

Town of Canandaigua

5440 Routes 5 & 20 West
Canandaigua, NY 14424

ZONING BOARD OF APPEALS

Tuesday March 1, 2016, 6:00 p.m.

MEETING AGENDA

MEETING CALLED BY: Terence Robinson, Chairperson
BOARD MEMBERS: David Emery, Bob Hilliard, Kelly La Voie, Chip Sahler
ALTERNATE MEMBER: N/A
SECRETARY: Cheryl Berry
STAFF MEMBERS: Amanda Catalfamo, Development Office
Douglas Finch, Director of Development
Christian Nadler, Attorney

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARINGS:

- CPN-085-15 John Casey, owner of property at 3796 County Road 16, TM#113.09-2-3.000, is requesting area variances to place an in-ground swimming pool in the RLD zoning district. (*rehearing approved at 12/15/15 ZBA meeting*) *Applicant has made a request to appear at March 15, 2015 Meeting*
- CPN-102-15 Meagher Engineering, representing Sandy Kolupski, owner of property at 3478 Sandy Beach Drive, TM#98.15-1-60.000, is requesting area variances for a garage addition in the RLD zoning district.
- CPN-113-15 Scott Norris, owner of property at 5540 Wells Curtice Road, TM#125.00-1-18.110, is requesting an area variance to place solar panels in the AR-2 zoning district.
- CPN-114-15 Marathon Engineering, representing Ted Brewer, owner of property at 4727 County Road 16, TM#140.11-1-30.000, is requesting variances to tear-down and rebuild a single-family dwelling in the RLD zoning district. *Applicant has made a request to appear at March 15, 2016 Meeting*

NEW PUBLIC HEARINGS:

- CPN-002-16 Gerald Maslyn, owner of property at 5075 Canandaigua-Farmington Townline Road, TM#56.02-1-2.221, is requesting an area variance to place a detached garage in the front yard in the AR-2 zoning district.
- CPN-003-16 Kevin & Catherine McWilliams, owners of property at 3879 Middle Cheshire Road, TM#112.04-1-1.531, are requesting an area variance to place an accessory structure (pole barn) on a vacant lot in the R-1-30 zoning district.
- CPN-004-16 DVC, Inc., representing Schottland Chosen Spot LLC, owner of property at 4711 North Menteth Drive, TM#140.11-1-20.000, are requesting area variances to expand an existing patio and place an outdoor grill in the RLD zoning district.

CLOSED PUBLIC HEARINGS: *None at this time*

BOARD BUSINESS:

1. Approval of January 19, 2016 Meeting Minutes
2. Review of Next Month's Agenda (March 15, 2016)
3. Requests for Hearing: None at this time

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

John Casey
3796 County Road 16
Canandaigua, NY 14424

Owner

John Casey
3796 County Road 16
Canandaigua, NY 14424

Project Type

Install in-
ground
swimming
pool, shed

Project Location

3796 County Road 16

Tax Map #

113.09-2-3.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

SEQR:

Type I Type II

Variance/Interpretation Requested:

Unlisted

See Attached resolution(s)

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016

Negative Declaration Date:

See attached resolution(s)

Positive Declaration Date:

VOTING:

Bob Hilliard
Dave Emery
Kelly LaVoie
Chip Sahler
Terence Robinson

AYE
 AYE
 AYE
 AYE
 AYE

NAY
 NAY
 NAY
 NAY
 NAY

Abstained
 Abstained
 Abstained
 Abstained
 Abstained

REASONS/CONDITIONS:

Application continued until March 15, 2016 at the applicant's request

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

Town of Canandaigua

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:12/15/2015

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 085-15

Applicant

Meagher Engineering
P.O. Box 76
Victor, NY 14564

Owner

Sandy Kolupski
126 Fiddlers Hollow
Penfield, NY 14526

Project Type

Detached
garage
addition

Project Location

3478 Sandy Beach
Drive

Tax Map #

98.15-1-60.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct an addition to a detached garage with a total square footage of 961.4 s.f. when no more than 900 s.f. are allowed? Applicant is requesting a 61.4 s.f. area variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on November 13, 20, and 24, 2015 and February 2, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Granting this variance would create an undesirable precedent. The variance is substantial when viewed with the entire lot. Allowing the expansion of such non-conformity without any compelling reason or unusual circumstances undermines the intent of the Town Zoning Code.

