

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, New York 14424

ENVIRONMENTAL CONSERVATION BOARD MEETING AGENDA

Established November 4, 2009

THURSDAY, JANUARY 7, 2021, 4:30 P.M.

PREPARED 12/14/2020

*The meeting WILL NOT be held at the Town Hall.
The meeting will be conducted via Zoom.com Video Conference*

Topic: Environmental Conservation Board
Time: Jan 7, 2021 04:30 PM Eastern Time (US and Canada)

Every month on the First Thu, until Jan 7, 2021, 1 occurrence
Jan 7, 2021 04:30 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: https://us02web.zoom.us/meeting/tZMlf-6hrD4tGtMu3jK2XZyIzYICDM3wDzkw/ics?icsToken=98tyKuGvpjMtE9aQtxmARpwEGoqgKPPzpiVajbdwiUzvKHJrWBrfLNtrEZZSQ8_0

Join Zoom Meeting
<https://us02web.zoom.us/j/87887925707>

Meeting ID: 878 8792 5707

One tap mobile
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Dial by your location
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+1 346 248 7799 US (Houston)
+1 669 900 9128 US (San Jose)
+1 253 215 8782 US (Tacoma)
Meeting ID: 878 8792 5707

Find your local number: <https://us02web.zoom.us/u/kdZNTaDyf6>

AGENDA

Meeting Called By: NAME, *Acting Chairperson*

Board Members: Justin Damann Gary Kochersberger
Edith Davey Pat Venezia
Saralinda Hooker

Recording Secretary: John Robortella

Town Representative:

Guests:

- a. Call to Order by the Acting Chairperson
- b. Pledge of Allegiance
- c. Introduction of Guests by the Chairperson
- d. Organizational Meeting—Per the adopted 2020 Rules of Procedure
 1. Election of the Recording Secretary
 2. Election of the Vice Chairperson
 3. Adoption of 2021 Meeting Schedule
 4. Adoption of 2021 Rules of Procedure
 5. Establishment of Standing Committees, if any, from the Members of the Board
- e. Approval of the Minutes—December 3, 2020
- f. Privilege of the Floor
- g. Report of the Development Office
 1. Results of Previous Applications (Reviewed on December 3, 2020)

CPN-20-078

**Wyffels Farm LLC, owner of property at 4060 Middle
Cheshire Road**

Requesting a Single-Stage Subdivision approval to
subdivide 145 acres into two lots: Lot #1 of 2.0 acres

(residence to convey to daughter) and Lot #2 of 143 acres to remain farmland.

Result: Approved by the Planning Board, 12/8/2020

CPN-20-080

McMahon LaRue Associates P.C, representing Lynn Farash, owner of property at Lot R1B, corner of State Route 332 and Thomas Road.

Requesting a Sketch Plan Review for construction of a proposed Ziebart retail store (moving from the existing location at 2475 State Route 332).

Result: Discussed by the Planning Board, 12/8/2020

CPN-20-081

Wildcat Renewables LLC, representing Wanda Polisseni, owner of property at 5575 State Routes 5 & 20

Requesting a Sketch Plan Review for Buffalo Road Solar Project (small-scale community solar project on approximately 24 acres of an approximately 60-acre parcel).

Result: Discussed by the Planning Board, 12/8/2020

CPN-20-082

Aura Power Solar USA and Bergmann Architects, representing John H. Aikey Jr., owner of property at 2890 County Road 10

Requesting a Sketch Plan Review for the proposed Canandaigua Solar Farm.

Result: Discussed by the Planning Board, 12/8/2020

CPN-20-086

Marks Engineering, representing Gina Falbo-Roides, owner of property at 4765 Seneca Point Road

Requesting a Sketch Plan Review for a five-lot Conservation Subdivision of 75 acres into five lots.

Result: Discussed by the Planning Board, 12/8/2020

2. Comprehensive Plan Update

ECB review and recommendations on Comprehensive Plan Update Goals and Action Items

h. Report of the Committees

i. Results of referrals from the Town Board

Public Hearing on Text Code Amendment: Regulation of Short Term Rental Units
Town Board Resolution #220-225 (October 29, 2020)

Public Hearing was held December 21, 2020, 6:00 p.m.

Result:

- j. Referrals from the Citizens' Implementation Committee (CIC)
- k. Referrals from the Ordinance Committee

Follow-up (if any) on referral from the ECB to the Ordinance Committee, re: planning issues related to Fallbook Park–Sandy Bottom Drive–Poplar Beach:

- l. Referrals from the Planning Review Committee (PRC) (Ms. Hooker, Mr. Damann)
Referred December 14, 2020

CPN-19-059

John Casey, owner of property at 3814 County Road 16

TM #112.00-1-72.00

Amended Site Plan approval and Area Variance for installation of pavers in lieu of top soil as a walkway for wheelchair accessibility along the lakefront and in front of the accessory structure.

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.

(See ECB previous comments on this application from the minutes of November 5, 2020, following the agenda.)

CPN-20-084

Architectural Innovations, c/o Jack Sigrist, 99 Shoreham Drive, Rochester, N.Y. 14618; representing Daniel and Rina Chessin, owners of property at 4847 County Road 16

TM #140.18-1-5.000

Requesting an Area Variance for expand the lakeside deck and screen porch eight feet, reducing the setback to 52 feet when 60 feet is required.

