.ontario.ny.us/DocumentCenter/View/14759/143-2018-boat-sales-site-landscape-plan>

The applicant has proposed a 2,400 SF boat sales/service building and a lighted outdoor display/sales area on the 2.88 acre site. Proposed access is right in/right out from SR 332. The area of disturbance for the access drive, building, and raised fill onsite wastewater treatment system is .9 acres. The site plan conforms to the 150' front setback for uses on SR 332, 200' lot width and provides the minimum of 10 parking spaces required for a motor vehicle sales use. The site plan also shows the required 75' landscaped buffer to existing residential areas to remain undisturbed.

According to OnCor, the property to the north is in an agricultural district. No floodplains or wetlands or steep slopes are indicated. On site soil characteristics are as follows:

Collamar Silt Loam 0-3 % 1.2 acres 3 - 8 % .47 acres

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Not Hydric**

Cayuga Silt Loam 3 - 8 % 1.18 acres

Prime Farmland

Permeability: moderately high **Erodibility:** very high

Hydrological Group C/D **Not Hydric**

The Town of Canandaigua Zoning Code for the Community Commercial districts allows:

The sale, lease or rental of vehicles, provided that:

(a) Such sales shall be conducted in a fully enclosed building located on the same lot and having a building area of not less than 1,000 square feet devoted to the sales and services of vehicles.

(b) The sale of vehicles may be carried on in an unenclosed area, provided that:

[1] Such area is on the same or an adjacent lot to such building. If the enclosed area is on an adjacent lot, the lot shall be not more than 200 feet from the lot with the building and shall further be in the same ownership as said building, be in a Community Commercial (CC) District, and be used for no other purpose.

[2] Such unenclosed area shall be paved, shall be suitably drained, and shall be maintained in a neat and orderly manner.

[3] All exterior illumination shall be approved by the Planning Board and shall be shielded from the view of all surrounding properties and streets in compliance with Town Code § 220-77.

[4] Suitable landscaping and/or fencing of such unenclosed area shall be required.

[5] As used in this section, the sale of new vehicles shall be deemed to mean only the sale of such vehicles under a franchise granted to the person, firm, or corporation conducting such business by a vehicle manufacturer. Used vehicles shall be sold only in connection with the sale of new automobiles.

[6] No establishment for the sale of new and used vehicles shall be opened, conducted, or maintained except as provided above. Site plans for any changes required to bring about such conformance shall be submitted to and approved by the Planning Board before any such change shall be made. The Planning Board may approve, modify, or disapprove such plans and may impose reasonable and appropriate conditions to such approval so that the spirit of this chapter shall be observed.

Comment OCSWCD – As new construction with an alternative system design, the wastewater treatment system requires NYS Department of Health review and approval. In its review, NYSDOH should consider any negative impacts from the 6" deep interceptor swale to the north that is directed to the raised fill onsite wastewater treatment system.

Comment NYSDOT - Plans for work in the ROW under review by the regional office.

Comments:

1. The site plan retains much of the site in an undisturbed state and retains existing mature trees. The site plan does not show the 25' street side landscape buffer as required by code.
2. With the proposed removal of the Site Design and Development from the Town code, what access controls will be required? At a minimum the applicant should be required to allow cross access to adjacent parcels to ensure future development can conform to Town policy of 220' driveway spacing for uses generating less than 150 peak hour trips on state roads.

CPB Comments

1. Applicant's engineer indicated the width of the 332 ROW and the slope of the frontage make it not suitable for a frontage access road and the proposed driveway is intentionally located near the southern end of the site to allow for required separation with any driveway on the parcel to the north. The property to the south is owned by NYSDOT and not available for development. Given the right-in/right-out access, the applicant and the Town may still want to explore provision of cross access toward the rear of the site with the corner parcel to the north.

Board Motion: To retain referral #143-18 as a class 1 and return it to the local board with comments.

Motion made by: Mary Bogin

Seconded by: Glen Wilkes

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

144 - 2018	Town of Canandaigua Planning Board	Class: 1
Referral Type:	Site Plan	
Applicant:	McFarland Johnson	
Property Owner:	Ontario County IDA	
Tax Map No(s):	70.00-1-74.110	
Brief Description:	Site Plan for construction of a 2,688 SF snow removal equipment building by the IDA at the Canandaigua Airport 2450 Brickyard Road in the Town of Canandaigua. http://www.co.ontario.ny.us/DocumentCenter/View/14760/144_18-Aerial http://www.co.ontario.ny.us/DocumentCenter/View/14761/144-2018-detail-sheet-Brickyard-Road-2450-20185-08-17-Site-Plan	

The building is setback 551' from the Thomas Road airport maintenance entrance and 1380' from Brickyard Road. The project involves a 64'x 42' building with 4 overhead doors, a 64' wide gravel driveway area in front of the building, and extension of underground water, gas and electric utilities to serve the new snow removal equipment building.

According to OnCor, lands to the west and south are in an agricultural district. No wetlands, floodplains, or steep slopes are indicated. The soils in the vicinity of the proposed building are Lakemont silty clay loam with the following characteristics:

Farmland of Statewide Importance

Permeability: moderately low

Erodibility: very high

Hydrological Group D

Partially Hydric

Board Motion: To block referrals #144-18, 145-18, 153-18, 153.1-18, 158-18, and 160-18 together and retain them as C-1s and return them to the respective local board with comments.

Motion made by: Patti Wirth

Seconded by: Mike Woodruff

Vote: 14 in favor, 0 opposed, 0 abstentions. **Motion carried.**

145 - 2018	Town of Canandaigua Zoning Board of Appeals	Class: 1
Referral Type:	Area Variance	
Applicant:	Creek View Apartment Housing Development	
Tax Map No(s):	84.00-1-44.100	
Brief Description:	Area variance for building #12 in phase 1 of Creekview Apartments at Woodland Park, 3005 Creekview Drive, west of CR 10 in the Town of Canandaigua.	

The building was accidentally built 19.5' from the side lot line when 20' is required.