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:12/15/2015

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 085-15

Applicant

Meagher Engineering
P.O. Box 76
Victor, NY 14564

Owner

Sandy Kolupski
126 Fiddlers Hollow
Penfield, NY 14526

Project Type

Detached
garage
addition

Project Location

3478 Sandy Beach
Drive

Tax Map #

98.15-1-60.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct an addition to a detached garage with a proposed building coverage of 27.7% when no more than 20% is allowed? Applicant is requesting a 7.7% area variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on November 13, 20, and 24, 2015 and February 2, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Granting this variance would create an undesirable precedent. The variance is substantial when viewed with the entire lot. Allowing the expansion of such non-conformity without any compelling reason or unusual circumstances undermines the intent of the Town Zoning Code.

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Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:12/15/2015

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 085-15

Applicant

Meagher Engineering
P.O. Box 76
Victor, NY 14564

Owner

Sandy Kolupski
126 Fiddlers Hollow
Penfield, NY 14526

Project Type

Detached
garage
addition

Project Location

3478 Sandy Beach
Drive

Tax Map #

98.15-1-60.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct an addition to a detached garage with a proposed lot coverage of 36.6% when no more than 30% is permitted? Applicant is requesting a 6.6% area variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on November 13, 20, and 24, 2015 and February 2, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Granting this variance would create an undesirable precedent. The variance is substantial when viewed with the entire lot. Allowing the expansion of such non-conformity without any compelling reason or unusual circumstances undermines the intent of the Town Zoning Code.

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:1/9/2016

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 113-15

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Scott Norris 5540 Wells Curtice Road Canandaigua, NY 14424	Scott Norris 5540 Wells Curtice Road Canandaigua, NY 14424	Install solar pv in front yard	5540 Wells Curtice Road	125.00-1-18.119

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to place an accessory structure (solar panel array) in the front yard of a single family dwelling when accessory structures are not permitted in front yards? Applicant is requesting an area variance in the AR-2 zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance request is granted. The Board's decision is based on information received on December 3 and 10, 2015, January 27, 2016, and February 16, 2016 as well as facts presented during the Public Hearing. This variance shall be void if construction has not commenced within one year of the date of issuance of a Building Permit. Granting of this variance will not have an adverse effect on the property or neighborhood. Because of the configuration of the lot and optimal placement being a southern exposure for solar panels, there is no other location suitable. Because of a pond and DEC wetlands located on the site, there is no other location possible for the solar panels. A DEC permit was issued for this project with a copy made part of this file.

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:3/1/2016

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 002-16

Applicant

Gerald Maslyn
5075 Cdga-Fmtm Tnl Rd
Canandaigua, NY 14424

Owner

Gerald Maslyn
5075 Cdga-Fmtm Tnl
Rd
Canandaigua, NY 14424

Project Type

Detached
garage in front
yard

Project Location

5075 Cdga Fmtm Tnl
Road

Tax Map #

56.02-1-2.221

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to place an accessory structure (detached garage) in the front yard when accessory structures are not permitted in front yards? Applicant is requesting an area variance in the AR-2 zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on December 4 and 23, 2015 and January 14, 21 and 29, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Applicant can achieve the desired results within code. Granting this variance would create an undesirable precedent. When asked if he knew of any similar variances granted, applicant made reference to a property on Risser Road, but could not provide proof.