CPN-20-088**Stephen Hayes Fletcher, owner of property at 6270–6272
County Road 32**

TM #111.00-1-46.110

Requesting a Single-Stage Subdivision approval to create Lot #1 at 6.493 acres and Lot #2 at 254.307 acres. Subdivision is for inheritance purposes only. No major development is intended. Subdivision is comply with the will of Eleanor Fletcher.

m. Old Business**1. ECB Page for Town Newsletter: January, February and March
(Ms. Venezia)**

January: Invasive Species: Spotted Lanternfly, Gypsy Moth, Woolly Adelgid

February: Topic to be determined

March: Topic to be determined

2. Town Hall Display Case (Ms. Davey)

Current exhibit: Wildlife Footprints in the Snow

Spring exhibit: Topic to be determined

3. Vacancies on the ECB**n. New Business****o. Member Reports**

- Citizens Implementation Committee Representatives
- Local History Team
- Town Environmental Committee
- Town Tree Board

p. Future Training Opportunities:**1. NYS Department of State Local Government Training Calendar posted here:
<https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>**

January 12, 2021

Zoning Board of Appeals Overview

5:00 p.m.–7:00 p.m.

<http://www.dos.ny.gov/lg/lut/index.html><https://www.dos.ny.gov/lg/pdf/LGTrainingSchedule.pdf>**2. General Code e-Code**

Daily drop-in lunchtime training Q&A sessions plus webinars in several categories.

Information:

<https://www.generalcode.com/training/>**3. Future Training Opportunities Online:**

Ontario County Planning Department website now lists upcoming training:

<https://www.co.ontario.ny.us/192/Training>**q. Adjournment and Next Meeting**Next meeting: **February 4, 2021, 4:30 p.m.**

Subsequent meeting will be held on:

Thursday, March 4, 2021

Thursday, April 1, 2021

Thursday, May 6, 2021

Thursday, June 3, 2021

Thursday, July 1, 2021

Thursday, August 5, 2021

Thursday, September 2, 2021

Thursday, October 7, 2021

Thursday, November 4, 2021

Thursday, December 2, 2021

Thursday, January 6, 2022

Excerpt from ECB Minutes, November 5, 2020:

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

Requesting a Single-Stage Site Plan approval for a proposed home addition (approximately 658 square feet) on the front of the house.

Variances requested:

Front Setback: 36.16 feet (55 feet is required)

Lot Coverage: 38 % (30% is required, 34% is existing)

Mr. Cooper presented this application.

He said that the applicant proposes to construct an addition on the east side of the existing house (not on the lake side). A Front Setback variance is required for the setback from Sandy Beach Drive. A Lot Coverage variance is required for the increase in impervious surfaces.

Mr. Cooper said that one tree in the center of the lot is proposed for removal (not on the lake side).

Ms. Venezia asked about grading around the new addition and stormwater management on the site. Mr. Cooper said that a grading plan was not shown on the plans. Ms. Marthaller requested that drainage and landscaping be added to the ECB recommendations on this application.

Ms. Marthaller asked about comments from Town Code Enforcement Officer Chris Jensen regarding the location of the property in the floodplain of the lake. Mr. Cooper reviewed Mr. Jensen's comments.

Ms. Marthaller said that the applicant's response to compliance with the Shoreline Development Guidelines is not adequate. She requested that the Planning Board make sure that a statement on compliance with the Shoreline Development Guidelines is provided by the applicant.

Ms. Marthaller said that the Town needs to get serious about climate-warming strategies, natural resource protection management strategies, and the ability to leverage for the planting of more trees. She said that the canopies of trees will be an important aspect to mitigate the effects of global warming.

Ms. Hooker submitted the following review of this application:

Summary of key points:

- Request for a proposed home addition of 658 sq. ft. on the driveway side.
- Front setback variance is requested (36 feet instead of 55 feet).
- Lot coverage variance is requested (38% instead of 30%). Existing condition is 34% lot coverage.
- Adjacent homes to the north and south have roughly similar setbacks from Sandy Beach Drive.
- Site has land on both sides of Sandy Bottom Drive, with a relatively new garage constructed on the rear portion (by a prior owner). The garage is 970 sq. ft., the largest in the neighborhood, and put the parcel over the permitted lot coverage level (presumably a variance was granted then).
- Site has 818 feet of patio space and walkways on lake side, assumed to be impervious, although the material is not identified on the site plans.

Environmental concerns:

- Sandy Bottom Drive and Fallbrook Park have the Town's most dense lakefront development, with small lots originally created for small seasonal cottages in the early decades of the 20th century. Over the years, most of the cottages have been winterized and enlarged or replaced with larger year-round homes. This site is one of the few remaining structures retaining the size, massing and visual character of the original cottages. However, the proposed addition is reasonably compatible with the character of the existing home and allows retention of the historic part of the home.
- The Town's Zoning law does not reflect the small lot sizes of the Fallbrook Park–Sandy Bottom Drive neighborhood, requiring variances when owners wish to follow the ongoing trends toward ever higher lot coverage. Many variances have been granted over the years suggesting that the Town is not serious about maintaining its site development standards for this neighborhood.
- No provisions to accommodate the additional site drainage on the property are indicated on the site plan.
- No provisions for landscaping or compliance with the Town's Shoreline Guidelines are included in the application.

Recommendation:

- ECB does not support further expansion of the lot coverage for this site, particularly because one lot coverage variance was granted in the recent past and

increases in impervious surfaces near the lake add to the long term degradation of lake water quality. We suggest that the applicant modify the proposal to maintain or lower the lot coverage by removal of a portion of the impermeable patio area.

- ECB requests that the application materials be supplemented to address drainage and landscaping.
- ECB also suggests that the Ordinance Committee consider changes to the zoning and/or site development standards to better address the site planning issues related to the Fallbrook Park–Sandy Bottom Drive–Poplar Beach neighborhood (especially front-yard setback and lot coverage), with the intent of creating reasonable town standards that the ZBA is willing and able to consistently uphold.