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with a proposed lot coverage of 33% when no more than 25% is allowed? Applicant is requesting an 8% lot coverage variance in the RLD zoning district.

SEQR:

Type I Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016

See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Application continued until March 15, 2016 at the applicant's request

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

SEQR:

Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with a proposed building coverage of 19% when no more than 15% is allowed? Applicant is requesting a 4% building coverage variance in the RLD zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016

See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Application continued until March 15, 2016 at the applicant's request

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with a garage height of 19.5' when no more than 16' is allowed? Applicant is requesting a 3.5' height variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Application continued until March 15, 2016 at the applicant's request

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with a front setback to the detached garage of 43' when 60' is required? Applicant is requesting a 17' variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with rear setback to the dwelling of 41' when 60' is required? Applicant is requesting a 19' variance in the RLD zoning district.

SEQR:

Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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REASONS/CONDITIONS:

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 085-15

Applicant

Marathon Engineering
39 Cascade Drive
Rochester, NY 14614

Owner

Edward & Patricia
Brewer
78 Trevor Court Road
Rochester, NY 14610

Project Type

Tear down
and rebuild
dwelling

Project Location

4727 County Road 16

Tax Map #

140.11-1-30.000

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a new single family dwelling and detached garage with a principal dwelling height of 29' when only 25' is allowed? Applicant is requesting a 4' height variance in the RLD zoning district.

SEQR:

Type I Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016

See attached resolution(s)

VOTING:

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REASONS/CONDITIONS:

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Zoning Board of Appeals Decision Notification

Public Hearing Opened:3/1/2016

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:

Project: 003-16

Applicant

Kevin & Catherine
McWilliams
3879 Middle Cheshire Road
Canandaigua, NY 14424

Owner

Kevin & Catherine
McWilliams
3879 Middle Cheshire
Road
Canandaigua, NY 14424

Project Type

Remove old
barn and
replace with
new

Project Location

3879 Middle
Cheshire Road

Tax Map #

112.04-1-1.53

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to place an accessory structure (barn) on a lot increasing the square footage of accessory structures on the lot to 8,258 s.f. when no more than 3,000 s.f. is permitted? Applicant is requesting a 5,258 s.f. variance in the R-1-30 zoning district.

SEQR:

Type I Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to: March 15, 2016

See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

Application continued until March 15, 2016 at the applicant's request

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

Town of Canandaigua

5440 Routes 5 & 20 West
Phone (585) 394-1120

Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened:3/1/2016

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed:3/1/2016

Project: 002-16

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
DVC Inc. 64 Stonington Drive Pittsford, NY 14534	Peter Schottland 4711 N. Menteth Drive Canandaigua, NY 14424	Patio Expansion	4711 N. Menteth Drive	140.11-1-20

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing

SEQR:

Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to expand a pre-existing non-conformity (patio addition and outdoor fireplace) with a right side setback of 8.3' when 12' is required? Applicant is requesting a 3.7' area variance in the RLD zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:

See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on January 15 and 22, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Applicant can achieve the desired results within code. Applicant has other means to achieve their desired results, including the combination of two adjoining parcels into one which would remove the necessity for any variances to complete the project as proposed. Granting this variance would create an undesirable precedence. Variance is substantial when viewed with the entire lot. Allowing the expansion of such non-conformity without any compelling reason or unusual circumstances undermines the intent of Town Zoning Code.

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

Town of Canandaigua

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Canandaigua, NY 14424
Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 3/1/2016

Meeting Date: March 1, 2016 (Rescheduled from February 16th)

Public Hearing Closed: 3/1/2016

Project: 002-16

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
DVC Inc. 64 Stonington Drive Pittsford, NY 14534	Peter Schottland 4711 N. Menteth Drive Canandaigua, NY 14424	Patio Expansion	4711 N. Menteth Drive	140.11-1-20

TYPE OF APPLICATION:

Area Variance Use Variance Interpretation Rehearing Type I Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to expand a pre-existing non-conformity (patio addition and outdoor fireplace) with a proposed lot coverage of 37.5% when no more than 25% is permitted. Applicant is requesting a 12.5% area variance in the RLD zoning district.

SEQR:

Type I Type II
 Unlisted
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Granted Denied Continued to:
 See attached resolution(s)

VOTING:

Bob Hilliard	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Dave Emery	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Kelly LaVoie	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Chip Sahler	<input type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input checked="" type="checkbox"/> Excused
Terence Robinson	<input type="checkbox"/> AYE	<input checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained

REASONS/CONDITIONS:

The benefit to the applicant does not outweigh the detriment to the neighborhood, therefore the variance request is denied. The Board's decision is based on information received on January 15 and 22, 2016 as well as facts presented during the Public Hearing. The applicant did not provide sufficient evidence to warrant granting this variance. Applicant can achieve the desired results within code. Applicant has other means to achieve their desired results, including the combination of two adjoining parcels into one which would remove the necessity for any variances to complete the project as proposed. Granting this variance would create an undesirable precedence. Variance is substantial when viewed with the entire lot. Allowing the expansion of such non-conformity without any compelling reason or unusual circumstances undermines the intent of Town Zoning Code.

Certified By: _____
Chairperson, Zoning Board of Appeals

Date: _____

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Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-002-16

APPLICANT: GERALD MASLYN, 5075 CANANDAIGUA
FARMINGTON TOWNLINE ROAD

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Chairman Robinson and seconded by Dave Emery at a regularly scheduled meeting of the ZBA held on Tuesday, March 1, 2016. Following discussion therein, the following roll call vote was taken and recorded:

<u>VOTING:</u>	Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the March 1, 2016 meeting.

Cheryl Berry, Secretary of the ZBA

Town of Canandaigua
5440 Routes 5 & 20 West
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(585) 394-1120 / Fax (585) 394-9476

Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-113-15

APPLICANT: SCOTT NORRIS, 5540 WELLS CURTICE ROAD

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Chairman Robinson and seconded by Kelly LaVoie at a regularly scheduled meeting of the ZBA held on Tuesday, March 1, 2016. Following discussion therein, the following roll call vote was taken and recorded:

<u>VOTING:</u>	Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the March 1, 2016 meeting.

Cheryl Berry, Secretary of the ZBA

Town of Canandaigua
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Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-102-15

APPLICANT: MEAGHER ENGINEERING REP SANDY
KOLUPSKI, 3478 SANDY BEACH DRIVE

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Kelly LaVoie and seconded by Bob Hilliard at a regularly scheduled meeting of the ZBA held on Tuesday, March 1, 2016. Following discussion therein, the following roll call vote was taken and recorded:

<u>VOTING:</u>	Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the March 1, 2016 meeting.

Cheryl Berry, Secretary of the ZBA

Town of Canandaigua
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Canandaigua Zoning Board of Appeals Resolution

SEQR Resolution Determination of Significance – TYPE II Action

FILE # CPN-004-16

APPLICANT: DVC REPRESENTING SCHOTTLAND
CHOSEN SPOT LLC, 4711 NORTH MENTETH DRIVE

WHEREAS, The Town of Canandaigua Zoning Board of Appeals, hereinafter referred to as ZBA, has determined the above referenced Action to be a Type II under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

NOW, THEREFORE, BE IT RESOLVED that the ZBA in making this Classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

The above resolution was offered by Kelly LaVoie and seconded by Dave Emery at a regularly scheduled meeting of the ZBA held on Tuesday, March 1, 2016. Following discussion therein, the following roll call vote was taken and recorded:

<u>VOTING:</u>	Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Dave Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Kelly LaVoie	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

I, Cheryl Berry, Secretary of the ZBA, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the Minutes of the Canandaigua ZBA for the March 1, 2016 meeting.

Cheryl Berry, Secretary of the ZBA